

Act No. 154
of July 7, 1994
on the Security Information Service

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

PART ONE

PREAMBLE - INTRODUCTORY PROVISIONS

§ 1

(1) The Security Information Service of the Czech Republic is being established hereby as an armed intelligence Service of the Czech Republic.

(2) The status and purview of the Security Information Service and its cooperation with other intelligence services of the Czech Republic are defined by other specific legislation.¹⁾

¹⁾ Act No. 153/1994 Coll. on Intelligence Services of the Czech Republic.

PART TWO

**STATUS OF SERVICE MEMBERS, SPECIFIC MEANS OF ACQUIRING
INFORMATION, RECORDS KEPT BY THE SECURITY INFORMATION
SERVICE, AND INDEMNIFICATION**

CHAPTER ONE

STATUS OF SERVICE MEMBERS

§ 2

(1) The tasks of the Security Information Service are executed by members of the Security Information Service (hereinafter referred to as "members"), whose relationship to it is that of employees under a contract of service.

(2) In the execution of their responsibilities, the members are obliged to act in such a way as to avoid prejudicing the respectability and dignity of other persons as well as their own, and to make sure that by their activities they do not cause damage or other unreasonable injury to persons.

§ 3

cancelled

§ 4

The members establish their membership of the Security Information Service by presenting their service card with a registration number, and by oral declaration - by saying the words: "Security Information Service".

§ 5

The members are entitled to hold and carry a service fire-arm and to use it for reasonable defence or in a situation of extreme distress. ²⁾

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²⁾ § 13 and 14 of Act No. 140/1961 Coll. Penal Code, [as amended](#) (full wording No. 65/1994 Coll.).

CHAPTER TWO

SPECIFIC MEANS OF ACQUIRING INFORMATION

§ 6

For the purposes of this Act, specific means of acquiring information are taken to mean intelligence means and use of the services of persons acting in favour of the Security Information Service.

Section one

Intelligence means

§ 7

(1) The Security Information Service is authorized, within the limits of its purview, to use intelligence means which include

- a) intelligence technology,
- b) cover means and cover documents,
- c) surveillance.

(2) The Security Information Service is obliged to secure the protection of intelligence means against their exposure, abuse, damage, destruction, loss and theft.

§ 8

Intelligence technology

(1) For the purposes of this Act, intelligence technology is taken to mean technical - especially electronic, phototechnical, chemical, physical-chemical, radiotechnical, optical and mechanical means and equipment or their sets, used in a covert manner for

- a) detecting, opening, examining and evaluating transported articles,
- b) intercepting and, should the need arise, recording telecommunication, radiocommunication and other similar traffic,

- c) making videorecordings, audiorecordings or other recordings,
 - d) detecting the use of technical means which might prevent or obstruct the fulfilment of tasks within the purview of the Security Information Service,
 - e) identifying persons or things, and potentially their movement as well, with the use of security and decoy technology,
- if it involves infringement upon the basic rights and freedoms of citizens.

(2) Unless involving infringement upon the basic rights and freedoms of citizens, the use of intelligence technology is not taken to include

- a) intercepting, listening to, monitoring and evaluating information which is disseminated in a manner which makes it possible for an indefinite (not predetermined) range of persons to access this information,
- b) making video or audiorecordings,
- c) employing security and decoy technology,
- d) monitoring telecommunication, radiocommunication and other similar traffic without intercepting its contents,

§8a

To the extent needed for fulfilling concrete task, the Security Information Service is entitled to require legal and natural persons securing public communication network or providing publicly accessible electronic communication service to set up and secure interface for connecting terminal telecommunication device for tapping and recording of messages.

§ 9

Use of intelligence technology

(1) The Security Information Services may use intelligence technology when a prior warrant to this effect is issued in writing by the Chairman of the Panel of Judges (hereinafter referred to as "judge") of the respective High Court (depending on the place of residence of the Security Information Service); and provided the exposure or documentation of the activity for which the intelligence technology is to be used would be ineffective, substantially more difficult or, in the given case, impossible through other means.

