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Security Authorities Act

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19.06.2002	RT I 2002, 61, 375	01.08.2002
12.02.2003	RT I 2003, 23, 147	01.04.2003
18.12.2003	RT I 2003, 90, 601	01.01.2008
19.05.2004	RT I 2004, 46, 332	01.01.2005
08.12.2004	RT I 2004, 87, 593	01.01.2005
18.05.2005	RT I 2005, 32, 236	19.06.2005
11.10.2006	RT I 2006, 48, 357	18.11.2006
25.01.2007	RT I 2007, 16, 77	01.01.2008
19.12.2007	RT I 2008, 3, 21	28.01.2008
19.06.2008	RT I 2008, 35, 213	01.01.2009
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26.11.2009	RT I 2009, 62, 405	01.01.2010
27.01.2011	RT I, 17.02.2011, 2	01.01.2012
17.02.2011	RT I, 21.03.2011, 2	01.01.2012 Repealed[RT I, 29.06.2012, 2]
08.12.2011	RT I, 22.12.2011, 3	23.12.2011 Repealed[RT I, 29.06.2012, 2]
06.06.2012	RT I, 29.06.2012, 2	09.07.2012, partially01.01.2013
13.06.2012	RT I, 06.07.2012, 1	01.04.2013
14.03.2013	RT I, 26.03.2013, 2	01.04.2013
19.02.2014	RT I, 13.03.2014, 4	01.07.2014
19.06.2014	RT I, 29.06.2014, 109	01.07.2014, titles of ministers replaced on the basis of § 107 ³ (4) of the Government of the Republic Act.
19.11.2014	RT I, 13.12.2014, 1	01.01.2016
11.02.2015	RT I, 12.03.2015, 1	01.01.2016
18.02.2015	RT I, 19.03.2015, 2	29.03.2015; the word “kaitsevägi” (the Defence Forces) has been substituted for the word “Kaitsevägi” throughout the Act.

Chapter 1 GENERAL PROVISIONS

§ 1. Scope of application

(1) This Act provides for the functions and competence of security authorities in ensuring national security and constitutional order, and the procedure for the exercise of supervision over the activities of security authorities.

(2) The provisions of the Administrative Procedure Act apply to administrative proceedings prescribed in this Act, taking account of the specifications provided for in this Act.
[RT I 2002, 61, 375 – entry into force 01.08.2002]

§ 2. Objective of activity of security authorities

(1) The objective of the activity of security authorities is to ensure national security by the continuance of constitutional order through the application of non-military means of prevention, and to collect and process information necessary for formulating the security policy and for national defence.

(2) Achievement of the objectives specified in subsection (1) of this section shall take place in the Defence Forces pursuant to the procedure provided for in this Act unless otherwise provided by the Estonian Defence Forces Organisation Act.
[RT I 2008, 35, 213 – entry into force 01.01.2009]

§ 3. Principles of activity of security authority

(1) A security authority collects and processes information, including personal data, insofar as this is necessary for performing its functions.

(2) A security authority shall only use measures necessary for performing its functions. In the case there are several possible measures, the security authority shall use the measure which restricts the fundamental rights of persons as little as possible in connection with the performance of a function of the security authority. A measure, which does not restrict the fundamental rights of an individual excessively compared to the objective pursued by the security authority, may be used.

§ 4. Combating criminal offence

For the purposes of this Act, combating a criminal offence means prevention of a criminal offence in any lawful manner before the offence is committed.

Chapter 2 ORGANISATION AND FUNCTIONS OF SECURITY AUTHORITIES

§ 5. Security authorities

The security authorities are the Estonian Internal Security Service and the Information Board.

