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POLICE TASKS AND POWERS ACT

(ZNPPol)

(Unofficial consolidated version No. 1)

I. INTRODUCTORY PROVISIONS

Article 1

(Contents of the Act)

(1) This Act regulates the tasks and powers of the police.

(2) The police shall perform their tasks and exercise their powers according to the provisions of this Act, in order to ensure basic police duties, which include the provision of security for individual people and the community, respect of human rights and fundamental freedoms and enhancement of the rule of law.

(3) The police shall perform their tasks and exercise their powers for the purpose of preventing and eliminating risks that threaten the benefits referred to in the preceding paragraph.

(4) In performing their tasks and exercising their powers under the provisions of other laws, the police shall apply the provisions of this Act unless otherwise provided by other laws. In collecting evidence, the police shall act pursuant to the provisions of this Act unless other laws lay down rules as to the collection of evidence.

Article 2

(Transposition of European Union regulations)

Pursuant to Chapters 2 (except Article 7), 3, 4 and 5 of Council Decision 2008/615/JHA of 23 June 2008 on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime (OJ L 210, 6.8.2008, p. 1; hereinafter: Council Decision 2008/615/JHA), Chapters 2, 3, 4, 5, and 6 of Council Decision 2008/616/JHA of 23 June 2008 on the implementation of Decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime (OJ L 210, 6.8.2008, p. 12; hereinafter: Council Decision 2008/616/JHA) and Council Decision 2008/617/JHA of 23 June 2008 on the improvement of cooperation between the special intervention units of the Member States of the European Union in crisis situations (OJ L 210, 6.8.2008, p. 73; hereinafter: Council Decision 2008/617/JHA), Council Decision 2008/633/JHA of 23 June 2008 concerning access for consultation of the Visa Information System (VIS) by designated authorities of Member States and by Europol for the purposes of the prevention, detection and investigation of terrorist offences and of other serious criminal offences (OJ L 218, 13. 8. 2008, p. 129; hereinafter: Council Decision 2008/633/JHA) and Council Framework Decision 2008/977/JHA of 27 November 2008 on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters (OJ L 350/60, 30.12.2008, p. 60) this Act defines:

- the competent authorities for implementing Council Decision 2008/615/JHA, Council Decision 2008/616/JHA and Council Decision 2008/617/JHA;
- national contact points for various forms of police cooperation with other Member States in preventing criminal offences, maintaining and securing public order and security in connection with public meetings, natural and other disasters and crisis situations, and the authority to designate national contact points for automated search and comparison of data and exchange of information for the purpose of securing public order at major events and mass gatherings with cross-border impact, and for taking measures to prevent terrorist offences.

Article 3 (Definitions)

For the purposes of this Act:

1. 'police task' shall mean any task prescribed by the present or any other act and performed through the exercise of police powers or any other official action;
2. 'police power' shall mean any statutory measure which enables police officers to perform their tasks and by way of which human rights or fundamental freedoms or any other rights are, as a rule, encroached upon;
3. 'risk' shall mean any possibility of the occurrence of damage or threat to assets protected through the performance of a police task;
4. 'high risk' shall mean any risk affecting significant assets, such as human life, health, freedom or high property value;
5. 'probability' shall be deemed to exist when the prospects of the occurrence of a risk or the resulting damage are higher than the prospects of their non-occurrence;
6. 'high probability' shall be deemed to exist when the prospects of the occurrence of a risk or the resulting damage are substantially higher than the prospects of their non-occurrence;
7. 'officer-in-charge' shall mean a police officer who is in charge of one or several police officers while performing police tasks or an officer who has been assigned to be in charge of a specific police task;
8. 'order to a police officer' shall mean a verbal or written request made by the officer-in-charge to a police officer in connection with the implementation of a police task, a police power or an official act;
9. 'warrant' shall mean a verbal or written request made by a competent authority in connection with the execution of a specific police task;
10. 'resistance' shall mean any unlawful conduct of a person that impedes police officers in executing a lawful police task or prevents them from doing so;
11. 'passive resistance' shall mean resistance by a person who disregards a police officer's lawful order or who, through unlawful conduct, impedes police officers in performing a lawful police task or prevents them from doing so by sitting or lying down, turning away or by behaving in a similar manner;
12. 'active resistance' shall mean resistance through the use of weapons, dangerous implements, other objects or substances, animals or physical force, whereby a person who offers resistance intends to prevent police officers from executing a lawful police task; incitement to resist, flight of a person and endangerment shall also be considered active resistance; endangerment means that a person, through his posture, gestures or conduct, indicates that he will attack a police officer or other person or building protected by a police officer;
13. 'assault' shall mean any unlawful direct activity of a person using physical force, an animal, a weapon, an implement or any other object or substance with the aim of injuring or taking the life of a police officer or other person or endangering their personal safety or the security of a building protected by a police officer;

14. 'dangerous object' shall mean any object which is suitable for attempting an assault or inflicting self-injury or seriously endangering public order or the general safety of people or property;
15. 'data' shall mean any personal, classified or other information containing a fact suitable for interpretation, inference or processing;
16. 'protected police data' are any personal or other data being processed that are not classified and the disclosure of which to unauthorised persons could cause damage to a public authority, the course of official procedures or natural persons or legal entities; therefore, their processing shall be subject to certain security measures and procedures;
17. 'security clearance of persons' shall mean the establishment of potential security restrictions in respect of access to a protected person or work with a protected person, work in a protected building, premises or their environs or in a particular job, or access to them, or in other cases provided by law;
18. 'accreditation procedure' shall mean a restricted security clearance to establish the justification for entering certain premises where special security measures to protect particular protected persons are being carried out; accreditation procedure shall include the filling out of a special questionnaire containing personal data of the person being cleared, the purpose of entry into and staying in the premises of special importance and other essential data facilitating successful and effective protection of particular persons and buildings;
19. 'suspicion of security restriction' is a term used in this Act with the same meaning as in the law regulating classified information.

II. POLICE TASKS

(Performing police tasks)

Article 4 (Police tasks)

(1) The tasks of the police that derive from their basic duties shall be:

- to protect people's lives, personal safety and property;
- to prevent, detect and investigate criminal and minor offences, to detect and apprehend perpetrators of criminal and minor offences and other wanted or missing persons and to hand them over to the competent authorities, as well as to collect evidence and investigate circumstances that are important for the identifying of material gain from the proceeds of criminal and minor offences;
- to maintain public order;
- to supervise and direct traffic on public roads and on unclassified roads currently in use for traffic;
- to conduct state border control;
- to perform tasks in connection with the movement and residence of foreigners;
- to protect particular persons, premises, buildings and the environs of such buildings and, unless otherwise provided by law, to protect particular jobs and classified information of public authorities;
- to perform tasks in the event of natural and other disasters;
- to carry out other tasks set out in this Act and other regulations according to the law.

(2) In carrying out their tasks, the police shall cooperate with individual people and the community, and perform preventive activities.

Article 5 (Legal basis for carrying out a police task)

(1) Police officers shall carry out police tasks or exercise police powers:

- *ex officio*;
- under the order of the officer-in-charge;
- under the warrant of a court, state prosecutor or any other body duly authorised under a specific law.

(2) An order and warrant given to a police officer for the purpose of carrying out a police task shall be based on the relevant law and be comprehensible and specified.

(3) Police officers shall refuse to implement an order or a warrant where it is obvious that its implementation would involve criminal conduct. Police officers shall notify forthwith the internal organisational unit of the police responsible for internal security or any other competent state authority of their refusal. Police officers who refuse the implementation of such an order or a warrant may not be subject to any punishment.

Article 6 (Forms of performing police tasks)

Police officers shall perform police tasks in particular through:

- surveillance;
- patrolling;
- intervention;
- ambush;
- intensified control and
- security operations.

Article 7 (Tactical consideration)

In performing police tasks, police officers shall consider which decisions, police powers or official action to implement for effective prevention and elimination of a risk in view of the facts and circumstances with which they were acquainted while considering the aforementioned.

Article 8 (Police procedure)

(1) Police procedure shall be any action implemented by police officers for the purpose of performing police tasks.

(2) Any natural person, legal entity or public authority subject to police procedure or any person who is present at the location of a police procedure shall comply with decisions, orders, instructions or requests of police officers that are required for the provision of safety and smooth implementation of the police procedure.

Article 9 (Restrictions in the event of high probability of serious breaches of public order)

(1) In the event of a high probability of serious breaches of public order, the Government of the Republic of Slovenia (hereinafter: the Government) may upon the

proposal of the minister responsible for internal affairs (hereinafter: the Minister) charge the police with issuing an order for

- restriction or prohibition of movement in particular areas, particular locations or in public places, or
- prohibition of taking residence in or leaving a specific location.

(2) The measure referred to in the preceding paragraph shall not be in force more than seven days. The police shall cease to implement the measure as soon as the reasons for which it was ordered cease.

(3) The order referred to in paragraph one of this Article shall be final. Action lodged against the order with the Administrative Court of the Republic of Slovenia, which adjudicates on it as a matter of priority, shall be admissible. The Supreme Court of the Republic of Slovenia shall adjudicate on any appeal against the judgment of the Administrative Court of the Republic of Slovenia as a matter of priority.

Article 10 (General police clause)

(1) Within the framework of regulations, and even without subject matter jurisdiction defined in this or other acts, the police shall do everything necessary to avert any danger threatening a community or an individual or prevent actions that threaten security or public order.

(2) In taking action, the police may make use of powers under this or other acts that in view of the circumstances they deem appropriate and through which they prevent, eliminate or reduce the effects of any danger or actions referred to in the preceding paragraph in the least intrusive manner possible.

(3) The actions taken by the police under paragraph one of this Article shall be decided on by the Government of the Republic of Slovenia on the proposal of the Minister.

(4) Natural persons, legal entities and public authorities shall, together with persons trained to operate them, make available to the police the technical means necessary for the performance of the tasks referred to in paragraph one of this Article.

(5) The costs incurred by the use of technical means and equipment referred to in the preceding paragraph shall be budget costs.

(6) An action may be brought against the measures under paragraph two of this Article with the Administrative Court of the Republic of Slovenia that shall hear the case in priority proceedings. An appeal against a judgement by the Administrative Court of the Republic of Slovenia shall be decided by the Supreme Court of the Republic of Slovenia, in a priority proceedings.

Article 11 (Criminological acquisition and evaluation of information)

(1) Criminological acquisition and evaluation of information shall be a process of collecting, evaluating and analyzing personal and other data on criminal activities of natural persons and legal entities and criminal organisations that facilitate the decision-making and planning related to police tasks aimed at prevention, detection and investigation of criminal offences, the perpetrator of which is prosecuted *ex officio*.

(2) In acquiring data referred to in the preceding paragraph, the police shall cooperate with persons who voluntarily provide the police with operational information about criminal offences, their perpetrators and other activities suggesting elements of criminal offences.

(3) Criminological acquisition and evaluation of information may not incite criminal activities.

(4) The police shall ensure persons referred to in paragraph two of this Article safety and anonymity if this is in their interest and in accordance with the provision of Article 118 of this Act.

(5) The method of criminological acquisition and evaluation of information and cooperation with persons shall be determined by the Director General of the Police through an internal act.

Article 12 (Police assistance)

(1) The police shall provide assistance to state authorities and self-governing local communities, while holders of powers conferred by public law shall be provided with the same assistance only when they exercise the aforementioned powers pursuant to statutory tasks and competences (hereinafter: parties entitled) and if, while performing their tasks, they encounter resistance or threats or have reasonable grounds to expect such occurrences.

(2) The police shall provide assistance referred to in the preceding paragraph on the basis of a written request of the party entitled. The party entitled shall send the request to the competent police station at least seven days before the tasks are to be performed. The request shall state the reasons for requiring the provision of assistance by the police and the legal basis for the performance of tasks and competences within the framework of which resistance or threats have occurred or the party entitled has reasonable grounds to expect such occurrences.

(3) Notwithstanding the provision of the preceding paragraph, the assistance may be provided forthwith on the basis of a verbal request if a written request cannot be filed in due time. A police officer shall document the request for assistance in writing, while the party entitled shall communicate a written request no later than within 24 hours of the submission of a verbal request.

(4) Before the party entitled begins performing relevant tasks, the police shall warn the persons present at the scene that they will use police powers against them if they obstruct the performance of the tasks by the party entitled.

(5) Police officers themselves may not take up actions which exclusively fall within the competence of the party entitled.

(6) When police officers, while providing assistance, anticipate resistance or threats by a larger number of persons, they may, until the task has been completed by the party entitled, restrict movement in a particular area or a particular building.

(7) The police may remove persons who obstruct or attempt to obstruct the performance of tasks by the party entitled or who threaten people's lives, and/or they may take measures pursuant to the law.

General principles for performing police tasks

Article 13

(Principle of respect of human personality and dignity and other human rights and fundamental freedoms)

(1) In performing police tasks, police officers shall respect and protect the right to life, human personality and dignity and other human rights and fundamental freedoms.

(2) Police officers shall be particularly considerate in treating victims and persons who need additional attention, assistance and care, such as children, minors, the elderly, persons with disabilities, pregnant women and victims of domestic abuse.

(3) Police officers may never cause, incite or permit torture or other cruel, inhuman or degrading treatment or punishment.

(4) Police officers shall exercise police powers in a manner which does not threaten the life of people who are not subject to a police procedure or impose unnecessary obligations on such people.

Article 14

(Principle of equal treatment)

In performing police tasks, police officers shall ensure every person the same protection of his rights. They may not discriminate against anyone on the basis of nationality, race, colour of skin, gender, language, religion, sexual orientation, political or any other conviction, property status, birth, genetic heritage, education, social position, disability or any other personal circumstance.

Article 15

(Principle of legality)

In performing police tasks, police officers may exercise police powers pursuant to the law, within the scope specified by the law and in a manner defined by the law or implementing regulations adopted on the basis of and pursuant to the law.

Article 16

(Principle of proportionality)

(1) When various police powers may be employed for the effective performance of a police task, police officers shall employ only those powers whereby the police task can be carried out with the least damaging consequences.

(2) Police officers may employ harsher police powers only in the event that the exercising of more lenient police powers has been ineffective or would be impossible owing to the circumstances and the provision of safety of life, personal safety or protection of property.

(3) Police officers shall immediately cease exercising police powers when the reasons for exercising them cease to exist.

Article 17

(Principle of professional competence and integrity)

In performing police tasks, police officers shall observe the code of professional conduct and strengthen police integrity.

Article 18
(General provisions on performance of police tasks
in respect of children and minors)

(1) Children and minors are persons who are defined as such by the law governing criminal liability of minors.

(2) During procedures in connection with children and minors, police officers shall consider their age, the level of their physical and mental development, their sensitivity and other potential characteristics that can be observed.

(3) While exercising police powers in respect of a child, police officers shall accordingly notify the parents or guardian when so required by the best interests of the child, and do so always when instruments of restraint have been used against the child in question. While exercising police powers in respect of a minor, police officers shall acquaint him with the parents' and guardian's right to be informed; when instruments of restraint have been used or the minor was brought in to police premises or detention was ordered against a minor, they shall always inform the parents or guardian accordingly. In informing parents, police officers shall inform either parent, whereas in the event that the parents do not live together, they shall inform the parent with whom the child or minor lives. If the latter is not available, the police shall inform the other parent. When informing the parents or guardian is contrary to the best interests of a child or minor, police officers shall notify the competent social work centre instead.

(4) When in view of the circumstances police officers consider that the competent social work centre should also be informed about the exercising of police powers, they shall do so accordingly.

Article 19
(Communication in performing police tasks)

With regard to linguistic communication during the performance of police tasks, police officers shall observe the regulations on the Slovenian language as the official language and on the use of Italian and Hungarian as the official languages in the areas of municipalities where the autochthonous Italian or Hungarian national communities live. In verbal communication with people who do not speak Slovenian, police officers may also use another language understood by the person in question or an interpreter. Deaf persons shall be entitled to an interpreter according to the law regulating the use of Slovenian sign language.

Carrying instruments of restraint

Article 20
(Carrying instruments of restraint)

Police officers shall have the right and duty to carry weapons, ammunition and other instruments of restraint in accordance with the implementing regulation issued by the Minister.

Performing police tasks in uniform and plain clothes

Article 21

(Performing police tasks in uniform and plain clothes)

(1) Police officers shall perform police tasks in uniform or in plain clothes.

(2) When police officers perform their tasks in plain clothes, they must prove their identity with their service ID card before initiating a police procedure. If circumstances do not allow them to do so they must verbally introduce themselves as police officers. As soon as reasonably possible they shall prove their identity by producing their service ID card.

(3) Police officers shall at the scene and at the request of a person against whom they have used police powers, as a rule, tell the person in question their name and surname and the police unit of their assignment; exceptionally and in view of the circumstances, they may introduce themselves by only producing their ID number when they consider that by introducing themselves with their name and surname they could put themselves at risk.

(4) Police officers shall introduce themselves in a manner enabling the person in question to remember or write down the identification data.

(5) Upon introduction, police officers shall explain to the person subject to a procedure the relevant police power or the task they are executing, save where this could threaten its execution or make it more difficult.

Article 22

(Use of balaclava helmet)

(1) When during the performance of police tasks the security of a police officer requires his identity to be concealed, he may exceptionally use a face-concealing balaclava. In such case, the police officer in question does not need to introduce himself in accordance with the provisions of the preceding article.

(2) The use of a balaclava shall be decided on by the Director General of the Police, director of a police directorate or a person authorised accordingly by the Director General of the Police or director of a police directorate.

Article 23

(Modified identity)

(1) In order to ensure the safety of persons carrying out covert investigative measures and to secure the execution of a police task in accordance with the Act governing the criminal procedure, the Director General of the Police may, as a preliminary measure, order the identity of police officers to be modified or fabricated or the ownership of police assets to be modified. The following definitions shall apply:

– a modified identity shall involve a change in data of a person, a change in his details in data bases, and the manufacture of modified documents;

– a fabricated identity shall involve the acquisition and mastering of specific skills and knowledge for a specific environment, and the training of police officers to assume specific profiles;

– modified ownership of assets shall involve a change in identification marks or a change in data on the ownership of assets.

(2) Modified identities, fabricated identities and modified ownership shall be created prior to the issuance of the order authorising covert investigative measures pursuant to the act governing the criminal procedure. Such identities may not be designed for the investigation of a concrete criminal offence. A modified identity coupled with modified ownership of assets may only be used for the manufacturing of a fabricated identity. In order to fabricate an identity, the production of a modified identity and modified ownership of assets may be ordered for the purposes of legal transactions. The police shall ensure the traceability of the use of modified identities, fabricated identities and modified ownership.

(3) Under the provisions of this Article, modified identities, fabricated identities and modified ownership may be used for one year following their design and may be repeatedly renewed for one year. Such renewals shall be approved by the Director General of the Police on the proposal of a reasoned motion by the competent police unit. The police shall send a written notification to the Head of the Specialized Office of the State Prosecutor of the Republic of Slovenia or the State Prosecutor duly authorised by him of the creation, renewal or termination of a modified identity, fabricated identity or modified ownership of assets.

