

Draft Act on state-issued e-identification and electronic identification

The following is hereby laid down.

Chapter 1 General provisions

The content of the Act and its relationship to other regulations

Section 1 This Act contains provisions on state-issued e-identification and requirements for the recognition of certain electronic identification means.

Provisions on electronic identification means are contained in Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC, hereinafter referred to as the EU Electronic Identification Regulation, and in the Act (2016:561) with supplementary provisions to the EU Electronic Identification Regulation.

Section 2 This Act supplements, insofar as it concerns the processing of personal data, Regulation (EU)2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive95/46/EG (General Data Protection Regulation), hereinafter referred to as the EU Data Protection Regulation.

The processing of personal data in accordance with this Act is subject to the Act with supplementary provisions to the EU Data Protection Regulation (2018:218) and regulations that have been issued pursuant to that Act, unless otherwise provided by this Act or by regulations issued by the Government pursuant to this Act.

Terms and definitions

Section 3 In this Act, authentication, electronic identification, electronic identification means and online service have the same meaning as in the EU Electronic Identification Regulation.

Section 4 For the purposes of this Act, public actor means:

1. a central or local government authority, or a decision-making body of a municipality or region;
2. an association established specifically for the purpose of satisfying needs in the public interest, provided that the need is not of an industrial or commercial nature, and consisting of one or more authorities or bodies referred to in 1;
3. a private actor pursuing a professional activity that is publicly funded in any part and which:

a) the actor runs in the role of individual principal within the school system or principal for an international school as referred to in Chapter 24 of the Swedish Education Act (2010:800);

b) constitutes healthcare according to the Health and Medical Services Act (2017:30) or dental care according to the Dental Care Act (1985:125); or

c) is conducted in accordance with the Social Services Act (2025:400), the Act on the Care of Alcoholics and Drug Abusers(1988:870), the Care of Young Persons (Special Provisions) Act (1990:52) or the Act concerning Support and Service for Persons with Certain Functional Impairments(1993:387); or

d) constitutes personal assistance as provided for in Chapter 51 of the Social Insurance Code; or

4. an individual education provider authorised to issue degrees in accordance with the Act concerning Authority to Award Certain Degrees (1993:792), and which for the most part has state grants as financing of tertiary education at first or second cycle level or of third-cycle education.

National e-identification

Section 5 State-issued e-identification is a means of electronic identification.

Issuing authority

Section 6 State-issued e-identification shall be issued by the issuing authority.

The Swedish Police Authority is the issuing authority within the realm.

Outside the realm, diplomatic missions and career consulates perform duties as issuing authorities to the extent decided by the Government or the authority designated by the Government.

Section 7 The issuing authority shall carry out the tasks specified in this Act and in regulations issued pursuant thereto.

Who can obtain state-issued e-identification

Section 8 State-issued e-identification may be issued to any Swedish citizen who has reached or will reach nine years of age during the current calendar year.

Section 9 State-issued e-identification may be issued to any foreign national who has reached or will reach nine years of age during the current calendar year and who:

1. is registered as resident in Sweden in accordance with the Population Registration Act (1991:481); or

2. has been assigned a civic registration number in accordance with Section 18b of the same Act and is subject to the Act on Privileges and Immunities in certain cases(1976:661).

Period of validity

Section 10. E-identification shall be issued with a period of validity of five years. If the applicant is under twelve years of age, the period of validity shall be three years.

The Government or the authority designated by the Government may issue regulations stipulating that in specified cases, the state-issued e-identification shall have a shorter period of validity.

Conditions for the use of state-issued e-identification

Section 11 The Government or the authority appointed by the Government may issue regulations on conditions for the use of the state-issued e-identification.

Chapter 2. Application, issuance and revocation

An application is required

Section 1 State-issued e-identification shall be issued upon application.

The consent of a guardian is required if the applicant is under eighteen years of age, unless there are exceptional reasons for issuing the e-identification.

Personal attendance

Section 2 Anyone applying for state-issued e-identification must submit their application in person.

Verification of identity

Section 3 When applying, the applicant shall verify their identity and provide other personal data required for state-issued e-identification to be issued.