(2) The use of intelligence technology may not exceed the limits of the judge's warrant, as stipulated in par. 1; and it may not interfere with the rights and freedoms of citizens beyond the absolutely necessary measure.

(3) The Security Information Service may provide, in technical terms, for the use of intelligence technology also to satisfy the needs of other authorized agencies if the latter request it and present a warrant for the use of intelligence technology issued under other specific legislation.³⁾

(4) The Security Information Service has the right to request that technical provisions for the use of intelligence technology for its own needs be made also by other agencies authorized to carry out these activities. In this case, the Security Information Service is obliged to present

evidence that the use of intelligence technology has been warranted in compliance with this Act.⁴⁾

³⁾ § 9 and §10 of the Act No. 289/2005 Coll., on Military Intelligence.

⁴⁾ § 53 of the Act No. 283/1991 Coll., on on Police of the Czech Republic, in wording of the Act No. 265/2001 Coll.

§ 10

Warranting the use of intelligence technology

(1) The warrant for the use of intelligence technology is issued by the judge on the basis of a written request which contains

a) description of the kind of intelligence technology to be used; the period of time for which it is to be used; basic identification data on the target of its use; if applicable - the number of the telephone or other similar station to be used for interception and, if the need arises, for recording; and the place of use of intelligence technology if it is known. Where the target of the use of intelligence technology is to be a holder of public office envisaged by the Constitution, or its use is to involve infringement upon the right to inviolability of the privacy of home, this information must be included in the request,

b) the reasons for the use of intelligence technology, including their justification as stipulated in § 9, par. 1,

c) information about any previous request made for a warrant permitting the use of intelligence technology in relation to the target identified under pt. a), including information as to the ruling issued in connection with that request.

(2) The judge rules on the request for a warrant permitting the use of intelligence technology without delay.

(3) The warrant for the use of intelligence technology includes statement of the kind of intelligence technology that may be used; the period of time for which it may be used; basic identification data on the target of its use; if applicable - the number of the telephone or other similar station to be used for interception and, if the need arises, for recording; and the place of use of intelligence technology if it is known, together with a statement of the reasons for its use and their justification.

(4) The use of intelligence technology may be warranted only for the absolutely necessary period of time, which may in no case exceed three months.

(5) If ruling in favour of permitting the use of intelligence technology, the judge at the same time issues a warrant to this effect which contains the essential identification data and a statement on whether the right to inviolability of the privacy of home may be infringed upon during the use of intelligence technology; this warrant does not include statement of the reasons for (justification of) the decision. .

(6) If the judge rules for the request for a warrant permitting the use of intelligence technology to be rejected, the ruling includes a statement of the reasons for (justification of) the decision.

(7) No remedy of the ruling on granting or rejecting the warrant for the use of intelligence technology is admissible.

§ 11

Supervising the process of use of intelligence technology

- (1) The judge has the authority to request from the Security Information Service information needed for assessing whether the reasons for the use of intelligence technology still persist.
- (2) Should the judge find out that the reasons for the use of intelligence technology have ceased to exist, he/she withdraws the warrant for its use.

§ 12

The Security Information Service informs the judge without delay in writing about the termination of the use of intelligence technology.

§ 13

Cover means and cover documents

- (1) Cover means and cover documents serve to keep secret the true identity of a member or his/her membership of the Security Information Service, or to keep secret the true interests or the targets of the Security Information Service, where such secrecy is necessary for the fulfilment of the tasks of the Security Information Service.
- (2) 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 card of a state prosecutor or judge, diplomatic passport or identification documents of living persons.
- (3) Where compelled by the nature of a cover document, the Security Information Service is authorized to ensure - to a necessary extent - insertion, alteration or removal (physical deletion) of data pertinent to the cover document in question, eventually blocking^{4a)} such data in the records kept in compliance with special legal regulations. Public administration body competent to keeping such records is obliged to cooperate in the execution of such acts.
- (4) Cover documents are issued and cover means are issued, established or their establishment is initiated by the Security Information Service at the decision of its Director.
- (5) The Security Information Service keeps records on the issued and established cover documents and cover means.