§ 6. Functions of Estonian Internal Security Service

The functions of the Estonian Internal Security Service are:

1) prevention and combating of changing the constitutional order or territorial integrity of the state by force, and collection and processing of information necessary for such purpose;

[RT I, 29.06.2012, 2 – entry into force 01.01.2013]

2) prevention and combating of intelligence activities directed against the state, including protection of state secrets and classified information of foreign states in the cases and pursuant to the procedure prescribed in the State Secrets and Classified Information of Foreign States Act (counter-intelligence), except in the cases specified in clauses 7 (1) 2) and 3) of this Act;

[RT I, 19.03.2015, 2 – entry into force 29.03.2015]

2¹) prevention and combating of terrorism and terrorist financing and support, and collection and processing of information necessary for such purpose;

[RT I 2008, 3, 21 – entry into force 28.01.2008]

2²) prevention and combating of corruption endangering national security, and collection and processing of information necessary for such purpose;

[RT I, 29.06.2012, 2 – entry into force 01.01.2013]

3) combating of those criminal offences the pre-trial investigation of which is within the competence of the Estonian Internal Security Service, except in the cases specified in clauses 7 (1) 2) and 3) of this Act;

[RT I, 19.03.2015, 2 – entry into force 29.03.2015]

4) pre-trial investigation of criminal offences in the cases prescribed by law.

§ 7. Functions of Information Board

(1) The functions of the Information Board are:

1) collection and processing of information concerning foreign states, or foreign factors or activities, which is necessary for the state in formulating the foreign, economic and national defence policy and for national defence;

2) conduct of counter-intelligence for the protection of the foreign missions of the state and such structural units or staff of the Defence Forces which are outside the territory of the state;

[RT I 2008, 35, 213 – entry into force 01.01.2009]

- 3) conduct of counter-intelligence for the protection of the staff of the Information Board, persons recruited for co-operation, and property in the possession of the Information Board;
- 4) organisation and verification of INFOSEC and special communications services.
- 5) [repealed – RT I 2003, 23, 147 – entry into force 01.04.2003]

(2) In the collection of information by electronic means, the Information Board shall provide professional assistance to the Estonian Internal Security Service.

[RT I 2008, 35, 213 – entry into force 01.01.2009]

(2¹) Upon conduct of military intelligence, the Information Board shall provide professional assistance to the Defence Forces.

[RT I 2008, 35, 213 – entry into force 01.01.2009]

(3) In order to organise special communications services, the Information Board may enter into a public law contract with an undertaking which has, pursuant to the procedure provided by legislation, the right to provide electronic communications services and to access a state secret classified as “top secret”.

[RT I 2007, 16, 77 – entry into force 01.01.2008]

§ 7¹. Special communications services

Special communications services are electronic communications services for the safe and reliable transmission of messages containing a state secret and classified information of foreign states.

[RT I, 17.02.2011, 2 – entry into force 01.01.2012]

§ 8. Number and composition of posts in security authority

(1) The number of posts in a security authority shall be determined by the Government of the Republic by an order.

(2) The composition of posts in a security authority shall be established by the relevant minister or by the head of an authority authorised thereby.

[RT I, 26.03.2013, 2 – entry into force 01.04.2013]

§ 9. Organisation and harmonisation of work of security authorities

(1) The Prime Minister and the ministers who head the ministries in whose area of government the security authorities are shall constantly co-operate with each other to organise and harmonise the work of the security authorities.

(2) The Government of the Republic shall establish, by an order, for each year a plan regarding the obtaining and analysis of state security information. The plan regarding the obtaining and analysis of state security information shall provide for the functions set for the security authorities and the Defence Forces upon conduct of military intelligence and the list of information to be collected, in the order of relevance.

[RT I 2008, 35, 213 – entry into force 01.01.2009]

§ 10. Security Committee of Government of Republic

(1) For co-ordinating the activities of the security authorities, a security committee shall operate at the Government of the Republic.

(2) The Security Committee shall:

- 1) analyse and assess the security situation in the state;
- 2) determine the state’s need for security-related information;
- 3) perform the functions imposed on the Security Committee by other Acts and the Government of the Republic.

(3) The Security Committee shall consist of the Prime Minister and ministers responsible for their field.

