The *Saeima1* has adopted and

the President has proclaimed the following law:

**Law on the Exchange of Information for the Prevention, Detection, and Investigation of Criminal Offences**

**Chapter I**

**General Provisions**

**Section 1. Terms Used in the Law**

The following terms are used in the Law:

1) **Member State**– a European Union Member State and also a country that applies the provisions of the Schengen *acquis* in respect of the exchange of information in order to prevent, detect, and investigate criminal offences;

2) **designated law enforcement authority** – a competent law enforcement authority or an official who, in accordance with the competence assigned thereto, has the right to submit requests directly to the single point of contact of another Member State;

3) **request** – a request for the provision of information submitted by the single point of contact, the competent law enforcement authority, or the designated law enforcement authority of another Member State, or prepared by the single point of contact, the designated law enforcement authority, the competent law enforcement authority, or an official of Latvia;

4) **serious criminal offence** – an offence specified in Annex 2 to the Criminal Procedure Law, for which the requesting Member State prescribes a custodial sentence with a maximum limit of not less than three years, and also an offence specified in Article 3(1) or (2) of Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA (hereinafter – Regulation 2016/794);

5) **information** – any information related to one or more natural or legal persons, facts, or circumstances that are relevant to competent law enforcement authorities in order to prevent, detect, and investigate criminal offences. The information may be:

a) directly accessible information – information contained in an information system, an investigatory records case, a criminal case, or information directly accessible to the point of contact, competent law enforcement authority, or an official from whom the information is requested;

b) indirectly accessible information – information that the single point of contact, the competent law enforcement authority, or an official is entitled to obtain from other public authorities or private individuals;

6) **processing of information** – any activities performed with information, including the storage, organisation, modification, use, transfer, transmission, and disclosure, blocking, or deletion of information.

**Section 2. Purpose and Scope of Application of the Law**

(1) The purpose of the Law is to promote cooperation between the law enforcement authorities of Latvia and other Member States in the prevention, detection, and investigation of criminal offences by ensuring rapid exchange of information.

(2) The Law prescribes the procedures for requesting and providing information to the single point of contact, the competent law enforcement authority, or the designated law enforcement authority of another Member State.

(3) The Law shall not regulate international cooperation in the field of criminal law.

**Section 3. Language of Cooperation**

(1) Requests from other Member States shall be accepted in the Latvian or English language in accordance with this Law.

(2) A response to a request submitted by another Member State and also information on the refusal to provide information or on the postponement of a response shall be provided in the language referred to in Paragraph one of this Section in which the relevant request was submitted.

(3) Requests shall be prepared in one of the languages indicated by the relevant Member State.

**Chapter II**

**Competent Authorities**

**Section 4. Single Point of Contact**

(1) The single point of contact is a unit designated by the State Police that shall coordinate and ensure the exchange of the information provided for in this Law 24 hours a day, seven days a week.

(2) The single point of contact shall perform the following tasks:

1) receive and evaluate the requested information, including the compliance of a request with fundamental rights;

2) forward requests to the relevant competent law enforcement authorities and, if necessary, coordinate the processing of requests between the respective authorities, and provide a response to the request;

3) coordinate the preparation of information analysis and arrange information to be provided to the single point of contact of another Member State and, where applicable, the competent law enforcement authority;

4) provide information to other Member States upon request or on its own initiative;

5) request clarifying information in accordance with the Law if the request received is unclear;

6) refuse to provide information;

7) submit a request to another Member State and also provide clarifying information upon request of another Member State.

**Section 5. Competent Law Enforcement Authorities and Officials**

(1) The following competent law enforcement authorities and officials shall exchange information:

1) an investigating institution or a body performing operational activities that has access to information which is at the disposal of institutions and private individuals;

2) an official of the body performing operational activities – information obtained through operational activities;

3) a person directing the proceedings – information obtained in criminal proceedings.

(2) The competent law enforcement authorities and officials referred to in Paragraph one of this Section shall also be considered designated law enforcement authorities.

**Chapter III**

**Provision of Information to a Member State**

**Section 6. Procedure for the Examination of a Request**

(1) Upon receipt of a request, the single point of contact, the competent law enforcement authority, or an official shall carry out one of the following activities:

1) provide information;

2) refuse to provide information if there are reasons for refusal, as provided for in this Law.

(2) If the competent law enforcement authority or an official does not have the requested information at its disposal, it shall request such information or forward the request to the competent authority or an official that has this information at its disposal, and specify the deadline for the provision of the response.

(3) If the competent law enforcement authority or an official is not entitled to obtain or provide the requested information without the consent of a prosecutor or court, it shall immediately request the necessary authorisation in accordance with the procedures laid down in laws and regulations.

