

SLOVENE INTELLIGENCE AND SECURITY AGENCY ACT

Consolidated version (ZSOVA-UPB2)

(RS Official Gazette No. 81/06)

1. FUNCTIONS AND ORGANIZATION OF THE SLOVENE INTELLIGENCE AND SECURITY AGENCY

Article 1

The Slovene Intelligence and Security Agency (hereinafter: the Agency) shall be an independent governmental service exercising the functions laid down by the present Act.

Article 2

(1) The Agency shall collect and evaluate information, and provide intelligence:

– from abroad relevant for safeguarding the security, political and economic interests of the state;

– on organizations, groups and persons who, through their activities abroad or in connection with foreign entities, constitute or could constitute a threat to the national security and constitutional order.

(2) The Agency shall co-operate with competent state bodies and services in security clearance, and shall provide information relevant to the security of certain persons, posts, bodies, facilities and areas.

(3) The Agency shall discharge its functions on statutory basis and in accordance with the priorities set by the Government on the basis of the national security programme adopted by the National Assembly.

Article 3

In accordance with the law, the Director of the Agency shall determine which information, collected in the discharge of the Agency's duties through covert co-operation and special forms of information collection shall be secret.

Article 4

(1) The Agency shall be headed by a Director (hereinafter: the Director), who shall be accountable to the Government for the work of the Agency.

(2) The Director shall be appointed and discharged by the Government upon the proposal of the Prime Minister.

Article 4a

The Civil Servants Act (The RS Official Gazette Nos. 56/02 and 110/02-ZDT-B) shall not apply for the procedure of selecting the Director of the Agency.

Article 5

(1) The Director shall have a deputy who shall assist him in the management of the Agency and shall perform the duties of the Director in the event of the Director's absence or unavailability.

(2) The Deputy Director shall be accountable for his work to the Director.

Article 6

(1) The Agency shall inform the Prime Minister of its findings and, when the matter concerned is within their prerogatives, also the President of the Republic, the President of the National Assembly and competent ministers.

(2) The Agency shall provide competent ministers and other state administration bodies with its findings in order to enable them to propose or adopt certain measures for the fulfilment of their statutory responsibilities.

(3) The Agency shall produce intelligence and analyses from its area of work for the needs of the National Security Council and of the working bodies of the National Assembly in order to perform tasks within their remit.

2. CO-OPERATION WITH STATE BODIES AND SERVICES

Article 7

The Director shall decide when the Agency, for the discharge of its functions as determined in Article 2(1) and (2) above, may co-operate or exchange information with foreign intelligence and security agencies.

Article 8

(1) State bodies shall furnish data and information to the Agency at its request relevant to the discharge of its functions.

(2) If in the performance of its functions, the Agency establishes that grounds exist for suspicion that a certain person has committed or is committing a criminal offence, or is preparing or organizing a criminal offence subject to public prosecution, it is bound to notify the Director General of the Police and the competent public prosecutor thereof.

(3) If the acts mentioned under the preceding paragraph are criminal offences perpetrated within the Republic of Slovenia Ministry of Defence or the Slovenian Armed Forces, or are perpetrated by military personnel, the Agency is bound to notify the Intelligence and Security Service of the Republic of Slovenia Ministry of Defence thereof.

(4) If the cases under the preceding two paragraphs involve suspicion of a criminal offence against the security of the Republic of Slovenia and its constitutional order, the Director may submit a demand to the competent public prosecutor that the Police temporarily suspends the execution of acts and measures in pre-criminal proceedings when this is in the interest of national security and the lives and health of third persons are thereby not put at risk.

3. AUTHORIZATIONS

Article 9

(1) The civil servants of the Agency who discharge the functions of the Agency as determined under Article 2 above shall be officials of the Agency.

(2) The officials of the Agency shall hold service identity cards issued by the Director in order to identify themselves when on duty in the Republic of Slovenia.

(3) The Government shall determine, upon the proposal of the Director, the corporate graphic image of the Agency and the service identity card form along with the wording of the holder's authorizations.

Article 10

(1) In exercising the functions specified in Article 2 above, the officials of the Agency shall be authorized to collect personal and other data from the records of files administrators in accordance with regulations.

(2) The officials of the Agency may, in cases requiring immediate action and when information cannot be collected in any other way, request that police officers and authorized personnel of other bodies establish the identity of the person concerned in accordance with their competence.

Article 11

The officials of the Agency shall have the right to identify themselves with their service identity card in procedures before judicial and administrative authorities.

