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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.

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

## **On Official Secrets**

### **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 keeping and use of official secrets 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 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) Official secrets shall be fully applicable to the classified information of the North Atlantic Treaty Organisation, the European Union, foreign and international organisations and institutions unless other regulatory enactments provide otherwise.

*[18 December 2003]*

### **Section 3. Security Grading of Official Secrets**

(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 investigatory operations 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 enciphering and intelligence communication systems;

5) disclosure of important plans in an investigatory process; or

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 investigatory operations 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 is 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 persons performing investigatory operations;

5) disclosure of significant investigatory operations action plans or identities of persons involved in these operations; or

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 investigatory 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 a State Secret**

(1) A list of information and other objects to be recognised as official secrets, 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 official secrets 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 (code), ciphering systems and equipment;

6) information regarding the organisation, content, tactics and methods of investigatory operations, intelligence and counterintelligence, as well as regarding persons involved in the performance of investigatory operations 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 keeping 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 official secrets; and

15) 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 official secrets, 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 official secrets 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 in the State, implementation of the budget, living standards of the population, as well as the salary scales, privileges, advantages and guarantees specified for officials and employees of State and local government institutions; and

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 Official Secrets**

(1) Protection of official secrets 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 official secrets and to prevent the illegal dissemination (utilisation) thereof.

(2) Protection of official secrets 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, keeping, issue, use, sending and destruction (special record-keeping) 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 Military Counterintelligence Service, and the Security Police in conformity with the competence of these institutions set out by law shall manage, co-ordinate, control and take measures for the protection of official secrets.

(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 official secrets in State institutions. These officials shall be responsible for ensuring that the employees subordinate to them whose work (service) is related to official secrets are provided with conditions suitable for this work in accordance with Cabinet regulations. 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 in their possession or use. Companies, which in their work need to use information containing official secrets, shall receive an industrial security certificate, which shall be issued by the Constitution Protection Bureau.

(6) The Constitution Protection Bureau as a national security institution 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 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 official secrets is performed, shall have them registered at the Constitution Protection Bureau and receive an accreditation certificate regarding compliance of the system with the security requirements. The Constitution Protection Bureau as a security accreditation institution shall control and check the security of those

information systems in which the processing or storage of information containing official secrets 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 security grading thereof.

*[28 May 1998; 13 December 2001; 31 October 2002; 18 December 2003]*

### **Section 8. Time Periods for Retention of Secrecy of Official Secrets**

(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 investigatory operations 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 Official Secrets**

(1) Access to official secrets 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 official secrets and who in accordance with this Law have received special permits. An investigation of the person shall be performed before the commencement of employment (service) relations.

(2) A special permit for access to official secrets (hereinafter — special permit) may be issued to a person who:

1) has the capacity to act and is not younger than 18 years of age;

2) is a Latvian citizen; and

3) has signed a non-disclosure agreement that he or she undertakes to keep and not illegally disclose official secrets and has agreed that competent State security institutions shall take the necessary measures for the investigation of the person and protection of official secrets.

(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 has been held criminally liable and been convicted of an intentional criminal offence, as well as disclosure of official secrets through negligence, except for the cases when he or she has been rehabilitated;

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 S.S.R. or a foreign state other than the member states of the European Union or North Atlantic Treaty Organisation, or an agent, resident or safe-house keeper thereof;

5) who after 13 January 1991, has worked in the C.P.S.U. (L.C.P.), the Working People's International Front of the Latvian S.S.R., 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 investigation, facts were determined that provide a basis for doubting his or her reliability and ability to preserve official secrets; and

7) who is in the records of medical institutions due to alcoholism, addiction to toxic substances, drug addiction or mental illness.

8) *[18 December 2003]*.

(3<sup>1</sup>) [18 December 2003]

(4) On the basis of a proposal by an official secret subject, the director of the Constitution Protection Bureau subsequent to the performance of an investigation may grant access to official secrets 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 and the conviction has been extinguished or set aside.

(5) On the basis of a proposal by an official secret subject, the director of the Constitution Protection Bureau subsequent to the performance of an investigation may grant access to official secrets to individual persons for which it is restricted by the provisions of Paragraph three, Clause 4 of this Section.

(6) If the special permit 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 official secrets.

(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]*

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

(1) If a question regarding the issue of the special permits to specific persons is being decided, in accordance with the procedures specified by law, an investigation of these persons shall be performed by State security institutions which shall clarify and provide

an opinion as to whether the restrictions prescribed in Section 9, Paragraph three of this Law exist.

(2) In the cases provided for in Section 9, Paragraphs four and five of this Law, the procedures for the investigation of persons shall be determined by the director of the Constitution Protection Bureau.

