

UNOFFICIAL TRANSLATION

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

LAW ON CONSTITUTION PROTECTION BUREAU

This Law shall determine the legal status of the Constitution Protection Bureau, its place in the state security system as well as its goals, principles, tasks, obligations and rights. This Law shall also regulate the financing, supervision and control of activities of the Bureau.

Chapter 1 GENERAL PROVISIONS

Article 1. Constitution Protection Bureau

(1) The Constitution Protection Bureau is a state security institution supervised by the Cabinet. The Constitution Protection Bureau, in the procedure set by law, performs intelligence and counterintelligence activities, obtains, summarizes, stores, saves, analyses and uses information related to state security, defence and economic sovereignty in order to secure the state constitutional system, state independence and territorial inviolability against external and internal threats, as well as to protect the military, economic, scientific and technical potential of the country and state secrets.

(2) The Constitution Protection Bureau is a state security institution which, in the procedure set by law, performs, controls and safeguards exchange of classified information with international organizations. The Constitution Protection Bureau is also the security accreditation authority, which accredits electronic information systems processing state secret information. The Constitution Protection Bureau performs control over cryptographic systems and develops cryptographic keys.

(3) The Constitution Protection Bureau shall be the subject of operational activities.

(4) The Constitution Protection Bureau has its own seal containing a relief of the complete Republic of Latvia coat of arms and the Constitution Protection Bureau's full title. It operates its own bank accounts.

Article 2. Legal basis for activities of the Constitution Protection Bureau

The legal basis for activities of the Constitution Protection Bureau shall be the Satversme (Constitution), the National Security Law, the Law on State Security Institutions, the Law on Operational Activities, Latvia's Criminal Procedure Code, this Law and other laws and regulations, international agreements and conventions related to national security and having been signed or acceded to by the Republic of Latvia.

Article 3. Main tasks of the Constitution Protection Bureau

The main tasks of the Constitution Protection Bureau shall be to:

- 1) obtain, receive, summarize, store, save, analyse and use information related to threats to state security, defence, economic sovereignty and ecology according to the procedure set by law;
- 2) detect any possible threats to state security and to avert them or to develop methods and means to neutralize these threats;
- 3) draft proposals and programs concerning state security issues;
- 4) inform fully and timely responsible officials of state authoritative and administrative institutions of any threats to state security;
- 5) /07.04.2004/;
- 6) protect state secrets within jurisdiction set by this law and the Law on State Secrets;
- 7) /27.06.2002/;
- 8) submit information and materials on crimes and individuals who may be accused of committing them, to the prosecutor's office or any other respective institution;
- 9) accomplish or organize accomplishment of written tasks assigned by the Cabinet, within its jurisdiction;

Article 3.1. Rights of the Constitution Protection Bureau concerning intelligence and counterintelligence activities.

To commence operational activities to be performed in a special manner, within the framework of intelligence and counterintelligence, the Constitution Protection Bureau shall receive approval of the Chairman of the Supreme Court or his authorised Supreme Court judge. In exceptional cases, when immediate action is required in order to prevent threats to the interests of the state, the Constitution Protection Bureau is allowed to begin operational activities to be performed in a special manner without the approval of the judge, receiving it within the next 24 hours after commencing the activities. If the approval is not received within 24 hours, the operation shall be suspended.

Chapter 2 ORGANIZATION OF THE ACTIVITIES OF THE CONSTITUTION PROTECTION BUREAU

Article 4. Parliamentary control over the Constitution Protection Bureau

(1) The Constitution Protection Bureau shall act under the parliamentary control of the Saeima National Security Committee.

Article 5. Director of the Constitution Protection Bureau

(1) The Director of the Constitution Protection Bureau shall be appointed for a five year period and dismissed from this position by the Saeima upon the proposal of the National Security Council. The Director of the Constitution Protection Bureau shall be an individual to whom restrictions, set by the article 18 of the Law on State Security Institutions, may not be applied. The Director of the Constitution Protection Bureau shall have higher education and the first category clearance for access to state secrets.

(2) The Director of the Constitution Protection Bureau shall submit reports on activities of the Bureau to the Cabinet of Ministers and, if necessary (upon request), to Saeima National Security Committee and the National Security Council.

(3) The Director of the Constitution Protection Bureau shall have deputy directors, one of whom shall be the first deputy director.

(4) /07.04.2004/

(5) In order to ensure implementation of tasks and aims set by law, the National Security Concept and the National Security Plan, the Director of the Constitution Protection Bureau shall:

1) /07.04.2004/

2) within his jurisdiction, organize and ensure detection of threats to national security;

3) organize cooperation between the Constitution Protection Bureau and foreign intelligence services;

4) organize and control intelligence and counterintelligence activities outside the state borders; and

5) organize inspections of state security institutions concerning accreditation;

6) according to the decision of the Council of State Security Institutions and to carry out its functions as a national security institution, the Director of the Constitution Protection Bureau may assign specific tasks to other state security institutions.

(6) The Director of the Constitution Protection Bureau shall:

1) /07.04.2004/;

2) with the assistance of heads of state security institutions, prepare the annual budget draft of state security institutions and submit it to the Cabinet of Ministers and the Saeima National Security Committee;

3) /07.04.2004/;

4) /07.04.2004/;

5) take necessary measures in order to protect operational information, its sources, the methods and measures of conducting operational activities and operational records against unauthorized access;

6) /07.04.2004/;

7) pursuant to the law, determine the methods for conducting operational activities and the procedure for the use of operational technical equipment, for maintenance of operational records and documentation;

8) /07.04.2004/;

9) organize implementation of specific tasks assigned by the Saeima National Security Committee and the Cabinet of Ministers;

10) in agreement with heads of the respective state institutions, determine procedures on involvement of employees of their institutions, as well as technical means and any information medium to accomplish tasks defined by law;

(7) The Director of the Constitution Protection Bureau or any Bureau official authorized by the Director shall be entitled to have access to any information and materials, regardless of their confidentiality, which are at the disposal of state and local government bodies.