(4) When providing information or refusing to provide information, the deadlines for the sending or provision of a response shall be complied with.

**Section 7. Reasons for Refusal to Provide Information**

(1) The provision of information shall be refused if any of the following reasons are present:

1) it may jeopardise the national sovereignty or security of Latvia;

2) it may compromise the achievement of the objective of an operational activities procedure or criminal procedure;

3) it may endanger the life, health or other legitimate interests of a person;

4) a prosecutor or court does not grant the authorisation provided for in laws and regulations for access to or provision of the information;

5) information has been obtained from another Member State or a third country that has not given its consent to further transfer this information;

6) the request refers to a criminal offence for which the Criminal Law prescribes a custodial sentence with a maximum limit of one year or less, or an action that is not considered a criminal offence in accordance with the Criminal Law;

7) the request does not conform to the purpose of this Law;

8) the information is clearly disproportionate to the indicated objective or unsuitable for achieving it;

9) the request has been submitted by an institution that is not the single point of contact, the competent law enforcement authority, or the designated law enforcement authority of a Member State;

10) the request or the personal data included therein is inaccurate, incomplete, or outdated, and thus the provision of information is not acceptable in line with the principles concerning the protection of personal data;

11) the request does not include the information specified in Section 14 of this Law;

12) the information is not available to the single point of contact, the competent law enforcement authorities, or officials;

13) the information constitutes personal data that does not fall within the categories of data referred to in Part B of Annex II to Regulation 2016/794.

(2) In case where the provision of data is refused based on Paragraph one, Clause 5 of this Section, the country that may have access to the relevant information shall be indicated, unless it is in conflict with the international cooperation conditions.

(3) The refusal to provide information shall only concern such part of the information to which any of the reasons for refusal referred to in Paragraph one of this Section may be applied. The single point of contact, the competent law enforcement authority, or an official shall immediately request the single point of contact, the competent law enforcement authority, or the designated law enforcement authority of another Member State to provide clarifying information in relation to the part of the request for which the provision of information is to be refused in accordance with Paragraph one of this Section.

(4) The single point of contact, the competent law enforcement authority, or an official shall, within the deadlines specified in Section 8 of this Law, inform the single point of contact, the competent law enforcement authority, or the designated law enforcement authority of another Member State of the reasons for the refusal to provide information.

**Section 8. Deadlines for Sending a Response**

(1) A response to a request of another Member State shall be sent within seven calendar days after receipt of the request in Latvia.

(2) If an urgent request is submitted in relation to an offence and the requested information is directly accessible information, the response shall be sent within eight hours after receipt of the request in Latvia.

(3) If an urgent request is submitted in relation to an offence and the requested information is indirectly accessible information, the response shall be sent within three calendar days after receipt of the request in Latvia.

**Section 9. Postponement of the Provision of a Response**

(1) The single point of contact, the competent law enforcement authority, or an official who is competent to provide information may disregard the deadlines referred to in Section 8 of this Law and postpone the provision of a response if:

1) it is not entitled to access or provide the requested information without the consent of a prosecutor or court – until obtaining of the relevant authorisation;

2) clarifying information in relation to the request is required for preparing the response – until receipt of the relevant clarifying information.

(2) The single point of contact, the competent law enforcement authority, or the designated law enforcement authority of another Member State shall be immediately (but not later than within the deadlines referred to in Section 8 of this Law) informed of the postponement of providing a response, the reasons for the postponement, and the possible deadlines for providing the response.

(3) The single point of contact, the competent law enforcement authority, or an official shall immediately provide a response to another Member State upon receipt of the authorisation or clarifying information referred to in Paragraph one of this Section.

**Section 10. Procedures for Sending a Response**

(1) Information, including on the postponement of providing a response, the reasons for the postponement, the possible deadlines for providing the response, and also information on the reasons for refusal to provide information shall be sent in accordance with the deadlines referred to in Section 8 of this Law.

(2) A response to a request submitted by another Member State shall be sent to the requesting single point of contact, the competent law enforcement authority, or the designated law enforcement authority of the relevant Member State.

(3) When providing a response to a request of the competent law enforcement authority or the designated law enforcement authority of another Member State, the single point of contact of Latvia shall send a copy of the request to the single point of contact of the relevant Member State. When providing a response to a request of the competent law enforcement authority or the designated law enforcement authority of another Member State, the competent law enforcement authority or an official shall send a copy of the response to the single points of contact of Latvia and another Member State.

(4) The copy of the response referred to in Paragraph three of this Section need not be sent after evaluation of each individual case if this could adversely affect:

1) a current investigation which requires an appropriate level of confidentiality for the processing of information;

2) prevention, detection, or investigation of criminal offences related to terrorism if the criminal offence has not resulted in such consequences that require urgent human rescue or maintenance of infrastructure;

3) the safety of a person.