(4) The Head of the Specialized Office of the State Prosecutor of the Republic of Slovenia or the State Prosecutor duly authorised by him shall supervise the use of modified identities, fabricated identities and modified ownership of assets at least once a year, at police premises.

(5) The Head of the Specialized Office of the State Prosecutor of the Republic of Slovenia or the State Prosecutor duly authorised by him may order a modified identity and modified ownership of assets to be destroyed or the manufacture of a fabricated identity to discontinue in case of non-compliance with paragraphs two and three of this Article.

(6) For reasons of protecting third persons, the Director General of the Police may order a police officer assuming a modified identity under this Article to introduce himself with his or her true details in procedures taking place before state authorities.

(7) In response to a request by a foreign competent authority, a modified identity, fabricated identity and modified ownership of assets may be granted to a foreign police officer acting as an undercover operative pursuant to this Article and Article 24. Such operatives shall use the identities in accordance with this Article and Article 24.

(8) The method of manufacture, storage and destruction of a modified identity, fabricated identity and modified ownership of assets pursuant to this Article and Article 24 shall be determined through an internal act.

Article 24 (The use of modified identities)

(1) In order to secure the execution of a police task in the course of conducting covert investigative measures or to ensure the safety of persons carrying out such tasks or officers providing operative support in covert investigative measures, the competent State Prosecutor or the Investigating Judge may, in accordance with the Act governing the criminal procedure, allow the use of modified identities, fabricated identities and modified ownership of police assets under the preceding Article.

(2) While working under a modified identity, police officers shall not introduce themselves pursuant to the provisions of Article 21 of this Act.

Article 25

(Implementation of orders on modified identity and ownership)

State authorities, self-governing local communities and public authority holders shall implement orders on the execution of measures under Articles 23 and 24 of this Act so that only new personal data and real and movable property data are temporarily accessible in their collections of personal and other data, public registers and official records. They shall prepare modified documents or public documents in a manner which leaves no doubt about the new identity or new ownership.

Article 26

(Reimbursement of costs and remuneration in connection with covert investigative measures)

(1) The financial plan of the police shall provide for allocated budgetary funds related to reimbursement of costs and remuneration in connection with the implementation of covert investigative measures authorised under the law regulating criminal procedure, and to reimbursement of costs and remuneration in connection with the acquisition of useful information about criminal offences and their perpetrators that has been authorised pursuant to the aforementioned law. Information on payments shall be kept in accordance with the regulations governing individual areas.

(2) The method of managing funds for special operational purposes shall be laid down by the Minister through an internal act.

(3) Monetary receipts from paragraph one of this Article shall not be subject to taxes, social security contributions or other levies laid down in the relevant regulations.

Performance of police tasks outside official working hours

Article 27

(Performance of police tasks outside official working hours)

(1) Police officers shall also be obliged to prevent unlawful acts and perform other police tasks outside official working hours if an unlawful act or general danger directly threatens human life, health, personal safety or people's property.

(2) In other cases, police officers may perform police tasks outside official working hours if, while wearing uniform, they directly detect a violation of regulations and if in view of the circumstances, immediate action is required.

(3) Police officers may not perform police tasks in the cases referred to in the preceding paragraph if they are involved in such an event themselves.

(4) Police officers shall notify forthwith the head of the police unit to which they have been assigned of the execution of police tasks outside official working hours.

Specifics of exercising police powers against certain categories of people

Article 28

(Specifics of exercising police powers against people with immunity)

In performing police tasks, police officers shall consider the specifics of the procedure and the principle of exemption (immunity) of certain persons, buildings, means of transport and things.

Article 29

(Diplomatic and consular immunity)

(1) As of the moment of their being informed to that effect, police officers may not produce, apprehend or restrict the movement of a person who enjoys diplomatic immunity in the Republic of Slovenia and refers to it by producing a relevant document; however, they shall collect and secure evidence supporting the fact that the person in question has violated the relevant regulations of the Republic of Slovenia. The police shall notify the ministry responsible for foreign affairs of the violation committed by a person enjoying diplomatic immunity in writing. In connection with a violation committed by a person enjoying diplomatic immunity, those sanctions may be imposed that are in accordance with the law and not covered by immunity.

(2) Notwithstanding the provision of the preceding paragraph, police officers shall forestall an action by a person enjoying diplomatic immunity that involves grave danger.

(3) Police officers may produce, apprehend or restrict the movement of a person who enjoys diplomatic immunity in the Republic of Slovenia and refers to it by producing a relevant document solely on the basis of a written court warrant; however, if the person is suspected of committing a criminal or minor offence, they may use against him any statutory police power and other official action, except production, arrest or restriction of movement. The preceding paragraph shall not apply to honorary consular officers.

(4) Police officers may not enter the premises of a diplomatic mission or consulate, other than a consulate headed by an honorary consular officer, or a private home of a foreign diplomatic representative or inspect or search a vehicle used by such representative.

(5) Police offices may exceptionally enter the premises of a diplomatic mission when such action is demanded and agreed upon by the head of the mission, or the premises of a consulate when such action is demanded and agreed upon by the head of the consulate, a person designated by him, or head of the diplomatic mission of the country of appointment. In such case, police officers may require the person who has demanded entry to confirm this demand in writing. A private home of a foreign diplomatic representative may be entered by police officers at the request or with the consent of the head of the mission or head of the consulate or a person designated by the aforementioned heads. The aforementioned cases shall require the presence of the representative of the mission or consulate.

(6) Notwithstanding the provisions of paragraphs four and five of this Article, police officers may, in the event of fire or other accidents requiring rapid safety measures, enter consular premises. In such case and if reasonably possible, police officers shall notify the consulate in advance and remain on the premises only as long as is essential.

(7) The archives, documents and official correspondence of diplomatic missions and consulates and diplomatic and consular postal items may not be opened, examined, withheld or seized. The said provision shall apply to archives, documents and official correspondence of consulates headed by honorary consuls only provided that they are separated from other documents of the honorary consular officer or other persons.

(8) If police officers reject a consular consignment they shall support their action by writing a report including reasoned grounds and the course of the procedure.

(9) The provisions of paragraphs one, two, four, five and seven of this Article shall also apply to international organisations based in the Republic of Slovenia and their personnel who enjoy immunity to the extent determined by treaties.

(10) Police officers shall exercise police powers against people enjoying diplomatic or consular immunity in conformity with international law and in a manner complying with international practice.

Article 30 (Immunity of state officials)

(1) If the perpetrator of a criminal or minor offence is a person who under the Constitution or law enjoys immunity (deputy, judge, Constitutional Court judge, ombudsman, state prosecutor or state councillor) and claims it, police officers shall do everything possible to collect the necessary data and secure evidence. In so doing, police officers may use all police powers.

(2) If a person produced who enjoys immunity under the preceding paragraph and claims it has been caught while committing a criminal offence subject to prosecution *ex officio*, police officers shall notify forthwith the competent state prosecutor of such production.

Article 31 (Specifics in exercising police powers against military personnel and in military areas)

(1) Police officers shall also exercise police powers against military personnel unless otherwise provided by other laws. They shall notify forthwith the military police of the production or detention of a military person.

(2) Police officers may summon a military person who could provide useful data regarding the performance of police tasks to appear at the official premises of the police through his headquarters or his immediate superior.

(3) If police officers perform police tasks in a facility or the environs of a facility which is of special importance for defence, or in the area of a camp, they shall summon a competent military person to attend.

Article 32 (Specifics in performing police tasks against adults under guardianship)

For adult persons in respect of whom police officers have established that they have been fully deprived of the capacity to contract, the provisions of this Act covering children shall apply in connection with summoning and production.

III. POLICE POWERS

Article 33 (Police powers)

(1) In performing police tasks, police officers may

- collect information;
- summon;
- give warnings;
- issue orders;
- establish a person's identity and carry out identification procedures;
- search for people;
- carry out covert surveillance and specific checks;
- carry out identification of people by means of photographs;
- produce facial composites;
- carry out polygraph procedures;
- set up roadblocks with blockade points;
- use other people's means of transport and communication or other means;
- conduct security searches;
- conduct searches of persons;
- enter private dwellings and other premises;
- seize objects;
- conduct anti-terror searches;
- temporarily restrict free movement of persons;
- produce persons;
- prohibit approaching a specific person, place or area;
- prohibit attending sports events;
- interrupt travel;
- detain persons;
- use instruments of restraint;
- conduct security clearance of persons;
- carry out accreditation procedures;
- exercise police powers on water;
- collect and process data, and
- exercise other police powers provided by laws.

(2) The method of exercising police powers referred to in the preceding paragraph shall be prescribed in detail by the Minister after obtaining a preliminary opinion of the Human Rights Ombudsman.

1. GENERAL POLICE POWERS

Collecting information

Article 34 (Collecting information)

(1) Police officers shall collect information from persons who could provide useful data for the effective performance of police tasks provided by this Act or other laws.

(2) An individual's cooperation is voluntary. Each individual shall enjoy the right to anonymity unless the Act governing criminal procedure and the Act governing minor offence procedure stipulate otherwise. Prior to collecting information the police shall instruct the individual of his right to voluntary participation and to anonymity, except in cases when the gathering of information was initiated by such individual or for prevention purposes.

(3) Police officers may collect information from a person directly at the scene, at official premises of the police, in the person's workplace, in other appropriate locations and, subject to the person's consent, at his home.

(4) The provisions of this Article shall apply *mutatis mutandis* when police officers make a written request for information to natural persons, individual sole traders and self-employed persons or legal persons.

Summoning

Article 35 (Summoning)

(1) Police officers may summon to official premises a person:

- who could provide data useful for the performance of police tasks or
- whose presence is indispensable for exercising another police power provided by this Act or other laws.

(2) Police officers may summon a person in writing, directly verbally, by telephone or electronically.

(3) Persons unknown to the police may be summoned through a public notification.

(4) The summon to appear shall include information about the place and time and the reason for being summoned.

(5) Police officers may produce a person by force only in the case under the second indent of paragraph one of this Article, provided that he has neither responded to the summon nor excused his absence despite the fact that the written summon included a warning about the possibility of his being produced by force.

(6) Summons to appear may not entail unnecessary problems for the person with regard to his regular work.

(7) At his request, the person summoned shall be refunded the costs of travel by the cheapest public transport from his actual place of residence to the location where he has been summoned and back. If there is no public transport for one section of the journey or the entire journey, the person summoned shall be refunded the costs per kilometre driven by his or her own vehicle.

(8) The method of refunding the costs of travel to the benefit of the person summoned shall be prescribed in detail by the Minister.

Article 36 (Summoning children and minors)

(1) Police officers may only summon a child through his parents or guardian.

(2) When summoning a minor, police officers shall at the same time also inform his parents or guardian.

(3) When summoning or informing parents or a guardian would be contrary to the best interests of a child or a minor, police officers shall notify the competent social work centre of the procedure.

Article 37
(Special cases of summoning)

(1) By using the method under Article 35 of this Act, police officers may exceptionally also summon persons who could provide useful information for checking the operational proficiency of the police tasks performed, internal security or integrity of police employees.

(2) Persons summoned under the preceding paragraph may not be produced by force.

Warning

Article 38
(Warning)

(1) Police officers may warn natural persons, legal entities and state authorities of any circumstances, action or failure to take action that threaten or could threaten public order, people's lives, personal safety or property.

(2) Police officers shall give warnings verbally or in writing by using technical means or through public media.

(3) The warnings shall be clear and brief and expressed unambiguously.

(4) Police officers shall give warnings intended for legal entities and public authorities to the responsible person.

Order

Article 39
(Order)

(1) Police officers may by way of an order give instructions to natural persons, legal entities and public authorities and demand from them that they act or refrain from acting in order to be able to implement police tasks laid down in this Act or other regulations in accordance with the law.

(2) Police officers shall give orders directly verbally, as well as by using technical means or in any other appropriate manner.

(3) If in view of the circumstances reasonably possible, police officers shall in issuing an order also state the reason why certain action needs to be taken or avoided, as well as measures to be implemented in the event of failure to comply with an order.

(4) Orders shall be clear and brief and expressed unambiguously.

(5) Orders intended for legal entities and public authorities shall be given to the responsible person.

Establishing identity

Article 40 (Establishing identity)

(1) Police officers may establish the identity of a person who:

- must be produced or detained;
- enters an area, place, premises, building or their environs where free movement is prohibited or restricted or stays there;
- is in an area, place or building where measures are being undertaken for searching or tracing the perpetrator of a criminal or minor offence or objects and traces relevant for a criminal or minor offence procedure;
- by his behaviour, actions and loitering at a particular location or at a particular time gives reason to suspect that he will commit, is committing or has committed a criminal or minor offence;
- is similar in appearance to a person sought;
- by his behaviour, actions and loitering at a particular location or at a particular time gives reason to suspect that he is a child or a minor fleeing from home or an educational and social care institution, rehabilitation centre or health institution or that he is lost;
- is clearly helpless and establishing his identity is necessary in order to provide assistance;
- could provide data useful for the performance of police tasks.

(2) Loitering at a particular location or at a particular time shall mean in particular presence in public places where free movement is permitted under certain conditions, in the environs of protected buildings, premises of special importance or at other locations with higher daily, periodic or momentary flow of people, or in public means of transport if they involve areas that are vulnerable in terms of security.

(3) Police officers may carry out a procedure to establish the identity of a person and communicate his data upon the justified request of officials and public authorisation holders if this is indispensable to the exercise of powers by these officials or the provision of their safety.

(4) Police officers may also carry out a procedure to establish the identity of a person upon the justified request of another person who is able to demonstrate that he has suffered material or non-material damage or physical injury, who suspects that a criminal or minor offence has been committed, and in similar cases, and communicate data thus established to a person entitled who is able to demonstrate a legal interest in exercising his rights before judicial or state bodies.

Article 41 (Methods of establishing identity)

(1) Police officers shall establish the identity of a person by stopping him in an appropriate manner and explaining to him the reasons for doing so. Subsequently, they shall demand that he hand over a public document with his photograph issued by a public authority, thus enabling police officers to examine the document and compare and check the data against those kept in the relevant records.

(2) If a person wears a cover or mask police officers may demand that he uncover himself thus enabling them to establish the person's identity beyond any doubt.

(3) If police officers have doubts about the authenticity of a public document or the person in question does not have one or identity cannot be established with certainty, they may establish the identity through an interview during which they check the data on the identity by means of data from the records under this Act, official records and other data collections, other documents, with the help of other people or at another location or in a manner proposed by the person in question, provided that it is safe and reasonable.

(4) If police officers are unable to establish the person's identity, they may bring him to the police premises in order to carry out an identification procedure.

(5) Police officers may take the fingerprints and palm prints of a person who has attempted to illegally cross the state border, or has done so.

(6) In order to establish the identity of a missing person and identify a body found, police officers may search for and secure identification material (carriers of biological material and material to obtain fingerprints and palm prints of a missing person) with the consent of the person having a blood relationship with the missing person, and also take swabs from oral mucosa.

Article 42 (Identification procedure)

(1) The identification procedure shall include verification of data kept in the records of the police and administrative bodies and in other data collections for the acquisition of which a police officer is authorised by law, as well as the taking of and comparison of fingerprints and palm prints, recording and comparison of a person's description, taking photographs of a person and comparing it to other people's photographs, collecting oral mucous membrane swab or other biological material and comparison of DNA profiles and other operative and forensic tasks. Police officers may publish a description or a photograph of a person.

(2) The provisions of the preceding paragraph shall also apply to the identification of dead bodies, identification and tracing of missing persons and locating missing persons and identifying victims of criminal offences.

Search for people

Article 43 (Search for people)

(1) The police shall search for people who are unaccounted for and, considering the relevant circumstances, in respect of whom it is possible to assume that they are in need of assistance.

(2) The police shall also search for other people when so determined by other acts.

(3) In order to locate persons the police may use police dogs, technical equipment for taking photographs and for video and audio recording, thermal-imaging cameras and night vision devices. Recordings shall be deleted as soon as possible and within 30 days of their creation at the latest.

- (4) In instances under paragraph one police officers may:
- demand that a mobile network operator supply data on the missing person's communication via mobile devices (data on time, telephone numbers of outgoing and incoming calls and telephone number subscriber data);
 - demand that a facility operator supply CCTV recordings if, given the circumstances, it is possible to assume that the missing person could have stayed in that particular area;
 - inspect one's personal items, premises and vehicles if those were in use by the missing person;
 - check data on the missing person stored on computer or other storage media;
 - acquire bank details (transaction place and time) of the missing person from the bank;
 - post a missing-person notice.
- (5) The request for information to the mobile network operator under the first indent of the preceding paragraph shall be submitted by the Operations and Communications Centre of the General Police Directorate.
- (6) Police officers may inspect personal items, premises and vehicles that have been in use by the missing person following approval of the relatives sharing residence with the missing person.
- (7) Where the relatives do not share residence with the missing person, the police may inspect the missing person's data stored on computer or other media, access bank transaction information and act in accordance with the preceding paragraph, following an order by the investigating judge if there is an urgent need to clarify the circumstances of disappearing and to locate the missing person. The investigating judge shall decide on the measures within 24 hours.
- (8) The data acquired by the police by virtue of paragraph four of this Article shall be handled with particular care and shall be used in a manner and to the extent necessary for the purposes of identifying the circumstances of the case. When the person is found, the information is brought to his attention. The information collected shall not be used for any other purposes.
- (9) The manner of searching for persons shall be defined through internal rules by Director General of the Police.

Discreet surveillance and targeted checks

Article 44

(Discreet surveillance and targeted checks)

(1) Discreet surveillance or targeted checks shall be carried out as part of border controls and police checks in the interior of the country on the basis of alerts on persons, vehicles, boats, aircrafts and containers entered in the Schengen Information System pursuant to Council Decision 2007/533/JHA of 12 June 2007 on the establishment, operation and use of the second generation Schengen Information System (SIS II) (OJ L 205, 7.8.2007, p. 63).

(2) Discreet surveillance shall mean locating a person, vehicle, boat, aircraft or container under alert and gathering information under paragraph four of this Article.

(3) Targeted check shall mean the inspection of a person, vehicle, boat, aircraft or container on the basis of the act governing state border control, the act governing criminal procedure, the act governing minor offences or and other acts governing the inspection procedure. If the legal requirements for a search are not met the measure of targeted check shall be replaced by discreet surveillance.

(4) The authority issuing the alert shall be sent the information on the location of the person, vehicle, boat, aircraft or container under alert, the place, time and grounds for the check, route and destination, persons accompanying the person or passengers in the vehicle or boat or aircraft, the information on the vehicle, boat, aircraft or container used, items the person is carrying, and the circumstances in which the person, vehicle, boat, aircraft or container were located.

(5) Police officers shall perform discreet and targeted surveillance in a way that minimally affects the rights of persons under alert and accompanying persons.

Article 45

(Alerts for discreet surveillance and targeted checks)

(1) If there are reasonable grounds to suspect that a person has committed a criminal offence, is preparing or executing a criminal offence under paragraphs two or six of this Article, or when on the basis of a comprehensive evaluation of the person based on legally obtained information, especially operational information from the police, criminal charges filed, criminal proceedings introduced but not finally completed and final criminal convictions that have not yet been deleted, there are reasonable grounds to suspect that the person will continue to commit criminal offences under paragraphs two or six of this Article, discreet surveillance or a targeted check may be ordered against this person, vehicle, boat, aircraft or container and entered in the Schengen Information System.