Article 11a

(1) The Agency shall have its own security service which shall protect the closed area, facilities and premises of the Agency (hereinafter: the protected area) physically and by means of technical devices.

(2) When performing the duties of protection, the security officer shall be allowed to implement the following measures:

- warn an individual to leave the area, facility or room protected by the security officer if the individual is there for unjustified reasons;

- identify an individual when entering or exiting the protected area, when such a measure is necessary for security of persons and assets protected by the security officer, or if this is required according to the rules relating to the protected area;

- make superficial search of clothes, interior of vehicles and luggage of an individual when entering or exiting the protected area, if such measures are necessary for the security of persons and assets protected by the security officer, and if the individual gives his/her consent;

- prevent an individual from entering or exiting the protected area if the individual does not give his/her consent to the search under the previous subparagraph, if the individual resists the identification, or if there are other reasons for which it is absolutely necessary to prevent the individual from entering or exiting the protected area;

- demand from an individual who jeopardizes the security of people, assets or order in the protected area to cease such an activity and immediately leave the protected area;

- detain an individual who has been caught in committing an offence subject to public prosecution or by private action until the arrival of the police;

- use chains if the individual under the previous subparagraph cannot be detained in any other way;

- use physical force if an individual cannot be prevented from entering or exiting the protected area in any other way, from posing a direct threat to people's lives or assets protected by the security officer, or if the individual cannot be detained in any other way.

(3) The measures under sub-paragraphs 3 and 4 of the previous paragraph shall not be allowed to be used against the police and other state officials when performing their official duties within the protected area.

Article 11b

(1) The use of measures under the previous article must be commensurate with the lawful objective of their use. When the measures are applied, no-one shall be allowed to be tortured or treated in a brutal or humiliating way.

(2) The security officer may take measures in the way defined by this Act and shall act to fulfil his duty with the least damaging consequences possible. If the circumstances allow several measures, the security officer shall first use the one that causes least harm to the individual. The security officer shall immediately stop implementing the measure when the reasons for which it has been taken cease to exist, or if he finds out that he will not be able to fulfil the duty in such a manner.

(3) Restrictions on an individual's movement by preventing him/her from leaving (sub-paragraph 4 of paragraph 2 of Article 11a) or by detaining the individual until the arrival of the police (sub-paragraph 6 of paragraph 2 of Article 11a) shall last no longer than two hours.

Article 11c

(1) When performing the duty of protection, the security officer shall be allowed to carry firing arms in accordance with the law regulating the possession and carrying of arms.

(2) When performing the duty of protection, the security officer shall be allowed to use firing arms only if it is not possible in any other way to:

- protect people's lives,
- ward off an attack on a protected individual or facility,
- ward off a direct unlawful attack by which his life would be threatened.

(3) Before the security officer uses the firing arms, he shall be obliged, when it is allowed by the circumstances, to warn the individual against whom he intends to use the firing arms by calling: "Halt! I will shoot!" and by firing a warning shot.

Article 11d

(1) The security officer that restricts movement of an individual (sub-paragraphs 4 and 6 of paragraph 2 of Article 11a) shall use chains (sub-paragraph 7 of paragraph 2 of Article 11a) or physical force (sub-paragraph 8 of paragraph 2 of Article 11a) or firing arms (paragraph 2 of the previous article) shall be obliged to immediately notify the police station responsible for the area in which the measures /e the firing arms have been used, as well as his superior.

(2) If the individual, after the measures /e firing arms under the previous paragraph have been used, is injured so that medical assistance is required, the security officer shall be obliged to take care that the individual is provided with it and to immediately notify the police station.

(3) The Agency shall be obliged to notify in writing the police station responsible for the area in which the measures have been applied of the application of measures under paragraph 1 of this article no later than within 24 hours.

(4) The written notification under the previous paragraph shall contain the information under paragraphs 3, 4 and 5 of Article 18a of this Act.

Article 11e

The mode in which the measures under this Act shall be implemented by the security officers shall be determined by the Government upon the proposal of the Director of the Agency.

Article 11f

(1) In order to provide for the security of the protected areas and classified information handled in these areas under the provisions of the Act that regulates the handling of classified information, closed circuit television may be installed and applied.

(2) The Agency shall notify in writing the employees that the measure of closed circuit television is implemented. Where possible, the notification of the implementation of the measure shall be clearly displayed within the protected area.