(5) If the response contains a subject matter of an official secret or restricted access information, it shall be sent by following the requirements of the laws and regulations governing the protection of information.

**Section 11. Provision of Information on Own Initiative**

(1) The single point of contact, the competent law enforcement authority, or an official shall provide information to the single point of contact or the competent law enforcement authority of another Member State if no request has been received therefrom, but there are grounds to believe that such information could assist the authority of the Member State in preventing, detecting, or investigating an offence, and there are no restrictions on the provision of such information. Information related to a serious criminal offence may be provided unless the reasons for refusal to provide information referred to in Section 7, Paragraph one, Clause 1, 2, 3, or 4 of this Law are present.

(2) When providing the information referred to in Paragraph one of this Section to the competent law enforcement authority of another Member State, the single point of contact of Latvia shall send a copy of the information to the single point of contact of the relevant Member State. When providing the information referred to in Paragraph one of this Section to the competent law enforcement authority of another Member State, the competent law enforcement authority or an official shall send a copy of the information to the single points of contact of Latvia and another Member State.

(3) The competent law enforcement authority or an official need not send a copy of the information referred to in Paragraph two of this Section after evaluation of each individual case if this could adversely affect:

1) a current investigation which requires an appropriate level of confidentiality for the processing of information;

2) prevention, detection, or investigation of criminal offences related to terrorism if the criminal offence has not resulted in such consequences that require urgent human rescue or maintenance of infrastructure;

3) the safety of a person.

**Section 12. Indication Regarding the Use of Information**

(1) When providing information, one or more of the following acceptable purposes for the use of such information shall be indicated:

1) prevention, detection, and investigation of criminal offences or immediate prevention of a significant threat to public safety;

2) proof of criminal offences.

(2) The competent law enforcement authority or an official that decides to provide information may also indicate any restrictions on the use of the provided information as stipulated by the laws and regulations governing the processing of information.

(3) The purpose for use referred to in Paragraph one, Clause 2 of this Section shall only be indicated if the information has been obtained from:

1) the Register of Natural Persons;

2) the Punishment Register;

3) the State Register of Vehicles and Their Drivers regarding vehicle registration data and driving licence;

4) the State Information System for the Tractor-type Machinery and Drivers Thereof regarding vehicle registration data and driving licence.

**Chapter IV**

**Requesting of Information from Another Member State**

**Section 13. Grounds to Request Information from Another Member State**

If there are grounds to believe that another Member State has information at its disposal that could help prevent, detect, or investigate a criminal offence, the competent law enforcement authority or an official may request the relevant Member State to provide such information.

**Section 14. Information to be Included in the Request**

(1) The request shall include at least the following information:

1) a detailed description of the information to the extent possible;

2) the reason for the request, including a description of the facts and an indication regarding connection to a criminal offence;

3) reasons for believing that the relevant information is available in the Member State receiving the request;

4) the connection of the request with the person to whom the request refers;

5) whether the request is considered to be urgent;

6) restrictions on the use of the information included in the request for purposes other than those for which it is provided.

(2) When requesting information to be provided urgently, the request shall indicate one or more of the following urgency reasons:

1) the information is necessary to prevent an immediate and serious threat to public safety, human life, or physical integrity;

2) the information is necessary to take decisions related to the retention of compulsory measures equivalent to deprivation of liberty;

3) there is an imminent risk that the information, which is significant for preventing, detecting, or investigating criminal offences, will lose its relevance if not provided urgently.

**Section 15. Sending of a Request**

(1) A request may be sent by:

1) the single point of contact;

2) the competent law enforcement authority or an official.

(2) When sending a request to the competent law enforcement authority of another Member State, the single point of contact of Latvia shall concurrently send a copy of the respective request to the single point of contact of the relevant Member State. When sending a request to the single contact of another Member State, the competent law enforcement authority or an official shall concurrently send a copy of the respective request to the single point of contact of Latvia. When sending a request to the competent law enforcement authority of another Member State, the competent law enforcement authority or an official shall concurrently send a copy of the respective request to the single points of contact of Latvia and the relevant Member State.

(3) If the request contains a subject matter of an official secret or restricted access information, it shall be sent by following the requirements of the laws and regulations governing the protection of information.

(4) The competent law enforcement authority or an official need not send a copy of the request referred to in Paragraph two of this Section after evaluation of each individual case if this could adversely affect:

1) a current investigation which requires an appropriate level of confidentiality for the processing of information;

2) prevention, detection, or investigation of criminal offences related to terrorism if the criminal offence has not resulted in such consequences that require urgent human rescue or maintenance of infrastructure;

3) the safety of a person.

