

UNOFFICIAL TRANSLATION

The Saeima has adopted and the President of State proclaims the following Law:

LAW ON STATE SECURITY INSTITUTIONS

Chapter 1 GENERAL PROVISIONS

Article 1. Purpose of the Law

This Law defines the concept of national security and what this concept includes, the legal basis of the activities of state security institutions, their goals, tasks, obligations and responsibilities, and regulates the procedure for financing, supervision and control of the activities of these institutions.

Article 2. State security institutions

State security institutions are state institutions which, within their jurisdiction, carry out intelligence, counterintelligence and operational activities.

Article 3. Intelligence and counterintelligence

(1) [27.06.2002]

(2) Intelligence activities shall be conducted by specially authorized state institutions in order to obtain information about the intentions or activities of foreign governments, their institutions, organizations or individuals, which are or could be directed against the Republic of Latvia and its vitally important state interests.

(3) Counterintelligence activities shall be conducted by specially authorized state institutions in order to ensure the protection of the country's constitutional system, state independence, its economic, scientific, technical and military potential, state secrets, vitally important state interests and state security against spying, subversive activities, sabotage, terrorist acts and other types of threats, and to take special measures to prevent or terminate these threats or to eliminate the consequences caused by them.

(4) Intelligence and counterintelligence activities shall be conducted within the jurisdiction of each state security institution as stated by law and on the basis of the decision of an official of a state security institution.

(5) The content of intelligence and counterintelligence activities is determined by the internal regulation of intelligence and counterintelligence activities of the appropriate state security institution, which, after coordination with the Council of State Security Institutions, is approved by the head of the appropriate state security institution.

(6) Intelligence and counterintelligence activities shall be conducted both in accordance with the internal regulation of intelligence and counterintelligence activities of the appropriate state security institution and within operational activities determined by the Law „On Operational Activities”.

(7) The results of operational activities, conducted in the framework of intelligence and counterintelligence activities, may be used as procedural evidence but only with the approval of the head of the appropriate state security institution and in accordance with the procedure stated by law.

Article 4. Legal basis for the activities of state security institutions

The legal basis for the activities of state security institutions shall be the Satversme (Constitution), National Security Law, this Law, the Law „On Operational Activities”, other laws and normative acts and international agreements, which regulate the protection of national security and state economic sovereignty, and the goals, obligations and rights of the institutions which ensure public security and order.

Article 5. Basic principles of the activities of state security institutions

(1) The activities of state security institutions shall be organized and conducted on the basis of the law, by observing general principles of human rights, cooperating with citizens and residents and making use of their assistance.

(2) The activities of state security institutions shall be aimed solely at guaranteeing security for the Republic of Latvia, and this shall not threaten the security of other countries.

(3) In conducting intelligence, counterintelligence or other activities associated with guaranteeing state security, it shall be prohibited to harm an individual physically or to harm his or her property, to threaten the life and health of people, or to use or threaten to use coercive methods.

(4) The form, scope and intensity of the activities of state security institutions shall conform to the type of threat to state security and the level of danger.

(5) The activities of state security institutions shall not be restricted according to an individual's citizenship, sex, nationality, age, place of residence, education, social, official or financial standing or position, his or her political or religious views, or affiliation to a party or other social organization.

(6) The officials of state security institutions shall be prohibited to, directly or through a mediator, act in the interests of political parties, organizations, movements or individuals, to become involved in the activities of state authoritative and administrative institutions, the prosecutor's office, court establishments or social, political and religious organizations in order to influence them, except in cases when it is necessary to eliminate or detect a crime or threat to state security.

(7) Except for officials who have been specifically authorized by law, no one shall be entitled to interfere with the activities of state security institutions and their officials,

unless these activities contradict the law. The officials and employees of these institutions shall be held responsible for their activities in the procedure set by law.

(8) The principle of dividing the spheres of authority (jurisdiction) as set by law shall be observed in the activities of state security institutions. The employees of these institutions shall not take advantage of their status in any other way than in performing their official duties. Their activities can only be directed at fulfilling the goals and tasks set by this Law.

