

Act No. 153 of July 7, 1994 on the Intelligence Services of the Czech Republic

The Czech Parliament has resolved upon the adoption of the following Act for the Czech Republic.

Preamble - introductory provisions

§ 1

1) This Act regulates in particular the status, purview, operation, co-operation, control and supervision of the intelligence services of the Czech Republic (hereinafter referred to as "intelligence services"); their tasking and their reporting duties, and provision of information to the intelligence services.

2) The use of specific means of acquiring information and keeping records containing personal data by the Security Information Service and the Military Intelligence, as well as the status of intelligence service members and their contracts of service, are subject of specific legislation.¹

§ 2

Intelligence services are State agencies for the acquisition, collection and evaluation of information (hereinafter referred to as "securing information") which is important for protecting the constitutional order, major economic interests, security and defence of the Czech Republic.

Intelligence services and their status

§ 3

The following intelligence services are active in the Czech Republic:

- a) The Security Information Service (Bezpečnostní informační služba, BIS), its incomes and expenditures being defined in a separate Chapter of the State Budget.,
- b) The Office for Foreign Relations and Information (Úřad pro zahraniční styky a informace, ÚZSI), its budget forming a part of the State Budget Chapter regarding the Ministry of the Interior.
- c) The Military Intelligence, constituting a part of the Ministry of Defence².

¹ Act No. 154/1994 Coll. on the Security Information Service, as amended.
Act No. 67/1992 Coll. on Military Defence Intelligence.

Act No. 361/2003 Coll., on Service Relationship of the Members of Security Corps, as amended.

² § 16, par. 2 e) of Czech National Council Act No. 2/1969 Coll. regarding the establishment of ministries and other government authorities of the Czech Republic, in the wording of the Act No. 290/2005 Coll.

§ 4

- (1) The intelligence services are headed by Directors.
- (2) The Director of the Security Information Service (BIS) is appointed by the Government, following discussion by the respective Committee of the House of Deputies responsible for security matters. In matters regarding the execution of his/her responsibilities, the BIS Director reports to the Government, which also has the authority to dismiss him/her.
- (3) The Director of the Office for Foreign Relations and Information (ÚZSI) is appointed and dismissed by the Minister of the Interior, subject to Government consent. In matters regarding the execution of his/her responsibilities, the Director of ÚZSI reports to the Minister of the Interior.
- (4) The Director of the Military Intelligence is appointed by the Minister of Defence following discussion by the respective Committee of the House of Deputies responsible for security matters. The appointment is a subject to Government consent. In matters regarding the execution of his/her responsibilities, the Director of the Military Intelligence reports to the Minister of Defence who is also entitled to dismiss him/her with consent of the Government.

§ 5

Purview of Intelligence Services

- (1) The Security Information Service (BIS) secures information on
 - a) schemes and activities directed against the democratic foundations, the sovereignty and territorial integrity of the Czech Republic,
 - b) the intelligence services of foreign powers,
 - c) activities endangering state and official secrets,
 - d) activities the consequences of which may jeopardize the security or major economic interests of the Czech Republic,
 - e) information regarding organized crime and terrorism.
- (2) The Office for Foreign Relations and Information (ÚZSI) secures information of foreign provenance which is important for the security and protection of the foreign political and economic interests of the Czech Republic.
- (3) The Military Intelligence secures information
 - a) of foreign provenance which is important for the security and protection of the Czech Republic
 - b) on the intelligence services of foreign powers in the area of defence

c) on schemes and activities directed against the interests of safeguarding the defence of the Czech Republic,³

d) activities endangering classified information concerning the defence of the Czech Republic.

(4) The intelligence services fulfil further tasks as defined by specific legislation or international treaties by which the Czech Republic is bound.

§ 6

Internal organization of intelligence services

The internal organization of intelligence services and details of their operation are defined by their Statutes. The Statutes of the intelligence services are approved by the Government.