(8) /07.04.2004/

(9) The Director of the Constitution Protection Bureau, within his jurisdiction, shall be responsible for timely detection of any threats to state security and shall immediately inform the President, the Prime Minister, the Saeima National Security Committee and the National Security Council of such threats.

(10) /07.04.2004/

(11) The Director of the Constitution Protection Bureau, within his jurisdiction, shall issue internal regulations.

(12) To express appreciation for exemplary work, the Director of the Constitution Protection Bureau may award employees of the Constitution Protection Bureau with personal award weapons or other awards of the service and medals of honour.

Article 6. Administration of the Constitution Protection Bureau

(1) The Constitution Protection Bureau and its subdivisions shall function according to the principle of undivided authority.

(2) To resolve issues related to the organization of activities of the Constitution Protection Bureau, a board may be formed within, the members of which shall be approved by the Director of the Bureau.

(3) If deputy directors of the Bureau or members of its board do not agree with conclusions concerning threats to state security made by the Director, it shall be their right and obligation to report personally to the Cabinet of Ministers.

(4) The principle of dividing spheres of authority (jurisdiction) shall be observed in all activities of the Constitution Protection Bureau and its subdivisions. It shall be prohibited for officials of the Bureau and its subdivisions to take advantage of their status in any other field, except for the performance of their official duties.

Chapter 3 RIGHTS AND OBLIGATIONS OF OFFICIALS OF THE CONSTITUTION PROTECTION BUREAU; RESTRICTION OF THEIR RIGHTS; THEIR LIABILITY

Article 7. Obligations of officials of the Constitution Protection Bureau

According to the main goals of the Constitution Protection Bureau, the obligations of its officials shall be to:

1) ensure that state authoritative and administrative institutions and their executive officials receive the information required to implement internal, external, economic and defence policies which correspond to the interests of the state;

2) detect any possible internal and external threats to state security and to develop means and methods for prevention or neutralization of these threats within their jurisdiction;

3) draft proposals and programs concerning state security issues within their jurisdiction;

4) undertake intelligence and counterintelligence activities in order to obtain information on internal and external threats to state security caused by foreign intelligence or other services;

5) /07.04.2004/;

6) protect the economic, military, scientific and technical potential of the country and state secrets;

7) undertake measures to protect operational information, its sources, the methods and measures of conducting operational activities and operational records against unauthorized access;

8) /27.06.2002/;

9) /27.06.2002/;

10) submit information and documentation to the prosecutor's office or other respective institution on detected crimes and individuals who may be accused of committing such crimes.

Article 8. Rights of officials of the Constitution Protection Bureau; restriction of their rights; their liability

The rights and liability of the officials of the Constitution Protection Bureau, and restrictions of their rights shall be determined by the Law on State Security Institutions.

Chapter 4 SERVICE (WORK) IN THE CONSTITUTION PROTECTION BUREAU

Article 9. Service (work) in the Constitution Protection Bureau

(1) Basic requirements concerning appointment of officials of the Constitution Protection Bureau, criteria for their professional training and other issues related to their appointment and service (work) shall be regulated by the Law on National Security, the Law on State Security Institutions and this Law.

(2) Qualification exams and regulations for certification of officials of the Constitution Protection Bureau, as well as the procedure for upgrading their qualifications shall be determined by the Director of the Constitution Protection Bureau.

(3) Upon taking office, officials of the Constitution Protection Bureau shall attest their loyalty to the Republic of Latvia with an oath. The officials shall take and sign the following oath:

"I swear to be loyal to the Republic of Latvia and to serve the people of Latvia, and I promise to conscientiously fulfil my duties, to adhere to the Satversme (Constitution) of the Republic of Latvia and other laws, not to divulge state and official secrets and to acknowledge my responsibility before the law."

(4) According to the decision of the Council of State Security Institutions, the Director of the Constitution Protection Bureau, in order to fulfil functions of the national security institution, may involve experts of other state security institutions to carry out specific tasks.

Article 10. Identification of officials of the Constitution Protection Bureau

Officials of the Constitution Protection Bureau shall be issued personal identification cards and badges of an established standard in order to certify the authority assigned to them.

Chapter 5 STRUCTURE OF THE CONSTITUTION PROTECTION BUREAU; FINANCING OF ITS ACTIVITIES; ITS GENERAL MANAGEMENT AND CONTROL

Article 11. Structure of the Constitution Protection Bureau

(1) The Constitution Protection Bureau shall consist of subdivisions which are subject to one central administration and which have been established in accordance with goals of the Bureau.

(2) Information concerning the internal structure, the list of positions, finances and technical equipment of the Constitution Protection Bureau shall be considered a state secret.

Article 12. Financing of activities of the Constitution Protection Bureau; its general management and control

Activities of the Constitution Protection Bureau are financed from the State budget. Its general management and control shall be defined by the Law on State Security Institutions.

Article 13. Supervision over Constitution Protection Bureau's adherence to the law

(1) Supervision over the Constitution Protection Bureau's adherence to the law shall be exercised by the Prosecutor General and his/her specially authorized prosecutors, taking into consideration the procedure and requirements defined by the Law on State Security Institutions.

(2) The Constitution Protection Bureau shall be the subject to control by a court in cases and in the procedure defined by the Law on Operational Activities.

This Law shall come into force in the day of its proclamation.

The Law was adopted by the Saeima on May 5, 1994

The President of State
G. Ulmanis
Riga, May 19, 1994