(2) These measures may be ordered in respect of the following criminal offences: terrorism under Article 108, terrorist financing under Article 109, incitement to and public glorification of acts of terrorism under Article 110, recruitment and training for acts of terrorism under Article 111, trafficking in human beings under Article 113, manslaughter under Article 115, murder under Article 116, kidnapping under Article 134, rape under Article 170, sexual assault on a person below fifteen years of age under Article 173, soliciting persons under the age of 15 years for sexual activity under Article 173a, exploitation through prostitution under Article 175, presentation, manufacture, possession and distribution of pornographic material under Article 176, unlawful production of and trade in illicit drugs, illicit substances in sport and illicit drug precursors under Article 186, rendering opportunity for consumption of narcotic drugs or illicit substances in sport under Article 187, grand larceny under Article 205, robbery under Article 206, fraud under Article 211, extortion under Article 213, illegal export and import of goods of special cultural significance or natural curiosities under Article 218, commercial fraud under Article 228, fraud to the detriment of the European Union under Article 229, information system abuse under Article 237, counterfeiting money under Article 243, fabrication and use of counterfeit stamps of value or securities under Article 244, money laundering under Article 245, smuggling under Article 250, participation in a criminal organisation under Article 294, illegal manufacture of and trade in weapons or explosive materials under Article 307, prohibited crossing of state border or territory under Article 308, causing general danger under paragraph two of Article 314, hijacking an aircraft or a vessel under Article 329, putting air traffic in jeopardy under Article 330, unlawful management of nuclear and other hazardous radioactive substances under Article 334, creating diversion under Article 356, endangering persons under international protection under Article 371, taking hostages under Article 373 and piracy under Article 374 of the Criminal Code (Official Gazette of the Republic of Slovenia, no. 52/12 – official consolidated version, 6/16 – amended, 54/15 and 38/16; hereinafter: the Criminal Code (KZ-1)).

(3) The ordering of discreet surveillance or targeted check by a written order shall be allowed by the state prosecutor upon a written proposal of the police. The proposal and order shall contain data allowing the person, vehicle, boat, aircraft or container in question to be identified, and the grounds and justification for discreet surveillance or targeted check.

(4) If a written order cannot be obtained in time and it is dangerous to postpone it, the state prosecutor may, by way of an exception, upon a verbal proposal from the police allow a measure to be implemented on a verbal order. The state prosecutor shall write an official note on the verbal proposal. The written order, which must contain the grounds for its early implementation, shall be issued no later than within 12 hours of the issuing of a verbal order.

(5) The implementation of the measure may last a maximum of three months; however, if there are substantial reasons, it can be extended on the basis of a written order for another three months each time. In total, the measure may last a maximum of 12 months. If the circumstances require the measure to continue, the measure may be extended by a written order by three months repeatedly until 18 months. The police shall cease to implement the measure as soon as the reasons for which it was ordered no longer exist. The police shall notify the body that ordered the measure of its cessation without delay and in writing.

(6) An alert may also be issued in respect of the following criminal offences: genocide under Article 100, crimes against humanity under Article 101 and war crimes under Article 102, disclosure of classified information under Article 260, treason under Article 348, attack on territorial integrity under Article 349, assassination of the President of the Republic under Article 352, violence against the highest representatives of the state under Article 353, armed rebellion under Article 355 and espionage under Article 358 of the Criminal Code (KZ-1), but only on the basis of a written order of the State Prosecutor General of the Republic of Slovenia or Supreme State Prosecutor expressly authorised to do so by the State Prosecutor General in writing. The conditions for issuing alerts and their duration under this paragraph shall be subject to the provisions paragraphs three, four and five of this Article. The authority proposing the alert shall, before the issuing of the alert, consult other countries that would have to implement the alert about the reasons for the issuing of the alert.

Identification of people by means of photographs

Article 46

(Identification of people by means of photographs)

(1) Police officers may carry out a procedure to identify people by means of photographs in order to discover the perpetrator of a criminal or minor offence, or in order to establish the identity of an unknown person.

(2) Before carrying out the identification procedure, police officers shall warn the person in question that pursuant to the law governing the protection of personal data he is obliged to protect the confidentiality of personal data he is about to learn during the identification procedure.

(3) Police officers shall first ask the person who will perform the identification procedure to describe and state the physical characteristics that distinguish the person under the identification procedure from other persons; only then may they show that person a photograph, together with other comparable photographs depicting persons unknown to the person performing the identification procedure. The police officer who

is conducting the identification procedure by means of photographs shall make sure that the person who is making the identification does not see individual photographs of the person in question or the person himself before the start of the identification procedure.

(4) The police officer shall draw up an official note on the identification procedure that shall also state which photographs the person saw.

(5) Police officers may use photographs from the records kept of persons photographed or photographs of persons acquired in some other legal way. The photographs of persons that will be shown during the identification procedure shall be selected on the basis of a previously acquired personal description.

(6) When several persons take part in the identification procedure, it shall be carried out with each person separately.

Producing facial composites

Article 47

(Producing facial composites)

(1) Police officers may produce a facial composite in order to discover the perpetrator of a criminal or minor offence, or in order to establish the identity of an unknown person.

(2) A facial composite thus produced may be made public.

(3) The method of producing and making public a facial composite shall be laid down by the Director General of the Police through an internal act.

Polygraph procedure

Article 48

(Polygraph procedure)

(1) In investigating criminal offences, police officers may, as a technical aid, carry out a polygraph procedure, while duly taking into account the circumstances of the criminal offence. At the beginning of the procedure, they shall inform the person in question:

- about the purpose and method of carrying out a polygraph procedure and the functioning of the polygraph instrument;
- that a polygraph procedure may only be carried out with his consent, and
- that the results of a polygraph procedure may not be used as evidence in criminal proceedings.

(2) A polygraph procedure may only be carried out on the basis of the written consent of the person in question. Written consent for a polygraph procedure in respect of a minor shall be given by his parents or guardian. Where parents or a guardian are suspected of having committed a criminal offence against a minor, written consent shall be given by the competent social work centre. A polygraph procedure may not be carried out on a child.

(3) Police officers shall suspend a polygraph procedure if a person in question revokes his consent or if they establish that the psychophysical condition of that person is not suitable for such procedure.

(4) The Minister shall prescribe the method of acquiring consent and the method of informing the person in question in compliance with paragraph one of this Article. Technical criteria and the method of carrying out a polygraph procedure shall be determined by the Director General of the Police through an internal act.

Roadblocks with blockade points

Article 49

(Roadblocks with blockade points)

(1) Police officers may set up roadblocks with blockade points in order to ensure full or selective control over vehicles and people if:

- there is a probability of the occurrence of a high-risk situation in a certain area and the performance of this police task is necessary to prevent it, or a high-risk situation has already occurred;
- perpetrators of criminal or minor offences need to be apprehended or the objects related to a criminal or minor offence need to be detected, or
- severe violations of public order, road traffic safety or state border security must be prevented.

(2) The setting up of a roadblock with a blockade point shall be ordered by the Director General of the Police, director of a police directorate or a person authorised accordingly by the Director General of the Police or director of a police directorate.

(3) A roadblock with a blockade point may remain in place until the probability of the occurrence of a high-risk situation no longer exists, until a high-risk situation is eliminated, until a perpetrator is apprehended, until the object is detected or until severe violations are prevented from occurring. Where it is established that the objective cannot be achieved by setting up a roadblock, it shall immediately be removed.

Using other people's means of transportation and communication or other means

Article 50

(Using other people's means of transportation and communication or other means)

(1) If the perpetrator of a criminal offence needs to be apprehended, or if a person in need of urgent medical attention must be taken to a medical institution, or if the police need to perform any other urgent police task, police officers shall, in the event that the situation cannot be dealt with in any other way, have the right to make use of the closest means of transportation or communication or any other means available.

(2) The assets of fire fighters, the civil protection service and other rescue services may only be used by police officers for the purpose of transporting people in need of urgent medical assistance to the nearest medical institution. In agreement with

military personnel, police officers may for the same purpose also use assets of the Slovenian Army.

(3) Police officers shall preferably inform the person entitled that the relevant means will be used for the purpose of performing a police task, when and where the means will be returned and that he will be issued a certified statement on their use.

(4) The owner of the means referred to in paragraph one of this Article shall have the right to be reimbursed for any costs or potential pecuniary damage resulting from the use of his means.

(5) In performing police tasks in public means of transportation, police officers shall have the right to use such transport services free of charge and shall be entitled to compulsory insurance for public transport passengers.

Security search

Article 51 (Security search)

(1) In performing police tasks, police officers may conduct a security search of a person if in view of the circumstances it is possible to expect that he will attempt an assault or self-harm.

(2) A security search shall consist of a search of the person in question, his belongings and vehicle, whereby police officers shall establish whether the person is armed or carries other dangerous objects or substances.

(3) During a security search, police officers shall feel his garments, gloves, headgear and hair with their hands and inspect his footwear. A security search shall not include a body search or a personal search.

(4) During a security search of items, police officers shall inspect the items the person in question has on him and which could serve for concealing a weapon or other dangerous objects or substances.

(5) During a security search of a vehicle which is in the immediate vicinity and accessible to the person being subject to a security search, police officers shall inspect its interior, the boot and other luggage compartments or the equipment of the vehicle. In so doing, they may not inspect concealed parts of the vehicle.

(6) Before admitting a person to detention premises, police officers shall conduct a detailed security search of that person. In so doing, they shall in particular scrutinise the inside of footwear, pockets, the inner and concealed parts of garments or headgear which cannot be inspected by feeling them with hands, but are suitable for concealing small dangerous objects or substances. If necessary, they may require the person to take off top garments in order to be able to inspect them in detail. In so doing, police officers shall also scrutinise the contents of objects the person has on him or carries with him. Police officers shall act in accordance with this paragraph in cases where a person is placed in the Centre for Foreigners for reasons of restricting his or her movement.

(7) A security search of a person shall be carried out by a person of the same gender, unless the security search cannot be postponed.

(8) During a security search, police officers may use technical means or a service dog.

(9) If during a security search police officers touch or discover weapons or a dangerous object or substance, they shall seize them irrespective of the place where they were found and return them to the person in question after the end of the police procedure, unless they find an object which must be seized under the law governing the criminal procedure, the law governing the minor offence procedure or under other laws. Following the security search, police officers shall in such cases proceed to carry out the procedure according to the aforementioned legislation.

Search of persons

Article 52 (Search of persons)

(1) For the purpose of seizing objects, police officers may conduct a search of a person when on the basis of their direct detection there is a high probability that the person in question has on him objects which must be seized pursuant to the law.

(2) Prior to a personal search, police officers shall order the person to surrender the objects himself, unless this could jeopardise the safety of people or their property.

(3) A search of a person shall be conducted by a person of the same gender, unless the search cannot be postponed.

(4) The search of a person shall not include a body search or personal search. During the search, police officers shall feel the person's garments with their hands and check the contents of items in the possession of or carried by that person. While inspecting items, police officers may not open sealed items by force.

(5) If the person referred to in paragraph one of this Article is in or standing next to a vehicle and police officers have directly detected that the items have been hidden or dumped in the vehicle or they are in the vehicle, they may also inspect the interior of the vehicle, except its concealed parts.

(6) If during a search police officers find an item which must be seized under the Criminal Procedure Act, the Minor Offences Act or on the basis of other laws, police officers shall proceed to conduct the procedure according to this legislation.

Entering private dwellings and other premises

Article 53 (Entering private dwellings and other premises)

(1) Police officers may enter private dwellings and other premises without a court warrant:

- if the owner of a private dwelling so allows;
- if someone calls for help;
- if this is necessary in order to prevent a suicide;
- if circumstances are being investigated that point to the death of a person in this place, or

- in other cases if this is necessary to protect people or their property.

(2) Before entering private dwellings and other premises, police officers shall acquaint the person in their interior with the reasons for their entry, unless doing so is impossible because the circumstances require immediate and unexpected action.

(3) Police officers may, when there is no other way to do so, use physical force or technical means in order to enter private dwellings and other premises.

(4) Police officers may stay in private dwellings and other premises only as long as there are reasons for their entry.

(5) Police officers shall issue a confirmation of their entry into private dwellings and other premises to the owner. The confirmation shall state the reasons for their entry and potential damage incurred upon the entry. In the case referred to in the first indent of paragraph one of this Article, police officers shall issue a confirmation only in the event that the owner so wishes.

(6) If the owner or other person entitled are not present at the premises after the completion of the police task, police officers shall take measures to secure the premises they entered. For the purpose of securing it, they may also seal the premises.

Confiscation of items

Article 54 (Confiscation of items)

(1) In performing police tasks, police officers may confiscate items suitable for assault or self-harm, as well as items by means of which public order or the general safety of people or property could be seriously endangered.

(2) Police officers shall confiscate an item in such a way as to avoid any unnecessary damage. For items confiscated they shall issue a certificate of confiscation to the person in question. Until the certificate has been issued, the item shall be under the visual control of the person whose item was confiscated or in a sealed envelope.

(3) Police officers shall hand over the items referred to in this Article to a competent body conducting further procedure. In the event that no proceedings have been initiated before a competent body against the person whose items have been confiscated, the items must be returned to the person unless hazardous items or items which must be confiscated according to the law are at issue, or if the person clearly states that he or she no longer wishes to own the item.

(4) Police officers shall under the supervision of a commission destroy or surrender to an entity responsible for its destruction a hazardous item or an item which must be confiscated according to the law and will not be returned to the person in question, and write a report thereon. Police officers shall inform the person whose item was confiscated about its destruction. If the person clearly states that he or she no longer wishes to own the item, police officers shall act in accordance with the regulations governing lost and found objects.

(5) It shall be deemed that persons have clearly expressed their wish not to possess an item if they failed to respond to a notification cautioning them that not taking over the item or failing to demand that the item be delivered to their home shall

be interpreted as waiving the right to possess an item. A written notification on the return of items shall be served upon the person. The modalities of storage and destruction of confiscated items shall be prescribed in detail by the Minister.

(6) The details of the procedure on the storage and destruction of items shall be determined by the Minister.

Anti-terror search

Article 55

(Anti-terror search of premises, buildings, instruments and areas)

(1) In order to ensure the safety of protected persons, protected buildings and their environs or classified information or if it is, in view of the circumstances, likely that certain premises, buildings, instruments, vehicles, areas or traffic will be threatened with highly dangerous means or devices or if such an event has already occurred, police officers may conduct an anti-terror search of premises, buildings, instruments, vehicles and areas.

(2) The police power referred to in the preceding paragraph may be exercised by police officers in private dwellings and other premises only provided that the conditions under Article 53 of this Act have been met.

(3) During an anti-terror search, police officers may empty, prohibit access to and search directly or with technical instruments particular premises, buildings, areas or vehicles. In such cases, police officers may also conduct a security search.

(4) Police officers shall conduct the search by looking for, identifying, examining, deactivating and removing devices, means and substances. An anti-terror search may also include an anti-bomb, a chemical, bacteriological and radiological and an anti-bug search.

(5) If the owner, proprietor or any other competent person is not willing to or cannot cooperate, police officers shall conduct an anti-terror search without his cooperation or in his absence.

(6) In the cases and areas referred to in paragraph one of this Article, police officers may also jam the radio frequency spectrum and use technical means for identifying passive and active bugs and detecting fake mobile telephony base stations.

Temporary restriction of free movement

Article 56

(Temporary restriction of free movement)

(1) Free movement of a person under a police procedure shall be temporarily restricted if in fact he cannot move freely due to the implementation of a particular police power or any other official action. This restriction may only be in force for as long as strictly necessary for the implementation of a police power or any other official action.

(2) The provisions of this Article shall apply *mutatis mutandis* to production on the basis of:

- a warrant issued by a competent authority;
- the law regulating criminal procedure unless deprivation of liberty is at issue, and
- the law regulating minor offence procedure.

(3) The provisions of this Article shall apply *mutatis mutandis* to detention governed by the Act on criminal procedure.

(4) Police officers may evacuate the area, premises or buildings and their environs, prohibit access, temporarily restrict free movement in the area, premises or buildings and their vicinity and determine the direction of movement until the completion of a police task if:

- there is a probability of the occurrence of a high-risk situation in a particular area, premises or buildings and their environs;
- in a particular area, premises or buildings and their environs a high-risk situation has already occurred;
- this is necessary in order to ensure the safety of particular persons, premises, buildings and their environs;
- this is strictly necessary in order to apprehend a wanted person, and
- an inspection of the scene needs to be carried out.

(5) The police action referred to in the preceding paragraph shall also apply to pilotless aircrafts, remotely controlled or autonomously operated vehicles or vessels or other technical devices operated in a similar way.

(6) Police officers may isolate the area under temporary restriction of free movement with police tape or protect it by police fence or other technical means.

(7) The police may exercise the authority referred to in the fourth paragraph of this Article in private dwellings and other premises only if the conditions under Article 53 of this Act have also been met.

(8) Special cases of temporary restriction of free movement under this Act shall include:

- production pursuant to this Act;
- prohibition of approaching a specific place or person;
- prohibition of attending sports events, and
- interruption of travel.

(9) In the event of a temporary restriction of free movement, police officers shall inform the person in question about the grounds for such restriction, while in other cases defined by law they shall also acquaint him with other rights.

(10) Police officers have authority to use police powers against a person who does not comply with the order on temporary restriction of free movement.

(11) In the cases referred to in paragraphs one and two of this Article, the duration of any temporary restriction of free movement may not exceed six hours.

(12) At the request of the person who was under temporary restriction of free movement for more than one hour, police officers shall issue a certificate indicating the beginning and the end of temporary restriction of free movement, and indicate the police procedure carried out.

(Production)

(1) By production, police officers temporarily restrict the free movement of a person and bring him to police premises, official premises of another body or to a particular place.

(2) Production may be carried out on the basis of a production warrant. Without a production warrant, police officers may carry out this measure if so provided by other laws, while under the provisions of this Act they may do so:

- for the purpose of summoning under paragraph five of Article 35 of this Act;
- for the purpose of establishing identity under paragraph four of Article 41 of this Act;
- with a view to ensuring the presence of a foreigner who does not meet the conditions of entry into, transit or exit from the country or the territory of the parties to the Convention Implementing the Schengen Agreement, or
- in other cases where this is necessary for the purpose of exercising any other police power.

(3) Police officers shall hand over to a person against whom a production warrant was issued the relevant warrant, order him to follow them and warn him of the consequences of offering resistance to production or an attempt to escape. If owing to technical or any other reasons the warrant cannot be handed over to the person immediately, police officers shall inform him of its contents. The warrant shall be handed over to the person as soon as reasonably possible, but no later than at the location to which he was brought. If the person offers resistance, the police officers shall produce him by force.

(4) If the person who is to be produced requires his relatives, employer or defence counsel to be kept informed, police officers shall make this possible as soon as the security circumstances permit. The police shall notify the diplomatic and consular mission of the country of his nationality if so required by a foreign national.