§ 7

Responsibility for the activities of intelligence services and the co-ordination of their operation

Responsibility for the activities of the intelligence services and co-ordination of their operation lies with the Government.

§ 8

Intelligence services reporting duties and tasking

(1) The intelligence services submit reports on their activities to the President of the Republic and the Government once a year and whenever they are requested to do so.

(2) In case they make findings which call for immediate action or attention, the intelligence services inform directly the President of the Republic, the Prime Minister and respective members of the Government.

(3) Information on findings falling within the province of their operation, with the exception of those the disclosure of which would jeopardize a major interest pursued by the respective Service, are passed by the intelligence services to government authorities and police agencies.

(4) The Government and President of the Republic task the intelligence services in keeping with the definition of the services' purview. The President of the Republic tasks the intelligence services with the knowledge of the Government.

(5) In case of the Security Information Service (BIS), the submission of reports and information and the tasking of the Service take place in keeping with par. 1-4 through the intermediation of the Security Information Service Director. The Office for Foreign Relations and Information (ÚZSI) and the Military Intelligence submit reports and information and are tasked through the respective Ministers. As concerns submission of information under pars. 2 and 3, this may take place only with the knowledge of the BIS Director or the respective Minister.

Co-operation of intelligence services

³ § 16, par. 2 of the Czech National council Act No. 2/1969 Coll.

§ 9

The intelligence services mutually co-operate on the basis of agreements concluded with the consent of the Government.

§ 10

Co-operation with the intelligence services of foreign powers may only take place with the consent of the Government.

§ 11

Provision of information to intelligence services

(1) In compliance with the definition of their sphere of purview, the intelligence services may request from public administration bodies necessary assistance and information kept by those bodies in connection with the execution of the tasks of civil service.

(2) In compliance with the definition of their purview intelligence services are authorized in the scope necessary for fulfilling their specific task to request provision of information from Register of Identity Cards ^{3b)}, Register of Traveling Documents ^{3c)}, Register of Motor Vehicles ^{3d)}, Evidence of Toll Data, Register of Drivers ^{3e)}, in a manner which allows for continuous and -if possible technically- also remote access. Public administration agency competent to keep records or a register is obliged to satisfy a request.

^{3b)} Act No. 328/1999 on Identity Cards as amended.

^{3c)} Act No. 329/1999 Coll., on Traveling Documents and on the Alteration of Act No. 283/1991 Coll., on the Police of the Czech Republic as amended (Act on Traveling Documents), as amended.

^{3d)} Act No.56/2001 Coll., on Conditions of the Operation of Vehicles on Highways/Roads and on the Alteration of the Act No. 168/1999 Coll., on Liability Insurance against Damage Caused by the Operation of Motor Vehicles and on the Alteration of some Relevant Acts (Act on Motor Vehicle Liability Insurance) as amended by Act No.307/1999 Coll., as amended.

^{3e)} Act No.361/2000 Coll., on the Operation of Vehicles on Highways/Roads and on the Alterations of some Acts, as amended

§ 11a

Data provision from the Register of Residents information system

(1) To carry out their activities in compliance with this act the Ministry of Interior provide intelligence services with information on inhabitants from the Register of Residents information system^{3f)}, in electronic form allowing access from distance; the resident means natural person according to special act ^{3g)}.

(2) To carry out their activities in compliance with this act, Ministry of Interior provide intelligence services with information on natural persons whom the birth number was allotted to but are not mentioned in par. 1 from the Register of Birth Numbers^{3h)}. If the

technical situation of the Register of Birth Numbers enables the data is provided only in electronic form allowing access from distance in compliance with par. 1).

