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18 December 2003 [shall come into force from 21 January 2004];

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27 May 2004 [shall come into force from 30 June 2004];

17 March 2005 [shall come into force from 15 April 2005];

11 May 2006 [shall come into force from 13 June 2006];

1 February 2007 [shall come into force from 28 February 2007];

29 March 2007 [shall come into force from 11 April 2007];

22 May 2008 [shall come into force from 18 June 2008];

10 December 2009 [shall come into force from 13 Jaunary 2010];

17 January 2013 [shall come into force from 19 February 2013];

15 May 2014 [shall come into force from 14 June 2014];

10 February 2017 [shall come into force from 10 February 2017];

1 February 2018 [shall come into force from 1 July 2018];

14 March 2019 [shall come into force from 20 March 2019];

13 June 2019 [shall come into force from 29 June 2019].

If a whole or part of a section has been amended, the date of the amending law appears in square brackets at the end of the section. If a whole section, paragraph or clause has been deleted, the date of the deletion appears in square brackets beside the deleted section, paragraph or clause.

The *Saeima* 1 has adopted and

the President has proclaimed the following law:

**On Official Secret**

**Section 1. Purpose of this Law**

(1) The purpose of the Law is to formulate the concept of an official secret, to prescribe the procedures for the storage and use of official secret and the protection thereof.

(2) The provisions of this Law shall not apply to information which has not been recognised as an official secret, but in respect of which special procedures for use and the prohibition of dissemination are prescribed by other laws or Cabinet regulations.

**Section 2. Concept of Official Secret**

(1) An official secret shall be such military, political, economic, scientific, technical or other type of information which is included in the list approved by the Cabinet and the loss or illegal disclosure of which may cause harm to the security, and economic or political interests of the State.

(2) Official secret subjects shall be State institutions, the officials and employees thereof, as well as other persons who in connection with the performance of official (service) or work duties create, obtain, keep or use official secret objects.

(3) An official secret object shall be information (data, aggregate of data) in any technically possible form of the recording thereof, which in accordance with this Law has been recognised or may be recognised as an official secret, as well as a material object, thing, substance or electromagnetic field which contains, keeps, accumulates or reflects information which has been recognised as an official secret in accordance with the procedures provided for by law.

(4) The status of an official secret shall be fully applicable to the classified information of the North Atlantic Treaty Organisation, the European Union, foreign and international organisations and institutions thereof, and protection of such information shall be ensured according to its classification level, unless provided otherwise in other laws and regulations.

*[18 December 2003; 17 March 2005]*

**Section 3. Classification Levels of an Official Secret**

(1) Information, which is an official secret, shall be classified according to the significance thereof as top secret, secret and confidential information.

(2) Information shall be recognised as top secret if it refers to State military, political, economic, scientific, technical, intelligence (counterintelligence) and operational activities and the loss or illegal disclosure of it may cause:

1) military aggression against the Republic of Latvia or its allies or threats of such aggression, and real danger to national sovereignty;

2) severance of diplomatic relations or exclusion of the Republic of Latvia from international or intergovernmental organisations;

3) destabilisation of the domestic political situation which leads to mass disorders, rioting, terrorist acts, sabotage, subversion or causes a necessity to announce a state of emergency or emergency readiness of the civil defence system;

4) disclosure of State defence plans or complicated encryption and intelligence communication systems;

5) disclosure of important plans in an investigatory process;

6) disclosure of nationally significant scientific or technological discoveries.

(3) Information shall be recognised as secret if it refers to State military, political, economic, scientific, technical, intelligence (counterintelligence) and operational activities and the loss or illegal disclosure of it may cause:

1) aggravation of international relations;

2) aggravation of intergovernmental relations as a result of which economic relations are severed or economic sanctions against the Republic of Latvia are applied;

3) disclosure of significant military plans or intelligence (counterintelligence) measures;

4) disclosure of the content of work organisation, methods, tactics or investigatory records of bodies performing operational activities;

5) disclosure of the plan of significant operational activities measures or identities of persons involved in these activities;

6) disclosure of scientific or technological discoveries related to State defence and security or the development of a specific economic sector.

(4) Information shall be recognised as confidential if it refers to military, political, economic, scientific, technical, intelligence (counterintelligence) and operational activities and the loss or illegal disclosure of it may jeopardise State interests, causing harm to a specific State institution.

(5) [18 December 2003]

*[31 October 2002; 18 December 2003]*

**Section 4. Recognition of Information as an Official Secret**

(1) A list of information and other objects to be recognised as an official secret, the amount and content thereof shall be determined by the Cabinet in compliance with the principles and information classification provisions set out in this Law, as well as the proposals of the National Security Council and the Constitution Protection Bureau. The list of information and other objects to be recognised as an official secret approved by the Cabinet, as well as subsequent amendments thereto shall be considered to be public documents.