**Chapter V**

**Cooperation with the Europol**

**Section 16. Provision of Information to the Europol**

When sending requests, responding to requests, and providing information on own initiative, the single point of contact, the competent law enforcement authority, or an official of Latvia shall individually evaluate each case and decide on the need of sending a copy of the relevant information to the Europol if the relevant information concerns criminal offences that fall within the scope of the Europol’s objectives referred to in Article 3 of Regulation 2016/794.

**Section 17. Conditions for the Processing of Information**

When sending a copy of the information referred to in Section 16 of this Law, the Europol shall be informed of the purposes for processing the information and the possible restrictions on the processing. If the relevant information has been obtained from another Member State or a third country, transmission thereof to the Europol shall only be acceptable if the relevant Member State or third country has provided respective consent.

**Chapter VI**

**Channel for the Provision of Information and Case Management System**

**Section 18. Channel for the Provision of Information**

(1) The single point of contact, the competent law enforcement authority, or an official of Latvia shall request and provide information in accordance with the procedures laid down in this Law, using the Europol’s Secure Information Exchange Network Application (hereinafter – the SIENA channel).

(2) The SIENA channel need not be used if any of the following reasons are present:

1) provision of the relevant information requires involvement of third countries or international organisations, or such involvement will be required at a later stage, including through the Interpol’s communication channel;

2) due to urgency, another communication channel needs to be used temporarily;

3) an unforeseen incident of technical nature has occurred, disrupting the operation of the SIENA channel.

**Section 19. Case Management System**

(1) For the processing of information provided for in this Law, the single point of contact shall use a unified electronic case management system (hereinafter – the case management system) which is interoperable with the SIENA channel.

(2) The case management system is a State Information System which is managed by the Information Centre of the Ministry of the Interior. The Information Centre of the Ministry of the Interior shall ensure the functionality of the technical resources of the case management system.

(3) The case management system shall perform at least the following activities:

1) register the circulation of requests, refusals to provide information, requests for the provision of clarifying information, the clarifying information provided, and also any other communication conducted in accordance with the procedures laid down in this Law;

2) register communication between the single point of contact and the competent law enforcement authorities that is carried out in accordance with Section 4, Paragraph two, Clause 2 of this Law;

3) compare the received requests with the information available to the single point of contact and the relevant information registered in the case management system;

4) ensure control of the execution of requests and related tasks.

(4) Information in the case management system shall be stored for 10 years from the moment of the last entry of the relevant data in order to achieve the purpose of this Law if there are grounds to believe that the relevant information may assist in the performance of operational activity or tasks of criminal proceedings, and also contribute to the prevention, detection, and investigation of criminal offences.

(5) The single point of contact shall evaluate the compliance of the storage of the information included in the case management system with the requirements referred to in Paragraph four of this Section every six months from the moment of the last entry of information and shall decide to delete or continue to store them.

(6) One month before the expiry of the period specified in Paragraph four of this Section, the case management system shall automatically send a notification to the single point of contact.

(7) Information shall be deleted from the case management system before the expiry of the period specified in Paragraph four of this Section if the purpose of this Law has been achieved or there are no longer grounds to believe that the relevant information may assist in the performance of operational activity or tasks of criminal proceedings, and also contribute to the prevention, detection, and investigation of criminal offences.

**Section 20. Additional Provisions for the Processing of Personal Data**

Personal data shall be processed to achieve the purpose of this Law by following the laws and regulations governing the protection of personal data, in particular ensuring that:

1) personal data are accurate, complete, and up-to-date;

2) personal data fall within the categories of data specified in Part B of Annex II to Regulation 2016/794 and are necessary and proportionate to achieve the purpose of the request;

3) when requesting and providing information, an indication is given regarding the level of reliability, completeness, accuracy, and up-to-dateness of the personal data.

**Transitional Provisions**

1. With the coming into force of this Law, the Law on the Exchange of Information for the Prevention, Detection and Investigation of Criminal Offences (*Latvijas Republikas Saeimas un Ministru Kabineta Ziņotājs*, 2009, No. 9) is repealed.

2. The condition included in Section 18 of this Law, stating that the competent law enforcement authorities or officials shall request and provide information in accordance with the procedures laid down in this Law, using the Europol’s Secure Information Exchange Network Application shall be applicable not later than from 12 June 2027.

**Informative Reference to European Union Directive**

The Law contains legal norms arising from Directive (EU) 2023/977 of the European Parliament and of the Council of 10 May 2023 on the exchange of information between the law enforcement authorities of Member States and repealing Council Framework Decision 2006/960/JHA.

The Law has been adopted by the *Saeima* on 21 November 2024.

President E. Rinkēvičs

Rīga, 4 December 2024