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^{4a)} Act No. 101/2000 on the Protection of Personal Data and on the Alteration of some Acts, as amended.

§ 14

Surveillance

The use of surveillance and its documentation are subject to the decision of the Director or the head of an organizational unit designated by the Director for this purpose.

§14a

The Security Information Service has the right to request that technical provisions for the surveillance of persons and things and employing security and decoy technology for its own

needs be made also by other agencies authorized to carry out these activities. In this case, the Security Information Service is obliged to present evidence that the use of surveillance or persons and things and security and decoy technology has been warranted in compliance with this Act.

Section two

Use of the services of persons acting in favour of the Security Information Service

§ 15

(1) In the execution of its tasks, the Security Information Service is authorized to use services provided by persons acting in its favour.

(2) For the purposes of this Act, a person acting in favour of the Security Information Service is taken to mean a natural person not less than 18 years old, who voluntarily and in a covert manner provides the Security Information Service with services in the execution of its tasks.

(3) The Security Information Service is obliged to protect persons acting in its favour against their exposure, against injury to their honour, lives or property which might arise from the provision of these services or in connection with it.

CHAPTER THREE

RECORDS KEPT BY THE SECURITY INFORMATION SERVICE

§ 16

(1) The Security Information Service is authorized to record, store and make use of data on natural and legal persons where it is necessary for the fulfilment of the tasks within its purview.

(2) The Security Information Service is obliged to secure the protection of the data contained in its records against disclosure, abuse, damage, loss and theft.

(3) The Security Information Service does not inform the natural and legal persons of the fact that it keeps records on them, nor does it make the contents of these records known to them.

(4) The Security Information Service may consolidate information and information systems, and may acquire information under the cover of a different purpose or through different activities.

(5) The Security Information Service established and manages an archive of special importance⁵⁾ for permanent storage of information.

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⁵⁾ § 80, par.3 of the Act No. 499/2004 Coll., on Archiving, and Records and on the Alteration of some Acts.

CHAPTER FOUR
INDEMNIFICATION

§ 17

(1) The State bears responsibility for damage caused to a person who has provided assistance to the Security Information Service or its member with their knowledge (hereinafter referred to as "assisting person"). The State may be exempted from this responsibility only if the assisting person has deliberately inflicted this damage upon himself/herself.

(2) Should the assisting person suffer injury to his/her health or loss of life, the extent and level of indemnity are determined in keeping with regulations on compensation for work injuries and occupational diseases of employees.

(3) The State also bears responsibility for damage on things incurred by the assisting person in connection with the provision of this assistance. Real as well as other damage is compensated for, by bringing the damaged things back to their former condition; where this is not well possible or effective, pecuniary compensation is made.

(4) The State also bears responsibility for damage caused by the assisting person in connection with assistance provided to the Security Information Service or its member.

(5) The compensation is made on behalf of the State by the Security Information Service.

PART THREE
SECURITY INFORMATION SERVICE SUPERVISION,
AND THE OBLIGATION OF RETICENCE

§ 18

(1) The activities of the Security Information Service are supervised by the House of Deputies, which sets up a special supervision body (hereinafter referred to as "oversight body") for this purpose.

(2) The supervision body is composed of seven members. Only a member of the House of Deputies may be member of the supervision body.

(3) Unless the law stipulates otherwise, the deliberations of the supervision body and the rights and duties of its members are governed by a special regulation in a reasonable manner.⁶⁾

-- ⁶⁾ Czech National Council Act No. 35/1989 Coll., on Czech National Council's Code of Practise, as amended.

§ 19

(1) The members of the oversight body may enter the facilities of the Security Information Service when accompanied by the Director or a member designated by the Director for this purpose.

(2) The Director submits to the oversight body

- a) the Statutes of the Security Information Service,
- b) the draft budget of the Security Information Service,
- c) written terms of reference for assignments with which the Security Information Service is charged by the Government or the President of the Republic,⁷
- d) background materials necessary for checking compliance with the Security Information Service budget,
- e) internal regulations issued under § 148, par. 2.