(3) If an individual wishes to see the recordings relating to him/her, his/her claim shall be settled in the way as regulated for personal data privacy.

(4) The mode in which the closed circuit television shall be applied, the procedure of ordering the recording, the handling of recordings and keeping of registers and logbooks of the system as well as the monitoring shall be determined by the Director of the Agency.

Article 11g

(1) The officials of the Agency directly performing the task of covert information collection, the task of handling classified information on the basis of the law and other regulations, the task of designating classified information or performing other tasks relevant to the security of certain persons and facilities for which there is a great risk posed to their security, health or life, as well as the other officials of the Agency who are particularly exposed to danger and threat and are determined as such by the

Director of the Agency shall have the right to carry service arms and ammunition (hereinafter: the arms). The firing arms may be used only under the conditions as defined by the Penal Code in relation to self-defence and extreme emergency.

(2) The mode and terms of the purchase, possession and carrying of the arms of the officials of the Agency shall be determined by the Government.

(3) The officials of the Agency authorized to carry arms shall be especially trained for it. The training programme and the procedure relating to the test in handling, carrying and use of arms shall be determined by the Director of the Agency.

4. COLLECTION, PRIVACY AND PROTECTION OF INFORMATION

Article 12

(1) For the purposes of exercising the functions specified in Article 2(1) and (2) above, the Agency shall collect, process, store and disseminate personal and other data, and keep and use the records pursuant to the regulations on personal data privacy, unless otherwise stipulated by this Act for individual cases.

(2) When the Agency forwards personal data to foreign intelligence and security services in accordance with this Act, it shall obtain in advance the guarantees that in the state to which the data are forwarded the personal data privacy is regulated and that the foreign intelligence and security service will use personal data only for the purposes defined by this Act.

Article 13

(1) The Agency shall collect, evaluate and methodically sort the information under Article 2(1) and (2) above, and shall establish and keep a register thereof.

(2) The information register shall be an arranged, evaluated and systematic collection of documentary material composed of records and case records.

Article 14

(1) As part of the register under the preceding Article, the Agency shall keep the collection of information on persons under systematic operative consideration by the Agency in a certain period of time.

(2) The records on persons under operative consideration by the Agency shall comprise: name and surname, pseudonym, data of birth (day, month, year, place, country), address of permanent and/or

temporary residence, nationality, education, profession, employment, and the reason for being under operative consideration.

(3) The personal data under paragraph 1 of this Article shall be kept and used until the case is concluded and shall be erased from the personal data collection or blocked thereafter.

Article 15

The Director shall, with the approval of the Government, determine the method of keeping, documenting and storing case records from the register.

Article 16

(1) Administrators of personal data files must, upon receipt of a substantiated written request by the Director, furnish to the Agency personal and other data in writing, or allow perusal thereof.

(2) State bodies and organizations with public prerogatives shall furnish personal data free of charge.

Article 17

(1) When the Agency collects personal data and other data under Article 14 of this Act, it shall not be bound to inform the individual to whom the data refers and the individual shall not have the right to have insight in the personal data collection.

(2) The two rights of the individual under the previous paragraph may be limited in the way prescribed in the previous article only if the insight would make the task impossible or difficult to fulfil.

(3) In the case from the preceding paragraph, administrators of personal data may, at the request of the Director, inform the individual to whom the personal data refer only after five years have elapsed from the date of the submission of data to the Agency.

Article 18

After a case has been concluded, it shall be transferred from the register to the Agency's collection of documentary material. By a deadline determined by the Director and the Director of Republic of Slovenia Archives, which shall not exceed one year, the documentary material from the collection shall be sorted and handed over to the Republic of Slovenia Archives.

Article 18a

(1) The Agency shall also keep records of entries of persons into the Agency's facilities and into the area surrounding these facilities as well as of their movement around the facilities, of the persons that have been detained, of the use of physical force and chains, and of the use of firing arms.

(2) The records under the previous article shall comprise the data on the recording made by the closed circuit television (image or voice), personal name, address, number of and data on personal identification document, time of entry into and exit from the protected area, and the reason for the entry into the protected area.

(3) The records of detained persons shall comprise the data on the detained person (personal name, date and place of birth, temporary or permanent residence), the reason for, the time and the place of the detention, the time of the notification sent to the police station and the handing over of the detained person to the police, possible physical injuries, and use of chains.

(4) The records of the use of physical force and chains shall comprise the data on the security officer that used physical force or chains (personal name, date and place of birth), the reason for, the mode, the place and the time of the use of physical force or chains, of the notification sent to the police station, and of possible physical injuries.