[RT I, 29.06.2014, 109 – entry into force 01.07.2014, under § 107³(4) of the Government of the Republic Act the words “the Minister of Justice, the Minister of Defence, the Minister of Finance, the Minister of the Interior and the Minister of Foreign Affairs” have been replaced with the words “and ministers responsible for their field”.]

(4) The sessions of the Security Committee shall be chaired by the Prime Minister, or during his or her absence, by a minister responsible for their field.

[RT I, 29.06.2014, 109 – entry into force 01.07.2014, under § 107³(4) of the Government of the Republic Act the words “the Minister of Defence” have been replaced with the words “a minister responsible for their field”.]

(5) At the proposal of a member of the Security Committee, other persons may participate in the sessions of the Committee with the right to speak.

(6) The Security Committee has a quorum if at least one-half of the members of the Committee are present.

(7) The statutes of the Security Committee shall be established by the Government of the Republic by a regulation.

(8) The administration of the Security Committee shall be organised by the Government Office.

§ 11. Co-operation between security authorities

(1) The security authorities shall co-operate with each other through mutual assistance and exchange of information.

(2) Exchange of information between the security authorities shall take place on the basis of the plan regarding the obtaining and analysis of state security information.

[RT I 2008, 35, 213 – entry into force 01.01.2009]

§ 11¹. Possession of state assets

(1) In the state immovable property register specified in subsection 95 (1) of the State Assets Act shall not be entered information specified in subsection (2) of the same section concerning immovable property in the possession of the security authorities, or it shall be entered using shadow information.

(2) A separate register which has been established by and the statutes on the maintenance of which shall be established by the Government of the Republic shall be maintained concerning state assets in the possession of the security authorities.

[RT I, 19.03.2015, 2 – entry into force 29.03.2015]

Chapter 3 SERVICE IN SECURITY AUTHORITY

§ 12. Specifications concerning service in security authority

(1) The Civil Service Act applies to an official of a security authority with the specifications arising from this Act. The Employment Contracts Act applies to an employee of a security authority with the specifications arising from this Act.

(1¹) The provisions of § 41 of the Civil Service Act governing rest time do not apply to an official of a security authority if such a specification is included in the official's job description and working does not harm the health or safety of the official.

[RT I, 19.03.2015, 2 – entry into force 29.03.2015]

(2) The Police and Border Guard Act applies to a police officer of the Estonian Internal Security Service with the specifications arising from this Act.

[RT I, 19.03.2015, 2 – entry into force 29.03.2015]

(2¹) When an active serviceman is referred to a security authority, the term provided for in § 119 (2¹) of the Military Service Act is applied.

[RT I, 19.03.2015, 2 – entry into force 29.03.2015]

(3) A probationary period of four months up to one year shall be applied to an official of a security authority upon his or her first appointment to office.

[RT I, 26.03.2013, 2 – entry into force 01.04.2013]

(4) Sections 17–19 of this Act do not apply to a police officer of the Estonian Internal Security Service.

[RT I, 26.03.2013, 2 – entry into force 01.04.2013]

§ 13. Specifications concerning service in Government Office

Specifications provided for an official of a security authority apply to an official of the Government Office whose function is to co-ordinate the work of the security authorities.

[RT I, 06.07.2012, 1 – entry into force 01.04.2013]

§ 14. Employment in service

(1) A citizen of the Republic of Estonia who has at least secondary education and full active legal capacity, and who is proficient in Estonian to the extent provided by law or on the basis of law may be employed in service or employed as an official and an employee of a security authority.

(2) It is prohibited to employ in service and employ in a security authority a person:

- 1) who receives a pension, remuneration or other regular compensation from a state which is not a state within the European Economic Area or Switzerland or which does not belong to the North Atlantic Treaty Organisation;
- 2) who lacks a Personnel Security Clearance for access to a state secret of a required level or a Personnel Security Clearance Certificate for access to classified information of a foreign state of a required level if this is a prerequisite for working in a position of an official or of an employee.