(5) Prior to production, police officers shall conduct a security search.

(6) Production may only last as long as strictly necessary. When police officers determine the start time of the production procedure, they shall take into account any circumstances which might influence its effective implementation. The time between the start of production and the handing over of the person to a competent body or an official person may not exceed six hours, the exception being unexpected emergency events, such as unexpected weather conditions, traffic accidents or technical malfunction.

(7) Police officers shall immediately notify the competent body that has issued the production warrant of the circumstances which render the implementation of production impossible or require it to be deferred.

(8) In order to prevent identification, where this is necessary to avoid risking his life or to secure evidence, police officers may, while implementing the measure of production, put on the person's head special protective headgear for the required period of time. The use of this measure shall be decided on by the officer-in-charge. Police officers may also put protective headgear on the person at his request.

Article 58

(Production to provide assistance)

(1) Police officers may also produce an obviously helpless person when this is necessary to protect his health or ensure his safety. They shall bring the person to the nearest health institution or the competent social work centre and, exceptionally, also to police premises.

(2) In the cases referred to in the preceding paragraph, police officers may also apply the measure of production to a child or a minor.

(3) Prior to production, police officers may conduct a security search.

Article 59

(Specifics in respect of children or minors)

(1) If the person produced is a child or a minor, police officers shall within the shortest time possible verbally inform his parents or guardian. If they establish that informing the parents or guardian would be contrary to the best interests of the child or minor, police officers shall not inform the parents or guardian, while notifying the competent social work centre accordingly.

(2) If a child or a minor is found in circumstances which pose a direct threat to his life or health, or if he threatens public order and public order cannot be restored in any other way, police officers may in respect of the child or minor in question apply the measure of production until the arrival of his parents or guardian or, if this would be contrary to the best interests of the child or minor, until the arrival of an employee from the competent social work centre. A dangerous or unfavourable environment and other similar circumstances which may affect his development shall also be deemed such threat.

(3) Police officers may, for the period of time strictly necessary, bring a child or a minor to police premises in the event of him needing to be handed over to parents, a guardian or an employee of the competent social work centre.

(4) Police officers shall enable the parents or guardian, at the request of the latter, to freely contact and speak to a child or a minor, unless this is contrary to the best interests of the child or minor. Police officers shall also enable employees of the competent social work centre to freely contact and speak to a child or a minor. Police officers may not listen to such conversation, but may monitor it visually.

Prohibition of approaching a specific person, place or area

Article 60

(Prohibition of approaching)

(1) If there is a reasonable suspicion that a person has committed a criminal or a minor offence involving elements of violence or if a person has been caught in the commission of such criminal or minor offence and there are reasons for suspecting that this person is about to endanger the life, personal safety or freedom of a person with whom he is or was in a close relationship within the meaning of the provisions of the Criminal Code and the Domestic Abuse Prevention Code (hereinafter: the offender), which shall be established by police officers chiefly on the basis of prior abusive behaviour on the part of the offender and from circumstances that police officers became directly aware of upon arrival at the scene of the incident, statements collected

from the victim or witnesses, or information from a social work centre, humanitarian and non-governmental organisations police officers may issue a restraining order prohibiting the person in question from approaching a particular place or person (hereinafter: the injured party) that the offender may not infringe deliberately. The place where the injured party lives, works, studies, is under protection or moves about on a daily basis shall be deemed to be such a place. The restraining order prohibiting the person in question from approaching a particular place or person shall also include a prohibition of harassment through means of communication, to which the offender's special attention shall be drawn by police officers.

(2) Police officers shall issue the restraining order prohibiting the person in question from approaching a particular place or person by issuing an on-the-spot verbal order to the offender under the police procedure, and later, within six hours, by serving a written order relating to the measure ordered. The written order must contain information on the offender against whom the measure has been ordered (name, personal registration number or, for a foreign person, birth details, nationality, permanent or temporary place of residence), the measure ordered (the measure shall also include a determination of the distance from the place or person within which the offender may not move, this distance being 200 metres maximum), a description of the threat (manner, scope, duration), justification of the reasons for the measure ordered (previous measures taken by the police, long-standing or prior abusive behaviour, etc.) and a statement in which he shall be informed that the order will be sent for judicial review *ex officio*. Police officers shall call upon the offender to furnish them with the address at which the written order can be served. If police officers do not find the offender at the address given, or if he refuses to supply the address, they shall serve the order on the offender by affixing it to the bulletin board of the competent police station, to which the offender's special attention shall be drawn upon being issued a verbal restraining order by police officers.

(3) The offender against whom a restraining order has been issued shall immediately vacate the place or area of prohibition and hand over the keys of the residence which he shares with the injured party to a police officer. Police officers shall remove the offender from the place if he fails to comply with the order. The police shall immediately inform the locally competent social work centre of the measure issued and this centre shall provide the injured party with details of the organisations available for material and non-material assistance, and assist that person in contacting such an organisation if he so requests. If the place which the offender is prohibited from approaching is an educational institution attended by a child or minor who is the injured party, the police shall inform the responsible person of the educational institution about the duration of the prohibition of approaching or about other information in the order referred to in paragraph two of this Article that is important for the protection of the child or minor in question.

(4) By means of the restraining order referred to in paragraph two of this Article, the police shall prohibit the offender from approaching a particular place or person for 48 hours and immediately send the order for review to the district court investigating judge, who may uphold, amend or annul the measure. The investigating judge shall decide on the measure no later than within 24 hours. If the investigating judge upholds the restraining order involving the prohibition of approaching a particular place or person, he may impose the measure for up to 15 days; in so doing, he shall take into account the time when the measure imposed by the police took effect. An appeal against the decision of the investigating judge may be made to the non-trial panel of the district court within three days; the panel must decide on the appeal within three days of its receipt. An appeal may be lodged by an offender, an injured party and the police. The investigating judge shall attempt to serve the decision on the offender at

the address he gave to the police. If it is not possible to serve the decision at this address, the order shall be affixed to the bulletin board of the district court. The appeal against the investigating judge's decision shall not stay its execution. The provisions on the serving of the decision by the investigating judge shall also apply to the serving of the decision of the non-trial panel.

(5) The procedure for implementing a restraining order shall be prescribed in detail by the Minister in agreement with the minister responsible for justice and the minister responsible for labour, family and social affairs.

(6) Supervision of compliance with the restraining order shall be carried out by the police, who shall immediately remove the offender if he is caught in the area covered by the restraining order. The police shall immediately orally notify the investigating judge of any infringements of the restraining order issued after which they shall also send a written notification.

(7) The police or the investigating judge shall, in a demonstrable manner, notify the injured party that, in the case of his moving to reside or to temporarily stay in another Member State, he or she may request the issuing of a European protection order already before leaving the territory of the Republic of Slovenia, and shall inform him of the conditions pursuant with the act governing cooperation in criminal matters between Member States of the European Union.

(8) An offender who despite the fine imposed due to infringement of the restraining order repeatedly infringes this order shall be detained according to the provisions of this Act.

Article 61

(Extension of prohibition of approaching)

If there are reasonable grounds for suspecting that an offender will continue to pose a threat after the expiry of the 15-day period for which a restraining order prohibiting the person from approaching a particular place or person has been issued, the injured party may, before the expiry of the measure, appeal to the investigating judge to extend the measure under the preceding Article to 60 days. If the legal requirements are fulfilled, the investigating judge shall issue a decision on the extension of the measure prohibiting the person from approaching a particular place or person prior to the expiry of the measure. An appeal against the decision may be filed with the non-trial panel of the district court within three days; the panel shall decide on the appeal within three days of its receipt. The appeal against the decision of the investigating judge shall not stay the execution of the decision. The investigating judge shall send the decision to the address the offender gave to the police; if it is not possible to serve the decision at this address, the decision shall be affixed to the bulletin board of the district court.

Prohibition of attending sports events

Article 62

(Prohibition of attending sports events)

(1) If during a sports event or in connection with a sports event as provided by the law regulating sport (hereinafter: sports events) a person has been caught

committing an act that involves a breach of public order and peace with elements of violence or a minor offence under the law governing public gatherings, or an act that includes elements of a criminal offence with elements of violence, and if it is in view of the circumstances likely that he will proceed with the commission of such acts, police officers may impose on the person in question a measure prohibiting him from attending sports events for a two-year period. The anticipated circumstances related to the continuation of such conduct shall be substantiated in particular on the basis of the specific conduct of the person in connection with his previous conduct demonstrating elements of violence.

(2) After having dealt with the act including elements of a minor or criminal offence referred to in the preceding paragraph and under the circumstances justifying the imposition of the relevant measure, police officers shall, by issuing an on-the-spot verbal order, impose on the person in question a measure prohibiting him from attending sports events. They may also take his photograph. Within a deadline that may not exceed 24 hours, police officers shall also serve a written order on the person. The written order shall contain information on the person against whom the measure has been ordered (name, personal registration number or, for a foreign person, birth details, nationality and permanent or temporary place of residence), the measure ordered, the specification of circumstances justifying the imposition of the measure and a statement that the order will be sent for judicial review *ex officio*. Police officers shall call upon the person to furnish them with the address at which the written order can be served on him. If police officers do not find the person at the address given or if he refuses to supply the address, they shall serve the order on him by affixing it to the bulletin board of the competent police station, to which the offender's special attention shall be drawn upon being issued a verbal order by police officers.

(3) A person on whom a measure prohibiting him from attending sports events was imposed shall immediately leave the venue of the sports event. If the person does not comply with the order, police officers shall remove him from the venue.

(4) The police shall within 48 hours of issuing the order referred to in paragraph two of this Article send it for review to the district court investigating judge, who may uphold or, if the circumstances of the case show that conditions for issuing the order have not been fulfilled, annul the order. The investigating judge shall decide on the measure no later than within 15 days. An appeal against the decision of the investigating judge may be filed with the non-trial panel of the district court within eight days; the panel shall decide on the appeal within 15 days of its receipt. The appeal against the investigating judge's decision shall not stay its execution.

(5) Police officers shall order a person who does not comply with the measure imposed and referred to in paragraph one of this Article to immediately leave the venue. If the person continues to commit the infringement despite the order, police officers shall detain him pursuant to the provisions of this Act until the sports event is over and the participants leave the venue.

(6) The investigating judge may, upon a proposal of the police, order the person who has at least twice infringed the measure referred to in paragraph one of this Article to report to the local police station responsible for the performance of police tasks in his place of residence at the beginning of certain sports events. In his order, the investigating judge shall specify sports events at the beginning of which the person in question is obliged to report to the police station. The measure of reporting to a police station may remain in force for the period of the application of the measure referred to in paragraph one of this Article. The procedure relating to the order on

reporting to a police station shall *mutatis mutandis* be subject to the provisions of paragraphs two and four of this Article.

(7) A person who owing to objective circumstances (e.g. health condition, extraordinary weather conditions, travelling abroad) cannot report to the district police station shall immediately notify the police of the existence of such circumstances and submit appropriate evidence.

(8) If the steward service at a sports event is provided by an entity engaged in securing public gatherings pursuant to the law governing public gatherings, security staff shall, following the prior acquisition of personal data on people who are prohibited from entering the venue of a sports event from the police, check at the entrance to the sports event compliance with the measure imposed and prohibited attendance at sports events. In such cases, they shall prevent the person in question from entering the venue.

Interrupting travel

Article 63

(Interrupting travel to sports events)

(1) If a group consisting of three or more persons travels to a sports event and even before departure breaches public order at the place of departure or during the journey, and despite a warning and an order by police officers does not refrain from such conduct, police officers may order their travel to be interrupted or prohibit access to the venue of the sports event in order to prevent such breaches from reoccurring.

(2) If, considering the circumstances, it is impossible to say that a group of travellers is actually an organised group of supporters, police officers may carry out the measure referred to in the preceding paragraph also when these supporters carry with them or, in the means of transport they use for their journey, objects that may potentially be used for an assault or that may jeopardize the public order or the general safety of people and property.

(3) If a group consisting of three or more persons travels to a sports event with any means of transportation, police officers may order their journey to be interrupted on the grounds referred to in the preceding paragraph by prohibiting the journey with the means of transportation in question from being continued towards the venue of a sports event.

(4) The interruption of travel or prohibition of access to the venue of a sports event shall be ordered by police officers verbally and shall remain in force until the sports event is over and the participants leave the venue. Police officers shall properly document the order imposed and the grounds for its imposition in accordance with paragraph one of Article 130 of this Act.

Detention

Article 64

(Detention)

(1) Police officers may detain a person who:

- disrupts or threatens public order, provided that it cannot be restored otherwise and/or if disruption cannot be prevented otherwise;

- violates a restraining order imposed under this Act;
- violates a prohibition of attending sport events imposed on him;
- has to be handed over to foreign security authorities or has been taken over from them and needs to be transferred to the competent authority.

(2) Detention may only last for as long as strictly necessary, but no longer than 12 hours, while detention under the fourth indent of the preceding paragraph may last 48 hours maximum.

Article 65 (Specifics in respect of minors)

(1) If the person detained is a minor, police officers shall within the shortest time possible verbally inform his parents or guardian. If police officers establish that informing them would be contrary to the best interests of the minor, they shall only notify the competent social work centre of the detention.

(2) Police officers shall enable the parents or guardian, at their request, to freely contact and speak to the minor, unless this is contrary to his best interests. Police officers shall also enable employees of the competent social work centre to freely contact and speak to the minor. Police officers may not listen to the conversation, but may monitor it visually.

(3) In the premises for detention, minors shall be held separately from adult persons.

Article 66 (Detention implementation)

(1) Detention shall begin upon being ordered by police officers. The duration of the police procedure until the issue of a detention order shall be counted as part of the duration of detention.

(2) Upon ordering detention, police officers shall conduct a security search.

(3) Before the person in question is placed in a detention facility, police officers shall order him to hand over all items and then conduct a detailed security search under paragraph six of Article 51 of this Act.

(4) Police officers shall seize from the person any item suitable for assault or self-harm and immediately return to him other items. Police officers shall write down the information on the items seized in a certificate. They shall return the items seized to the person at the end of detention, unless items are involved that need to be seized according to the law.

(5) A detained person shall be issued and served the decision on detention within six hours of the issue of the detention decision. During detention, a detained person shall have the right to appeal against the detention decision. The police officers implementing detention shall make arrangements for the appeal against the decision on detention to be sent to the competent district court without delay.

(6) The competent district court shall decide on the appeal within 48 hours. The appeal shall not stay the execution of the detention decision.

Article 67

(Rights of detained persons)

(1) Upon the imposition of detention according to the provisions of this Act, the person in question shall immediately be informed, in his native language or in a language he understands, of his detention and the grounds for detention, and advised that he is not obliged to give any statements, that he has the right to immediate legal assistance by a defence counsel whom he can choose freely, and that the competent authority is obliged to notify his closest relatives of the detention at his request.

(2) If the person referred to in the preceding paragraph is an foreigner, he shall also be advised, in his native language or in a language he understands, that if he so requests, the diplomatic and consular representative office of the country of which he is a citizen may be informed of his detention.

(3) Police officers shall delay any further acts in respect of a detained person aimed at proving a violation until a defence counsel has arrived, but not beyond the period of 2 hours from the point when the person has been given the possibility to contact a defence counsel, unless this could prevent the implementation of a police task or impede it.

(4) At the request of the detained person, police officers shall immediately inform his employer, the competent social work centre for the purpose of its taking over care of his children, and other persons otherwise supported by the detained person, or any other competent body or person needed in order to take care of animals or secure his property.

(5) Informing close relatives, diplomatic or consular representations or employers outside the Republic of Slovenia shall be carried out through the ministry responsible for foreign affairs.

(6) In exercising his rights under this Article, a detained person is not bound by any previous decision made by him to the effect that he renounces these rights, and can exercise them at any time.

Article 68
(Medical assistance)

(1) If a detained person needs emergency medical assistance, this shall be ensured by police officers in accordance with the regulations governing emergency medical service, irrespective of whether the person in question requests it or not.

(2) A detained person shall have the right to be examined, at his own expense, by a doctor of his choice.

(3) The medical examination shall take place in the absence of police officers unless the doctor requests otherwise.

Article 69
(Place of detention)

(1) Police officers shall detain persons at police premises used for detention or, when this is not possible, at premises specified and used for detention, remand or the execution of a sentence of imprisonment by another body. In such cases, the official persons shall ensure that detained persons are not held in the same rooms as persons held in custody or persons serving a prison sentence.

(2) In exceptional circumstances, police officers may detain a person in a specially adapted compartment of police vehicle or in other suitable premises, but only for the period necessary to complete a police task.

(3) Exceptionally, a person may also be detained in a health institution.

(4) Only persons of the same gender may be detained at the same time in a single detention room. Exceptionally, a minor may be detained together with a person of the opposite gender, if this person is one of the parents or a guardian and this is in the best interests of the minor.

(5) The standards for the construction and equipment of police premises used for detention shall be prescribed in detail by the Minister.

Article 70

(Detained person's right to communicate)

(1) A detained person shall have the right to communicate with the competent public authorities and/or international institutions or organizations operating in the field of the protection of human rights and fundamental freedoms, such as, in particular, the Human Rights Ombudsman, the competent national or international courts, other national or international supervisory bodies and non-governmental or humanitarian organizations.

(2) A detained person shall have the right to send a petition, a request or an appeal addressed to the entities referred to in the preceding paragraph in a sealed envelope and police officers shall have no right to inspect the writing.

Article 71

(Right to nutrition, access to drinking water and toilet facilities, movement and rest)

(1) A detained person shall be guaranteed nutrition and permanent access to drinking water and toilet facilities. A person who is detained for more than 12 hours shall be provided with three meals daily, while others have, as a rule, the right to a non-cooked meal. As a rule, food is not given to persons who are obviously under the influence of alcohol, illicit drugs, psychoactive drugs and other psychoactive substances. The right to nutrition shall also include the provision of special nutrition owing to illness or a personal belief.

(2) A person who spends more than 12 hours in a detention room shall be allowed to move in the open air, unless security reasons do not permit this.

(3) A detained person shall have the right to an uninterrupted rest period of eight hours within twenty-four hours.

(4) If a person was brought to detention premises in wet and/or inappropriate clothes (inappropriately dressed with regard to the season, weather conditions, etc.), police officers shall for the period of detention provide him with suitable clothes or footwear acquired from people close to him or his relatives and proposed by the detained person, and/or from the competent social work centre or a humanitarian organisation.

2. USING INSTRUMENTS OF RESTRAINT

Article 72 (Objectives)

Police officers may use instruments of restraint in order to prevent or avert a threat, if through a warning, an order or the implementation of other police powers they cannot effectively accomplish a police task.

Article 73 (Types of instruments of restraint)

(1) In performing police tasks, police officers may use the following instruments of restraint:

- instruments for handcuffing and tying;
- physical force;
- gas spray;
- baton;
- service dog;
- electrical incapacitation devices;
- means for stopping vehicles by force;
- mounted police units;
- special motor vehicles;
- water cannon;
- gas and other instruments of temporary incapacitation provided by law;
- firearms.