Facial image and fingerprints

Section 4 The applicant shall allow the issuing authority to take the applicant's facial image and fingerprints in connection with the application for state-issued e-identification.

The applicant is also required to allow the issuing authority to take the applicant's facial image and fingerprints when the state-issued e-identification is provided, if requested to do so by the issuing authority.

Section 5 The facial image taken in connection with the application under Section 4, first paragraph, shall be stored in a storage medium in the carrier of the state-issued e-identification. If fingerprints have been taken, these shall also be stored in the storage medium.

Section 6 If the applicant proves his or her identity with an identity document that bears a facial image or contains a storage medium where the facial image or fingerprints are stored, the issuing authority may

check that these correspond to the facial image and fingerprints taken pursuant to Section 4.

The issuing authority may also check that the facial image and fingerprints taken in connection with provision pursuant to Section 4, second paragraph, correspond to those stored in the state-issued e-identification.

Section 7 The fingerprints taken pursuant to Section 4, first paragraph, and the biometric data extracted from them shall be destroyed immediately when the state-issued e-identification has been provided or, if the e-identification has not been provided, when 90 days have elapsed from the date on which it was issued. The data shall also be destroyed immediately if an application matter has been otherwise concluded.

The facial image and fingerprints taken pursuant to Section 4, second paragraph, and the biometric data extracted from the facial image and fingerprints shall be destroyed immediately when the check pursuant to Section 6, second paragraph, has been carried out.

The facial image and fingerprints retrieved from a storage medium during a check pursuant to Section 6, and the biometric data retrieved from the facial image and fingerprints, shall be destroyed immediately after the check has been carried out.

Rejection of the application and issuance of state-issued e-identification

Section 8. An application for state-issued e-identification shall be rejected if the requirements laid down in this Act or the regulations issued pursuant thereto are not met and the applicant has not complied with a request to remedy the deficiency. Otherwise, state-issued e-identification shall be issued and promptly provided to the applicant.

Revocation and suspension of state-issued e-identification

Section 9 State-issued e-identification shall be revoked and suspended if:

1. there were obstacles to issuing e-identification at the time of issuance and the obstacle still exists;
2. any essential information contained in e-identification is incorrect;
3. it is necessary for security reasons;
4. it is issued on the basis of a physical identity document that has subsequently expired; or
5. the holder has died.

State-issued e-identification may also be revoked and suspended at the request of the holder. If the request concerns a child under eighteen years of age, the consent of the guardian is required unless there are exceptional reasons for the revocation and suspension.

Section 10 In addition to the cases referred to in Section 9, state-issued e-identification shall be suspended:

1. in connection with the provision of new e-identification to the applicant; or

2. upon expiry of the validity period.

Fees

Section 11 The issuing authority may charge fees for applications for state-issued e-identification.

Right to issue regulations

Section 12 The Government or the authority designated by the Government may, by virtue of Chapter 8, Section 7 of the Instrument of Government, issue further regulations concerning the procedure for:

1. the application;
2. issuance;
3. provision; and
4. revocation and suspension;

The Government or the authority designated by the Government may, by virtue of Chapter 8, Section 7 of the Instrument of Government, issue regulations concerning the state-issued e-identification's:

1. content, carrier and design in general; and
2. activation.

The Government or the authority designated by the Government may also issue regulations concerning:

1. fees for applying for state-issued e-identification; and
2. exemption from the obligation to provide fingerprints pursuant to Section 4.

Chapter 3. Processing of personal data

The purposes of the processing operation

Section 1 Personal data may be processed by the issuing authority if it is necessary in order to:

1. process cases relating to state-issued e-identification;
 2. maintain a register of cases relating to state-issued e-identification;
- and
3. take measures to ensure the secure use of state-issued e-identification.

Section 2 Personal data collected pursuant to Section 1 may also be processed by the issuing authority:

1. if it is necessary in order to provide information needed for Swedish Police Authority activities for the prevention or detection of criminal activities, the investigation or prosecution of criminal offences, the enforcement of recovery orders or the maintenance of public order and security; and
2. if it is necessary in order to disclose information in accordance with law or regulation.

Personal data processed in accordance with Section 11 may also be processed for other purposes, provided that the data is not processed in a manner inconsistent with the purpose for which the data was collected.