(3) An official of a security authority may be appointed to a position without competition.

[RT I, 19.03.2015, 2 – entry into force 29.03.2015]

§ 15. Appointment of head of security authority to position

[RT I, 19.03.2015, 2 – entry into force 29.03.2015]

The Government of the Republic shall appoint a head of a security authority to office for a period of five years at the proposal of the relevant minister, after having heard the opinion of the Security Authorities Surveillance Committee of the Riigikogu. The head of a security authority shall not be appointed to office for more than two consecutive terms.

§ 15¹. Release of official of security authority from service when official is appointed to position in or employed by another authority or organisation

[RT I, 19.03.2015, 2 – entry into force 29.03.2015]

(1) An official of a security authority, except for an active serviceman referred to a security authority, may, with his or her consent, be released and appointed to a position in or employed by another authority, authority governed by a government authority, legal person governed by public law, international organisation, or a position or employment established in the framework of international co-operation for up to three consecutive years. With the consent of the official of the security authority the term may be extended once by up to three years upon the expiry of the term.

(2) Upon the expiry of the term provided for in subsection (1) of this section, the official of the security authority shall be appointed back to the same position or another position of the same official rank. If no such positions are vacant, the official of the security authority may, with his or her consent, be appointed to another position or an employment contract may be concluded with him or her.

(3) An official of a security authority appointed to a position or employed as an employee by another authority, authority governed by a government authority, legal person governed by public law, international organisation or a position established in the framework of international co-operation on the basis and for the period of time provided for in subsection (1) of this section shall be paid wages or remuneration which shall not be less than his or her wages as an official of the security authority.

(4) The period of service in another authority, authority governed by a government authority, legal person governed by public law, international organisation or a position or employment established in the framework of international co-operation shall be included in the period of service in the position which the official had before appointment to or employment by another authority or organisation.

[RT I, 19.03.2015, 2 – entry into force 29.03.2015]

§ 15². Identifications of officials of security authorities and badges of office of police officers

(1) The description and the format of the identifications of officials of security authorities and the badges of office of police officers shall be established by a regulation of the minister responsible for the field governed by the Ministry of the Interior or the Ministry of Defence.

(2) A list of positions in which police officers are issued with a badge of office shall be established by a decree of the head of the relevant security authority.

[RT I, 19.03.2015, 2 – entry into force 29.03.2015]

§ 16. Wages

[RT I, 19.03.2015, 2 – entry into force 29.03.2015]

(1) The basic wages or the range of the basic wages of officials of the Estonian Internal Security Service and the bases for increasing the basic wages are established by a regulation of the minister responsible for the field.

(2) The basic wages of officials of the Estonian Internal Security Service and the degree of wages of police officers are increased by 10–50% for the performance of duties relating to security.

(3) The officials and police officers specified in subsection (2) of this section shall not be paid additional remuneration for working overtime, nor for working at night-time or on a public holiday.

(4) The wage system of those officials of the Information Board who are not in the police service or active service is governed by the Civil Service Act with the specifications provided by this Act.
[RT I, 19.03.2015, 2 – entry into force 29.03.2015]

§ 17. Compensation in case official of security authority falls ill or suffers bodily injury

[RT I, 06.07.2012, 1 – entry into force 01.04.2013]

(1) The state shall pay to an official of a security authority who has suffered, in the performance of his or her duties or in connection with service in the security authority, a bodily injury, which damages his or her health but does not result in his or her disability, a single benefit to the extent of his or her one month's wages.
[RT I, 06.07.2012, 1 – entry into force 01.04.2013]

(2) Medical treatment expenses and costs of medicinal products of an official who has suffered an injury or fallen ill in the performance of his or her duties or in connection with service in the security authority shall be borne by the state.

(3) The procedure for the calculation and payment of the benefits and expenses provided for in this section shall be established by the Government of the Republic by a regulation.