(3) The Director submits to the **supervision** body, at its request,

- a) report on the activities of the Security Information Service,⁷⁾
- b) report on the use of intelligence means, but concerning only matters and cases **in which** the Security Information Service has already terminated its activities,

c) number of cases in which the Security Information Service is carrying out its activities with the usage of the intelligence technology,

d) summary information on the focus and number of cases and matters in which the Security Information Service is still active; in this information cases and matters are categorized according to specific legislation. ⁷⁾

(4) The **supervision** body does not have the authority to interfere with the competencies of the executives of the Security Information Service in personnel matters and to substitute for their managerial activities.

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⁷⁾ § 5 and the following of the Act No. 153/1994 Coll.

§ 20

(1) Should the **supervision** body be of the opinion that the activities of the Security Information Service unlawfully curb or damage the rights and freedoms of citizens, it is authorized to request due explanation from the Director.

(2) The **supervision** body is obliged to notify the Director and the Supreme State Prosecutor (Attorney General) of each breach of law by members of the Security Information Service which it identifies during the performance of its function.

§ 21

The legal obligation of reticence imposed on the members of the **supervision** body does not apply to cases when the **supervision** body hands in notifications according to § 20, par. 2. In their notifications the members of the **supervision** body state facts which they learn during the performance of their function only to a degree which is necessary for achieving the purpose of **supervision** under this Act.

PART FOUR
CONTRACT OF SERVICE

§ 22

cancelled

CHAPTER ONE
INCEPTION, CHANGES AND TERMINATION
OF CONTRACT OF SERVICE (ENGAGEMENT)

§ 23

cancelled

§ 24

cancelled

§ 25

cancelled

§ 26

cancelled

§ 27

cancelled

Title left out

§ 28

cancelled

§ 29

cancelled

§ 30

cancelled

§ 31

cancelled

§ 32

cancelled

§ 33

cancelled

§ 34

cancelled

§ 35

cancelled

§ 36

cancelled

§ 37

cancelled

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§ 38

cancelled

§ 39

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Title left out

§ 40

cancelled

§ 41

cancelled

§ 42

cancelled

§ 43

cancelled

§ 44

cancelled

§ 45

cancelled

§ 46

cancelled

CHAPTER TWO
SERVICE DISCIPLINE AND AUTHORITY
IN DISCIPLINARY MATTERS

§ 47

cancelled

§ 48

cancelled

§ 49

cancelled

§ 50

cancelled

Title left out

§ 51

cancelled

§ 52

cancelled

§ 53

cancelled

§ 54

cancelled

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§ 55

cancelled

§ 56

cancelled

§ 58

cancelled

§ 59

cancelled

**CHAPTER THREE
TIME ON DUTY, HOLIDAYS
AND LEAVE OF ABSENCE**

§ 60

cancelled

§ 61

cancelled

§ 62

cancelled

§ 63

cancelled

§ 64

cancelled

§ 65

cancelled

Title left out

§ 66

cancelled

§ 67

cancelled

Title left out

§ 68

cancelled

§ 69

cancelled

§ 70

cancelled

§ 71

cancelled

§ 72

cancelled

§ 73

cancelled

CHAPTER FOUR
MEMBERS' ESSENTIAL REQUIREMENTS,
REIMBURSEMENT OF EXPENSES INCURRED IN CONNECTION
WITH THE EXECUTION OF SERVICE DUTIES