(2) The following information may be recognised as an official secret:

1) information regarding the military potential, defence strategy and tactics, defence and mobilisation plans of the State;

2) information regarding armament, communications and information systems, material and technical facilities and the acquisition thereof of State security and defence institutions;

3) information regarding the layout of structures, installations, facilities and other sites significant for State security and defence, defence and evacuation plans;

4) information regarding the types and amount of products manufactured for State security and defence purposes, as well as the potential of the facilities;

5) information regarding ciphers (codes), encryption systems and equipment;

6) information regarding the organisation, content, tactics and methods of operational activities, intelligence and counterintelligence, as well as regarding the persons involved in the performance of operational activities and persons involved in the special procedural protection;

7) information regarding the deployment of the structures and individual units of State security institutions;

8) information regarding the action and activity plans of the units of the Ministry of the Interior, State security and defence institutions in case of a state of emergency, mass disorders or regarding special operations in the fight against organised crime;

9) information regarding the amount, location and holders (keepers) of State material reserves;

10) information regarding the storage and transportation of State currency and precious metal reserves;

11) information regarding the organisation of security guards and security measures for significant State officials and the technical means applied;

12) information regarding scientific research activity, discoveries, use of inventions if they are performed with State support;

13) information regarding the separate directions of the State foreign policy activities and external economic relations of strategic significance;

14) information regarding the means and techniques for the protection of an official secret;

15) information which Latvia has received from foreign states or has created in accordance with an entered into international agreement.

(3) If for the provision of the development and operation of publicly accessible information, objects and projects it is necessary to utilise information and objects recognised as an official secret, they shall be prepared for public use in the form of general statistical data or in any other indirect form and shall be issued only in the amount permitted and used only for the purposes for which the issue thereof was permitted.

(4) Unauthorised extension of the status and amount of information or other secret information and objects included in the list of objects to be recognised as an official secret and the attribution thereof to information and objects which have been and are publicly usable and accessible is prohibited.

*[18 March 1999; 31 October 2002]*

**Section 5. Information which May not be an Official Secret**

It is prohibited to grant the status of an official secret and to restrict access to the following information:

1) information regarding natural disasters, natural or other calamities and the consequences thereof;

2) information regarding the environmental, health protection, educational and cultural state, as well as the demographic situation;

3) information regarding violations of human rights;

4) information regarding the crime rate and the statistics thereof, corruption cases, irregular conduct of officials;

5) information regarding the economic situation of the State, implementation of the budget, living standards of the population, as well as the salary rates, privileges, advantages and guarantees specified for officials and employees of State and local government institutions;

6) information regarding the state of health of the heads of State.

**Section 6. State Ownership Rights to Official Secret Objects**

(1) The State has exclusive ownership rights to official secret objects and they shall be under special State protection.

(2) An official secret object, which is owned by a legal or natural person may be alienated for the purposes of official secret protection without the consent of the owner, paying to him or her an appropriate compensation. The amount of the compensation shall be determined by mutual agreement of the parties, but if no agreement has been reached, a court shall determine it. In claims regarding the determination of the amount of compensation, the parties shall be exempt from the payment of court costs.

(3) An official secret object may be in the possession or use of a person in such cases and in accordance with such procedures as prescribed by law or Cabinet regulations.

**Section 7. Protection of an Official Secret**

(1) Protection of an official secret shall be a purposeful activity of a legal, technical and organisational nature by competent State institutions and the officials thereof in order to ensure the preservation of an official secret and to prevent the illegal dissemination (utilisation) thereof.

(2) Protection of an official secret shall be organised by the Cabinet. For this purpose the Cabinet, taking into account the principles set out by law, shall issue regulations regarding the procedures for the classification, declassification, receipt, registration, storage, issue, use, sending and destruction (classified registry) of official secret objects, the documentation of this process, the use of special designations, ciphers (codes), as well as take other measures of technical and organisational nature.

(3) The Constitution Protection Bureau, the Defence Intelligence and Security Service, and the State Security Service in conformity with the competence of these institutions set out by law shall manage, co-ordinate, control and take measures for the protection of an official secret.

(4) The heads of the institutions or of the relevant units thereof within the competence thereof shall be responsible for compliance with the secrecy regime and ensuring protection of an official secret in State institutions. These officials shall be responsible for ensuring that the employees subordinate to them whose work (service) is related to an official secret are provided with conditions suitable for this work in accordance with Cabinet regulations. If an institution has at its disposal such material objects to which the status of an official secret or classified information of the North Atlantic Treaty Organisation, the European Union, or foreign classified information has been granted and in circulation thereof the requirements of classified registry may not be applied, the head of the institution himself or herself shall determine the protection measures for these material objects by co-ordinating with the competent State security institution. At the request of the head of the relevant institution employees of State security institutions may be assigned to ensure the secrecy regime.