(5) The records of the use of firing arms shall comprise the data on the official of the Agency that has used firing arms (personal name, date and place of birth), the reason for, the mode, the place and the time of the use of firing arms, the notification sent to the police station, and possible physical injuries.

(6) The data under paragraph 2 of this article shall be kept for no longer than three months and shall be destroyed after this period of time expires. If there is a suspicion of offence prosecuted ex officio, the data shall be kept no longer than a year and shall be destroyed after this period of time expires.

(7) The data in the records under paragraph 3 of this Article shall be kept for five years after the data on the detention of a person have been entered.

(8) The data in the records under paragraphs 4 and 5 of this Article shall be kept for five years after the use of physical force, chains and firing arms.

(9) After the periods of time under paragraphs 7 and 8 of this Article expire, the Agency shall archive the data in accordance with the law regulating archival materials and archives.

5. COVERT COLLECTING OF INFORMATION

Article 19

(1) The Agency shall also collect information by covert co-operation and special forms of information collection.

(2) The Director shall determine, with the approval of the Government, the conditions and methods of information collection through covert co-operation, as well as procedures and measures for the protection of sources.

Article 20

Under the conditions stipulated by the present Act, the Agency may use the following special forms of information collection in order to discharge its functions:

- monitoring of international communications systems;
- covert purchase of documents and objects;
- covert observation and surveillance in open or public places applying technical means for documenting.

Article 21

(1) Monitoring of international communications systems and covert purchase of documents and objects shall be authorized by the Director in writing.

(2) A warrant for monitoring international communications systems must include: data related to the case to which the special form of information collection refers, the method, scope, and duration.

(3) Monitoring of international communications systems must not relate to a determinable telecommunications connection or to a specific user of such a connection in the territory of the Republic of Slovenia.

(4) A warrant for covert purchase of documents and objects must specify the denomination, contents, quantity and price of the subject of covert purchase.

(5) The approval of covert purchase of documents and objects may only apply to a single covert purchase.

Article 22

(1) Covert observation and surveillance in open or public places using technical means of documentation shall be authorized by the Director in writing if it is very likely that in this way the information under Article 2 above will be collected and provided that this information cannot be collected in any other way, or if collecting in any other way would involve unreasonable difficulties.

(2) The proposal and the warrant must be in writing and must include data on the person to whom the special form of information collection refers,

the scope and duration; the proposal must also include a statement of reasons for the application of the special form.

(3) The approval of covert observation and surveillance in open or public places using technical means of documentation may only apply to a single instance of covert observation and surveillance.

Article 23

The Agency may also, under the conditions stipulated by the present Act, exceptionally collect information by intercepting letters and other means of communication, including telecommunications.

Article 24

(1) At the request of the Director, the interception of letters and other consignments, and the interception of telecommunications in the Republic of Slovenia shall be authorized by a written order issued for each individual case by the President of the Republic of Slovenia Supreme Court, if it is very likely that the security of the state is at risk, which shall be evident from:

- covert activities against the sovereignty, independence, territorial integrity and strategic interests of the Republic of Slovenia;
- covert activities, plans and preparations for carrying out international terrorist operations against the Republic of Slovenia and other acts of violence against a state body and public officials in the Republic of Slovenia and abroad;
- disclosure of information and documents classified in the Republic of Slovenia as state secret to an unauthorized person abroad;
- preparations for armed aggression against the Republic of Slovenia;
- intelligence activities of individuals, organizations and groups to the advantage of foreign states and entities;
- international organized crime activities;

and it is reasonable to expect that in connection with this activity a certain means of telecommunications is being used or will be used, whereby it is reasonable to conclude that information cannot be collected in any other way or that collecting in any other way would endanger people's lives or health.

(2) The proposal and the order must include data on the person to whom the special form of information collecting refers, a statement of reasons for its application, information on the method of its implementation, its scope and duration, the means of telecommunications, and the circumstances dictating the application of the special form of

information collection, and a statement of reasons that information cannot be collected in any other way or that collecting in any other way could endanger people's lives or health.

(3) The application of a special form of information collection under paragraph 1 of this Article may not exceed three months. If reasonable grounds exist, its application may be extended in increments of three months at the most, but not to exceed 24 months in total. Any extension must be approved by the President of the Republic of Slovenia Supreme Court. The application of a special form of information collection under paragraph 1 of this Article shall be terminated immediately upon the cessation of the reasons for which it was ordered. The Director must inform the President of the Republic of Slovenia Supreme Court in writing thereof.