(4) The provisions of this section shall not be applied if the official has, in connection with an accident in the performance of his or her duties:

- 1) committed suicide or attempted suicide;
- 2) caused bodily harm to himself or herself which is not in a cause-and-effect relationship with the medical condition and did not result from unlawful behaviour of another person.

[RT I, 06.07.2012, 1 – entry into force 01.04.2013]

(5) After the payment of compensation under this section, the state shall have the right of recourse in the amount paid as compensation with regard to the person at fault. The state shall be represented by the relevant minister or a person authorised thereby.

[RT I, 06.07.2012, 1 – entry into force 01.04.2013]

§ 18. Compensation for proprietary damage

(1) Direct proprietary damage caused to an official of a security authority or his or her family members in the course of performance of his or her functions shall be compensated for by the state.

(2) The limits of and the procedure for compensation for proprietary damage shall be established by the Government of the Republic by a regulation.

§ 19. Medical examination of official of security authority

(1) The bases and frequency of and the procedure for the performance of medical examinations of an official of a security authority at the expense of the state shall be established by the Government of the Republic by a regulation.

[RT I, 19.03.2015, 2 – entry into force 29.03.2015]

(2) Subsection (1) of this section does not apply to medical examinations prescribed on the basis of another Act.

§ 20. Restrictions imposed on official and employee of security authority

(1) An official and an employee of a security authority may not:

- 1) work for another employer, except with the written consent of the head of the authority;
- 2) participate in a strike;
- 3) be a member of a political party.

[RT I, 06.07.2012, 1 – entry into force 01.04.2013]

§ 20¹. Additional holiday of official of security authority

If justified, an official of a security authority may be granted paid additional holiday up to ten calendar days a year. A claim for such an additional holiday expires after one year as of the end of the service year for which the additional holiday is calculated. Additional days of holiday which have not been used and which have not expired are not compensated for in money upon release from service.

[RT I, 19.03.2015, 2 – entry into force 29.03.2015]

§ 20². Storage of information concerning official and employee of security authority

A security authority need not present information to the database specified in section 106 of the Civil Service Act. A security authority shall ensure the storage of information specified in subsection 106 (3) of the Civil Service Act concerning its officials and employees.
[RT I, 06.07.2012, 1 – entry into force 01.04.2013]

§ 20³. Incentive

(1) Incentives applied to an official and an employee of a security authority for long-time impeccable work or for outstanding performance of duties of employment are:

- 1) expression of thanks;
- 2) grant of a service medal;
- 3) grant of a monetary award;
- 4) grant of a valuable gift;
- 5) grant of an inscribed cut-and-thrust weapon or firearm.

(2) Several incentives may be applied concurrently.

(3) The right to apply an incentive is vested in the head of a security authority and the relevant minister. The right to apply the incentive specified in clauses (1) 2) and 5) of this section is vested only in the relevant minister or the Director General of the Information Board.

(4) The description of the service medal and the procedure for the grant and wearing thereof shall be established by the relevant minister by a regulation.

(5) For outstanding services, the incentives provided for in clauses (1) 1), 2), 4) and 5) of this section may also be applied to such persons who are not officials or employees of a security authority.
[RT I, 06.07.2012, 1 – entry into force 01.04.2013]

Chapter 4 POWERS OF SECURITY AUTHORITY

§ 21. Powers of Estonian Internal Security Service

(1) Chapter 2² of the Police and Border Guard Act applies to the activity of the Estonian Internal Security Service with the specifications arising from this Act.

(2) A police officer of the Estonian Internal Security Service has, in the performance of his or her duties, the right to apply a state supervision measure and direct coercion on the bases of and pursuant to the procedure provided for in the Law Enforcement Act.
[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(3) In applying that arising from the Police and Border Guard Act, the Director General of the Estonian Internal Security Service shall fulfil, in deciding over a measure and actions related thereto and in applying Chapter 2² of the Police and Border Guard Act, the duties of the Director General of the Police and Border Guard Board.
[RT I, 29.06.2012, 2 – entry into force 01.01.2013]

§ 22. Provision of assistance to security authority

(1) State and local government authorities and officials as well as legal persons in public law shall, within the limits of their competence, provide assistance to a security authority in the performance of its functions. The expenses incurred by a local government authority or legal person in public law in the provision of such assistance shall be covered from the state budget.