The information provided in compliance with par. 1) is on:

a) citizens of the Czech Republic³ⁱ⁾

1. name, or names, surname, their change, maiden name,
2. date of birth,
3. sex,
4. place and district of birth, as for the national who was born abroad place and country where he/she was born,
5. birth number
6. nationality, or several nationalities,
7. address of permanent stay, including antecedent places of permanent stay, possible also address where documents are supposed to be delivered in compliance of special regulation,
8. beginning of permanent stay, or date of cancelling information on place of permanent stay or date of termination of permanent state in the territory of the Czech Republic,
9. depriving or limiting competence to perform legal acts,
10. local banishment, place of local banishment and period of duration,
11. birth number of father, mother, or possible other legal representative; in case that one of parents or other legal representative has not the birth number allotted name, or names, surname, their change and date of birth,
12. family status, date and place of entering into marriage, date of legal validity of the judgement about marriage declared invalid, date of legal validity of the judgement about marriage declared non-existing, date of marriage cassation because of death of a spouse, or date of legal validity of the judgement about pronouncing a spouse dead and date on which he/she was certified dead as a day of death, possibly day which he/she did not survive, or date of legal validity of the judgement about divorce of marriage,
13. date and place of entering into registered partnership (hereinafter referred to as partnership), date of legal validity of the judgement about partnership declared invalid or non-existing, date of partnership cassation because of death of a partner, or date of legal validity of the judgement about pronouncing a partner dead and date on which he/she was certified dead as a day of death, possibly day which he/she did not survive, or date of legal validity of the judgement about divorce of partnership,
14. birth number of spouse or partner; in case that the spouse or partner is a natural person who has not the birth number allotted, name, or names, surname and their change, and date of his/her birth,

15. birth number of child, if child is foreigner who has no birth number allotted, name, or names, surname and their change, and date of birth,

16. adopted child,

a) level of adoption, despite this information is registered as blocked information^{3j)} in the Register of Residents information system,

b) former and new name, or names, and surname of child,

c) former and new birth number of child,

d) date and place of birth,

e) birth numbers of adoptive parents, if adoptive parent has not the birth number allotted, name, or names, surname, their change and date of birth,

f) birth number of father and mother, if they have not the birth number allotted, their name, or names, surname and their change; this information is not provided if child born to woman with permanent stay in the Czech Republic who gave birth to a child and in written form asked for concealing her identity in connection with the confinement is concerned,

g) date of legal validity of the judgement about adoption or judgement about cessation of child adoption,

17. date, place and district of death, in case of death outside the Czech Republic territory, date of death and country of territory of which the death occurred,

18. date of legal validity of the judgement about pronouncing a person dead, possibly day which person did not survive,

19. information on providing with information,

b) on foreigners who are inhabitants,

1. name, possibly names, surname, their change, maiden surname,

2. date of birth,

3. sex,

4. place and country where foreigner was born, if foreigner was born on Czech Republic's territory, the place and district of birth are provided,

5. birth number,

6. state citizenship, or more state citizenships,

7. category and validity of permission for stay,

8. number and validity of permission for stay,

9. beginning of stay, possibly date of termination of permission for stay,

10. incapacitation or limitation of legal capacity,

11. administrative expulsion and period for which the entry to the Czech Republic territory is prohibited,

12. family status, date and place of entering into marriage, date of legal validity of the judgement about marriage declared invalid, date of legal validity of the judgement about marriage declared non-existing, date of marriage cassation because of death of a spouse, or date of legal validity of the judgement about pronouncing a spouse dead and date on which he/she was certified dead as a day of death, possibly day which he/she did not survive, or date of legal validity of the judgement about divorce of marriage,

13. date and place of entering into registered partnership (hereinafter referred to as partnership), date of legal validity of the judgement about partnership declared invalid or non-existing, date of partnership cassation because of death of a partner, or date of legal validity of the judgement about pronouncing a partner dead and date on which he/she was certified dead as a day of death, possibly day which he/she did not survive, or date of legal validity of the judgement about divorce of partnership,

14. birth number of spouse or partner; in case that the spouse or partner is a natural person who has not the birth number allotted, name, or names, surname and their change, and date of his/her birth,

15. name, or names, surname and their change, if child is a resident his/her birth number; in case that child has no birth number allotted, name, or names, surname, their change and date of birth,