§ 74

cancelled

§ 75

cancelled

CHAPTER FIVE
SAFETY AND HEALTH PROTECTION DURING
THE EXECUTION OF SERVICE DUTIES

§ 76

cancelled

§ 77

cancelled

CHAPTER SIX
CARE FOR MEMBERS

§ 78

cancelled

§ 79

cancelled

§ 80

cancelled

§ 81

cancelled

§ 82

cancelled

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§ 83

cancelled

§ 84

cancelled

§ 85

cancelled

§ 86

cancelled

§ 87

cancelled

§ 88

cancelled

CHAPTER SEVEN

INDEMNIFICATION

Section one

Members' liability for damage caused to the Security Information Service

§ 89

cancelled

§ 90

cancelled

Title left out

§ 91

cancelled

§ 92

cancelled

§ 93

cancelled

Title left out

§ 94

cancelled

§ 95

cancelled

§ 96

cancelled

§ 97

cancelled

§ 98

cancelled

§ 99

cancelled

§ 100

cancelled

Section two

Liability of the Security Information Service for damage caused to members

§ 101

cancelled

Title left out

§ 102

cancelled

§ 103

cancelled

§ 104

cancelled

§ 105

cancelled

§ 106

cancelled

§ 107

cancelled

§ 108

cancelled

§ 109

cancelled

§ 110

cancelled

§ 111

cancelled

§ 112

cancelled

Title left out

§ 113

cancelled

§ 114

cancelled

§ 115

cancelled

CHAPTER EIGHT

ENTITLEMENTS CONNECTED WITH TERMINATION OF CONTRACT OF SERVICE

§ 116

cancelled

§ 117

cancelled

§ 118

cancelled

Title left out

§ 119

cancelled

§ 120

cancelled

§ 121

cancelled

§ 122

cancelled

§ 123

cancelled

§ 124

cancelled

§124a

If service relationship of a member terminates by releasing in time when he/she is prosecuted, pay off, salary settlement and service benefits are not paid until the end of the legitimate decision of the proceeding. Provided that the criminal proceeding is completed by sentencing of member for deliberate crime to unsuspended sentence it is presumed that his/her claim for pay off, salary settlement and service benefit have not arisen. If such sentence is not received the payment of pay off, salary settlement and service benefits are restored and they are paid for the relevant term.

§124b

Payment of pay off, service benefit is stopped in the first day of calendar month after day when service body learns that criminal proceeding is taken against the member of the Service for the crime committed in the course of his/her service relationship. If the member is subsequently legally sentenced for deliberate crime to unsuspended sentence in this proceeding, his/her claim for salary settlement and service benefits ceases to exist to the date of its stopping. If such sentence is not pronounced the payment of payment settlement and service benefit is renewed and they are duly paid for the term they belong to.

§124c

Member of the Service who requested for releasing from service relationship, or member whose service relationship terminated and he/she is granted a claim for payment settlement or service benefit is obligated to inform service body on legal proceeding taken against him for crime committed in the course of his/her service relationship within three days. Provided that reporting duty was not completed and the pay off and payment settlement were paid, the member is obligated to repay the amount from the term he/she was supposed to fulfill this obligation.

CHAPTER NINE

PROVISIONS ON PROCEEDINGS

Section one

General provisions

§ 125

cancelled

§ 126

cancelled

§ 126 a)

cancelled

§ 127

cancelled

§ 128

cancelled

§ 129

cancelled

§ 130

cancelled

§ 131

cancelled

§ 132

cancelled

§ 133

cancelled

Section two

Review of decision

§ 134

cancelled

§ 135

cancelled

§ 136

cancelled

§ 137

cancelled

§ 138

cancelled

§ 139

cancelled

§ 140

cancelled

CHAPTER TEN

COMMON PROVISIONS ON CONTRACT OF SERVICE

§ 141

cancelled

Title left out

§ 142

cancelled

§ 143

cancelled

§ 144

cancelled

§ 145

cancelled

§ 146

cancelled

§ 146 a

cancelled

PART FIVE

AMMENDMENTS TO ACT No. 141/1961 Coll.,

**ON CRIMINAL JUDICIAL PROCEEDINGS (CODE OF CRIMINAL PROCEDURE),
IN THE WORDING OF LATER REGULATIONS**

§ 147

Act No. 141/1961 Coll. on Criminal Judicial Proceedings (Code of Criminal Procedure), in the wording of Act No. 57/1965 Coll., Act No. 58/1969 Coll., Act No. 149/1969 Coll., Act No. 48/1973 Coll., Act No. 29/1978 Coll., Act No. 43/1980 Coll., Act No. 159/1989 Coll., Act No. 178/1990 Coll., Act No. 303/1990 Coll., Act No. 558/1991 Coll., the Czech National Council Act No. 25/1993 Coll., Act No. 115/1993 Coll., and Act No. 292/1993 Coll., is being amended as follows:

In § 12, par. 2, the second sentence, the conjunction "and" is being replaced by a comma, and the words "and bodies of the Security Information Service authorized in proceedings on criminal offences (committed by) Security Information Service members" are being added at the end of the sentence.