Article 6. Protection of the rights and freedoms of individuals

If an individual considers that a state security institution has violated his or her legal rights and freedoms through its activities, this person shall be entitled to file a complaint with the prosecutor who, having reviewed the case, shall present a conclusion on the conformity to the law of the behavior of the state security institution's official. This individual may also file a claim through court.

Chapter 2

COMPETENCE OF STATE AUTHORITATIVE AND ADMINISTRATIVE INSTITUTIONS IN MANAGING STATE SECURITY INSTITUTIONS

Article 7. Competence of the Saeima

[27.06.2002]

Article 8. Competence of the National Security Council

[27.06.2002]

Article 9. Competence of the Cabinet of Ministers

[27.06.2002]

Chapter 3

ORGANIZATION OF STATE SECURITY Institutions

Article 10. The main goals of state security institutions

The main goals of state security institutions shall be the following:

- 1) to obtain, collect, analyze and use information related to political, economic, social, military, scientific, technical and other threats to state security and ecology in the procedure set by law;
- 2) to protect state secrets and other interests of vital importance to the state;
- 3) to detect any possible threats to state security, to draft proposals, recommendations and programs on issues of state security;
- 4) to eliminate and neutralize any threats to state security;

5) to provide state authoritative and administrative institutions with timely and complete information on any threats to state security;

6) to decide on issuing licences for export, import and transit of strategic materials and weapons. Adverse decision of a state security institution may result in refusal or cancellation of the licence.

7) to submit to the prosecutor's office or to an investigation authority responsible for pretrial investigation on the particular crime, all information and materials on crimes committed in the area of state security;

8) to make inquiries within their jurisdiction; and

9) to cooperate with similar institutions and participate in maintaining world peace.

(2) [18.06.2009.]

Article 11. The body of state security institutions

(1) The body of state security institutions shall consist of:

1) the Constitution Protection Bureau;

2) the Defence Intelligence and Security Service;

3) the Security Police;

4) [06.05.1998]

(2) The state security institutions listed in paragraph 1 of this Article shall operate independently in the spheres of jurisdiction assigned to them.

(3) The Cabinet of Ministers may involve other state administrative institutions in implementing and securing activities of state security.

Article 12. The Council of State Security Institutions

(1) Heads of state security institutions collectively form the Council of State Security Institutions and nominate among themselves the head of the Council.

(2) The Council of State Security Institutions shall:

1) review the priorities of the activities of state security institutions, and define the requirements and tasks assigned to these institutions;

2) coordinate the flow of information, and determine the procedure for the analysis and use of this information in state security institutions;

3) draft a budget for state security institutions ;

4) compile the proposals and requests of state security institutions, submit them to state authoritative and administrative institutions;

5) review drafts of normative acts on issues of the activities of state security institutions; and

6) evaluate the effectiveness of the activities of state security institutions.

7) review and coordinate regulations of intelligence and counterintelligence activities of state security institutions.

(3) the Prosecutor General is entitled to participate in meetings of the Council of State Security Institutions.

Article 13. The Constitution Protection Bureau

The Constitution Protection Bureau is a state security institution which operates under supervision of the Cabinet of Ministers according to a specific law.

Article 14. The Defence Intelligence and Security Service

(1) The Defence Intelligence and Security Service is a state security institution which operates under supervision of the Ministry of Defence and performs military counterintelligence, intelligence and other activities in the military field as determined by this law.

(2) The Defence Intelligence and Security Service shall:

1) provide the Ministry of Defence, its subordinate institutions, and the National Armed Forces with the necessary counterintelligence and intelligence information;

2) disclose and, in cooperation with other state security and law enforcement institutions, prevent the subversive activities of foreign special services, organizations, other hostile forces or individuals within the Ministry of Defence, its subordinate institutions and in the National Armed Forces;

3) take measures in order to protect state secret in the Ministry of Defence, in its subordinate institutions and in the National Armed Forces, and to control their implementation;

4) perform inspections on applicants for special clearances, issued by the Ministry of Defence and necessary for performing business activities which are subject to licensing, and decide on issuance of special clearances.

(3) The Defence Intelligence and Security Service shall operate in accordance with the regulations approved by the Cabinet of Ministers.

(4) The Defence Intelligence and Security Service shall be entitled to conduct operational activities.