(3) In the *Saeima*, President's Chancery, State Chancellery, State Audit Office, Bank of Latvia, Ministry of Foreign Affairs and Office of the Prosecutor an investigation 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 an investigation of the heads of units for ensuring the secrecy regime at all institutions.

(4) At the Ministry of Defence, institutions subject to the control thereof or supervised thereby, National Armed Forces, military sites, as well as institutions, organisations and undertakings (companies) if their activities are related to official secrets in the area of military defence, investigation of the compliance of persons and premises with security requirements shall be performed by the Military Counterintelligence Service. In other institutions investigation of the compliance of persons and premises with security requirements shall be performed by the Security Police.

(5) Investigation of persons for access to the classified information of foreign states, international organisations and the institutions thereof shall be performed and permits shall be issued by the national security institution of the Republic of Latvia.

*[28 May 1998; 13 December 2001; 31 October 2002; 18 December 2003]*

### **Section 11. Issue of Special Permits**

(1) Special permits shall be issued for a specific period of time, which shall not be longer than five years. Special permits shall be divided into three categories.

(2) Access to top secret information shall only be permitted with a first category special permit, to secret information – with a second category special permit, and to confidential information – with a third category special permit.

(3) A person having a special permit for access to information of a higher security grading shall also concurrently have access to information of a lower security grading.

(4) Procedures for the registration, issue, cancelling and changing the category of special permits shall be regulated by Cabinet regulations.

(5) A person may appeal against a decision regarding refusal to issue a special permit to the director of the Constitution Protection Bureau within 10 days from the day when he or she became aware of such decision. The person may appeal the decision of the director of the Constitution Protection Bureau within 10 days from the day when he or she became aware of such decision to the Prosecutor General whose decision shall be final and may not be appealed. It shall be sent for enforcement to a State security institution.

(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.

*[31 October 2002; 18 December 2003]*

## Section 12. Right to Utilise Official Secrets

(1) The right to utilise official secrets for each specific person shall be restricted by the term of validity for which the special permit has been issued to him or her, as well as the cancelling of the special permit.

(2) The list of positions related to the utilisation and protection of official secrets 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 investigation of persons at this institution.

(3) Access to official secrets and the right to utilise them 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 Military Counterintelligence Service, the Chief of the Security Police; and
- 12) the President of the Bank of Latvia.

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

(5) The performer of criminal procedures (inquiry performer, prosecutor, judge) shall have access to official secrets and the right to use them 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 official secrets and of the liability provided for illegal disclosure of official secrets. Such procedures shall also be applicable to persons taking part in the proceedings of a civil matter if it is related to official secrets.

(6) It is prohibited to illegally disclose official secrets or to use them 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]

### **Section 13. Cancelling of Special Permits, Non-extension of the Term of Validity and Lowering of the Category Thereof**

(1) A special permit shall be cancelled if:

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

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

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

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 non-extension of the term of validity or the lowering of the category of the special permit.

(3) A person may appeal the decision regarding cancellation of the special permit, non-extension of the term of validity or lowering of the category thereof in accordance with the procedures provided for in Section 11, Paragraph five of this Law. Until the taking of a final decision, the person shall be denied access to official secrets.

(4) If on the basis of Paragraph one, Clauses 2-4 of this Section the special permit of an official or employee is cancelled or the term of validity of the special permit is not extended, 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 official secrets. After the taking of a final decision, such a person shall be transferred without delay to work which is not related to official secrets or employment (service) relations with him or her shall be terminated and henceforth he or she shall be denied receipt of a special permit. A person for whom the category of the special permit has been lowered shall be transferred to an appropriate position or, if not possible, employment (service) relations with him or her shall be terminated.

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

*[18 December 2003]*

### **Section 14. Duties of a Person in Respect of Official Secrets**

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

(2) If the circumstances referred to in Section 9, Paragraph three of this Law have arisen which prevent the person from access to official secrets, the person has a duty to notify the institution which issued the special permit 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 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 Utilisation or Protection of Official Secrets**

(1) A person who by his or her action or failure to act has violated the regulations for the utilisation or protection of official secrets 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.

### **Transitional Provisions**

1. By 15 December 1996 the Cabinet shall draft the regulatory enactments necessary for the implementation of this Law.

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

3. In respect of employees of the institutions of the Ministry of the Interior holding positions which are related to official secrets in the area of investigatory operations, 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 keeping information to which the official secret security grading “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]*

This Law shall come into force on 1 January 1997.

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

President  
Rīga, 29 October 1996

G.Ulmanis