(2) Instruments of restraint shall be deemed to have been used when police officers, while performing police tasks, employ any instrument referred to in the preceding paragraph in order to exercise direct control over individuals.

Article 74 (Using instruments of restraint)

(1) For the purpose of performing police tasks, police officers may in a prescribed manner only use instruments of restraint provided by this Act. Instruments of restraint which police officers are allowed to use shall be type-specified.

(2) Police officers shall be trained in the use of instruments of restraint and shall, with respect to technical means of restraint, always observe the manufacturer's instructions for use.

(3) For the purpose of handcuffing and tying people and stopping vehicles by force or in the event that the life of a police officer or other people is directly threatened, police officers may exceptionally also employ other means and methods to hand. They are allowed to do so provided that they do not have any other option and that in terms of the anticipated consequences, such means and methods are comparable and appropriate.

(4) When police officers' or other people's life is under direct threat and the conditions for the use of firearms apply while it is not possible to avert the danger by using a type-specified weapon, police officers may exceptionally deploy other types of weapons in use by the Slovenian Armed Forces.

(5) In cases referred to in the preceding paragraph, police officers may use vehicles and equipment that have not been type-specified for police use. The weapons and equipment from the preceding paragraph may be used only by members of the special police unit who shall be properly trained in deploying:

- light artillery and support armament and
- ballistic protection vehicles for a safe approach or entry into facilities.

(6) The use of armament, vehicles and equipment from paragraphs four and five of this Article shall be approved by the Director-General of the Police in agreement with the minister responsible for the defence. The Minister shall immediately notify the Government of the Republic of Slovenia of the decision.

(7) Type-specification of instruments of restraint referred to in paragraph one of this Article shall be specified by the Minister through an internal act.

Article 75

(Giving orders prior to the use of instruments of restraint)

- (1) Before using instruments of restraint, police officers shall order the person in question what to do or refrain from doing and warn him that in the event of non-compliance with the order, they will use instruments of restraint.
- (2) Notwithstanding the preceding paragraph police officers may abandon the order or warning if it could render the completion of a police task impossible or the relevant circumstances do not permit a warning.

Article 76

(Special conditions for using instruments of restraint)

Police officers may not use instruments of restraint against children and visibly sick, elderly and frail people, visibly seriously disabled persons and visibly pregnant women, unless their movement has been temporarily restricted or they must be produced or detained and police officers are unable to control their resistance or assault in any other manner, or if they threaten their own life or the life of other people and property or if due to other circumstances, their life or health is directly threatened.

Article 77

(Using instruments of restraint pursuant to the order of the officer-in-charge)

Police officers who perform police tasks under the direct command of the officer-in-charge may only use instruments of restraint pursuant to his order, except in the event of an assault on them or other people or when the relevant circumstances require immediate action. Police officers shall report on the use of an instrument of restraint to the officer-in-charge without delay.

Article 78

(Providing first aid)

(1) If owing to the use of instruments of restraint a person has been injured, police officers shall, as soon as circumstances permit, ensure him the provision of first aid or medical assistance. If the injured person stays in a health institution for treatment police officers shall accordingly inform his relatives, unless the injured person opposes such information.

(2) Police officers shall acquire data on his relatives from the injured person or, when this is not possible, from records and other data collections or from other people.

a) Using instruments of restraint against individuals

Using instruments for handcuffing and tying

Article 79

(Using instruments for handcuffing and tying)

Police officers may use instruments for handcuffing and tying if in view of the circumstances it is likely that the person in question will offer resistance or inflict harm upon himself or attempt an assault or escape, or when this is necessary in order to safely carry out production or detention procedures.

Using physical force

Article 80

(Using physical force)

Police officers may use physical force if they otherwise cannot:

- control the person's resistance;
- repel an assault or
- prevent the person from inflicting self-harm.

Article 81

(Definition of physical force)

(1) The use of physical force shall be deemed to be direct use of force by police officers that consists of expert grips/holds, strikes and throws.

(2) In addition, the use of physical force shall be deemed to be exerting expert pressure and individual or team physical force for pushing, shoving, carrying or separating people.

(3) Physical force shall also be deemed to be used by police officers when during individual or team exertion of physical force, they use a shield for pushing, shoving or separating people or a baton for performing expert grips/holds, pressure, pushing, shoving, transporting or separating people.

(4) In order to control passive resistance, police officers may use blows and throws only if they establish that by expert grips/holds and the use of physical force referred to in paragraph two of this Article are ineffective, or if these are impossible to apply due to the specific circumstances and due to guaranteeing the protection of life, personal safety or property.

Using gas spray

Article 82

(Using gas spray)

(1) Police officers may use gas spray provided that the conditions for the use of physical force are fulfilled.

(2) Police officers may not use gas spray for the purpose of controlling passive resistance, unless the use of other, less aggressive means of restraint, does not suffice to bring such resistance under control or if these are impossible to apply due to the specific circumstances and due to guaranteeing the protection of life, personal safety or property.

Using a baton

Article 83 (Using a baton)

(1) Police officers may use a baton if the use of physical force or gas spray has proved to be ineffective or if in view of the circumstances, it cannot be reasonably expected that their use would be effective.

(2) Police officers may not use batons for the purpose of controlling passive resistance, unless the use of other, more lenient means of restraint, does not suffice to bring such resistance under control or if these are impossible to apply due to the specific circumstances and due to guaranteeing the protection of life, personal safety or property.

Article 84 (Definition of batons and manner of their use)

(1) The use of a baton shall be deemed to be direct use of a baton, a side-handle truncheon or tonfa and foldable and other type-specified batons for striking blows.

(2) Police officers may not intentionally strike blows to vital parts of the human body such as the head, neck or genitals, unless this is necessary because a person directly threatens the lives of police officers or other people.

Using service dogs

Article 85 (Using service dogs)

(1) Police officers may use a muzzled service dog on a lead if they cannot bring active resistance under control or avert an assault.

(2) Police officers may use a muzzled service dog off the lead if they cannot otherwise prevent a person from attempting an escape or avert an assault.

(3) Police officers may use an un-muzzled service dog on a lead if they are otherwise unable to:

- bring active resistance involving weapons, dangerous implements, other dangerous objects or substances under control or avert an assault by a person carrying such objects or substances;
- bring active resistance offered by several people under control or avert their assault;
- avert an assault by a person who is physically stronger or is proficient in special skills.

(4) Police officers may use an un-muzzled service dog off the lead if they are otherwise unable to:

- bring active resistance involving weapons, dangerous implements, other dangerous objects or substances under control or avert an assault by a person carrying such objects or substances, or provided that there is a direct danger of serious bodily injury or severe consequences for a police officer or any other person;
- prevent a person carrying a weapon, a dangerous implement and other dangerous objects or substances from escaping.

Article 86
(Method of using service dogs)

(1) The use of a service dog shall be deemed to be a police officer's procedure, whereby a service dog, with its body or bite, exercises direct control over a person.

(2) Police officers shall, if reasonably possible, control a service dog at all times in order to prevent a person against whom they use the dog from being injured.

Using electrical incapacitation devices

Article 86a

(Electrical incapacitation device)

(1) Police officers may use an electrical incapacitation device where there is no other way of:

- bringing under control a person who is actively resisting or carrying out an assault with a weapon or a hazardous object by which he is threatening the life of a police officer or someone else's life;
- preventing a person likely to physically injure themselves if there is imminent danger that the person will suffer a serious bodily injury or serious consequences.

(2) Police officers may deploy an electrical incapacitation device on children, the visibly ill, the elderly, the frail, and persons who are apparently heavily handicapped or are believed to be pregnant only if the conditions for the application of firearms have been satisfied.

(3) An electrical incapacitation device shall mean a device intended to temporarily incapacitate a person by delivering a high voltage electrical charge. The police shall formally record encounters in which an officer has activated an electrical incapacitation device and switched it to ready-to-discharge mode, and shall supervise the legitimacy and professional standards applied in such cases.

(4) Police officers may deploy an electrical incapacitation device by firing electrodes into a person, and shall be permitted, yet only by way of exception when upon failed emitting they were left with no other means of deflecting an assault, to use an electrical incapacitation device by directly applying it to the subject.

(5) Electrical incapacitation devices used by police officers in the exercise of their powers shall be equipped with a video camera to record police procedures and with an

electronic data log system to record deployment time details and the duration of an activation cycle.

(6) On completing the deployment of an electrical incapacitation device, police officers shall have the subject examined by a doctor as soon as circumstances permit.

Using means for stopping vehicles by force

Article 87

(Using means for stopping vehicles by force)

Police officers may use means for stopping vehicles by force in order to forestall:

- escape by vehicle of a person caught in circumstances showing elements of the commission of a criminal offence, the perpetrator of which is prosecuted *ex officio*;
- escape by vehicle of a person deprived of liberty or against whom an arrest warrant has been issued;
- illegal crossing of the state border by vehicle of a person who disregards a police officer's lawful signal or order to halt;
- continuation of a journey by vehicle of a person whom, previously, a police officer has tried to stop in a correct manner at least twice but who has disregarded a police officer's lawful signal or order;
- unlawful access by vehicle to buildings and premises or an area where a protected person is staying, residing or travelling, or
- continuation of travel by vehicle of a person who disregards a police officer's lawful order and attempts to continue or continues his journey without fulfilling the conditions for driving.

Article 88

(Means for stopping vehicles by force)

(1) Means for stopping vehicles by force shall be spike strips, spike instruments to prevent continuation of travel by vehicle and other means by way of which police officers force the driver to stop his vehicle or prevent him from escaping by vehicle.

(2) Other means for stopping vehicles by force shall in particular be vehicles, vessels, nets, electronic devices, protective fences, wooden, concrete or metal obstacles and other materials.

(3) Vehicles transporting dangerous goods or live animals may not be used for stopping vehicles by force.

(4) Police officers may use the technical means referred to in paragraph two of this Article also to forcefully stop or land remotely and autonomously controlled vehicles, vessels, aircrafts and other technical devices that violate the provisions referred to in paragraph four of Article 56 of this Act or if it is likely that their use would pose a threat to the safety of people or property of substantial value.

Article 89

(Ensuring safety to other road users)

Before employing means for stopping vehicles by force, police officers shall implement appropriate measures in order to ensure safety to other road users.

b) Using means of restraint against a crowd

**Using water cannon, mounted police units, special motor vehicles
gas and other instruments of temporary incapacitation**

Article 90

(Using water cannon, mounted police units, special motor vehicles
gas and other instruments of temporary incapacitation)

In order to restore public order when it is violated seriously or en masse, police officers may, in addition to instruments for handcuffing and tying, physical force, gas spray, baton or service dog, use:

- mounted police units;
- special motor vehicles;
- water cannon or
- gas and other instruments of temporary incapacitation stipulated by law.

Article 91

(Utilization pursuant to an order or at police officers' discretion)

(1) Using water cannon, mounted police units, special motor vehicles and gas and other instruments of temporary incapacitation for reasons referred to in the preceding Article shall only be allowed on the basis of an order issued by the Director General of the Police, director of a police directorate or a police officer accordingly authorised by the Director General of the Police or director of a police directorate.

(2) Before employing means of restraint referred to in the preceding paragraph, police officers shall order the crowd to stop violating public order and to leave peacefully, and shall warn them about the use of means of restraint should they not comply with the order.

(3) Gas instruments and other instruments of temporary incapacitation may be used by police officers without an order by the competent person and without a warning to apprehend a person in case of terrorist acts, kidnappings and in other cases when a person offers active resistance or attacks with weapons or dangerous objects.

(4) Police officers may also use gas instruments and other instruments of temporary incapacitation without an order by the competent person and without a prior order and warning if they have reasonable grounds to expect armed resistance which could result in a direct threat to the life of a police officer or any other person.

(5) To guarantee safe implementation of procedures police officers may use technical devices for photographing and video and audio recording, thermovision cameras and night vision devices in cases referred to in paragraphs three and four of this Article. Officers of the Special Unit may, provided the conditions referred to in paragraph four of this Article are fulfilled, also use radar systems for through-wall detection of human presence or movements. Such recordings shall be deleted as soon as possible and within ten days from recording at the latest.

Article 92
(Mounted police units)

(1) The use of a mounted police unit shall be deemed to be police officers' procedures with horses, whereby horses, with their body, exercise direct control over people by pushing, shoving, separating or scattering them.

(2) A procedure carried out by a single police officer with a horse shall also be deemed to be the use of a mounted police unit.

(2) Police officers shall, if reasonably possible, handle their horses at all times so that persons against whom they use the horses do not suffer unnecessary injury.

Article 93
(Special motor vehicles)

The use of special motor vehicles shall be deemed to be the use of specially equipped motor vehicles for exercising direct control over people, i.e. for pushing, shoving, separating or scattering, in a manner which allows public order to be restored with the least damaging consequences.

Article 94
(Using water cannon)

(1) The use of a water cannon shall be deemed to be the use of a directed jet of water under pressure for pushing, shoving, separating or scattering people in a manner which allows public order to be restored with the least damaging consequences.

(2) A water cannon may be used from a special vehicle, a water pump or from a water supply network.

Article 95
(Gas instruments and other instruments of temporary incapacitation)

(1) Gas instruments shall be: gas pistols or rifles for shooting gas cartridges or substances, gas hand grenades or other instruments for spraying gaseous substances.

(2) Other instruments of temporary incapacitation shall be: bombs or projectiles with a sound, light or smoke effect or a combination of the aforementioned effects, and rubber projectiles.

(3) Rubber projectiles shall be deemed to be projectiles made of rubber, foam, plastics, sand or any other material with a similar impact.

Use of firearms

Article 96
(Use of firearms)

(1) When performing official tasks, police officers may use firearms only if otherwise unable

- to prevent an unlawful assault directed concurrently against themselves or any other person that puts lives in jeopardy, or
- to prevent a person who in circumstances showing elements of the commission of a criminal offence has in his possession a firearm ready for use, explosives or other dangerous objects or substances for endangering the life of one or more persons.

(2) An assault on police officers or any other person referred to in indent 1 of the preceding paragraph shall also be deemed to be a situation in which a person reaches for a weapon or any other dangerous object or substance, pulls them out or tries to do so or holds them in a position indicating the possibility of an imminent assault.

(3) Before using their firearms, police officers shall, if with regard to the police officers' or other people's safety circumstances allow, caution the person against whom the firearms are to be used by calling out "Police! Freeze or I will shoot!" and fire a warning shot in a safe direction.

Article 97

(Special conditions for using firearms)

(1) In the event that a person against whom police officers are allowed to use firearms is fleeing or retreating towards a group of people or is in the midst of them, a police officer may only shoot if the person in question is directly threatening people's lives.

(2) In the event that a person against whom police officers are allowed to use firearms is in the vicinity of the state border or is approaching it, police officers shall shoot so that the projectile does not fly over the state border.

3. POLICE POWERS TO PROTECT PARTICULAR PERSONS AND BUILDINGS

Article 98

(Persons and buildings under protection)

(1) Police officers shall protect particular persons, premises, buildings and the environs of these buildings that are of special national importance and specified in the regulation under Article 103 of this Act.

(2) In addition to persons and buildings referred to in the preceding paragraph, police officers shall, pursuant to an order of the Director General of the Police, protect other persons specified in the regulation under Article 103 of this Act.

(3) In a decree referred to in Article 103 of this Act the Government may lay down that the police shall also protect family members and homes of protected persons referred to in paragraphs one and two of this Article.

(4) Unless otherwise provided by law, police officers shall also ensure protection of certain jobs and the confidentiality of information of state authorities.

(5) State authorities and persons referred to in the first and second paragraphs of this Article shall communicate to the police data and information which

could have an impact on the safety or performance of police tasks aimed at ensuring the safety of these persons, premises, buildings and the environs of these buildings.

Security clearance

Article 99 (Security clearance of persons)

(1) Police officers may for the purpose of protecting particular persons, buildings and the environs of these buildings referred to in the first or second paragraph of the preceding Article, and in other cases specified by this Act or other laws, conduct a security clearance of persons.

(2) A security clearance shall be conducted with the person's written consent. A person who does not give his consent to a security clearance shall be considered not to meet the security conditions for having access to a protected person, building or the environs of this building referred to in the first or second paragraph of the preceding Article, for occupying a job or performing work.

(3) Consent by a person under the security clearance procedure shall not be required if the relevant procedure is carried out for the purpose of protecting particular protected persons who are highly endangered.

(4) Police officers may not conduct a security clearance of persons who in connection with the performance of their functions are allowed to have access to classified information without a permit under the Classified Information Act, which also applies to the Director General of the Police and his deputy.

(5) In relation to particular jobs of the officials referred to in the preceding paragraph, police officers may implement certain protective measures, especially those which aim to detect harmful software or technical equipment. Jobs subject to the implementation of protective measures by the police shall be specified in the regulation under Article 103 of this Act.

(6) Consent by a person under the security clearance procedure shall also not be required if the relevant procedure is carried out because of the suspected existence of a security concern under Article 102 of this Act

- in respect of persons occupying specific positions and
- in respect of persons who have direct access to a protected person or a protected building.

(7) Security clearance of a person referred to in paragraph one of this Article shall be initiated on the proposal of the head of a state authority, while in the cases under paragraphs three and six of this Article, it shall be initiated on the basis of an order issued by the Director General of the Police.

(8) Security clearance shall be conducted:

- prior to the commencement of work with a particular protected person and in a protected building or its environs referred to in paragraph one or two of the preceding Article;
- prior to the commencement of protection in the cases referred to in paragraph three of this Article;
- before occupying a specific position;

- for the purpose of employment with a particular protected person or in a protected building referred to in paragraph one or two of the preceding Article at least every five years.

(9) In carrying out security clearance, police officers may also cooperate and exchange information with foreign law enforcement authorities.

(10) Particular jobs referred to in paragraphs six and eight of this Article shall be jobs within state authorities or bodies of self-governing local communities where there is a special need for protecting confidential or personal data and a confidential relationship between the person in charge and his closest associates or their management policies, which requires specific measures in terms of access to a protected person and protected building and its environs or to particular protected premises or a particular job. People occupying positions in respect of which security clearance is carried out shall in particular be advisors of the person in charge, business secretaries, office secretaries, administrative staff who have access to the documentation of the person in charge and drivers. A detailed description of particular positions shall for each state authority be defined in the regulation under Article 103 of this Act.

Article 100

(Contents of security clearance of persons)

(1) Data that may be obtained during a security clearance shall be as follows:

1. name and surname, including previous ones;
2. tax identification number;
3. data from police records referred to in points 1, 2, 3, 5, 6, 11, 12, 14, 19 and 27 of paragraph two of Article 123 of this Act; data from the records under point 7 of paragraph two of Article 123 may only be obtained in an emergency case in which a security concern can neither be confirmed nor dismissed in any other way;
4. date and place of birth;
5. citizenship and/or citizenships, including previous ones;
6. residence address (permanent and temporary, and address of availability);
7. stays abroad, including official secondments to perform work abroad (place, period of time and reason);
8. marital status or non-marital union equal to it, and number of children;
9. profession and work currently or previously performed;
10. weapons skills;
11. current and previous employers and their addresses;
12. final judgments for criminal offences for which a perpetrator is prosecuted *ex officio*, judgments and decisions on minor offences;
13. criminal procedures for criminal offences for which perpetrators are prosecuted *ex officio*, and minor offence procedures;
14. addiction to alcohol and illicit drugs, or other forms of addiction;
15. illness or mental disorder that could threaten the safety of particular persons or buildings;
16. contacts with foreign law enforcement authorities and/or intelligence or counterintelligence services;
17. membership of or participation in organisations or groups unlawfully threatening vital interests of the Republic of Slovenia or member states of political, defence or security alliances of which the Republic of Slovenia is a member;
18. disciplinary sanctions;
19. previous security clearances under this Act;
20. service in foreign armed forces or other armed formations;

21. characteristics and circumstances pertaining to the life of the person undergoing security clearance, especially financial circumstances due to which he could be exposed to blackmail or other forms of pressure.