(5) The provisions of Paragraph four of this Section shall also apply to other persons having official secret objects, classified information of foreign states or international organisations and institutions thereof in their possession or use. A merchant which in its work needs to use an official secret, classified information of foreign states or international organisations and institutions thereof must receive a facility security clearance, which shall be issued to it by the Constitution Protection Bureau after a security vetting performed by a State security institution. The procedures for the submission of an application for the receipt of a facility security clearance, the list of the documents to be submitted, time periods, procedures for the issue, registration, use, change of level or cancellation of facility security clearance shall be regulated by the Cabinet regulations. The Director of the Constitution Protection Bureau shall specify the procedures for the performance of a security vetting. The decision of the Director of the Constitution Protection Bureau to refuse to issue a facility security clearance or to cancel it may be contested and appealed by a merchant in accordance with the same procedures as a decision to refuse, to cancel or lower the level of the personnel security clearance for access to an official secret. The decision of the Director of the Constitution Protection Bureau to refuse to issue a facility security clearance or to cancel it in relation to the right to use the classified information of foreign states, international organisations and institutions thereof shall be final and not subject to appeal. If the decision to refuse to issue a facility security clearance or to cancel it is taken, the Constitution Protection Bureau shall ensure informing and hearing of a merchant in accordance with the same procedures which are intended in respect of a person who qualifies for the access to an official secret.

(51) When fulfilling a government order of the Republic of Latvia, a merchant registered in a foreign state may be permitted to use official secret objects, classified information (top secret, secret or confidential) of the North Atlantic Treaty Organisation, the European Union, if a competent authority of the relevant state has issued the merchant with a facility security clearance of the appropriate level which has been recognized as being valid for use in the Republic of Latvia by the Constitution Protection Bureau, and if this has been provided for in the agreement regarding mutual protection of classified information entered into by the Republic of Latvia and the relevant state.

(6) The Constitution Protection Bureau as a national security authority of the Republic of Latvia shall itself perform and control exchange of classified information with foreign states, international organisations and their institutions, as well as take measures for the protection of such information.

(7) All State and local government institutions, as well as legal persons and natural persons having at their disposal information systems in which the processing or storage of information containing an official secret is performed shall have them registered at the Constitution Protection Bureau and must receive an accreditation certificate regarding compliance of the system with the security requirements. The Constitution Protection Bureau as a security accreditation authority shall control and check the security of those information systems in which the processing or storage of information containing an official secret is performed, as well as control the cryptographic system and develop cryptographic keys. Procedures for registration, security checks and accreditation shall be determined by the Constitution Protection Bureau.

(8) Procedures for the receipt, delivery and use of the classified (top secret, secret or confidential) information of foreign states, international organisations and their institutions shall be regulated by Cabinet regulations. Such information shall be protected as an official secret and without the consent of the dispatching state or organisation nobody is entitled to downgrade the classification level thereof.

(9) The Defence Intelligence and Security Service as the national institution of signals intelligence shall carry out and control signals intelligence information exchange with foreign state institutions, international organisations and institutions thereof, as well as implement measures for the protection of such information.

*[28 May 1998; 13 December 2001; 31 October 2002; 18 December 2003; 27 May 2004; 17 March 2005; 11 May 2006; 1 February 2007; 29 March 2007; 10 December 2009; 15 May 2014; 1 February 2018; 14 March 2019]*

**Section 8. Time Periods for the Retention of Secrecy of an Official Secret**

(1) For confidential information secrecy for five years shall be specified, for secret information – for ten years, for top secret information – for twenty years, but for data regarding persons involved in the performance of operational activities and persons who are involved in special procedural protection – for seventy-five years.

(2) Before the end of the secrecy term of the relevant information, the institution which classified it shall decide regarding the determination of a new secrecy term or declassification of the information.

(3) If the secrecy term specified by the law has expired or the relevant information as an official secret has lost its significance before the term specified, the secrecy for this information shall be cancelled and it shall become available to the public.

*[18 March 1999; 31 October 2002; 18 December 2003]*

**Section 9. Accessibility of an Official Secret**

(1) Access to an official secret shall only be permitted to those persons who in accordance with the official (service) duties or a specific work (service) task are required to perform work related to the use or protection of an official secret and who in accordance with this Law have received personnel security clearances. A security vetting of the person shall be performed before the commencement of employment (service) relations.