(4) The information acquired through the application of special forms of information collection under paragraph 1 of this Article which is not applicable or does not refer to the reasons for which the special form of information collection was ordered shall be destroyed immediately after having been perused by the President of the Republic of Slovenia Supreme Court. After having been perused by the President of the Republic of Slovenia Supreme Court, the other information shall be kept in the register of the Agency until the case is concluded.

(5) After the case has been concluded, the Director of the Agency shall inform the person to whom the application of the special form of information collection referred of his/her right to get acquainted with the collected material and in case of a large volume of such material with the report comprising a summary of the collected material. If it is reasonable to conclude that the acquaintance with the material will endanger people's lives and health or the national security, the Director of the Agency may decide not to inform the person concerned of the content of the collected material.

Article 24a

(1) In cases and under the conditions stipulated by Article 24 of this Act the surveillance of telecommunications in the Republic of Slovenia may also be authorized by the President of the Republic of Slovenia Supreme Court requiring the call related information.

(2) The call related information shall include a list of all incoming and outgoing calls made on the means of telecommunications, including information on the owners or users of the means of telecommunications by which the telecommunications traffic has been or will be conducted, although it is secret.

(3) Irrespective of the restrictions under paragraph 3 of the previous Article, the acquisition of the call related information may be authorized for no longer than three months.

Article 24b

(1) Operators of telecommunications services and postal service providers must provide the Agency with conditions for the implementation of the judicially-approved special forms of information collection, and operators of telecommunications must also provide conditions for the implementation of special forms of information collection not approved by a court order.

(2) With respect to the surveillance of the telecommunications traffic, operators of telecommunications services shall be, irrespective of the provisions of the Act governing the surveillance of the telecommunications traffic, in addition to the obligations laid down by the Act governing telecommunications, bound:

- upon a written demand of the Director of the Agency, to provide information on the subscriber, although it is secret;
- on the basis of the order issued by the President of the Republic of Slovenia Supreme Court, to provide information (the numbers or identification of the person calling and the person called, the subscriber's address and the type of terminal, the type, date, time and duration of the call and/or the quantity of data transmitted) which refer to the subscriber and user and are necessary for establishing a connection;
- to ensure the appropriate software and a suitable interface in their network for carrying out surveillance of telecommunications traffic in the manner, in the extent and for the duration stipulated in the order of the President of the Republic of Slovenia Supreme Court or the order of the Director of the Agency.

Article 24c

In the event of the President of the Republic of Slovenia Supreme Court being absent, his/her authorities laid down in Articles 24, 24a, and 24b of the present Act shall be exercised by the Vice-president of the Republic of Slovenia Supreme Court.

Article 25

(1) In view of protecting secrecy in the application of special forms of information collection, the Director may authorize the use of official documents with adapted identification data and the use of adapted

identification markings. Such documents and/or markings shall be issued by a competent body at the request of the Director.

(2) The competent body shall keep a record of issued official documents with adapted identification data and a record of issued adapted identification markings.

(3) Upon termination of reasons for which the use of official documents with adapted identification data and the use of adapted identification markings have been authorized, the authority under paragraph 1 of this Article shall annul the official documents with adapted identification data and the adapted identification markings, and the Agency shall store them.

6. LABOUR RELATIONS AND PARTICULARITIES OF HEALTH, PENSION AND DISABILITY INSURANCE

Article 26

(1) General regulations on labour relations, health, pension and disability insurance of civil servants, and on safety and health at work, shall apply to the civil servants of the Agency, unless otherwise stipulated by the present Act.

(2) The employees of the Agency shall be the officials of the Agency and other persons employed by the Agency.

(3) The posts of the officials of the Agency shall be defined in the act on jobs systematization.

Article 27

(1) A contract of employment for the discharge of duties in the Agency can be entered into by a person who, in addition to the conditions laid down in the regulations governing the employment of civil servants, complies with the following conditions:

1. he/she is mentally and physically prepared, according to the provisions of the act on jobs systematization;
2. he/she has not been given a final sentence for a premeditated criminal offence prosecuted ex officio or has not been given a non-suspended sentence of at least three months' imprisonment;
3. he/she is exclusively a citizen of the Republic of Slovenia and has a permanent residence in the Republic of Slovenia;
4. he/she has been security vetted and his/her employment does not constitute a security risk for the Agency.