(2) In the case of a direct threat to national security, a security authority may demand a private individual to provide assistance necessary for the performance of the functions of the security authority unless other means are available.

(3) The procedure for compensation for the expenses arising from the provision of the assistance provided for in subsection (2) of this section shall be established by the Government of the Republic by a regulation.

§ 23. Simulation of person, authority and body

(1) For simulating a person necessary for the performance of the functions of a security authority, a corresponding entry shall be made in the commercial register or the non-profit associations and foundations register on the basis of an application by the relevant minister. When simulation is no longer necessary, the entry shall be deleted pursuant to the general procedure on the basis of an application by the relevant minister.

(2) The minister shall submit a petition for entry of a person in a register at the request of the head of a security authority. The request shall set out:

- 1) the need to simulate a person;
- 2) the type of person to be simulated;
- 3) the expenses relating to simulation;
- 4) the duration of simulation;
- 5) the information to be entered in a business file of the commercial register or in the non-profit associations and foundations register (including the petition for an entry).

(3) Simulation of an authority or body for the performance of the functions of a security authority shall be decided by the relevant minister on the basis of the conditions specified in subsection (2) of this section.

(4) A transaction made in the name of a simulated person, authority or body shall be deemed to be made by the security authority.

(5) The head of a security authority shall submit an overview of the activities of the persons, authorities and bodies simulated by the security authority to the relevant ministry once in every four months.

§ 24. Manner of collection of information

(1) Information, including personal data, shall be collected, for the performance of the functions of a security authority, directly by the security authority or the authority authorised for such purpose or by a person recruited for co-operation.

(2) Collection of information shall not damage the life, health or property of persons or the environment.

§ 25. Restrictions on right to confidentiality of messages

(1) In the cases provided for in this section, a security authority is permitted to restrict a person's right to the confidentiality of messages sent or received by him or her by post, telegraph, telephone or other commonly used means.

(2) A security authority may, within the limits of its competence, restrict a person's right to the confidentiality of messages in order to combat a criminal offence if there is sufficient information to indicate that a criminal offence is being prepared or committed.

(3) A person's right to the confidentiality of messages is restricted by:

- 1) examination of a postal item;
- 2) wire-tapping, observing or recording a message or other information transmitted over an electronic communications network;
- 3) wire-tapping, observing or recording information communicated by any other means.

[RT I 2004, 87, 593 –entry into force 01.01.2005]

§ 26. Restrictions on right to inviolability of home, and family or private life

(1) A security authority may restrict a person's right to the inviolability of home, and family or private life in the cases provided for in this section.

(2) An official of a security authority may, within his or her competence and in order to combat a criminal offence, enter or search a person's premises, building, enclosed area, vehicle or computer system without the consent of the person on the order of the head of the security authority in order to ensure national security or if there is sufficient information to indicate that a criminal offence is being prepared or committed and if collection of information is necessary for combating the criminal offence.

[RT I, 19.03.2015, 2 – entry into force 29.03.2015]

(3) A person's right to the inviolability of home, and family or private life is restricted by:

- 1) collection of personal data;
- 2) covert surveillance;
- 3) covert establishment of identity;
- 4) collection of information on the fact, duration, manner and form of transmission of messages over an electronic communications network, and on the personal data and location of the sender or receiver of such messages;
- 5) covert entry in the person's premises, building, enclosed area, vehicle or computer system for the purposes of covert collection or recording of information or installation and removal of technical aids necessary for such purposes.