(2) The personnel security clearance for access to the official secret (hereinafter – the personnel security clearance) may be issued to a citizen of Latvia who is not younger than 18 years of age, in relation to whom the trusteeship has not been established, who has signed a non-disclosure agreement that he or she undertakes to keep and not illegally disclose the official secret and has agreed that competent State security institutions shall take the necessary measures for the security vetting of the person and protection of the official secret.

(3) Access to confidential, secret and top secret official secret objects shall be denied to a person:

1) who has submitted a renunciation of the Latvian citizenship;

2) whose capacity to act is limited in accordance with the procedures specified by law;

3) who:

a) has been punished for an intentional criminal offence or disclosure of an official secret through negligence – regardless of whether or not the criminal record has been extinguished or set aside;

b) has been convicted of an intentional criminal offence or disclosure of an official secret through negligence by releasing him or her from the punishment;

4) who is or has been a staff employee or a non-staff employee of the security service, intelligence or counterintelligence service of the USSR, Latvian SSR or a foreign state other than the member states of the European Union or the North Atlantic Treaty Organisation, or an agent, resident or safe-house keeper thereof;

5) who after 13 January 1991, has worked in the CPSU (LCP), the Working People's International Front of the Latvian SSR, the United Council of Labour Collectives, the Organisation of War and Labour Veterans or the All-Latvia Salvation of Society Committee;

6) in respect of whom, during the course of the security vetting, facts were determined that provide a basis for doubting his or her reliability and ability to preserve an official secret;

7) who has been detected having mental and behavioural disorders, including as a result of the use of alcohol, narcotic, psychotropic or toxic substances that provide a basis for doubting his or her ability to meet the conditions for the protection of an official secret;

8) [18 December 2003].

(31) [18 December 2003]

(32) The Cabinet shall determine the medical contraindications referred to in Paragraph three, Clause 7 of this Section for the issue of the personnel security clearance and the procedures by which a person is sent to the health examination, and also medical treatment institutions in which a commission for the health examination is established, the work organisation of such commission, the procedures for the performance of and payment for the health examination.

(4) On the basis of a proposal by the institution which has initiated a security vetting, or upon his or her own initiative, the head of the State security institution may, subsequent to the performance of the security vetting, grant access to an official secret to individual persons for which it is restricted by the provisions of Paragraph three, Clause 3 of this Section if a serious or especially serious crime has not been committed – regardless of whether the conviction has been extinguished or set aside.

(5) [1 February 2018]

(51) Upon recommendation of the Commander of the National Armed Forces and after performance of a security vetting, the Director of the Constitution Protection Bureau may grant soldiers of the National Armed Forces, who after 13 January 1991 have been members of the CPSU (LCP), access to an official secret, if they have proved their loyalty towards the State of Latvia.

(6) If the personnel security clearance to a person is not issued, it is a sufficient ground to refuse his or her employment in a position, which is related to the use or protection of an official secret.

(7) Procedures by which classified (top secret, secret or confidential) information shall be transferred to representatives of foreign states within the framework of co-operation between the Republic of Latvia and foreign states shall be regulated by Cabinet regulations.

*[15 June 2000; 31 October 2002; 18 December 2003; 26 February 2004; 27 May 2004; 17 March 2005; 15 May 2014; 1 February 2018; 13 June 2019]*

**Section 9.1 Suitability of a Merchant for Obtaining a Facility Security Clearance**

(1) Facility security clearance confirms readiness and ability of a merchant to carry out the work with an official secret object and ensure protection of the official secret object.

(2) Facility security clearance may be issued to a merchant:

1) which is registered with the Enterprise Register of the Republic of Latvia;

2) which has been established at least two years ago and is carrying out its commercial activities;

3) which has submitted to a State security institution all the documents necessary for security vetting laid down in laws and regulations within a specified period of time and has indicated the justification which confirms the necessity to obtain a facility security clearance;

4) which has agreed that a State security institution shall carry out the security vetting of a merchant and persons related thereto.

(3) Issue of a facility security clearance is refused or facility security clearance is cancelled if:

1) during the course of the security vetting the facts were detected in respect of a merchant that provide a basis for doubting its reliability and ability to preserve official secret;

2) a merchant has refused to comply with or has violated instructions of a State security institution in relation to protection of an official secret or has provided false information;

3) a coercive measure laid down in The Criminal Law has been applied to a merchant during the last five years.

(4) Issue of a facility security clearance may be refused or facility security clearance may be cancelled if:

1) infringement of the provisions for the protection of official secret objects has been detected in the activities of a merchant;

2) a merchant has a tax debt.