(2) The Agency may require that a candidate that wishes to enter into an employment contract with the Agency also provides such information on the basis of which the Agency establishes security

reservations with respect to work in the Agency and verifies them.

(3) If there are criminal proceedings going on against the candidate who wishes to enter into an employment contract with the Agency for a criminal offence referred to in point 2 of paragraph 1 of this Article, the decision whether the person complies with the conditions shall be postponed until the final sentence.

(4) The process of information verification (hereinafter: security vetting) shall involve verification of the information laid down in the regulations for issuing permission for access to classified information and the information specified by this Act.

(5) The determining of the person's mental and physical preparedness shall also involve verifying the person's addiction to alcohol or narcotics, which is verified in the health organization determined by the Agency.

(6) When the employees of the Agency are security vetted to be issued permission for access to classified information of the SECRET and TOP SECRET levels, the security vetting shall also be carried out in accordance with the provisions of this Act.

(7) The person who has not consented to security vetting shall be considered as non-complying with the security conditions necessary for entering into an employment contract with the Agency.

Article 27a

A security risk as implied in point 4 of paragraph 1 of the previous Article means that such circumstances have actually been established in the security vetting process which indicate:

- reasonable doubts about the person's reliability with respect to the discharge of duties in the Agency;
- a specific threat to the Agency on account of the attempts to establish contacts and recruitment attempts by foreign intelligence services, particularly extortion-based attempts;
- reasonable doubts about the person's declaration for the free and democratic constitutional system or about his/her willingness to support its maintenance at any time.

Article 28

(1) Employment contract with the Agency may be entered into without prior public announcement or job advertisement.

(2) The Agency is not bound to give to a candidate with whom employment contract will not be entered into the reasons for its decision.

Article 29

(1) The officials of the Agency must perform the duties laid down by the law even if their performance implies greater risk to their safety, health or lives.

(2) In the act on jobs systematization, the Director shall define the posts and duties performed under the working conditions specified in paragraph 1 above and the posts for which mandatory supplementary insurance for officials shall be taken out in accordance with general regulations on pension and disability insurance.

Article 30

Twelve months of actual work performed by the officials of the Agency who perform duties in exposed circumstances at posts at which civil servants operate covertly in structures and environments constituting a security threat, or who handle agents in structures which, through their activity, constitute or could constitute a threat to national security, constitutional order or other state interests, or who operate in special working environments and whose lives and personal integrity are especially at risk during the performance of their duties, shall be counted as sixteen months of insurance.

Article 31

(deleted)

Article 32

(1) For the purpose of uninterrupted performance of the duties of the Agency, an official of the Agency may be seconded to a diplomatic and consular representation or other representation of a legal entity from the Republic of Slovenia abroad or to an agency of an international organization.

(2) Details referring to the duties of an official of the Agency and the duties and obligations derived from the employment contract shall be regulated by an agreement between the Director of the Agency and the head of the state body competent for foreign affairs, the head of the other representation of a legal entity from the Republic of Slovenia abroad or according to the procedure providing for the appointment of representatives of the Republic of Slovenia in international organizations and by an annex to the employment contract.

Article 33

(1) For the purposes of undisturbed performance of the duties, the Director may second a civil servant of

the Agency who does not have the status of an official of the Agency to a post defined as the post of an official of the Agency.

(2) The status of an official of the Agency shall also be given to the civil servants of the Agency who are by virtue of their skills or Agency's needs additionally assigned by a deed of the Director to perform duties in the posts of an official of the Agency for the period in which they actually perform such duties.

(3) During the temporary assignment as is mentioned in the previous two paragraphs, the civil servant of the Agency shall have the authorizations granted for the performance of duties in the post of an official of the Agency.

Article 34

(1) Pursuant to an order by the Director or by a person authorized by him, the officials of the Agency must work under special working conditions when this is necessary for the performance of the functions provided by the law.

(2) Special working conditions shall encompass the following:

- irregular working hours;
- shift work;
- work on Saturdays, Sundays, holidays, and other work-free days;
- overtime work;
- work in the afternoon and at night;
- extended working hours;
- taking of leave and its suspension with respect to Agency's needs.

(3) Irregular working hours or shift work shall include the discharge of work obligations on Saturdays, Sundays, holidays and other work-free days, and work in the afternoon and at night within the framework of a specified regular monthly or annual work obligation.

(4) The posts at which work is carried out in accordance with the previous paragraph shall be determined by the act on internal organization and jobs systematization.