[RT I, 19.03.2015, 2 – entry into force 29.03.2015]

6) covert examination of an item and, if necessary, covert alteration of the item, damage to the item or replacement of the item.

[RT I, 19.03.2015, 2 – entry into force 29.03.2015]

(4) On the basis of a written agreement entered into with a security authority and within the competence of the security authority, also a person recruited for secret co-operation may restrict a person's right to the inviolability of home, and family or private life pursuant to the procedure provided for in section 27 of this Act.

[RT I 2004, 87, 593 –entry into force 01.01.2005]

§ 27. Procedure for restriction of right to confidentiality of messages and right to inviolability of home, and family or private life

(1) In the case of a need to restrict a person's right to the confidentiality of messages or to the inviolability of home, and family or private life in the manner specified in clause 26 (3) 5) of this Act, the head of a security authority shall submit to the chairman of an administrative court or an administrative judge appointed by the chairman a reasoned written application for the corresponding permission. The application shall set out the manner of restriction of the corresponding right.

(2) Grant, extension and revocation of a permission and declaration as justified of restriction of a person's right to the confidentiality of messages or to the inviolability of home, and family or private life in the manner specified in clause 26 (3) 5) of this Act shall be decided without a delay and without holding a court session, pursuant to the provisions of the Code of Administrative Court Procedure concerning granting permission for administrative measure. Permission may be granted for a period of up to two months or extended for the same period at a time.

(3) Restriction of a person's right to the inviolability of home, and family or private life shall be decided, by an order, by the head of a security authority or an official authorised by him or her. An order shall be valid for the term indicated therein but for no longer than two months.

(4) The acts specified in clause 25 (3) 2) and in clause 26 (3) 4) of this Act shall be performed in accordance with the relevant provisions of the Electronic Communications Act.

[RT I 2004, 87, 593 –entry into force 01.01.2005]

§ 28. Methods and means of covert collection of information

The methods and means to be used by a security authority in covert collection of information shall be established by the relevant minister by a regulation. The regulation shall be submitted to the Security Authorities Surveillance Committee of the Riigikogu for information purposes.

[RT I, 19.03.2015, 2 – entry into force 29.03.2015]

§ 29. Notifying person of means used

A security authority shall notify a person whose fundamental rights are restricted in the manner provided for in section 25 or 26 of this Act immediately of the measures used and the circumstances relating to the restriction of fundamental rights if this does not endanger the aim of the restriction, or after such danger ceases to exist.

§ 30. Storage of information

Information collected in the manner provided for in sections 25 or 26 of this Act shall be stored in information files. A separate information file shall be opened for each individual case. The procedure for keeping and storing files shall be established by a regulation of the minister responsible for the field governed by the Ministry of the Interior or the Ministry of Defence.

[RT I, 19.03.2015, 2 – entry into force 29.03.2015]

§ 31. Communication of information to security authority

(1) In order to obtain data necessary for the performance of the functions of a security authority, the authority may request such data from a state or local government authority or a legal person in public law if such data cannot be obtained from a publicly available source or it would result in disproportionate costs or more onerous measures for the person whose personal data is communicated.

[RT I, 19.03.2015, 2 – entry into force 29.03.2015]

(2) A security authority has the right to obtain information necessary for the performance of its functions from a natural person or a legal person in private law. Disclosure of personal data is not mandatory if the security authority fails to justify the need to obtain the data or if disclosure of such data is not permitted.

§ 31¹. Access to databases

For the performance of their functions imposed by law, security authorities have access, free of charge, to information held in databases established on the basis of the Public Information Act.
[RT I, 19.03.2015, 2 – entry into force 29.03.2015]

§ 32. Communication of information by security authority

(1) Information which is received in the performance of the functions of a security authority must be communicated to another state authority if it is necessary for the performance of the functions imposed on the state authority and it does not harm the performance of the functions of the security authority.

