

December 2 2022

Newly introduced use of social security numbers for land register searches

Pestalozzi Attorneys at Law | Real Estate - Switzerland



MICHAEL LIPS



MELANIE VON RICKENBACH

› Introduction

› Purpose

› Key aspects

› Comment

Introduction

In Switzerland, there is no central land register, as it is within the competence of the cantons to manage the land registers. In most cantons, there are even several districts, each with its own land register. Likewise, there is so far no centralised possibility to search for land register information. This even applies to authorities who are entitled to have access to all land register information.

The land registers are based on the application principle. Accordingly, entries and changes of register data are only made based on applications, and the register is not updated ex officio. Therefore, data in the land register regarding private individuals and companies may sometimes be outdated.

As a result, land register searches for property owners or beneficiaries of certain rights may be time-consuming and not always successful.

Purpose

It may happen that an individual is not exactly designated in the land register (eg, due to different spelling or name changes). In such cases, a permanent and unique personal identifier improves the record keeping, especially in terms of data quality, and facilitates land register searches. In contrast, for legal entities there is already such an identifier, namely, the company identification number.

The social security number enables the unique identification of any individual, especially if data is to be compared or exchanged between different databases or registers. Given that all persons living or working in Switzerland by operation of law have a social security number, this number is also the ideal personal identifier for land register searches.

The use of the social security numbers for purposes other than social security matters, however, requires a legal basis at federal level.

Key aspects

Generally, access to land register data is regulated in articles 970 and 970a of the Civil Code (CC)⁽¹⁾ and in articles 26 to 30 of the Federal Ordinance on the Land Register.⁽²⁾ The law distinguishes data that is accessible by the public without special requirements, from data for which a legitimate interest must be shown to obtain access (for further details please see "[Access to land register information](#)" and "[Easier access to land register information](#)").

The new provisions do not change these principles. Rather, effective as of 1 January 2023, a nationwide search for land register information is introduced. The new search allows authorised authorities such as tax, debt enforcement, social welfare and Lex Koller⁽³⁾ authorities to search for properties that are linked to a person on the basis of their social security number.

For this purpose, the new articles 949b to 949d CC provide that:

- the land register offices will systematically use the social security number to identify persons;
- the land register offices disclose the social security number only to other authorities and institutions that require this number to fulfil their statutory duties and that are entitled to use this number;
- the Federal Council defines the nationwide search by authorised authorities for properties that are linked to a person on the basis of their social security number; and
- the cantons may appoint private service providers to:
 - ensure electronic access to land register data;
 - ensure public access to data of the main register that can be viewed without proof of interest; and
 - handle electronic land register transactions.

With regard to the Land Register Ordinance, in particular the following new features should be noted:

- In the newly introduced personal identification register of the electronic land register, everyone who is entitled to a property registered in the land register is assigned their social security number.
- The entries in the personal identification register are linked to the corresponding entries of the land register.
- The social security number is not registered in the main book, the daybook or auxiliary registers, but is kept in the personal identification register as a separate auxiliary register of the land register.
- A nationwide land plot search is available to federal, cantonal and communal authorities who need it to perform their statutory duties (authorised authorities) in connection with the land register in order to find information on the properties to which a specific

person is entitled.

- The Federal Land Register and Real Estate Law Office operates a service for nationwide land plot search (land plot search service).
- The Federal Land Register and Real Estate Law Office grants to the employees of entitled authorities, upon a justified request, the right to access the land plot search service.
- The Federal Land Register and Real Estate Law Office withdraws the access authorisation if the requirements are no longer met by a certain employee of an entitled authority.

Comment

The new nationwide property search based on social security numbers will facilitate the work of authorised authorities (eg, in bankruptcy matters and inheritance cases).

Strict conditions apply regarding access authorisation and data protection. The new search is only available to authorised authorities, not to private individuals. For private individuals, the current requirements for accessing land register information and making the corresponding queries continue to apply.

The social security number is not entered in the main book, daybook or auxiliary registers of the land register but is only disclosed in a separate auxiliary register.

For further information on this topic, please contact [Michael Lips](#) or [Melanie von Rickenbach](#) at Pestalozzi Attorneys at Law by telephone (+41 44 217 91 11), fax (+41 44 217 92 17) or email (michael.lips@pestalozzilaw.com or melanie.vonrickenbach@pestalozzilaw.com). The Pestalozzi Attorneys at Law website can be accessed at www.pestalozzilaw.com.

Endnotes

(1) Civil Code, SR 210.

(2) Federal Ordinance on the Land Register, SR 211.432.1.

(3) Federal Act on the Acquisition of Real Property by non-Swiss Residents (Lex Koller), SR 211.412.41.