(5) Other forms of work under special working conditions shall be ordered if so required by work obligations or if certain duties that cannot be postponed or must be performed by a certain deadline can only be performed in this way.

Article 35

The conditions for functioning of a trade union may be determined by a contract concluded by the Director and the union representative.

Article 36

(1) During a strike the officials of the Agency are bound to perform the duties defined in Article 2(1) and (2) above.

(2) Other civil servants of the Agency shall exercise their right to strike under the conditions provided by the law applicable to civil servants, enabling the officials of the Agency to perform those urgent duties the omission of which could represent an immediate or direct threat to national security.

Article 37

(1) The civil servants of the Agency shall not engage in any job or work that could hinder them in discharging their duties or that could harm the reputation of the Agency or is incompatible with the nature of the Agency's business.

(2) An official of the Agency must notify the Director of any engagement in profitable activity, even though the activity concerned has pedagogical, artistic, publicistic and/or cultural character. The non-compliance with the aforementioned obligation shall be considered as a serious breach of the work duties.

(3) It is the Director who shall decide which jobs and work the civil servants of the Agency may not engage in.

Article 38

The Agency shall take out insurance for the officials of the Agency against accidents at work resulting in death or permanent loss of general capacity to work.

Article 39

In order to evaluate working conditions, special prohibitions, and restrictions under the provisions of the present Act, the percentage of increase in the civil servants' basic salary shall be determined by the Government.

Article 40

(1) After the initial five years, the official of the Agency shall be entitled to an increase of a 0.5% of the basic salary for each commenced subsequent year of service in the Agency.

(2) The period served with the status of a specially authorized official under the Internal Affairs Act shall also be counted into the years of service.

6.A EDUCATION, ADVANCED STUDIES AND TRAINING

Article 40a

(1) The Agency shall provide for the planning and implementation of education, advanced studying and training for its own needs.

(2) Education shall be conducted according to the publicly valid education programmes for higher professional and high education and according to the programmes for vocational studying and training and specialization.

(3) With respect to education of its employees, the Agency can co-operate with a high education institution according to the valid studying programmes, and its employees can participate in the educational, pedagogical and scientific research processes.

Article 40b

(1) A civil servant in the Agency who has entered into an employment contract with the Agency for the discharge of functions and duties as an official of the Agency must pass an exam in order to perform the duties and responsibilities of an official of the Agency within the time limit as defined in the act on jobs systemization.

(2) Details of the programme and the administering of the exam under the previous paragraph shall be decided by the Director of the Agency.

(3) The employment of the civil servant in the Agency who has failed in the exam under paragraph 1 of this Article twice shall terminate.

6.B AWARDS

Article 40c

(1) Officials of the Agency shall be given awards in order to enhance their motivation and stimulation in discharging the duties of the Agency, to strengthen their allegiance to the Agency and to reward them for their outstanding work achievements with praise and recognition.

(2) The types of awards and the method of giving awards shall be decided by the Director of the Agency.

7. DISCIPLINARY ACCOUNTABILITY AND LIABILITY FOR DAMAGES

Article 41

Disciplinary procedures and procedures for damages against the employees of the Agency shall be subject to the act applicable to civil servants.

Article 42

An official of the Agency who has been temporarily suspended from work or from his/her post in the Agency shall be deprived of his/her service identity card and the issued service arms for the duration of his/her suspension.

Article 43

The public shall be excluded from disciplinary procedures against an official of the Agency related to the work of the Agency.

Article 44

(1) In the first instance, a disciplinary procedure shall be conducted and the employee's disciplinary accountability decided upon by the Director or a representative authorized by him.

(2) An employee of the Agency shall have the right to lodge a complaint against the decision from the paragraph 1 with the Government Disciplinary Commission within eight days of the writ being served.

8. SPECIAL PROVISIONS ON THE FINANCIAL AND MATERIAL MATTERS OF THE AGENCY

Article 45

In financial and material dealings of the Agency with third parties, the Agency shall use the name determined by the Government at the proposal by the Agency.

Article 45a

(1) Financial awards which the Agency pays with respect to covert collection of information for compensating the costs and paying rewards (hereinafter: special funds) shall not be subject to taxes and contributions to the social security system or other contributions as laid down in the respective regulations. The received financial or material means shall not be included in the calculation of the taxable base or pensionable base.

(2) Within its budget, the financial plan of the Agency shall provide for earmarked funds as the Agency's special funds. The records of payments are maintained separately, according to the rules regulating individual areas.