*[1 February 2018]*

**Section 10. Examination of the Compliance of Persons and Premises with Security Requirements**

(1) If a question regarding the issue of personnel security clearances to specific persons is being decided, State security institutions shall, within the competence thereof, perform a security vetting of such persons and provide an opinion regarding the possibility to issue the personnel security clearance.

(2) A deadline of security vetting of a person shall be three months. If due to objective reasons a time period of three months cannot be observed, the head of a State security institution may extend it for another three months by notifying a person thereof. Organisation, methods, tactics, resources and other issues of the security vetting process of the person to be complied with during the security vetting process of the person shall be determined by the Council of the State Security Institutions after co-ordination with the Prosecutor General.

(3) In the *Saeima*, the Chancery of the President, the State Chancellery, the Cross-Sectoral Coordination Centre, the State Audit Office, the bank *Latvijas Banka*, the Ministry of Foreign Affairs, the Office of the Prosecutor and the Corruption Prevention and Combating Bureau a security vetting of the compliance of persons and premises with security requirements shall be performed by the Constitution Protection Bureau. The Constitution Protection Bureau shall also perform, at all institutions, a security vetting of the heads of units responsible for ensuring the secrecy regime.

(31) [29 March 2007]

(4) At the Ministry of Defence, institutions subordinate thereto, the National Armed Forces, military sites, as well as institutions, organisations and merchant undertakings if their activities are related to an official secret in the area of military defence, security vetting of the compliance of persons and premises with security requirements shall be performed by the Defence Intelligence and Security Service. In other institutions security vetting of the compliance of persons and premises with security requirements shall be performed by the State Security Service.

(5) If the information obtained during the security vetting must be evaluated which may be the basis for the person to be denied access to an official secret, a State security institution shall ensure hearing of the person who qualifies for access to an official secret or to whom the personnel security clearance for the work with an official secret has been issued.

(6) In accordance with the Law on Notification, a State security institution shall notify the time when a person must arrive for hearing to a person to be examined and institution which has initiated the security vetting. During the hearing, a State security institution shall acquaint a person with a summary of the vetting file where the reasons due to which access to an official secret may be denied for a person are indicated. After the person to be examined has been acquainted with the summary of the vetting file, the State security institution shall hear explanation of the person to be examined on the facts referred to in the summary of the vetting file. The State security institution shall append the explanation of the person to the file materials.

(7) A person has a duty to arrive at a State security institution at the time indicated. The State security institution may postpone the hearing of a person to another time due to illness of a person or other justifying reasons. If a person fails to arrive to the hearing without any justifying reason at the time indicated by the State security institution, it shall be regarded that he or she has refused to exercise his or her right to be heard in the relevant stage of the security vetting process.

(8) A State security institution is entitled to complete security vetting and take a decision without hearing a person if:

1) the person has failed to arrive to the hearing without any justifying reason at the time indicated by the State security institution or has not informed the State security institution of the necessity to change the hearing time due to a justifying reason;

2) the person, due to a justifying reason, may not repeatedly arrive to the postponed hearing at the State security institution, but the information obtained during the security vetting is sufficient in order for the State security institution to take a decision;

3) it is necessary to immediately cancel the personnel security clearance issued to the person in the interests of the State security.

(9) If the decision is taken to deny access to an official secret for a person, a State security institution shall, after taking the decision, inform such person of the reasons of such decision in writing without disclosing the information which may:

1) be harmful to the rights or legal interests of another person;

2) disclose covert assistants or persons which have confidentially provided assistance;

3) disclose front organisations or other means of masking;

4) disclose work organisation, methodology or tactics of the State security institutions;

5) be harmful to the performance of the tasks of intelligence, counterintelligence or operational activities;

6) disclose means or techniques for the protection of an official secret;

7) be harmful to the co-operation with foreign special services, law enforcement institutions or organisations.

(10) Within a framework of a security vetting, a State security institution shall assess the conformity of a person with the requirements of this Law by examining the information provided by him or her and assessing the information which is publicly available regarding a person or can be obtained in conformity with the Law on State Security Institutions and Operational Activities Law.

(11) A State security institution shall inform the institution which has initiated a security vetting of the decision taken as a result of the security vetting.

(12) Security vetting of persons in relation to access to the classified information of foreign states, international organisations and the institutions thereof shall be performed and clearances shall be issued by the national security authority of the Republic of Latvia. The procedures and time period for the security vetting of persons shall be specified by the Director of the Constitution Protection Bureau.

*[17 March 2005; 1 February 2007; 29 March 2007; 17 January 2013; 1 February 2018; 14 March 2019]*

**Section 11. Issue of Personnel Security Clearances**

(1) Personnel security clearances shall be issued for a specific period of time, which shall not be longer than five years. Personnel security clearances shall be divided into three levels.