(5) [02.06.2005]

(6) [27.06.2002]

Article 15. The Security Police

(1) The Security Police is a state security institution subordinated to the Ministry of the Interior. The Security Police shall perform tasks set by this Law and shall be responsible for their implementation.

(2) The Security Police shall conduct the following activities in the sphere of state security:

1) counterintelligence and operational activities in order to combat crimes against humanity , war crimes, genocide, organized and economic crime, terrorism, subversive activities, sabotage, gang crimes, corruption, the counterfeit of money and the illegal distribution of narcotics and other strong chemical or radioactive substances, firearms and other types of weapons and explosives;

2) counterintelligence and other operational activities necessary to protect the subdivisions of the Ministry of the Interior;

3) protection of state secret within its jurisdiction determined by the Law „On State Secrets”; and

4) coordination of activities of state and local government institutions, as well as other legal authorities in the field of counterterrorism and analysis of implementation of the state policy in the above mentioned field.

(3) The Security Police organizes and performs measures for protection (safeguarding) of state officials, as well as representatives of foreign and international organizations and institutions, except protection (safeguarding) of officials whose protection (safeguarding) is provided by the Military Police in accordance with the Law „On National Armed Forces”. The officials to be protected, as well as cooperation with other state institutions and procedures for protection (safeguarding) shall be determined by the Cabinet of Ministers.

(4) The Security Police shall operate in accordance with the National Security Law, the Law „On Operational Activities”, the Law "On Police", this Law and the regulation approved by the Cabinet of Ministers.

(5) The Security Police shall be entitled to conduct operational activities.

(6) [13.10.2005]

Article 16. The Information Service of the National Guard Headquarters

[06.05.1998]

Article 17. Protection of Information

(1) The current and retired officials and employees of state security institutions shall be forbidden, without special authorization of the head of the institution, to disclose information which has become known to them or which is available to them due to their official duties. This type of information may be disclosed during criminal procedures only with the permission of the head of the appropriate state security institution.

(2) The officials and employees of state security institutions shall take an oath of secrecy:

"I,, swear that without special authorization I shall not disclose or make available to any institution or individual information which has become known to me or which I have access to in connection with the execution of my official duties in"

(name of institution)

(3) The officials and employees subject to taking the oath and the procedure for taking the oath shall be determined by the head of the state security institution.

(4) Persons guilty for breaking the oath shall be held responsible in the procedure set by the regulations and the law.

Chapter 4

SERVICE IN STATE SECURITY INSTITUTIONS

Article 18. Service in state security institutions

(1) Only an individual to whom restrictions determined by the second part of this Article do not apply, may become an official or an employee of state security institutions.

(2) A person can not become an official or an employee of state security institutions if:

1) he or she is not a Latvian citizen;

2) he or she does not have secondary education, as a minimum;

3) his or her knowledge of the Latvian language does not correspond to common standards of knowledge of the state language, and at least one foreign language;

4) he or she is less than 18 years of age;

5) he or she has been brought to criminal liability and has been sentenced for a deliberate crime, as well as for unintentional disclosure of a state secret, except cases when the individual has been exonerated;

6) he or she has been refused the state secret clearance.