16. name, or names, surname, their change of father, mother, or other legal representatives, if they are residents, and their birth number; if one parent or other legal representative has no birth number allotted, name, or names, surname, their change and date of birth,

17. on adopted child if he/she is resident,

a) level of adoption, despite this information is registered as blocked information^{3j)} in the Register of Residents information system,

b) former and new name, or names, and surname of child,

c) former and new birth number of child,

d) date and place of birth,

e) birth numbers of adoptive parents, if adoptive parent has not the birth number allotted, name, or names, surname, their change and date of birth of adoptive parent,

f) birth number of father and mother, if they have not the birth number allotted, their name, or names, surname and their change; this information is not provided if child born to woman with permanent stay in the Czech Republic who gave birth to a child and in written form asked for concealing her identity in connection with the confinement is concerned,

g) date of legal validity of the judgement about adoption or judgement about cessation of child adoption,

18. expulsion and period for which the entry to the Czech Republic territory is not allowed,

19. date, place and district of death, in case of death outside the Czech Republic territory, date of death and country of territory of which the death occurred,

20. date of legal validity of the judgement about pronouncing a person dead, possibly day which person did not survive,

21. name, or names, surname, their change,

a) major dependant child of foreigner with permission for stay in the Czech Republic territory,

b) underage foreigner who was by decision of authorised body given for upbringing in a surrogate family to foreigner with permission for permanent stay in the Czech Republic territory or to his/her spouse, or who was adopted by foreigner with permission for permanent stay in the Czech Republic territory or by his/her spouse, or whose guardian or spouse of guardian is foreigner with permission for permanent stay in the Czech Republic territory,

c) lonely foreigner older than 65 years, or with no respect to age who is not capable to take care of himself/herself for health reason, if unifying of family with parent or child with permission for permanent stay in the Czech Republic is regarded,

d) foreigner who is dependant relative by blood in ascending or descending line, or such relative of spouse who is EU citizen.

e) parents of underage foreigner to whom was asylum granted in compliance with special law, and his/her birth number, if they are foreigners with no birth number allotted, name, or names, surname and date of birth.

22. information on providing with information.

(4) The information provided in compliance with par. 2) is on:

a) reason for allotting birth number,

b) determination of location which allotted the birth number,

c) name, or names, surname, or maiden name of birth number holder,

d) birth number,

e) in case of change of the birth number the former birth number, even if it is blocked information^{3j)},

f) reason for birth number change made,

g) date of allotting birth number; regarding birth numbers allotted before this act having entered in force this information is provided only if it can be found in archive materials,

h) date, place and district of birth and in case of birth number holder who was born abroad, state where he/she was born,

i) current birth numbers not allotted.

(5) In concrete cases, only information necessary for fulfilling given task is used from information provided.

^{3f)} Act. No. 133/200 Coll., on Register of Inhabitants and Birth Numbers and on Change of some acts (Act on Register of Inhabitans), as amended.

^{3g)} §1 of the Act. No. 133/2000 Coll. in the wordings of Act. No. 53/2004 Coll.

^{3h)} §13 of the Act. No. 133/2000 Coll. in the wordings of Act. No. 53/2004 Coll.

^{3j)} §4 subsection h) of the Act No. 101/2000 Coll., on Protection of Personal Data and on Change of some acts, as amended.

Intelligence services control and supervision

§12

The activities of the intelligence services are subject to control by the Government and supervision by Parliament. The scope and manner of this control and oversight are defined by specific legislation.

§ 13

The provisions of this Act do not affect the competences of government authorities regarding supervision over the management of State property and observance of the State Budget according to specific legal regulations⁴.

Information on the activities of the intelligence services for the House of Deputies of Czech Parliament

§ 14

The House of Deputies is informed about the activities of the intelligence services by the Government, through the intermediation of its respective body for intelligence services (hereinafter referred to as "respective body").

§ 15

The Government informs the respective body about the activities of the intelligence services once a year and whenever it is requested to do so, as well as each time when information is obtained which is important for the protection of the constitutional order, major economic interests, security and defence of the Czech Republic.