(2) Access to top secret information shall be permitted to a person with a first level personnel security clearance, to secret information – with a second level personnel security clearance, and to confidential information – with a third level personnel security clearance.

(3) A person having the personnel security clearance for access to information of a higher classification level shall also concurrently have access to information of a lower classification level.

(4) Procedures for the registration, issue, cancelling and changing the level of personnel security clearances shall be regulated by Cabinet regulations.

(5) The decision to refuse to issue the personnel security clearance shall come into effect at the time of taking thereof, and a person may contest and appeal such decision in accordance with the procedures provided for in Section 16 of this Law.

(6) A decision of the Director of the Constitution Protection Bureau regarding access to the classified information of foreign states, international organisations and their institutions shall be final and may not be appealed.

(7) In exceptional cases a person may be permitted to get acquainted with an official secret or such classified information of foreign states, international organisations and their institutions which is one classification level higher than that specified in the clearance issued, but only to such an extent that is necessary in order to carry out a specific work task, after a written clearance for one occasion issued by a State security institution of the Republic of Latvia has been received.

*[31 October 2002; 18 December 2003; 17 March 2005; 10 February 2017; 1 February 2018]*

**Section 12. Right to Use an Official Secret**

(1) The right to use an official secret for each specific person shall be restricted by the term of validity for which the personnel security clearance has been issued to him or her, as well as the cancellation of the personnel security clearance.

(2) The list of positions related to the use and protection of an official secret at each institution shall be determined by the head of the relevant institution subsequent to co-ordination with a State security institution, which in accordance with Section 10, Paragraphs three and four of this Law perform the security vetting at this institution.

(3) Access to an official secret and the right to use it for the performance of official (service) duties, if there are not the restrictions specified in Section 9, Paragraph three of this Law, on the basis of the position held thereof, shall have the following:

1) the President;

2) the Chairperson of the *Saeima*;

3) the Prime Minister;

4) members of the *Saeima*;

5) members of the Cabinet;

6) the Chief Justice of the Supreme Court;

7) the Prosecutor General;

8) the Auditor General;

9) the Supreme Commander and Commander of the National Armed Forces;

10) the Commander of the National Guard;

11) the Director of the Constitution Protection Bureau, the Chief of the Defence Intelligence and Security Service, the Chief of the State Security Service;

12) the President of the bank *Latvijas Banka*;

13) the head of the Corruption Prevention and Combating Bureau;

14) [29 March 2007];

15) the Ombudsman;

16) the members of the National Electronic Mass Media Council;

17) the Chair of the Central Election Commission;

18) the members of the council of the Financial and Capital Market Commission.

(4) Parliamentary investigation commissions appointed by the *Saeima* shall have access to an official secret and the right to use it for the performance of the duties thereof.

(5) The person directing the proceedings (inquiry performer, prosecutor, judge) shall have access to an official secret and the right to use it within his or her competence when performing a pre-trial investigation and proceedings in a specific criminal matter which is related to an official secret. Persons taking part in the investigation and proceedings of such matter and having the right to acquaint themselves with all the materials of the matter shall be warned in writing of the duty to keep an official secret and of the liability provided for illegal disclosure of an official secret. Such procedures shall also be applicable to persons taking part in the proceedings of a civil matter, administrative matter or administrative violation matter if it is related to the official secret.

(6) It is prohibited to illegally disclose an official secret or to use it for purposes other than the performance of the official (service) duties or specific tasks of employment.

*[4 December 1997; 28 May 1998; 13 December 2001; 31 October 2002; 27 May 2004; 17 March 2005; 1 February 2007; 29 March 2007; 22 May 2008; 15 May 2014; 1 February 2018; 14 March 2019; 13 June 2019]*

**Section 13. Cancelling, Lowering the Level of Personnel Security Clearances and Consequences of Denying Personnel Security Clearances**

(1) The personnel security clearance shall be cancelled if:

1) a person has been removed from office (work) related to the use or protection of an official secret;

2) a person has violated the procedures prescribed for work with an official secret, the use or protection thereof;

3) the circumstances specified in Section 9, Paragraph three of this Law have been discovered;

4) it has become known that a person has knowingly provided false information regarding himself or herself.

(2) The circumstances referred to in Paragraph one, Clauses 2–4 of this Section may also serve as a basis for lowering the level of personnel security clearance.

(3) The decision to cancel the personnel security clearance or lower the level thereof shall come into effect at the time of taking thereof, and a person may contest and appeal such decision in accordance with the procedures provided for in Section 16 of this Law. If the decision to cancel the personnel security clearance or lower the level thereof is taken on the basis of the circumstances referred to in Paragraph one, Clauses 2, 3 or 4 of this Section, a State security institution shall ensure informing and hearing of a person referred to in Section 10 of this Law.