- 7) he or she has been dismissed according to the judgment in a criminal case;
 - 8) his or her legal capacity has been limited according to the Law;
 - 9) he or she has been a staff or contract employee, agent, resident or *holder of a secret address* (of any covert organization) of the USSR, Latvian SSR or any foreign intelligence or security institution;
 - 10) after 13 January 1991, he or she has been involved in the Communist Party of the Soviet Union (Communist Party of Latvia), in the International Front of the Working People of the Latvian SSR, in the Joint Board of Work Collectives, in the Organization of War and Work Veterans or in the Rescue Committee of Latvian Society.
- (3) Main conditions for appointing or recruiting in state security institutions, professional background criteria and other issues concerning duties (employment) shall be determined by this Law, as well as by Law „On Official Secrets” and other laws, which regulate activities of state security services and other laws and regulations.
- (4) Foreign citizens (nationals) and non-citizens of Latvia may act as experts or consultants in state security institutions on the basis of an employment contract or a mutual agreement only in the following cases:
- 1) upon decision of the head of a state security institution on the necessity to apply professional experience of the individuals and once the Saeima National Security Committee has received an appropriate motivated application;
 - 2) conditions, determined by law „On Official Secrets”, have been fulfilled;
 - 3) approval of the Saeima National Security Committee concerning employment of the individual in state security institutions has been received.
- (5) An official of state security institutions is a representative of the state authority, and his or her legal requirements and instructions provided and determined in the framework of his or her responsibilities are mandatory for all individuals. Any offense to the honour of officials of state security institutions, any resistance to them, any threat on their life or health and any activity which hinders them from fulfilling their official duties shall be punished in accordance with the law.
- (6) Losses incurred on the property of a state security institution’s official in connection with an official activity or on the property of his or her close relatives shall be completely compensated from the state budget.
- (7) State security institution officials within the territory of the country shall not be held criminally responsible without authorization from the Prosecutor General; they cannot be detained (including administratively detained), subject to searches, forcibly removed; their living or working quarters and their personal or service transportation vehicles shall not be subject to be searched or examined. The above mentioned measures shall not be applied also in cases when state security institution officials are

caught in the act of committing a crime. Such cases shall be reported to the Prosecutor General and the head of the respective state security institution within 24 hours.

(8) [20.06.2000]

(9) Officials of State security institutions shall have the following social guarantees:

1) childbirth allowance in the amount of 6 monthly salaries. If both parents are employees of state institutions, which, according to laws and regulations, provide childbirth allowances, only one of the parents shall be entitled to receive the childbirth allowance.

2) allowance in case of death of a family member or a dependent;

3) recovery allowance if health problems have occurred while performing official duties;

4) free medical care, covered by the state;

5) tuition fee compensation in the amount of 50% of the annual tuition fee if the official or employee undertakes studies in a higher education establishment on own financing in order to improve knowledge required for performance of official duties;

(10) State security institutions' officials shall be insured by the state.

(11) Officials and employees are entitled to additional paid leave, provided by the head of a state security institution, but not exceeding 12 working days per calendar year.

(12) Officials and employees of state security institutions receive leave allowance in the amount of a monthly salary upon commencement of the annual vacation .

(13) The amount of the allowance and procedure for its payment as set in paragraph 2 and 3 of section 9 of this article, as well as payment procedure for medical expenses are determined by the Cabinet of Ministers.

Article 19. Rights of the officials of state security institutions

State security institutions' officials shall have the following rights:

1) within their jurisdiction, to receive from state and local government institutions and officials the necessary information, documents and other materials, regardless of the confidentiality of such materials. The required information, documents and materials shall be issued to them free of charge;

2) within their jurisdiction, to have free access to the files of all state and local government information sources, including the computer data base, as well as to archive materials and other documents, regardless of the confidentiality of such

materials. The required information, documents and materials shall be provided to them free of charge;

3) within their jurisdiction, on the request of the head of a state security institution, to have free access to any information of legally registered data bases, registration of which has been determined by laws and regulations. Regardless of nature of such information, it shall be provided to them free of charge.

4) when fulfilling their official duties, to effect entrance into premises and land with its appurtenances thereon, which belong to establishments, enterprises, organizations and individuals, and into the subdivisions of the National Armed Forces, except premises and land which have the status of extraterritoriality;

5) if necessary, to be provided with tickets for any means of public transportation out of turn, and in case the tickets have been sold out, - to be provided with the possibility to travel with such public transportation;

6) when fulfilling their official duties, to use communications and the mass media, belonging to the state, local governments and, in exceptional cases, to private persons free of charge. Expenses for the use of communications and the mass media belonging to private persons shall be compensated if the owner requests;

7) to possess and carry official or personal firearms and special devices for self-defense. The procedure for the possession and carriage of firearms and special devices for self-defense shall be defined by the head of the respective state security institution; Firearms and special devices for self-defense shall be used pursuant to the requirements of the Law "On Police".

8) within their jurisdiction, to receive the necessary information, documents and other materials about services provided to individuals, including information from holder of information resources and technical resources about intercommunications of individuals, by using mail, telegraph, telecommunications networks and data transmission.