(2) During a security clearance, only those data under the preceding paragraph may be collected by police officers that are relevant to the decision on security restrictions.

(3) Where a suspicion of addiction to alcohol and illicit drugs or any other form of addiction under point 14 of paragraph one of this Article, and/or a suspicion of an illness or mental disorder under point 15 of paragraph one of this Article have been established during a security clearance, the police shall verify this suspicion by referring the person undergoing security clearance for medical examination to a health institution or a doctor in private practice who is authorised to perform such examinations under the law regulating confidential information.

(4) The suspicion referred to in the preceding paragraph shall be verified on the basis of the decision on referral. If the person undergoing security clearance fails to attend the medical examination within the time limit set by the health institution or the doctor in private practice for unjustified reasons, he shall be considered not to have met the security conditions for access to or the performance of the work.

(5) Sole traders, self-employed persons, legal entities and state authorities from whom the police during a security clearance collect data referred to in paragraph one of this Article shall communicate the relevant data to the police free of charge and no later than within 15 days of receipt of the request.

(6) The entities referred to in the preceding paragraph shall process data pursuant to the law governing personal data protection or pursuant to other rules regulating data confidentiality or secrecy, while not being under an obligation to inform the person undergoing security clearance or to confirm to that person that the data were communicated to the police. The person undergoing security clearance may be duly informed five years following the security clearance procedure or two years following the termination of his employment.

(7) The Slovene Intelligence and Security Agency and the Intelligence and Security Service of the Ministry of Defence shall not be obliged to communicate the data under points 16 and 17 of paragraph one of this Article to the police, when such communication could threaten the sources of establishing and/or verifying the data communicated.

Accreditation procedure

Article 101

(Accreditation procedure)

(1) For the purpose of ensuring the safety of particular protected persons at premises of special importance or in buildings in which certain events of national importance are to take place, the police may carry out a restricted security clearance investigation, i.e. an accreditation procedure.

(2) A person who will be staying at the premises or taking part in the event referred to in the preceding paragraph shall fill out a special questionnaire prepared by the police in cooperation with the organiser of the event.

(3) Data which may be obtained during the accreditation procedure shall include:

- data under points 1, 2, 3, 4, 5, 6 and 9 of paragraph one of the preceding Article;
- purpose of and/or reason for the arrival and the organiser (name and surname or the name of the legal entity) who shall confirm the purpose of the arrival;
- employer (name and surname or the name of legal entity and address), including the employer's written confirmation in the questionnaire to the effect that the person undergoing the accreditation procedure is being sent to perform particular work in connection with events of national importance;
- mode of arrival, including an indication of the registration number and make of the vehicle.

(4) If at the request of the organiser or on the recommendation of the police the identification badge also includes a photograph of the person from the questionnaire, the person under the investigation shall supplement the questionnaire with his photograph as provided by the law governing identity cards, and one which shows the real image of the person in question.

(5) A person who, following security clearance, is allowed entry to premises of special importance, shall be issued an identification badge by the organiser, who shall manufacture it in accordance with the recommendations of the police.

(6) If during the security clearance security reservations have been established in connection with the person under clearance being present at the premises referred to in paragraph one of this Article, the police shall refuse the entry of such person to these premises and accordingly inform the organiser, who may decide otherwise.

(7) For the purpose of considering the interests of national security, protected persons or international relations, the police shall not inform the person investigated and the organisers of events about specific reasons for prohibiting entry to the premises referred to in paragraph one of this Article.

Article 102 (Security reservation)

(1) In addition to the restrictions referred to in paragraph two of Article 99 and paragraph four of Article 100 of this Act, a security reservation shall be deemed to exist if the circumstances established within the security clearance:

- provide grounds to doubt the adequacy of the person in question to work with a particular protected person or in a particular post, which includes the possibility of a threat to the protected person or other persons or the building and breach of confidential, personal and other protected information or confidential relationships, and
- point to contacts established or an attempt to establish contacts with illegal organisations or groups and/or foreign law enforcement authorities or intelligence or counter-intelligence services attempting to subvert the legal order of the Republic of Slovenia.

(2) The police shall inform the authority that has proposed a security clearance of its findings. In respect of the person in connection with whom a security reservation has been established through a security clearance, the police shall suggest to the proposer that the person in question should be prohibited from access to or work with a particular protected person and/or in a particular building or in a particular position.

(3) The police shall not be obliged to communicate information relating to contacts with foreign law enforcement or intelligence services or to membership of or participation in organisations or groups threatening the vital interests of the Republic of Slovenia or member states of political, defence or security alliances of which the Republic of Slovenia is a member, when such communication could threaten the sources of establishing and/or verifying the data communicated.

Article 103
(Decree)

- (1) The Government shall specify protected persons, premises, buildings and the environs of buildings protected by the police and prescribe the scope, forms and method of their protection.
- (2) The Government shall specify the posts for which security clearance of persons needs to be carried out and prescribe the scope and method of the performance of security measures for these posts.

4. POLICE POWERS ON WATER

Article 104
(Exercising police powers on water)

(1) By supervising maritime surface waters, the water-column and seabed, police officers shall in particular ensure the sovereignty and/or jurisdiction of the Republic of Slovenia, control the state border and perform other police tasks.

(2) In order to effectively perform police tasks referred to in the preceding paragraph, police officers shall especially cooperate with the representatives of the authority responsible for maritime affairs, the Slovenian Army and customs authorities, representatives of the law enforcement authorities of neighbouring countries, companies and public utility institutes and the competent inspection services, with persons who engage in transport of goods and passengers or fishing, with members of interest groups for water and underwater activities and organisations providing berthing and regular and winter storage services for vessels.

(3) In performing police tasks referred to in paragraph one of this Article, police officers shall directly control vessels on domestic and international voyages, vessel masters, boat masters, crew members and other persons on board vessels and persons who engage in maritime activities. These tasks shall be performed by surveillance and patrolling and, if necessary, other types of work. Vessels which are not subject to direct control during domestic and international voyages shall be foreign and national military ships, except in cases involving the performance of state border controls and tasks under the Maritime Code.

(4) For the purpose of performing police tasks under this Article, police officers may:

- verify the vessel's flag;
- stop the vessel;
- check the documents of the vessel, its crew members and other persons on board the vessel;
- inspect and document the area under the water surface, including the bottom;
- inspect or search the vessel;

- order a diver to suspend diving;
- pursue, capture and remove a vessel, its crew and other persons on board the vessel to a certain location or to a certain authority, and
- exercise other police powers.

(5) The provisions of this chapter shall also apply to the implementation of police powers on inland waters.

Article 105
(Verifying the vessel's flag)

(1) If in performing their tasks police officers observe a vessel without a flag or flying a flag that raises suspicion, they shall, in an appropriate manner, order the person on board the vessel to show the flag and, if necessary, to communicate the name of the vessel, its port of registration and departure and its route.

(2) If the person on board the vessel does not show the flag and fails to communicate the information demanded, police officers shall signal the vessel's master to stop.

Article 106
(Stopping a vessel)

(1) Stopping a vessel shall mean reducing the vessel's speed to the extent that still ensures safe navigation or switching off the propulsion system upon the police officer's order.

(2) Police officers shall give the sign for stopping a vessel by means of a visual or audible signal (signs of the International Code of Signals, a device for producing audible signals, blue rotating light, megaphone or whistle) from a distance which enables the persons on board the vessel to see and/or hear it.

(3) Verbal orders shall be clear and brief: "Stop the vessel, police check!" in Slovenian and English, to be repeated by a police officer three times.

(4) Before giving the order for stopping the vessel, police officers shall first establish its geographic position.

(5) The vessel's geographic position does not need to be established in the coastal area where its position is established descriptively.

Article 107
(Checking documents of a vessel, its crew members and passengers)

(1) After the vessel has stopped upon signs or orders, police officers shall check the vessel's documents and logs and the documents of the crew members and passengers.

(2) In unfavourable weather conditions or for the sake of the crew's and vessel's safety, police officers may order the master of the vessel stopped to head for the nearest lee or port where they shall complete the police procedure.

(3) Police officers may order the master of the vessel stopped to bring the vessel's documents and logs and the documents of persons on board to the police vessel and hand them over for inspection.

Article 108
(Inspecting and documenting the area
under the water surface, including the bottom)

(1) Where direct observation is necessary in order to clarify certain facts and circumstances, police officers may inspect and document the area under the water surface, including the bottom.

(2) The area referred to in the preceding paragraph shall be inspected and documented by police divers directly or by means of technical instruments.

Article 109
(Inspecting or searching a vessel)

(1) Police officers may inspect the vessel when it is necessary to directly check the facts and circumstances related to the reasons for stopping the vessel.

(2) Police officers may search a vessel in consideration of the requirements of the Criminal Procedure Act or the Minor Offences Act.

Article 110
(Ordering a diver to suspend diving)

(1) Where there are reasons requiring identification, police officers may order a diver to suspend diving.

(2) Police officers may order the diver to suspend diving directly through a verbal order or standard international signs for underwater communication.

Article 111
(Pursuing and capturing a vessel)

Police officers may pursue and capture a vessel which disregards the signs of the police to stop. In the cases provided by law where all the requirements for production or detention have been met, they may take the vessel, its crew members and other persons on board the vessel to a certain location or to a competent authority.

5. DATA COLLECTION AND PROCESSING

Article 112
(Data collection)

(1) In the performance of police tasks, police officers shall collect and process personal and other data, including biometric data and data arising from confidential relationships or professional secrets. Police officers may process data during the identification procedure and in the detection and investigation of criminal offences. In the detection and investigation of criminal offences police officers may, if necessary and required given the circumstances of a concrete criminal offence, compare finger and palm prints, photographs with photographs of other persons and compare DNA profiles. These data may be processed in an automated manner.

(2) Police officers shall acquire personal and other data directly from the person to whom they refer and from others who may have such information, or from personal data filing systems, official records, public registers or other data bases. The police must preserve the confidentiality of the source of a report or message.

(3) The police may record and reconstruct those electronic communications in their information and telecommunication system that are intended for the performance of police tasks and are conducted within the police or with other state authorities or holders of public authority. In accordance with the law, the recordings or their reconstructions may be processed in order to verify the legality and professional competence of police procedures and measures in the performance of police tasks. The participants in the communication must be informed in advance that the communication will be recorded and of the purpose of recording.

(4) During a pre-trial investigation concerning the criminal offences referred to in Articles 170 to 176 of the Criminal Code (KZ-1) that have been committed against a minor, for the purposes of seeking suspects of such criminal offences, detection of criminal offences and their traces, prosecution and trial of perpetrators of criminal offences, exclusion of persons from the procedure and assistance to the victims of criminal offences, and so as to enable the exchange of personal data with the competent authorities of other countries for these purposes, the police shall collect from the suspect in each individual case data on his identity and DNA profile and save them in the record of DNA tests.

(5) During a pre-trial investigation concerning the criminal offences referred to in the act governing cooperation in criminal matters with EU Member States that allows the enforcement of a warrant for arrest and surrender regardless of double criminality, the police shall take fingerprints from the suspect in each individual case for the purposes of seeking suspects of these criminal offences, detection of criminal offences and their traces, prosecution and trial of perpetrators of criminal offences, exclusion of persons from the procedure or assistance to the victims of criminal offences. The fingerprints taken shall be kept in the record of fingerprinted persons, so as to enable the exchange of personal data with the competent authorities of other countries for the aforementioned purposes.

Article 112.a
(Collection of passenger data)

- (1) In addition to data referred to in paragraph one of Article 112 of this Act the police shall also collect passenger data for all commercial, scheduled and non-scheduled flights from air carriers that carry out transports from third countries or EU Member States to the territory of the Republic of Slovenia and back or with a stopover on the territory of the Republic of Slovenia.
- (2) The police shall collect and process passenger data referred to in point 30 of paragraph two of Article 123 of this Act (hereinafter: checked-in passenger data) for the purpose of:
- tracking down wanted persons or objects,
 - preventing, detecting, investigating and prosecuting terrorist and other serious criminal offences,
 - effective fight against irregular immigration and improving border checks in the transport of persons across the external borders to the territory of an EU Member State, or

- establishing conformity with personal data in point 31 of paragraph two of Article 123 of this Act and/or to confirm the real identity of passengers.

(3) Following receipt, checked-in passenger data shall be checked in an automated manner for the purpose referred to in indents 1 and 2 of the preceding Article in the following police records referred to in paragraph two of Article 123 of this Act:

- the record of wanted persons,
- the record of missing persons,
- the record of sought items,
- the record of criminal offences,
- the record of operational information,
- the record of persons against whom undercover investigative measures under the act governing the criminal procedure have been taken,
- the record of discreet surveillance and specific checks, and
- the record of measures ordered by courts.

(4) Following receipt, checked-in passenger data, for the purposes of effective fight against illegal immigration and in connection with the criminal offence of Enslavement under Article 112, Trafficking in Human Beings under Article 113, Forging Documents under Article 251 and Prohibited Crossing of State Border or Territory under Article 308 of KZ-1, are also compared, in an automated manner, to pre-set evaluation criteria directed at specific travel patterns of perpetrators of these serious criminal offences.

(5) The police shall collect and process passenger data referred to point 31 of paragraph two of Article 123 of this Act with a view to preventing, detecting, investigating and prosecuting terrorist and other serious criminal offences.

(6) Following receipt, data referred to in the preceding paragraph shall be compared, in an automated manner and consistent with the purpose, with pre-set evaluation criteria directed at specific travel patterns of perpetrators of terrorist and other serious criminal offences.

(7) The evaluation criteria referred to in paragraphs four and six of this Article shall be drawn up and regularly updated by the police unit responsible for the collection, storage and analysis of air passenger data, pursuant to analytical processing of passenger data relating to the already detected perpetrators of the criminal offences referred to in paragraph eight of this Article. The evaluation criteria contain specific travel patterns of perpetrators that differ from the usual travel patterns of other air passengers.

(8) Terrorist and other serious criminal offences referred to in paragraphs two, five and six of this Article are: Genocide under Article 100, Crimes against Humanity under Article 101, War Crimes under Article 102, Aggression under Article 103, Terrorism under Article 108, Financing of Terrorist Activities under Article 109, Incitement and Public Glorification of Terrorist Activities under Article 110, Conscripting and Training for Terrorist Activities under Article 111, Enslavement under Article 112, Trafficking in Human Beings under Article 113, Manslaughter under Article 115, Murder under Article 116, Voluntary Manslaughter under Article 117, Illegal Abortion under Article 121, Aggravated Bodily Harm under Article 123, Grievous Bodily Harm under Article 124, Violation of Right to Equality under Article 131, False Imprisonment under Article 133, Kidnapping under Article 134, Torture under Article 135.a, Rape under Article 170, Sexual Violence under Article 171, Sexual Abuse of Defenceless Person under Article 172, Sexual Assault on a Person Below Fifteen Years of Age under Article 173, Grooming of Persons Below Fifteen Years of Age for Sexual Purposes under Article 173.a, Violation of Sexual Integrity by Abuse of

Position under Article 174, Exploitation through Prostitution under Article 175, Presentation, Manufacture, Possession and Distribution of Pornographic Material under Article 176, Illegal Transplant of Parts of Human Body and Modification of the Human Genome under Article 181, Unlawful Manufacture and Trade of Narcotic Drugs Illicit Substances in Sport and Precursors to Manufacture Narcotic Drugs under Article 186, Rendering Opportunity for Consumption of Narcotic Drugs or Illicit Substances in Sport under Article 187, Robbery under Article 206, Larceny in the Form of Robbery under Article 207, Extortion and Blackmail under Article 213, False Bankruptcy under Article 226, Abuse of Position or Trust in Business Activity under paragraph two of Article 240, Unauthorised Acceptance of Gifts under Article 241, Unauthorised Giving of Gifts under Article 242, Counterfeiting Money under Article 243, Fabrication and Use of Counterfeit Stamps of Value or Securities under Article 244, Money Laundering under Article 245, Use of a Counterfeit Non-cash Means of Payment under Article 247, Manufacture, Acquisition and Disposal of Instruments of Forgery under Article 248, Smuggling under Article 250, Forging Documents under Article 251, Special Cases of Forging Documents under Article 252, Acceptance of Bribes under Article 261, Giving Bribes under Article 262, Accepting Benefits for Undue Influence under Article 263, Giving of Gifts for Undue Influence under Article 264, Criminal Association under Article 294, Public Incitement to Hatred, Violence or Intolerance under Article 297, Participation in a Group Committing a Criminal Offence under Article 298, Manufacture and Acquisition of Weapons and Instruments Intended for the Commission of Criminal Offence under Article 306, Illegal Manufacture of and Trade in Weapons or Explosive Materials under Article 307, Prohibited Crossing of State Border or Territory under Article 308, Hijacking an Aircraft or Vessel under Article 329, Putting Air Traffic in Jeopardy under Article 330, Unlawful Handling of Nuclear and Other Hazardous Radioactive Substances under Article 334, Treason under Article 348, Attack on Territorial Integrity under Article 349, Attack on the State's Independence under Article 350, Encroachment upon Territorial Inviolability under Article 351, Assassination of the President of the Republic under Article 352, Violence against the Highest Representatives of the State under Article 353, Violence Against the Representatives of Foreign Countries or International Organisations under Article 254, Armed Rebellion under Article 355, Diversion under Article 356, Sabotage under Article 357, Espionage under Article 358, Incitement to Violent Change of the Constitutional Order under Article 359, Endangering Persons under International Protection under Article 371, Taking of Hostages under Article 373, Piracy under Article 375 of KZ-1 and other criminal offences under the jurisdiction of the International Criminal Court.

Article 113

(The use of technical means in data collection)

(1) Whenever this is necessary for the collection of personal or other data to prove minor and criminal offences and identify offenders or perpetrators in accordance with the law, police officers may in the performance of police tasks use technical means for taking photographs and making audio and video recordings and technical means for marking or identifying persons, vehicles and objects used by the police. Recordings that will not be used for proving minor and criminal offences and identifying offences or perpetrators shall be deleted as soon as possible but not later than within 30 days of their making.

(2) Technical means for marking persons must be harmless to health and only temporarily non-degradable.

(3) In traffic control on public roads and other public areas, police officers may use technical means for detecting and proving exceeded speed limits at control points

and exceeded average speed in road sections and technical means for determining other minor offences. The recordings of vehicles with which no offence has been committed shall be deleted as soon as possible but not later than within 30 days of their making.