(4) If the personnel security clearance of an official or employee is refused or the personnel security clearance is cancelled on the basis of Paragraph one, Clauses 2, 3 or 4 of this Section, it shall be a sufficient reason to believe that this person does not conform to the position held (work to be performed) which is related to the use or protection of an official secret. After taking the decision, such person shall be immediately transferred to the position which is not related to an official secret, or, where it is not possible, immediately suspended from performing his or her duties of office by retaining the monthly salary and social guarantees of the position. After taking the final decision, such person shall be immediately transferred to the position which is not related to an official secret, or, where it is not possible, employment (service) relations shall be immediately terminated with him or her.

(41) After taking the decision to lower the level of the personnel security clearance, a person shall be immediately transferred to an appropriate position, or, where it is not possible, immediately suspended from performing his or her duties of office by retaining the monthly salary and social guarantees of the position. After taking the final decision, such person shall be immediately transferred to an appropriate position, or, where it is not possible, employment (service) relations shall be immediately terminated with him or her.

(5) Termination of employment (service) relations with a person who in relation to the performance of duties of employment (service) had access to an official secret shall not release such person from the duty to keep an official secret and the liability for illegal disclosure thereof.

*[18 December 2003; 10 February 2017; 1 February 2018]*

**Section 13.1 Repeated Assessment of the Person who has been Denied Access to an Official Secret**

(1) A person who has been denied access to an official secret and who, in accordance with the official (service) duties or a specific work (service) task, is required to perform the work related to the use or protection of the official secret has the right to repeatedly qualify for obtaining the personnel security clearance in accordance with the procedures laid down in this Section.

(2) If the decision to refuse or cancel the personnel security clearance has been taken previously, the access to an official secret may be assessed five years after:

1) regaining the citizenship of Latvia if Section 9, Paragraph three, Clause 1 of this Law has been applied;

2) renewal of capacity to act if Section 9, Paragraph three, Clause 2 of this Law has been applied;

3) coming into effect of the decision to refuse or cancel the personnel security clearance if Section 9, Paragraph three, Clauses 6 or 7 or Section 13, Paragraph one, Clauses 2 or 4 of this Law has been applied.

(3) If the decision to refuse or cancel the personnel security clearance has been taken previously on the basis of Section 9, Paragraph three, Clauses 3, 4 or 5 of this Law, a person shall henceforth be denied the receipt of the personnel security clearance, except for the cases when the basis for detection of the fact provided for in the abovementioned Clauses has ceased to exist.

(4) A State security institution shall commence the security vetting of a person for the issue of the personnel security clearance in accordance with Paragraphs two and three of this Section after proposal of the institution which has initiated the security vetting.

*[1 February 2018]*

**Section 14. Duties of a Person in Respect of an Official Secret**

(1) A person who is entitled to carry out work which is related to an official secret or the protection thereof shall be personally liable for the performance of the requirements for the protection of an official secret provided for in the law and Cabinet regulations, and compliance with the specified secrecy regime and classified registry regulations.

(2) If the circumstances referred to in Section 9, Paragraph three of this Law have arisen which deny the person the access to an official secret, the person has a duty to notify the institution which issued the personnel security clearance thereof without delay.

(3) An official secret subject shall without delay notify the relevant State security institution of the cases of loss of official secret objects and in co-operation with this institution shall carry out a search for the lost objects, as well as take the necessary measures to prevent or diminish harm which may arise as a result of disclosure of the official secret.

**Section 15. Liability for Violation of Regulations for Use or Protection of an Official Secret**

(1) A person who by his or her action or failure to act has violated the regulations for the use or protection of an official secret shall be held disciplinary or criminally liable in accordance with the procedures set out by law.

(2) Procedures for the internal investigation of such matters shall be determined by the Cabinet.

**Section 16. Procedures for Contesting and Appealing the Decision to Refuse, Cancel or Lower the Level of the Personnel Security Clearance**

(1) A person may contest the decision to refuse, to cancel or lower the level of the personnel security clearance to the Prosecutor General within 14 days of the day of notification thereof.

(2) A person may appeal the decision of the Prosecutor General to the Administrative Regional Court within 14 days after it has been notified. Contesting and appeal of such decision shall not suspend the operation thereof. The operation of the decision shall not be suspended also upon request of the person.

(3) In the process of contesting and appealing the decisions provided for in Paragraphs one and two of this Section the norms of the Administrative Procedure Law shall be complied with, insofar as this Law does not determine another procedure.