9) while performing official duties, identity documents of individuals shall be verified.

10) information obtained according to the procedures provided by this article shall be used only in the framework of intelligence, counterintelligence, operational and criminal procedure activities.

Article 20. Restriction of the rights of State security institutions' officials and employees

(1) State security institutions' officials and employees shall be prohibited:

1) to engage in political activities; to organize and participate in strikes, demonstrations and pickets, to create and participate in trade unions;

2) [07.04.2004]

3) to take advantage of their official position in order to settle issues in which they themselves or their close relatives are personally interested.

(2) Any real property belonging to state security institutions' officials and employees, and the management of such property shall not hinder these officials and employees from fulfilling their official duties or from being assigned to other positions;

(3) The Law „On Preventing of the Conflict of Interest in State Officials' Activities” determines restrictions to officials of state security institutions of holding more than one employment.

Article 21. Liability of the officials of state security institutions

(1) State security institution officials shall be held responsible for their unlawful actions in accordance with the procedure and restrictions set by law.

(2) Actions taken in a situation of professional risk while fulfilling official duties and without overstepping the bounds of self-defense or extreme necessity, shall not be considered as a violation of the law.

(3) If a responsible state institution or its official has detected an administrative violation committed by an official or an employee of a state security institution, he or she shall inform on such violation the head of the respective state security institution in written form within 24 hours. Within three days the head of the respective state institution shall provide a conclusion if the responsibility of the subordinated official or employee may be declined.

(4) The head of a state security institution shall evaluate the degree of the illegitimate or unethical action of the official or the employee of the state security institution and shall apply the following disciplinary punishments:

1) a remark;

2) a reprimand;

3) salary decrease by 20% up to the period of one year;

4) position downgrade;

5) dismissal from work (service).

Article 22. Social benefits in case state security institutions' officials are injured or killed

(1) If, while fulfilling their duties, state security institutions officials are injured, have become disabled or their health has been otherwise damaged, and, according to the conclusion of medical experts, they are acknowledged as no longer able to fulfill their duties, they shall receive compensation in the amount of a one to five year average salary in accordance with the degree of their disability.

(2) If a lifetime disability is incurred due to an injury a compensation in the amount of a five to ten year average salary shall be paid.

(3) If state security institutions' officials die in service, their family members shall be paid an allowance in one bulk sum in the amount of a ten year average salary in addition to the compensation set by other laws. The burial of officials and employees who have died in service shall be covered from the state budget.

Article 23. Pensions to state security institutions' officials

State security institution officials shall be granted pensions in accordance with the normative acts which regulate pensions to employees of defense and internal affairs establishments, as well as pensions of employees of the Constitution Protection Bureau.

Chapter 5

STRUCTURE OF STATE SECURITY INSTITUTIONS, FINANCING OF THEIR ACTIVITIES, GENERAL MANAGEMENT AND CONTROL

Article 24. Approval of the structure and lists of positions of state security institutions; financing of their activities

(1) Proposals concerning the number of the staff of a state security institution, its structure and the list of positions shall be prepared by the head of the respective institution and submitted to the respective minister for approval. The head of a state security institution is responsible for staffing and appointing personnel, which, according to the Law „On State Administration”, is not under supervision of the respective minister.

(2) Salaries of the officials of state security institutions shall be determined by the Cabinet Of Ministers within the limits of the resources allocated from the state budget.

(3) The activities of state security institutions shall be financed from the state budget.

(4) The procedure for the utilization of the resources and the internal control shall be determined by the head of the respective state security institution.

(5) Information pertaining to the number of the staff and the internal structure of state security institutions, their lists of positions, finances and technical equipment shall be considered a state secret.

Article 25. Control over the activities of state security institutions

(1) Parliamentary Control over state security institutions shall be performed by the Saeima and its National Security Committee.

(2) The Cabinet of Ministers within its jurisdiction shall control activities of state security institutions.

(3) The Saeima National Security Committee shall be eligible to hear the reports presented by the heads of state security institutions and to have access to the official documents and information produced by these institutions, except documents on the secret sources of information.

(4) The respective minister supervises all fields of the respective subordinate state security institution, except operational activities, processes of intelligence and counterintelligence activities of the state security institutions and the system of protection of state secrets.

