



## **ID06 – GENERAL PROVISIONS ON IDENTITY REQUIREMENTS AND ELECTRONIC CONTRACTOR REGISTRATION**

*Version 2-2017 (issued 15 May 2017)*

### **Foreword**

The ID06 system makes it easy to identify people at the workplace, and to connect each person to an employer. ID06 consists of various technical systems from a range of accredited suppliers that fulfil certain standards and purposes. The implementation of ID06 at a workplace therefore entails that all players, regardless of their mutual contractual relations, apply the same system for a range of common goals. ID06 can be for various purposes, such as attendance records in accordance with the Tax Procedure Act (electronic contractor register), the inspection of compulsory or contracted training requirements, and for access and locking control. Workplace requirements and activities are covered by currently applicable laws and regulations, as well as other workplace agreements. The proper application of these regulations and the system is therefore of major significance for the activities conducted at the workplace.

### **The following contractual conditions apply between ID06 AB and ID06 affiliated companies**

1. Companies affiliated to the ID06 System are obligated to only register ID06 cards for their own employees for whom the company pays wages and statutory employer contributions, which verifies the employer connection between the company and the person. Exemptions from the employer connection include owners and Board members who sign for the company and Board members of a housing association, cooperative association, non-profit association or a religious community. The company is also obligated to comply with Swedish and EU legislation in respect of labour law, taxes and work environment. If there is no employer connection between the company and the person issued with an ID06 card, or if the company infringes applicable laws and regulations, the company and all of its registered ID06 cards will be permanently suspended from the ID06 system, with immediate effect.

### **The following contractual conditions apply between the principal and the contractor.**

1. The foreword, definitions and comment texts are to serve as **guidance** in the application and interpretation of these provisions.
2. ID06 **does not replace or regulate** tort and liability issues deriving from legal actions.
3. ID06 is intended to be used as a **complement** to other agreements between the parties, irrespective of the standard terms and conditions on which these are based.
4. Each party is obligated to **notify** the other party without delay upon the discovery of conditions that affect the implementation of ID06.
5. Upon request, each party is obligated to **provide** the other party with any information that may be required for the proper implementation of ID06 and its specifications during the construction period, and for the time thereafter in accordance with the statutory or agreed implementation.
6. **Any person** who enters the workplace must carry a visible ID06 card, issued by their employer, as well as carry and, upon request, present valid identification.
7. Unless otherwise specified in the contract documents, the contractor, for workplaces covered by electronic contractor registration under the Tax Procedure Act, must **notify** the principal **in advance** regarding the contractor's employees who are entitled to enter the workplace. The notification must include the name and corporate registration number of the contractor's firm, and the name, personal identity number and ID06 card number of the employees. The ID06 officer is entitled to grant exemption from the notification requirement.

8. The **entry and exit** of all employees is to be registered in accordance with the requirements that apply at the workplace. The contractor is obligated to ensure that all employees comply with the regulations that apply at the workplace.
9. If specified in the contract documents, the contractor that is the developer's contractor shall provide the equipment required to harmonise the electronic contractor registration of all contractors/operators that enter the workplace. The combined contractor register is to be archived in accordance with the requirements of the Tax Procedure Act, and made available at the workplace for a possible inspection by the Swedish Tax Agency.
- 9.1 Data processing agreement

The party who is responsible for ID06 (for the combined register) must enter into a written agreement with the supplier of ID06 equipment to regulate that the supplier (i) treats the archiving of the contractor register in accordance with the requirements of the Tax Procedure Act, (ii) is considered to be the data processor for such archiving while the party, whose contractor registration is being archived, is to be seen as data controller, (iii) only handles data in accordance with instructions from the data controller and (iv) takes suitable technical and organisational security measures required to protect the data. By agreeing to these contract conditions, the party whose contractor register is being archived is considered to have entered into a data processing agreement with the supplier of the ID06 equipment. The person responsible for ID06 is to inform the data controller about which supplier is data processor. If one party instead chooses to independently archive the contractor register upon completion of the construction project, this will indicate that no data processing agreement has been entered into with the supplier.
10. Advance notification (p 7), or registered entry and exit (p 8), is not required for a person who only enters the workplace for a brief period of time to **load or unload** materials, goods or equipment at a specifically designated place, unless otherwise specified in the contract documents.
11. The principal and the ID06 officer are entitled to **verify** that the attendance of people at the workplace has been notified in advance, that they are carrying ID06 cards, that they have registered themselves in the contractor register and can produce identification. The principal and the ID06 officer may **refuse** entry to people whose attendance has not been notified in advance and/or who cannot produce identification.
12. If the contractor engages **another party** to perform some of its obligations, the provisions laid down in this agreement also apply to the engaged company and its employees.
13. Unless otherwise agreed, the contractor may order the principal to pay a **fine** for each specified occasion that any of the contractor's employees, or employees of the contractor's contractor, breach the provisions of points 7 or 8. A fine of SEK 500 per person and day will be payable.
14. The contractor is obligated to ensure that **any other party** engaged by the contractor to perform the construction assignment, or that is engaged by that party in turn, agrees to apply these regulations.
15. The principal is entitled to **cancel** the agreement concluded between the parties if the contractor fails to observe and fulfil its obligations under points 6, 7, 8 or 14.