(4) Police officers may, in order to determine the conditions for the participation of a driver and vehicle in road traffic and to search for persons and objects, use technical means for optical recognition of registration plates on or in police vehicles. These technical means must be used in a way that does not enable mass control and facial recognition.

Article 114

(The use of technical means in exercising police powers and monitoring public gatherings)

(1) In order to monitor the legality of the exercise of police powers, police officers may use technical means for taking photographs and making video and audio recordings used by the police.

(2) In order to effectively ensure the safety of people and property when monitoring public gatherings, the police may use technical means referred to in the preceding paragraph if, in view of the circumstances, mass violations of public order or criminal offences can be expected to occur.

(3) When a police officer starts using such technical means, he must inform all those present that the police procedure or public gathering is being recorded. If circumstances do not allow this, he must inform them as soon as possible.

(4) If the information on the use of technical means referred to in this and the preceding Article might prevent a certain police task from being carried out or might make it manifestly more difficult, police officers need not inform the persons whom the use of technical means concerns.

(5) The technical means referred to in this and the preceding Article must be type-specified. Type specification shall be determined in an internal act by the Minister.

Article 114.a

(method of use of technical means in collecting data in respect of the performance of police tasks)

(1) Technical means used by police officers on the basis of this or another Act in respect of collecting data in the performance of police tasks may be used directly or from a vehicle, vessel, aircraft (also pilotless), buildings or other facilities.

(2) In respect of collecting data, police officers may use pilotless aircrafts:

- in searching for persons (Article 43 of this Act),
- for safe performance of procedures (paragraph five of Article 91 of this Act),
- for proving criminal and minor offences and identifying offenders (paragraph one of Article 113 of this Act),
- for the prevention and detection of illegal crossings of the state border in accordance with Articles 8 and 9 of the State Border Control Act

(Official Gazette of the Republic of Slovenia [Uradni list RS], No. 35/10 – official consolidated version and 15/13 – ZNPPol),

- in the performance of covert investigative measures referred to in Articles 149.a and 155.a of the Criminal Procedure Act (Official Gazette of the Republic of Slovenia [Uradni list RS], No. 32/12 – official consolidated version, 47/13, 87/14 and 8/16 – dec. of the CC; hereinafter: Criminal Procedure Act) if thus provided by the Act governing criminal procedure,
- in carrying out an inspection referred to in Article 245 of the Criminal Procedure Act, Article 120 of the Minor Offences Act (Official Gazette of the Republic of Slovenia [Uradni list RS], No.29/11 – official consolidated version, 21/13, 111/13, 74/14 – dec. of the CC and 92/14 – dec. of the CC) and Article 111 of the Road Traffic Rules Act (Official Gazette of the Republic of Slovenia [Uradni list RS], No. 82/13 – official consolidated version) and
- in protecting persons and buildings determined in the regulation referred to in Article 103 of this Act.

- (3) In using pilotless aircrafts police officers shall observe general conditions prescribed for their flying. By way of an exception, if this is necessary for the performance of a police task, derogations from these conditions are admissible provided that the use of a pilotless aircraft does not threaten people's lives, health or property on account of impact or loss of control of the pilotless aircraft's system or that air safety is not threatened or disturbed.

Article 115 (Obligation to provide data)

(1) If police officers in the performance of police tasks collect personal and other data on persons from existing data bases, state authorities and legal persons that keep data bases pursuant to the law and within or in relation to their activities, must provide the required personal and other data free of charge upon a written or similar demonstrable request, so that the powers and tasks under this Act may be exercised and performed and that the interests of the rule of law are protected and effectively implemented.

(2) The Minister may decide that, in cases referred to in the preceding paragraph, entities may only notify the persons whom the data concern of such data provision after the expiry of a specified time limit, which shall not exceed five years.

(3) The provision of the preceding paragraph shall also apply to the presentation to the person whom the provided data concern of a list of entities to which their personal and other data were provided in a particular period of time.

Article 116 (Provision of data)

(1) The police must provide data collected during the examination of an incident or performance of police tasks to a person that demonstrates a legal interest upon a written and reasoned request, in which the circumstances referred to in paragraph four of Article 40 of this Act must be demonstrated.

(2) In the written request the person entitled must define precisely the type of information and the purpose for which they require it.

(3) The Slovenian Insurance Association and insurance companies must pay the police a fee in the amount determined by the Minister for access to or provision of data from police records on offenders and minor offences, on criminal offences, on incidents and electronic police records on traffic accidents, notwithstanding the provisions of the act regulating the protection of personal data. The Slovenian Insurance Association and insurance companies must not transfer a request for access to or provision of data to the injured party.

Article 117

(Provision of data to foreign authorities and international organisations)

(1) The provision of personal data to a body of an international organisation pursuant to an international treaty by which the Republic of Slovenia has transferred the exercising of a part of sovereign rights to it, and the provision of personal data to EU or EEA Member States, shall be carried out on the basis of a relevant international treaty, legal act or decision of the international organisation or pursuant to the provisions of laws implementing these legal acts or decisions.

(2) The police may, if this is necessary for exercising police powers, provide personal or other data collected to authorities of other countries or international organisations to which the Republic of Slovenia has not transferred the exercising of a part of sovereign rights, at their request or on its own motion subject to effective reciprocity. The police may designate certain personal data as sensitive and limit the purpose of their processing.

(3) Before personal data are passed to the authorities referred to in the preceding paragraph, the police must acquire guarantees that the country to which the data are being sent has a regulated personal data protection system and that the authority of a foreign country or international organisation will only use personal data for the purposes set out in this Act. The national supervisory authority responsible for the protection of personal data shall issue a decision on the adequacy of personal data protection in the third country or international organisation for cross-border data exchange.

(4) The police must ensure that it is noted, in the record from which the data was taken, which personal data were passed on, when, to whom, for what purpose and on what grounds.

(5) When providing data, the police must, if this is necessary in view of their content, specify how accurate, complete, updated and reliable they are, and request equal cooperation of authorities of other countries or international organisations in cross-border data exchange. In the processing of data and other documents received, the police and other users must comply with the restrictions imposed by the transmitting authority.

(6) In the case of cross-border exchange referred to in the preceding paragraph, the personal data shall only be provided to law enforcement or similar authorities of other countries or international organisations that require them for operations or decision-making, if their processing is not inconsistent with the purposes referred to in Articles 1 and 4 of this Act. The authorities referred to in the preceding sentence must comply with the data processing restrictions imposed by the police

based on the legal order of the Republic of Slovenia, in particular to ensure the protection of interests of proceedings, confidentiality of proceedings, privacy of persons or protection of the presumption of innocence or right to a fair trial.

Article 118
(Data protection)

(1) A police employee must protect, in addition to data whose protection is governed by other regulations, protected police data. The duty of protecting these data shall continue to apply after the termination of the employment relationship.

(2) Upon a reasoned request from a court, the Director General of the Police may relieve, partially or in full, a police employee of the obligation to protect protected police data. If he assesses that the relief of such duty is not possible because the disclosure of protected data might put at serious risk the life or personal safety of a police employee or a person who cooperated with the police or a person close to them, or state security or the effectiveness of police tactics and work methods, or for any other statutory reasons or interests or rights protected by the constitution or law, the Director General of the Police must, not later than within 15 days of the receipt of the request, deliver a reasoned written opinion to the president of the higher court in the territory of which the court that filed the request is located.

(3) The Director General of the Police must allow the president of the higher court to be informed about any protected police data for which he believes the relief of duty to protect is inadmissible. In such cases, the president of the higher court shall be allowed to be informed about protected police data in the place, manner and time he himself specifies.

(4) If the police guarantee the anonymity of informants in advance or if an informant so requests, their personal data shall not be disclosed, notwithstanding paragraph two of this Article. The data may only be disclosed pursuant to a court order.

Article 119
(The manner of protecting data within the police)

The Minister shall prescribe in detail the organisational, technical and logistical procedures and measures for the protection of protected police data, the competent persons who will assess in specific cases whether the disclosure of specific protected data would cause damage to an authority and the method for keeping personal data filing systems (hereinafter: the records) managed by the police.

Article 120
(Application of the act governing personal data protection)

Unless otherwise provided by this Act, the act governing the protection of personal data shall apply to the collection and processing of data in police records.

Article 121
(Special rules on the relevance of personal data)

(1) The competent police employee shall make sure that personal data in files, documents and police records are in accordance with the conclusions, information and data collected in the performance of police tasks, and thus as accurate, complete,

updated and reliable as possible, and shall correct, supplement, destroy or block them when informed that this is necessary.

(2) The obligation referred to in the preceding paragraph shall not apply if the personal data referred to in the preceding paragraph are processed in a pre-trial investigation, criminal proceedings or other court proceedings, minor offence proceedings or administrative procedure, and the police no longer have authority to process them under an Act, in particular if a court, state prosecutor's office or administrative authority are responsible under an Act for deciding or concluding on their state, importance or content when assessing the actual facts or evidence. Not later than within six months of receiving a final court, prosecution or administrative decision concerning the data referred to in the preceding paragraph, the competent police employee shall indicate in the appropriate place in files, documents or police records the changes in personal data, if this is necessary in respect of the decision. The obligation referred to in the preceding sentence shall not apply to historical records on the status of a person to whom the personal data refer, in particular in pre-trial investigation or in court or administrative proceedings.

(3) The provisions of the preceding paragraphs shall not prejudice the rights of the person to whom the personal data refer, in accordance with the Act regulating personal data protection, to have corrections and/or appropriate supplementary notes be made to personal data contained in police files, documents and records in cases not regulated by this Act.

Article 122

(Automated processing of personal and other data)

(1) The police must not use any automated processing of personal or other data (processing of personal or other data by means of information technology) that could result in a decision being adopted, motion or criminal complaint being filed or report being drawn up concerning a natural or legal person or other entity that could, if no further action or decision was taken by a competent police employee, prejudice the rights or obligations of the natural or legal person or other entity.

(2) The police must not make personality profiles of persons to whom personal data refer through automated processing of personal or other data, in particular the aggregation or comparison of personal data from one or more personal data filing systems, records, public or other registers or other data bases containing personal data, so that it could be concluded, if no action or decision was made by the competent police employee, that the persons concerned have committed or have not committed a certain criminal offence or that the testimony of a certain person is reliable or not. The use of automated processing of sensitive personal data to make a personality profile of a person shall be prohibited.

Article 123

(Police records)

(1) The police shall manage and keep records of personal and other data collected and processed by police employees in the performance of police tasks.

(2) The police shall keep the following records in connection with the exercise of police powers:

1. the record of criminal offences,
2. the record of minor offences,

3. the record of wanted persons,
4. the record of identifications,
5. the record of threats to police employees,
6. the record of operational information,
7. the record of persons against whom undercover investigative measures under the act governing the criminal procedure have been taken,
8. the record of DNA tests,
9. the record of incidents,
10. the record of persons deprived of freedom,
11. the record of persons who underwent security clearance,
12. the record of complaints,
13. the record of the use of instruments of restraint,
14. the record of fingerprinted persons,
15. the record of photographed persons,
16. the record of searched for and found items,
17. the record of entries into police premises,
18. the record of restraining orders issued,
19. the record of discreet surveillance and specific checks,
20. the record of recordings of police procedures and certain public gatherings,
21. the record of persons prohibited from participating in sports events,
22. the record of measures ordered by courts,
23. the record of detained persons under the act governing state border control,
24. the record of facial composites,
25. the record of missing persons,
26. the record of unidentified bodies,
27. the record of operational notes,
28. the record of persons for elimination,
29. the record of materials relating to sexual exploitation of minors,
30. the record of persons checked in for flights,
31. the record of persons from the airline ticket reservation system,
32. the record of optical recognition of registration plates.

(3) The records managed by the police shall be specific documentary material.

(4) The record referred to in point 29 of paragraph two of this Article shall contain collected, recorded and described materials of sexual exploitation of minors and is aimed at the implementation of procedures to determine the territorial, temporal, substantive and other circumstances of the emergence of these materials. The record shall also be aimed at the identification of persons featuring in the materials in order to trace and protect victims, detect suspects of criminal offences and gather information and evidence on acts of sexual exploitation of persons below 18 years of age.

Article 124 (Common personal data in records)

(1) The records referred to in the preceding Article may contain the following common personal data:

- full name,
- data on birth (day, month, year and place),
- personal identification number, or the number of the identity document for foreign citizens,
- gender,

- address of permanent and/or temporary residence,
- identification code of the person kept in police records,
- nationality.

(2) The records referred to in the preceding Article may contain the following common data of sole traders, self-employed persons, legal persons and state authorities:

- corporate name,
- legal form of organisation,
- head office,
- registration number and
- tax number.

Article 125 (Content of records)

In addition to the data referred to in the preceding Article, additional personal data and other data or information, as provided by this Act, may be processed in particular records:

1. The record of criminal offences: alias or false name of the perpetrator; personal description; administrative unit of the place of birth; family and financial status; education, profession and employment; common data on injured parties, informants or other persons providing information; common data on a natural person, legal person or state authority as a recipient of pecuniary gain acquired through the criminal offence or as a result of the criminal offence, or other persons to whom the pecuniary gain has been transferred (natural persons, legal persons, state authorities); information on the criminal offence (type, place, time, method, motive, description of objects involved, damage, photographs, audio and video recordings and other circumstances); information on the type and amount of pecuniary gain acquired through the criminal offence or as a result of it; and information on the type and value of property that corresponds to the pecuniary gain and can be seized;
2. The record of minor offences: profession and employment of the responsible person of the legal person and their position; personal data on injured parties, relationship between the perpetrator and injured party and information on the minor offence (type, place, time, method, motive, description of objects involved, persons involved, photographs, audio and video recordings and consequences); date of the final decision on the minor offence and temporary measures ordered;
3. The record of wanted persons: alias or false name; photograph and personal description of the wanted person; family and financial situation; education, profession and employment; number, type and period of validity of the measure of the authorising body;
4. The record of identifications: reason, place, time and transport means and other circumstances of establishing identity;
5. The record of threats to police employees: data on threatened persons, persons who made threats and legal persons that may be involved in the threat; description of the threat and measures taken;
6. The record of operational information: data on findings and activities of the police in relation to crime prevention and investigation and the performance of other police tasks, including photographs and audio and video recordings;
7. The record of persons against whom undercover investigative measures under the act governing the criminal procedure have been taken: alias or false name of the person; family and financial status; education, profession and employment; the number of the written order issued by the state prosecutor or investigating judge; method, extent and duration of the measures;

8. The record of DNA tests: place and time of and grounds for taking a DNA sample; full name of the person who took the sample; profile of the DNA sample taken;
9. The record of incidents: information about the incident (type, place, time, persons involved, damage and other circumstances, photographs, audio- and video recordings);
10. The record of persons deprived of freedom: data on the deprivation of freedom (place, time, reason, video recording and information on the enforcement of rights and execution of the deprivation of freedom);
11. The record of persons who underwent security clearance: education, profession, employment, previous offences, reasons for security clearance and findings thereof;
12. The record of complaints: full name of the police officer against whom the complaint was made; personal data on the complainant; data on the police unit; information on the measure, action or procedure carried out by the police officer that is the subject of complaint;
13. The record of the use of instruments of restraint: data on the police officer who used an instrument of restraint; data on the person against whom the instrument of restraint was used; information on the incident in which the instrument of restraint was used; an assessment report on the use of the instrument of restraint and any revisions of that report;
14. The record of fingerprinted persons: alias or false name; place and time of and reason for the taking of fingerprints; the grounds on which the identity of the fingerprinted person was confirmed; full name of the person who took the fingerprints; and fingerprints and palm prints;
15. The record of photographed persons: alias or false name; photograph; personal description; place and time of and reasons for taking the photograph; full name of the person who took the photograph;
16. The record of searched for and found items: personal data on the injured party; a photograph or description of the item;
17. The record of entries into police premises: data on entry into the premises; time and date of entry and exit; video recording and other recordings made by systems for the technical security of premises and surrounding areas;
18. The record of restraining orders issued: data on the person issued with the order; date and time of the issue of order and summary of order content; the court to which the order was referred for consideration; data contained in the court decision and the time limit for the measure; personal data on the injured party and, if applicable, his legal representative, relationship between the perpetrator and injured party; data on violations of the order and measures taken; data of social work centres and organisations participating in dealing with domestic abuse;
19. The record of discreet surveillance and specific checks: data on the tracing of the person or vehicle, vessel, aircraft or container; place and time of or reason for the check; route and destination of the journey; persons accompanying the person or passengers in the vehicle, vessel or aircraft; vehicle, vessel, aircraft or container used; things the person takes with them; circumstances in which the person or vehicle, vessel, aircraft or container were found; number, type and period of validity of the measure of the authorising body;
20. The record of recordings of police procedures and certain public gatherings: place and time of the recording; the recording;
21. The record of persons prohibited from participating in sports events: date and time of issue of the order and summary of the order content; court to which the order was referred for consideration; data contained in the court decision; data on violations of the order and measures taken; a photograph;

22. The record of measures ordered by courts: type of measure; the court ordering the measure; duration of the measure, police task to be carried out in case of non-compliance with the measure;
23. The record of detained persons: data on detention (place, time, reason and video recording of the detention);
24. The record of facial composites: data on the criminal offence; composite computer image; personal description of the perpetrator of a criminal or minor offence; request for generation of the facial composite; official note on generation of the facial composite; full name of the injured party, victim or witness of the criminal offence;
25. The record of missing persons: alias or false name; photograph and personal description of the missing person; family and financial situation; education, profession and employment; time, place and circumstances of the discovery that the person is missing; type and period of validity of the measure of the authorising body;
26. The record of unidentified bodies: personal description; place and time of finding; photograph; type and period of validity of the measure of the authorising body;
27. The record of operational notes: alias or false name; personal description; data on the incident (type, place, time, damage and other circumstances); photographs, audio and video recordings and other data accessible to the police with regard to the type of operational information; other information on the findings and operation of the police related to the prevention and investigation of criminal offences and performance of other police tasks provided in acts and other regulations in accordance with the law. Data are kept in an unstructured manner;
28. The record of persons for elimination: the profile of DNA sample taken from a police employee or another person participating in the crime scene investigation or working in the laboratory, and the time and place of sample taking;
29. The record of materials relating to sexual exploitation of minors: photographs, audio and video recordings and other similar materials depicting or are connected to sexually exploited minors, technical data on the materials, description of contents of the materials, details of the criminal offence, data on the identification of the minor (date of identification, personal data referred to paragraph one of Article 124 of this Act) and data on the erasure of materials;
30. The record of persons checked in for flights: data on the flight, scheduled date, time and place of takeoff and landing of the plane, number of all passengers on board, status of a person of board, type, number, nationality and expiry date of the travel document, place of boarding and transit of a passenger, border crossing of a passenger's entry into the Schengen area, information on the seat and baggage of a passenger and passenger's identification number in the air carrier's information system;
31. The record of persons from the airline ticket reservation system: data in connection with the flight, date of reservation, date and place of issue and other data on the ticket, date of intended travel, nickname or alias, addresses and other contact details from the reservation, payment details, including the invoice delivery address, the full itinerary, frequent flyer information, data on the travel agent or another legal subject where the ticket was booked, a passenger's travel status, seat number, data on a passenger's hand luggage, other specific information connected to a passenger's journey, the number and names and surnames of other passengers connected to the same reservation, any subsequent changes of details and passenger's identification number in the air carrier's information system;
32. The record of optical recognition of registration plates: date, time and place of data creation, a photograph of a registration plate and sign data on a registration plate.