Article 26. Supervision over state security institutions' adherence to the law

(1) Supervision over operational activities, processes of intelligence and counterintelligence activities of the state security institutions and the system of protection of state secrets shall be exercised by the Prosecutor General or specially authorized prosecutors. In exercising such supervision the prosecutors shall be entitled to access to documents, other materials and information which are at the disposal of state security institutions. The source of information shall be disclosed only in those cases when the source directly pertains to a crime committed and it shall be disclosed only to the Prosecutor General. The source of information shall be disclosed to authorized prosecutors only upon permission from the head of the respective state security institution. It shall be prohibited to disclose the source of information to supervisory institutions.

(2) Prosecutors who supervise state security institutions shall be obliged not to divulge the information in the same manner as the employees of these institutions.

(3) Inspections and the scope of these inspections of state security institutions shall be approved by the Saeima National Security Committee. The Saeima National Security Committee shall be informed of the results of the inspections.

(4) State security institutions shall be subject to control by the courts in the cases and procedure set by the Law on Operational Activities.

(5) Internal normative acts of the state security institutions concerning operational activities, processes of intelligence and counterintelligence activities and the system of protection of state secrets, shall be applied in coordination with the Prosecutor General.

(6) Internal normative acts mentioned in paragraph 5 of article 26, are not subject to approval by the Ministry of Justice.

TRANSITIONAL PROVISIONS

1. As of the moment this Law comes into force the following resolutions of the Republic of Latvia Supreme Council and Supreme Council Presidium shall be considered null and void:

1) the Republic of Latvia Supreme Council Resolution "On the Formation of the Republic of Latvia Supreme Council Bodyguard Service" (Latvijas Republikas Augstākās Padomes un Valdības Ziņotājs, 1991, No. 35/36); and

2) the Republic of Latvia Supreme Council Resolution "On Amendments to the Republic of Latvia Supreme Council Resolution "On the Formation of the Republic of Latvia Supreme Council Bodyguard Service" ". (Latvijas Republikas Augstākās Padomes un Valdības Ziņotājs, 1991, No. 35/36).

2. Within two months after this Law has come into force the Cabinet of Ministers must take the Republic of Latvia Security Service under its subordination and draft new Regulations on the Security Service.

3. As of the moment the Cabinet of Ministers has taken the Republic of Latvia Security Service under its subordination and approved the Regulations on the Security Service, the following shall be considered null and void:

1) the Resolution of the Republic of Latvia Supreme Council Presidium "On the Approval of the Regulations on the Republic of Latvia Security Service"; (Latvijas Republikas Augstākās Padomes un Valdības Ziņotājs, 1992, No. 44./45.);

2) the Resolution of the Republic of Latvia Supreme Council Presidium "On the Approval of Staff Lists of the Republic of Latvia Security Service";

3) the Resolution of the Republic of Latvia Supreme Council Presidium "On Amendments to the Republic of Latvia Supreme Council Resolution of June 4, 1992 "On the Approval of the Regulations on the Republic of Latvia Security Service" " (Latvijas Republikas Augstākās Padomes un Valdības Ziņotājs, 1993, No. 3/4);

4) the Resolution of the Republic of Latvia Supreme Council Presidium "Regulations for the Acquisition, Registering, Storage and Issuance of Firearms, Ammunition and Brisant Substances for the Republic of Latvia Supreme Council Bodyguard Service" (Latvijas Republikas Augstākās Padomes un Valdības Ziņotājs, 1991, No. 49/ 50); and

5) the Republic of Latvia Supreme Council Resolution "On the Renaming of the Republic of Latvia Supreme Council Bodyguard Service" (Latvijas Republikas Augstākās Padomes un Valdības Ziņotājs, 1992, No. 6/7);

4. In 2009, remuneration (wages, allowances, etc.) stated by this law, shall be determined by the Law „On Remuneration of Officials and Employees of State and Local Government Institutions in 2009”.

The Law shall come into force as of the date of its promulgation.

This Law was adopted by the Saeima on May 5, 1994.

The President of State

G.ULMANIS

Rīga, May 19, 1994