*[1 February 2018]*

**Section 17. Examination of Applications in Court**

(1) The Administrative Regional Court shall examine the case which has been initiated on the basis of the application regarding the decision referred to in Section 16, Paragraph two of this Law within two months from the day when the decision to accept the application and to initiate a case was taken.

(2) Court shall examine the case as the court of first instance. The case shall be examined collegially in the composition of three judges.

(3) The court shall verify whether the appealed decision is lawful. The court, when assessing the lawfulness of the decision, shall take into account not only the justification included in the decision, but also the information containing an official secret which was the basis for taking the appealed decision.

(4) The amount of the information containing an official secret to be disclosed to a person shall be determined by a State security institution by complying with Section 10, Paragraph nine of this Law. If disclosure of such information to a person is denied, the information containing an official secret shall be verified and assessed only by the court. In such case the court shall indicate in the ruling that the information has been assessed.

(5) The court ruling is not subject to appeal, and shall enter into effect at the moment of proclaiming it. The court ruling shall be sent to a State security institution for enforcement.

*[1 February 2018]*

**Transitional Provisions**

1. By 15 December 1996 the Cabinet shall draft the laws and regulations necessary for the implementation of this Law.

2. Persons currently holding positions which are related to the use and protection of an official secret shall, within three months from the coming into force of this Law, receive personnel security clearances for access to an official secret, in conformity with the provisions of this Law, or they shall be transferred to a position which is not related to an official secret.

3. In respect of employees of the institutions of the Ministry of the Interior holding positions which are related to an official secret in the area of operational activities, if they have been appointed to these positions before the coming into force of this Law, the provisions of Section 9, Paragraph two, Clause 2 of the Law shall come into force one year after they have been given a possibility, within the time period specified in the Citizenship Law, to acquire Latvian citizenship in accordance with the general naturalisation procedures.

*[10 April 1997]*

4. Institutions storing information to which the official secret classification level “ierobežotas lietošanas informācija” [restricted use information] has been granted shall perform declassification of this information by granting to it the status “informācija dienesta vajadzībām” [information for official use] in conformity with the Freedom of Information Law.

*[18 December 2003]*

5. When deciding on the cancellation of such personnel security clearance which has been issued by 30 June 2018, or lowering of the level, the wording of Section 9, Paragraph three, Clause 3 of this Law which was in force by 30 June 2018 shall be applied.

*[1 February 2018]*

6. If access to an official secret has been denied for a person before 1 July 2018, a repeated assessment of a person in accordance with the provisions of Section 13.1 of this Law may be initiated and security vetting may be commenced after 10 February 2022.

*[1 February 2018]*

7. The Constitution Protection Bureau shall, after 1 July 2018, terminate to examine the files present in the registry thereof on the appealed decisions to refuse, cancel the personnel security clearance, to not extend the time period or lower the level of the personnel security clearance. A person may appeal the decision of the Director of the Constitution Protection Bureau within 14 days after the day of notification thereof.

*[1 February 2018]*

8. A person may appeal the decision of the Prosecutor General which has been taken by 30 June 2018 in accordance with Section 7, Paragraph five or Section 11, Paragraph five of this Law within 14 days after the day of notification thereof.

*[1 February 2018]*

9. The court shall take a ruling in the cases which have been initiated in conformity with Section 17, Paragraph one of this Law by 31 December 2018 within a year from the day when the decision to accept the application and initiate the case was taken.

*[1 February 2018]*

10. The Cabinet shall issue the regulations provided for in Section 9, Paragraph 3.2 of this Law by 31 December 2018. Until issuing the abovementioned regulations, mental disorders, addiction to alcohol, narcotic, psychotropic, toxic substances or behavioural disorders which provide a basis for doubting a person’s ability to meet the conditions for the protection of an official secret shall be detected in accordance with the same procedures which were applied until the day of coming into force of Section 9, Paragraph 3.2 of this Law.

*[1 February 2018]*

11. If the application for issuing a facility security clearance is issued by 30 June 2018, Section 9.1, Paragraph two, Clause 2 of this Law shall not be applied when deciding on issuing a facility security clearance to a merchant, but the condition that the merchant must be registered at least one year ago shall be met.

*[1 February 2018]*

12. A person to whom the personnel security clearance has been issued by 30 June 2018 in accordance with Section 9, Paragraph five of this Law shall be allowed access to an official secret until the end of the time period of the personnel security clearance, unless other basis for cancellation of the personnel security clearance laid down in this Law exists.

*[1 February 2018]*

This Law shall come into force on 1 January 1997.

This Law was adopted by the *Saeima* on 17 October 1996.

President G. Ulmanis

Rīga, 29 October 1996