§ 16

⁴ e.g. Act No. 166/1993 Coll., on the Supreme Audit Office, in the wording of Act No. 331/1993 Col., Czech National Council Act No. 576/1990 Coll., regarding the rules of management of the Czech Republic's State and municipal budgets (budgetary rules of the Republic), as amended.

(1) Unless the respective body decides otherwise, its deliberations concerning the activities of the intelligence services may only be attended by its members.

(2) The members of the respective body and other persons attending the deliberations of this body concerning the activities of the intelligence services are under the obligation of reticence about facts which they may learn during the execution of their function or when present at the deliberations of this body concerning the intelligence services.

(3) The members of the respective body and other persons attending the deliberations of this body may be exempted from the obligation of reticence only by a resolution of the House of Deputies.

(4) The provisions of pars. 2 and 3 do not affect regulations on the protection of state secrets⁵.

Special provisions on the Office for Foreign Relations and Information (ÚZSI) and the Military Intelligence Service

§ 17

(1) Member of the Office for Foreign Relations and Information proves his/her being a member of the Office for Foreign Relations and Information (ÚZSI) by showing a service identity card with a registration number and by a verbal statement "Office for Foreign Relations and Information".

(2) When protecting activities the intelligence service carry out in the territory of the Czech Republic, member of the Office for Foreign Relations and Information (ÚZSI) is entitled to hold and carry service fire arm and use it in cases of legitimate self-defence or in distress.

§ 18

(1) Where compelled by the need to fulfil the tasks within their purview, the Office for Foreign Relations and Information (ÚZSI) and the Military Intelligence Service may carry out surveillance of persons and things, employ cover documents, decoy and protection technology in order to protect their operations on the territory of the Czech Republic, and they may make use for this purpose of persons acting in their favour, who must be at least 18 years old.

(2) For the purposes of this Act, cover documents are taken to mean documents and things serving to keep secret the true identity of a person. Not allowed to be used as cover documents are the identification cards of the President of the Republic, member of Parliament (House of Deputies or Senate), member of Government, member of the Supreme Audit Office or the Governor of the Czech National Bank, the service cards of a state prosecutor or judge, diplomatic passports or identification documents of living persons.

(3) Cover documents for use by the Office for Foreign Relations and Information (ÚZSI) are issued by the Ministry of the Interior.

(4) The Office for Foreign Relations and Information (ÚZSI) is entitled to demand technical means to secure surveillance of individuals and things and decoy and protection technology for its own usage from other bodies which are entitled to such activities. In such case ÚZSI is obliged to sustain that usage of surveillance of persons and things and decoy and protection technology was in compliance with this Act.

⁵ Act. No. 102/1997 Coll., on the Protection of State Secrets, as amended.

§ 19

(1) The Office for Foreign Relations and Information (ÚZSI) and the Military Intelligence Service are authorized to record, store and make use of data on natural and legal persons when it is necessary for the fulfilment of the tasks within their purview.

(2) The Office for Foreign Relations and Information (ÚZSI) and the Military Intelligence Service are obliged to secure the protection of data contained in their records against disclosure, abuse, damage, loss and theft.

(3) The Office for Foreign Relations and Information (ÚZSI) and the Military Intelligence Service do not disclose to the natural and legal persons concerned the fact that records are kept on them, nor do they disclose to them the contents of these records.

§ 20

Provisions for the secrecy of activity

Where compelled by the need to keep their activities secret, the intelligence services and their members may use special ways of presenting data for the purposes of national social security and reporting data on their management of resources from the State Budget, including management of foreign currency funds, income tax returns, data on the payment of health and social insurance and contributions to the government employment policy. These special ways of reporting such data are determined by the Government.

§ 21

canceled

§ 22

Effect

This Act assumes legal effect as of July 30, 1994.

Signed by:

Uhde m.p.

Havel m.p.

Lux m.p.