(3) The method of managing special funds shall be decided by the Director of the Agency.

Article 46

The regulations applicable to the Republic of Slovenia Ministry of the Interior and Ministry of Defence in the fields of customs, tax and other duties, defence matters, telecommunications, communication systems, postal services, the purchase of special equipment, budget implementation and other fields shall apply also to the Agency.

Article 47

The regulations prescribing public procurement obligations shall not apply to the purchase of special operative technical devices and facilities required by the Agency for the execution of its duties.

Article 48

The Agency shall keep the records of its financial and material dealings in accordance with the regulations applicable to financial affairs of state bodies.

9. TRANSITIONAL AND FINAL PROVISIONS

Article 49

(1) Until the adoption of a law which will regulate the parliamentary supervision of the work of the bodies responsible for intelligence and security activities, the Agency must enable the working body of the National Assembly responsible for the supervision of the work of security and intelligence services (hereinafter: Supervisory Commission) to exercise continuous supervision.

(2) The Agency shall present to the Supervisory Commission its programme of work for the current year in January, and a report on the work performed during the previous year by the end of February.

(3) The Agency shall report to the Supervisory Commission on the implementation of its planned activities on a monthly basis or, if necessary, more frequently; a report may also be requested by the Supervisory Commission at any time.

(4) With respect to the special forms of information collecting under Articles 20 and 23 above, the Agency must, at the request of the Supervisory Commission, permit the latter to inspect the documentation and technical devices and facilities being used.

(5) A member of the Supervisory Commission must protect the confidential information he/she accessed through his/her work in the Supervisory Commission or in connection with the work thereof. The liability to protect confidential information shall not cease with the termination of his/her membership in the Supervisory Commission or his/her term of office.

Article 50

Until the adoption of regulations which will govern the status of civil servants, the provisions of Article 136 of the Internal Affairs Act (Official Gazette of the SRS Nos. 28/80, 38/88, 27/89; Official Gazette of the RS Nos. 19/91, 4/92, 58/93 and 87/97) shall apply to the employees of the Agency.

Article 51

With the entry into force of the present Act, Article 30 of the Government of the Republic of Slovenia Act (Official Gazette of the RS Nos. 4/93, 71/94, 93/96 and 47/97) shall cease to apply.

Article 52

Until the adoption of a law which will regulate the classification and protection of confidential information in state bodies, the information obtained by the Agency in the performance of its duties through covert co-operation and special forms of information collection shall be a state secret.

Article 53

Until the adoption of the national security programme, the Agency shall discharge its functions on the basis of the priorities set by the Government.

Article 54

The Slovene Intelligence and Security Agency shall adjust its functioning to the provisions of the present Act within one year after its entry into force at the latest.

Article 55

The material from the archives of the former State Security Service shall be handed over to the Republic of Slovenia Archives no later than one year after the entry into force of the present Act.

Article 56

The present Act shall enter into force on the 15th day after its publication in the Official Gazette of the Republic of Slovenia.

**TRANSITIONAL AND FINAL PROVISIONS OF THE 2
JANUARY 2004 ACT AMENDING THE SOVA ACT**

Article 25

The provision of Article 11e of this Act shall be adopted by the Government of the Republic of Slovenia no later than within six months after this Act has come into effect.

Article 26

The present Act shall come into effect on the fifteenth day after its publication in the Official Gazette of the Republic of Slovenia.

**TRANSITIONAL AND FINAL PROVISIONS OF THE 31
MAY 2006 ACT AMENDING THE SOVA ACT**

Article 5

The application of special forms of information collection from Articles 24, 24a and 24b of the Slovene Intelligence Act (the RS Official Gazette No. 20/04 – consolidated version No. 54/04 – ZDoh-1), which is on the day of putting the present Act into force carried out on the basis of a written order issued by the President of the District Court with jurisdiction in the area where the Agency's headquarters is based, shall terminate pursuant to the Slovene Intelligence and Security Agency Act (the RS Official Gazette No. 20/04 – consolidated version and No. 54/04 – ZDoh-1).

Possible extension of the application of special forms of information collection from the previous paragraph shall be approved in accordance with the present Act.

All matters, records and files kept by the competent court related to the application of special forms of information collection approved with the order issued by the President of the District Court shall be transferred to the Republic of Slovenia Supreme Court.

Article 6

The present Act shall come into effect on the fifteenth day after its publication in the Official Gazette of the Republic of Slovenia.