PART SIX

EMPOWERING, TRANSITIONAL

AND FINAL PROVISIONS

§ 148

(1) The Government defines by a decree, in which cases and to what extent an assisting person is entitled, apart from entitlement to indemnification under labour legislation regulations, also to one-off extraordinary indemnification; when one-off compensation to which the assisting person's surviving dependants are entitled is increased; and when such compensation may be granted to persons who depended on the assisting person for their upkeep,

(2) The Director defines, by means of an internal regulation, the conditions and manner of the use of specific means of acquiring information, the kinds of records kept and the manner of their keeping.

§ 149

The Security Information Service carries out the training and caters for the improvement of the professional competences of the drivers of its service vehicles, it keeps records on its service vehicles, and approved the adequacy of the technical condition of the vehicles.

§ 150

Till the appointment of Director, the Director's duties are discharged and his/her rights are exercised by the Director of the Security Information Service of the Czech Republic.

§ 151

(1) As of the day of the coming into effect of this Act, but not longer than till the expiration of 15 days thereafter, members of the Security Information Service of the Czech Republic are taken to mean members engaged under a contract of service under this Act (hereinafter referred to as "current members"). For this period of time, they retain the last service position, rank and salary assigned to them.

(2) A current member may, within five days after this Act assumes legal force, deliver to the Director a written notice to the effect that he/she does not seek re-employment (re-engagement under a contract of service) (hereinafter referred to as "notice"). The above deadline may not be remitted. The member's contract of service ceases as of the day when the notice was delivered, but not later than on the last day of the period defined in the first sentence of this paragraph.

(3) Current members who do not deliver the notice or deliver it with delay are assumed to have applied for re-engagement under a contract of service (hereinafter referred to as "applicants"). The Director decides upon the application without delay, but not later than by the end of the deadline defined in paragraph 1.

(4) Applicants who are not re-engaged under a contract of service are entitled only to financial compensation equalling their last gross monthly salary, to be paid within 60 days after this Act assumes legal force.

(5) The procedure described in the above paragraphs is not subject to the provisions of this Act on proceedings.

§ 152

(1) Reference in the legal regulations to the Federal Security Information Service or the Security Information Service of the Czech Republic is taken to mean reference to the Security Information Service.

(2) All the rights and duties of the Security Information Service of the Czech republic pass onto the Security Information Service.

§ 153

On the day when this Act becomes effective, employees under a contract of service who were under a contract of service with the Security Information Service of the Czech Republic on the day when this Act assumed legal effect become employees of the Security Information Service in positions corresponding with their current assignments.

§ 153a

Transitional provision effective as of January 1, 1996

Amount of the allowance to which members will be entitled after December 31, 1996 shall not be lower than the amount of allowance to which a person would be entitled, should the

allowance was awarded in compliance with regulations effective as at December 31, 1995, including increases pertinent to this allowance as at this day only.

§ 154

The Czech National Council Act No. 527/1992 Coll. on the Security Information Service of the Czech Republic, in the wording of Act No. 316/1993 Coll., is being abrogated.

§ 155

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

Signed by:

Uhde m.p.

Havel m.p.

Lux m.p

Chosen provisions of amendments

§29 of Act No. 21/2006 Coll.

Temporary provisions

- 1) The procedure relating to release of member of the Security Information Service from service relationship which have begun before this act enters into effect, the reasons for release are considered according to existing legal regulation.
- 2) The claims relating to releasing member of the Security Information Service from service relationship having arose before this act enters into effect are subject of existing legal regulation.