## Definitions

**Employee:** A natural person who performs work at the workplace, with or without compensation, regardless of the formal employment relationship.

**Employer:** Developer, contractor, temporary staffing or outsourcing company, regardless of corporate or business form, that performs work at the workplace.

**Developer:** A party that performs or subcontracts planning and design, demolition, construction, land, infrastructure and installation contracts on its own behalf.

**Valid identification:** A Swedish ID card, passport or other form of photo identification.

**ID06-officer:** A developer or principal at the workplace who provides and administrates the workplace's ID06 system, and the person responsible for the electronic contractor register under the Tax Procedure Act.

**Corporate registration number:** A Swedish corporate registration number or, alternatively, the ID number assigned to the employer by the Swedish Tax Agency that is encoded in the ID06 card upon notification (point 5) and registered in the contractor register (point 6). If a company does not have an ID number in accordance with the paragraph above, the company's domicile and national equivalent to the Swedish corporate registration number is encoded in, and printed on, the ID06 card and registered in the contractor register. Corporate registration numbers are not required for sole traders. "Sole trader" must be entered instead of the corporate registration number, and the person's personal identity number under employee.

**Party:** A principal or a contractor.

**Personal identification number:** A Swedish personal identification number or, alternatively, the ID number assigned to the employee by the Swedish Tax Agency that is encoded in the ID06 card upon notification (point 5) and registered in the contractor register (point 6). If an employee does not have an ID number according to the paragraph above, the person's nationality and passport number, or foreign identity document, is encoded in the ID06 card and registered in the contractor register.

**Principal:** A party that allows others to perform work at the workplace, on its own behalf.

**Contractor:** A party that performs work at the workplace, on another party's behalf.

## Comments

### Comment on point 1.

**For persons studying** and taking part in work placement as part of a vocational programme at a vocational college or university, an ID06 card is to be issued by the school. Cards to pupils and teachers on a secondary level construction and civil engineering programme (Byggprogram) can be ordered via the construction sector's professional board, BYN. For other vocational programmes, persons are referred to the boards that handle these specific professions.

**For persons registered with the employment services** who are taking part in work placement, an ID06 card is to be issued by the employment services office.

**For persons with an LMA card** who are to take part in work placement at a company, the company must, when applying to the accredited ID06 card supplier for an ID06 card, enclose a copy of the person's LMA card and a copy of the work placement agreement signed by the issuing authority and the company that wishes to supervise the trainee.

**For third country nationals**, a decision is required from the Swedish Migration Board on a work and residence permit. The ID06 card's period of validity is the same as the validity period for the decision from the Swedish Migration Board on the work and residence permit.

### Comment on point 5.

When hiring or insourcing employees, the employer of the temporary or outsourced staff is registered.

### Comment on points 7 and 8, and the second paragraph of point 11.

Government officials who are entitled to visit the workplace under law cannot be refused entry. No advance notification or registration is required for these people, unless specified in the construction site's safety regulations.

### Comment on point 9.

To transfer the responsibilities of the developer under the Tax Procedure Act to the contractor, under AFC.345 Electronic Contractor Register for Construction Contracts, and AFD.345 Electronic Contractor Register for Turnkey Contracts, the contractor shall assume all obligations pertaining to the electronic contractor register pursuant to Chapter 39, Sections 11b and 12 and Chapter 7, Sections 2a and 4 of the Tax Procedure Act. These responsibilities may only be transferred to a general contractor, and not if separate contracts are signed with two or more parties.

### Comment on point 14.

Specify in AMA AF 12: For construction contracts under AFC.343, and turnkey contracts under AFD.343.

Under other documentation (AFB.22), you should also write: "This contract applies ID06" and that the conditions are set out in ID06 General Provisions. For prospective subcontractors, the same text should be included under AFB.222

Specifications for prospective subcontractors. General provisions on identity requirements and electronic contractor registration, ID06: "The contract applies ID06."