Limitation of the right to raise objections

Section 3 Article 21(1) of the EU Data Protection Regulation on the right to object shall not apply to such processing as is permitted under this Act or regulations issued pursuant thereto.

Security measures

Section 4 Access to personal data shall be limited to what each individual needs in order to perform their duties in the state-issued e-identification system.

The Government or the authority designated by the Government may issue further regulations on:

1. the restriction of access to personal data referred to in the first paragraph; and
2. security measures needed to protect personal data.

Register of cases concerning state-issued e-identification

Section 5 The Swedish Police Authority shall use automated processing to maintain a register of cases concerning state-issued e-identification.

Section 6 The register of cases concerning state-issued e-identification may contain:

1. the applicant's name, civic registration number, coordination number, nationality, date of birth and contact details;
2. facial images taken on application pursuant to Chapter 2, Section 4, first paragraph, and biometric data extracted from such images;
3. documents or information from documents that have been submitted or drawn up in cases concerning state-issued e-identification;
4. information relating to the processing of cases concerning state-issued e-identification; and
5. information on issued state-issued e-identification.

Maximum period during which personal data entered in the register may be processed

Section 7 Personal data in the register of cases concerning state-issued e-identification may not be processed for longer than ten years from the end of the calendar year in which the case to which the data relates was concluded.

Prohibition of certain applications

Section 8 Performing searches for the purpose of selecting individuals based on sensitive personal data or personal data relating to offences referred to in Article 10 of the EU Data Protection Regulation is prohibited.

Section 9 Use of the following as search criteria is prohibited:

1. facial images, biometric data derived from facial images and other sensitive personal data referred to in Section 10; and

2. data on offences involving criminal offences, criminal convictions, criminal procedural coercive measures or administrative detentions;

Notwithstanding the prohibitions in the first paragraph, the facial image taken in accordance with Chapter 2, Section 4, first paragraph, and the biometric data extracted from the facial image may be used when searching the register of cases concerning state-issued e-identification in cases concerning state-issued e-identification. Searches are then permitted only for the purpose of verifying the identity of the applicant and the possession of e-identification in connection with the application.

Processing of personal data

Section 10 Personal data referred to in Article 9(1) of the EU Data Protection Regulation (sensitive personal data) may be processed only if it is strictly necessary for the purpose of the processing.

However, sensitive personal data may be processed:

1. in the register when permitted under Section 6(2);
2. in the case of inspections permitted under Chapter 2, Section 6; and
3. in the case of searches permitted under Section 9, second paragraph.

Responsibility for personal data

Section 11 Each issuing authority shall be the data controller for the processing of personal data carried out by the authority itself.

The Swedish Police Authority is the data controller for the processing of personal data in the register of cases concerning state-issued e-identification.

Right to issue regulations

Section 12 The Government or the authority designated by the Government may, by virtue of Chapter 8, Section 7 of the Instrument of Government, issue regulations on:

1. the continued processing of personal data referred to in Section 7 for a certain period of time for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes; and
2. the separation of and restrictions on access to personal data processed under 1.

Chapter 4. Recognition of electronic identification means

Requirements for the recognition of electronic identification means

Section 1 When electronic identification means are required to access an online service provided by a public sector body, and the service is wholly or partly aimed at individuals, means shall be recognised for authentication for the service if:

1. the electronic identification means is provided within the framework of an authorisation scheme in accordance with the Act on Authorisation Systems for Electronic Identification Services and for Digital Mail (2023:704); and

2. the level of assurance for the means corresponds to a level of assurance that is equal to or higher than the level of assurance required by the public sector body for access to the online service.

Authorisations

Section 2 The Government or the authority appointed by the Government may issue regulations concerning:

- 1, exemptions from the requirement in Section 1; and
2. how the requirement in Section 1 is to be fulfilled.

Chapter 5 – Appeals and enforcement

Section 1 An authority’s decision under this Act or under regulations issued in connection with the Act may be appealed to a general administrative court.

Leave to appeal is required when appealing to the Administrative Court of Appeal.

Section 2 Decisions as referred to in this Act shall apply with immediate effect, unless otherwise stated in the decision.

This Act shall enter into force on 1 December 2026.