(2) Information which is received in the performance of the functions of a security authority must be communicated to another state authority and to a natural or legal person if it is necessary for combating a crime of terrorism or if it is related to a threat of commission of a crime of terrorism and it does not harm the performance of the functions of the security authority.

(3) Information which is received in the performance of the functions of a security authority may be communicated to a company with state participation if it is necessary for the performance of its functions and it does not harm the performance of the functions of the security authority.

(4) For the purposes specified in subsections (1) through (3) of this section, a security authority, a state authority and a person to whom information has been communicated may process information containing personal data without the consent of the data subject.
[RT I, 19.03.2015, 2 – entry into force 29.03.2015]

§ 33. Organisation of protection of communications

The requirements for special communications services shall be established by a regulation of the minister responsible for the field. The regulation shall be submitted to the Security Authorities Surveillance Committee of the Riigikogu for information purposes.
[RT I, 19.03.2015, 2 – entry into force 29.03.2015]

§ 34. [Repealed – RT I 2007, 16, 77 – entry into force 01.01.2008]

§ 35. Use of firearm

(1) An official of a security authority has the right to carry a firearm and use it as a last resort if the performance of the duties of service assigned to him or her is otherwise not possible without endangering life or health, in the following cases:

- 1) obstructing a criminal attack which endangers the life of another person or the life of the official of the security authority;
- 2) disarming or detaining an armed criminal;
- 3) combating a group or an armed attack against the official of the security authority.

(2) A firearm may not be used:

- 1) against a minor, an elderly person or a woman with obvious signs of pregnancy, except in order to combat or prevent an armed or group attack by him or her or in order to disarm him or her;
- 2) in a foreign diplomatic or consular representation, or in a building, on the premises or the territory of a representation enjoying immunity on the basis of an international agreement, or against a vehicle subject to diplomatic immunity, except with the consent of the head of the corresponding representation or in the case specified by any other international agreement;
- 3) in a building or on premises where an explosive substance or highly flammable or toxic substance, which upon the use of a firearm may endanger the life or health of a person, is produced or stored.

Chapter 5 SUPERVISION

§ 36. Security Authorities Surveillance Committee of Riigikogu

(1) The Security Authorities Surveillance Committee of the Riigikogu is a select committee of the Riigikogu which exercises supervision over authorities of executive power in matters relating to the activities of the security authorities and surveillance agencies, including guarantee of fundamental rights and efficiency of the work of the security authorities and surveillance agencies, and also in matters relating to supervision exercised over the security authorities and surveillance agencies.

(2) The Prime Minister and a relevant minister shall inform the Committee of the activities of the security authorities and surveillance agencies and of supervision over their activities, including submit an overview of such matters at least once in every six months.

(3) In order to perform functions related to the work of the Committee, the Committee has the right to summon persons and require documents for examination.

(4) The Committee shall deliberate the draft budget of a security authority concurrently with the deliberation of the draft state budget in the Riigikogu.

(5) The Committee shall submit an overview of the activities and the results of the Committee to the Riigikogu at least once a year.

(6) If an offence is discovered, the Committee is required to forward the relevant materials to an investigative body or the Chancellor of Justice.

(7) The members and officials of the Committee are required to maintain the confidentiality of a state and personal secret as well as classified information of a foreign state which have come to their knowledge in the course of their work.

[RT I 2007, 16, 77 – entry into force 01.01.2008]

§ 37. [Repealed – RT I 2007, 16, 77 – entry into force 01.01.2008]

Chapter 6 IMPLEMENTING PROVISIONS

§ 38. Transformation of select committee of Riigikogu formed for verification of lawfulness of activity of Estonian Internal Security Service and of surveillance activities

The select committee formed by a resolution of the Riigikogu of 29 April 1999 for the verification of the lawfulness of the activity of the Estonian Internal Security Service and of surveillance activities shall be transformed into the Committee provided for in section 36 of this Act.

§ 39.–§ 47.[Omitted from this text.]

§ 48. Entry into force of Act

This Act enters into force on 1 March 2001.