Article 126
(Special rules for entering data in records)

- (1) If data on DNA and fingerprinting have been acquired in order to eliminate persons or to establish identity of persons, they shall not be entered in the records. This provision shall not apply to data that are entered in the record referred to in point 28 of paragraph two of Article 123 of this Act.
- (2) Upon acquisition of data on persons from the airline ticket reservation system sensitive personal data shall not be stored in the records together with other data; instead, they shall be permanently erased immediately.

Article 127
(The right to access own personal data)

(1) Persons shall have the right to access their own data in the records referred to in:

- points 3, 4, 8, 9, 10, 12, 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, 24, 28, 29, 30, 31 and 32 of paragraph two of Article 123 of this Act immediately after the record is set up;
- point 2 of paragraph two of Article 123 of this Act after a final decision to initiate criminal or minor offence proceedings or, if such proceedings are not initiated, after the expiry of the prosecution limitation period;
- points 7 and 19 of paragraph two of Article 123 of this Act, after termination of the police investigation or a final decision to initiate criminal proceedings or, if such proceedings are not initiated, after the expiry of the prosecution limitation period;
- point 11 of paragraph two of Article 123 of this Act, after the completion of procedures for employment in the police service or the assignment to protect particular persons, premises and work places of state bodies, or granting the permission to access or work with a protected person or body, or at secured premises or place of work;
- points 5 and 6 of paragraph two of Article 123 of this Act, after the data have been blocked.

(2) Access is provided in accordance with the act governing personal data protection.

(3) A person on whom data have been collected without their knowledge and have not been deleted, must be informed of this as soon as possible, except in the case of data contained in the record referred to in point 27 of paragraph two of Article 123 of this Act, where the data shall be kept in an unstructured manner during the processing and shall be deleted when their retention period expires.

(4) The police may restrict a person's access to data on a police officer, if this is necessary to protect the safety of the officer.

- (5) The police shall refuse a request for a printout of data from the record referred to in point 29 of paragraph two of Article 123, except when such a request is filed by the court, state prosecutor's office or another authority in connection with the detection, prosecution or trial for a criminal offence against sexual inviolability of persons younger than 18 years of age.

Article 128
(Data retention period)

(1) The data in the records referred to in paragraph two of Article 123 shall be retained for the following periods:

- in the records under points 1, 6, 7, 19 and 24, until the police investigation is terminated or a decision on the rejection of criminal complaint is issued or a decision of rejection or acquittal becomes final or, in the absence of these, until the limitation of legal proceedings;
- in the records under points 8, 14 and 15, until the police investigation is terminated, the missing person is found, the unidentified body is identified, a decision on the rejection of criminal complaint is issued or a decision of acquittal becomes final or, in the absence of these, until the limitation of legal proceedings;
- in the record under point 2, for three years following the date of a decision becoming final or, in the absence of this, for four years following the date of the minor offence;
- in the record under point 3, as long as the grounds for which the search or other legal measure was initiated exist, but no longer than until the expiry of the prosecution limitation period;
- in the record under point 4, for one year following the identification procedure;
- in the record under point 5, for five years following the date of the incident;
- in the record under point 9, for three years following the date of the incident;
- in the records under points 10 and 23, for two years following the date of arrest or detention, except for the video recording, which is retained for two months following the date of arrest or detention;
- in the record under point 11, for five years following the date of the security clearance;
- in the record under point 12, for five years following the date of the filing of complaint;
- in the record under point 13, for two years following the use of instrument of restraint;
- in the record under point 16, for as long as the reasons for which a search was initiated exist;
- in the record under point 17, for two months following entry into police premises;
- in the records under points 18 and 21, for three years following the date of a decision becoming final or, in the absence of this, for four years following the commission of a minor offence or until the decision on the rejection of criminal complaint is issued or the decision of acquittal becomes final or the conviction is deleted from the criminal record or, in the absence of this, until the limitation of legal proceedings in respect of which the person was issued a restraining order or order prohibiting participation in sports events;
- in the record under point 20, for 45 days of the making of the recording;
- in the record under point 22, until the reasons cease to exist;
- in the records under points 25 and 26, until the missing person is found or the body is identified;
- in the record under point 27, for 30 days following the creation of the note;
- in the record under point 28, for police employees for two years following the cessation of their performance of tasks related to the preservation or examination of evidence, or following the termination of the employment relationship, and for other persons participating in the inspection of the crime scene or working in the laboratory for ten years after the taking of a sample;
- in the record under point 29, until the identity of a minor is established and then for 60 days from the day the identity of that person is established;
- in the records under points 30 and 31, for nine months after the acquisition of data;
- in the record under point 32, for seven days following the creation of the data.

(2) A competent court must provide the competent police unit with the data on the final initiation of criminal procedure:

- when the investigation is finally initiated,
 - when the charge sheet becomes final,
 - when the trial is fixed on the basis of a summary charge sheet, or
 - if the injured party as prosecutor initiated or continued the prosecution
- and the data on final decisions of acquittal within 30 days of the finality or the beginning or continuation of prosecution. The competent state prosecutor's office, the competent court or the competent administrative authority must provide to the competent police unit data on the deletion of the conviction from the criminal record and data referred to in paragraph two of Article 121 of this Act within 30 days from the creation of data.

(3) Competent state authorities shall be allowed access to data in the records under points 1, 3, 4, 5, 6, 7, 8, 14, 15, 19 and 24 of paragraph two of Article 123 of this Act within the periods determined for particular records in paragraph one of this Article only for the purposes of an investigation of a criminal offence whose perpetrator is prosecuted *ex officio* or in other cases related to the provision of national security or constitutional order and provided by law. Access to data in the records under point 29 of paragraph two of Article 123 of this Act shall be allowed to the state authorities competent for the beginning, institution and implementation of the pre-trial investigation or criminal procedure in accordance with the regulations governing the criminal procedures and holders of public power in the area of social assistance when conducting procedures related to persons at risk on account of criminal offences against sexual inviolability. During the period determined for individual records in paragraph one of this Article competent state authorities shall be allowed access to data in the records under points 30 and 31 of paragraph two of Article 123 only for the purpose determined for checked-in passenger data and data on passengers with ticket reservation in paragraph two or five of Article 112.a of this Act. Competent state authorities shall be allowed access to other records only in order to perform their tasks provided by law.

(4) If the identity of the injured person referred to in point 29 of paragraph two of Article 123 is known, he must be acquainted with the retention of data and the right to deletion referred to in paragraph five of this Article.

(5) The deletion of data from the record referred to in point 29 of paragraph two of Article 123 of this Act before the expiry of the time limit for its retention is only possible on the basis of a written request of the person or his legal representative. Before the deletion the police shall inform the eligible person of the consequences of the deletion. By way of an exception, the police may suspend the execution of the request for deletion of data if the deletion may put the identification of another injured person at risk or if the deletion may obstruct the investigation of a criminal offence.

Article 129 (Data blocking)

(1) When the retention periods referred to in the preceding Article expire, the data from the records managed by the police shall be blocked and subsequently processed in accordance with the regulations governing document management by authorities.

(2) After the blocking, the data

- in the records under points 1, 6, 7 and 19 of paragraph two of Article 123 of this Act shall be retained for 30 years;
- in the records under points 8, 14, and 15 of paragraph two of Article 123 of this Act shall be retained for 10 years in the case of criminal offences carrying a sentence

of up to one year imprisonment; for 30 years in the case of criminal offences carrying a sentence of up to eight years imprisonment; and for 50 years in the case of criminal offences carrying a longer prison sentence;

- notwithstanding the provisions of the preceding indent, the data in the records under points 8, 14 and 15 of paragraph two of Article 123 of this Act shall be retained up to eight years from the issuing of a decision on the dismissal of a criminal complaint for the criminal offences of aggravated bodily harm under paragraph one of Article 123, grievous bodily harm under paragraph four of Article 124, grand larceny under point 1 of paragraph one of Article 205, misappropriation under paragraph four of Article 208 and damaging another's object under paragraph two of Article 220, rendering opportunity for consumption of narcotic drugs or illicit substances in sport under paragraph one of Article 187, family violence under paragraphs one and two of Article 191, neglect and maltreatment of a minor under paragraph two of Article 192, extortion and blackmail under paragraphs one and two of Article 213, business fraud under paragraph one of Article 228, and misuse of a non-cash means of payment under paragraph two of Article 246 of KZ-1 when a state prosecutor acts pursuant to provisions of paragraph five of Article 161.a and paragraph four of Article 162 of the Criminal Procedure Act;
- notwithstanding the provisions of indent 2 of this paragraph data in the records under points 8, 14 and 15 of paragraph two of Article 123 shall be deleted within 45 days from the final stopping of criminal proceedings or the final decision of rejection or acquittal;
- in the record under point 2 of paragraph two of Article 123 of this Act shall be retained for 10 years;
- in the record under point 4 of paragraph two of Article 123 of this Act shall be retained for 10 years;
- in the records under points 5, 10, 11, 12, 13, 16, 18, 21 and 23 of paragraph two of Article 123 of this Act shall be retained for two years;
- in the record under point 17 of paragraph two of Article 123 of this Act shall be retained for one year;
- in the record under point 9 of paragraph two of Article 123 of this Act and other records managed by the police shall be retained for five years;
- in the records under points 3, 22 and 24 of paragraph two of Article 123 of this Act shall be rendered anonymous;
- in the records under points 17, 20, 25, 26, 27, 28 and 29 of paragraph two of Article 123 shall be deleted;
- in the records under points 30 and 31 of paragraph two of Article 123 of this Act shall be retained for 21 months.

(3) Police officers and competent state authorities shall be allowed access to data in the records referred to in the preceding paragraph only for the purposes of investigation of a criminal offence whose perpetrator is prosecuted *ex officio* or in other cases related to the provision of national security or constitutional order and provided by law. Police officers and competent state authorities shall only be allowed to access data in the records under points 30 and 31 of paragraph two of Article 123 of this Act for the purpose given for the data on passengers with airline ticket reservations in paragraph five of Article 112.a of this Act, namely in order to analyse data for the purpose of determining specific travel patterns of perpetrators of criminal offences referred to in paragraph seven of Article 112.a of this Act or if in the processing of these criminal offences any urgent activities for their prevention need to be performed, and in order to track down and arrest perpetrators.

(4) After the expiry of time limits referred to in paragraph two of this Article, the data shall be rendered anonymous, except the data from points 8, 14, 15, 30, and 31 of paragraph two of Article 123 of this Act, which shall be deleted.

6. REPORTING AND SUPERVISION

Article 130

(Reporting on the exercise of police powers)

(1) Police officers must report on any use of police powers in the report on work performed or, if they do not write reports, in a written document on the use of police powers or in an official note.

(2) A police officer must draw up a written document referred to in the preceding paragraph not later than within 24 hours of the use of police powers.

Article 131

(Reporting on the use of instruments of restraint)

(1) A police officer must report any use of an instrument of restraint as soon as possible but not later than by the end of the working day on which he used the instrument of restraint, in writing, in the form of an official note on the use of instruments of restraint.

(2) In the official note, the police officer shall indicate the date, time and place of the use of instrument of restraint, the type of the instrument of restraint used, data on the person against which it was used, police authorisation he implemented before use of the instrument of restraint, the reason for the method of use, the consequences and other circumstances important for the assessment of legality and professional competence of use of the instrument of restraint.

(3) A police officer must orally inform the head of the police unit immediately after use of the instrument of restraint, if it caused bodily harm or damage to property or if he used a firearm.

(4) Notwithstanding the provisions of the preceding paragraphs, a police officer must orally inform the head of the police unit of any firearm discharge, except during shooting practice.

Article 132

(Verifying the legality and professional competence of the exercise of police powers)

(1) The head of the police unit or a person he authorises accordingly, must monitor the legality and professional competence of the exercise of police powers.

(2) The person referred to in the preceding paragraph must verify and assess any use of instruments of restraint and whether they were used legally and competently, except when a commission referred to in Article 133 of this Act is established to verify and assess the legality and professional competence of their use.

(3) If an instrument of restraint is used or its use ordered by the head of a police unit, the legality and professional competence of use shall be verified and

assessed by his superior to whom he is accountable for his work, or by a person authorised by his superior.

(4) The person referred to in paragraph one shall have the same competences for the verification and assessment of legality and professional competence in the use of an instrument of restraint as are laid down for the commission in Article 136 of this Act.

Article 133 (Commission)

(1) If a police officer fires a warning shot or uses an electrical incapacitation device or if an instrument of restraint, except means of constraint and mechanical restraints, is used against at least five persons whereby light bodily harm is caused, the director of the police directorate in the territory of which the instrument of restraint was used, or the head of the internal organisational unit of the General Police Directorate if the instrument of restraint was used by a police officer of the General Police Directorate, must appoint a commission consisting of at least three members to verify the circumstances of use of the instrument of restraint and make a report assessing whether the instrument of restraint was used legally and with professional competence.

(2) If a police officer uses a firearm or causes serious bodily injury, grave bodily injury or death with an instrument of restraint, the commission shall be appointed by the Director General of the Police.

(3) Persons responsible for establishing a commission may also appoint a commission to verify other cases of the use of instruments of restraint or exercise of police powers.

Article 134 (Composition of commission)

(1) The commission referred to in the preceding Article must consist of an uneven number of police employees who are not related to the case or to the police officer who used the instrument of restraint.

(2) If the person who appointed the commission does not agree with its findings, they may request additional examinations.

(3) If the person referred to in paragraph one of the preceding Article who appointed the commission does not agree with its findings even after additional checks, they may propose that the Director General of the Police appoint a new commission. The decision adopted by this commission shall be final.

Article 135 (Information on appointment of the commission)

The decision on the appointment of a commission and the commission's report shall be sent to the Director General of the Police and to the internal organisational unit responsible for police guidelines and supervision at the ministry responsible for internal affairs (hereinafter: the Ministry).

Article 136 (Powers of commission)

Commission members may request documents concerning the incident (copy, printout or transcript); interview the police officer and the person against whom the instrument of restraint was used, police officers and other persons who witnessed the incident when the police officer used an instrument of restraint or could have any information about the incident, and challenge them if necessary; examine the scene of the incident, the method of use of the instrument of restraint and any recordings; obtain information from and the opinion of specialist police services, an expert in forensic medicine or other experts; access data in the records; access technical information bases that explain, show or otherwise record the incident in which instruments of restraint were used (voice logging recorder, video surveillance, GPS and other forms of tracking, wireless communication recorder and similar) and, if necessary, request copies, printouts or transcripts; request proof that the police officer is qualified to use the instruments of restraint; and carry out other measures and actions necessary to examine the circumstances of the use of instrument of restraint.

IV. COMPLAINTS AGAINST THE WORK OF POLICE OFFICERS

General

Article 137 (Competent authority)

(1) A complaint procedure may be initiated against the work of a police officer.

(2) The Ministry shall be responsible for the overall monitoring and supervision of the resolution of complaints.

(3) Complaints shall be considered by panels of public employees in the internal organisational unit of the Ministry responsible for the resolution of complaints.

(4) The police shall be responsible for considering complaints in conciliation procedures and for certain other tasks in the complaint procedure.

Article 138 (Content of complaint procedure)

(1) A disagreement with an action of a police officer or a police officer's failure to act while performing police tasks, which could constitute a violation of human rights or fundamental freedoms, may be expressed in a complaint procedure.

(2) The following may not be the subject of a complaint procedure:

- objections or requests for judicial protection in minor offence proceedings;
- various writings and motions that do not fulfil the conditions referred to in paragraph one of this Article, particularly when they concern disagreement with the prescribed methods and modes of operation of the police or constitute a complaint against the procedures or actions of police officers that were not carried out during the performance of police tasks.

(3) In a complaint procedure, the circumstances of the application of police procedure and the exercise of police powers shall be established.

(4) It shall not be the purpose of a complaint procedure to establish whether the person who filed the complaint did or did not commit a criminal or minor offence. A complainant cannot avoid criminal or minor offence proceedings and the sanction provided for the criminal or minor offence through a complaint procedure.

(5) It shall not be the purpose of a complaint procedure to establish the tort liability or disciplinary, minor offence or criminal responsibility of a police officer.

(6) If it is found in a complaint procedure that a police officer committed violations that are the subject of other procedures, the findings shall be reported to the head of the police unit to which the police officer is attached, who shall act in accordance with his competences.

(7) The manner of and procedure for considering complaints shall be prescribed in detail by the Minister.

Complaint procedure

Article 139

(Independence of complaint procedure)

In a complaint procedure, a complaint shall be independently, impartially and competently examined, while the complainant and the police officer shall be provided with all procedural rights in accordance with this Act.

Article 140

(Application of the General Administrative Procedure Act)

(1) Unless otherwise provided by this Act, the provisions of the act governing general administrative procedure shall apply *mutatis mutandis* to the complaint procedure with regard to submissions, competences, oral hearing, exclusion, parties and their representation, language in the procedure, the operation of authorities and parties (summoning, records, the examination and copying of files), serving, time limits, the scheduling of hearings, restoring the previous state of affairs, the integration of cases into one procedure and the presentation of evidence.

(2) A complaint procedure shall not constitute an administrative matter within the meaning of the act governing general administrative procedure. No appeal against decisions concerning cases referred to in the preceding paragraph shall be allowed in a complaint procedure.

Article 141

(Competences of the Ministry)

- (1) The Ministry shall carry out the following tasks in a complaint procedure:
- accept and consider complaints,
 - designate a rapporteur to establish the facts of the complaint,

- direct and supervise the performance of tasks related to the resolution of complaints,
- issue notices on the non-initiation or completion of the complaint procedure,
- train persons who conduct complaint procedures and participate in the training of police officers,
- propose measures to the Director General of the Police for eliminating irregularities found in relation to a complaint procedure,
- request a report on the adoption and implementation of measures for eliminating irregularities,
- bring motions to the Director General of the Police to initiate a disciplinary procedure or other measures against a police officer,
- cooperate with the competent state or international institutions or organisations for the protection of human rights and fundamental freedoms,
- draw up reports and publications on complaint procedures,
- inform the public of the identified irregularities and the consequences of violations of laws and other regulations.

(2) The Minister may also authorise police employees or other public employees of the Ministry to carry out the supervision referred to in indent 3 of the preceding paragraph.

Article 142 (Participants in complaint procedure)

(1) The parties in a complaint procedure shall be the complainant and the police officer against whom the complaint was made. Other participants in a complaint procedure may be the head of the police unit to which the police officer is appointed, or a person he authorises accordingly, the rapporteur, the authorised representative of the Minister, the head of the panel, representatives of the public and any witnesses, experts and interpreters.

(2) A complainant shall be a natural or legal person whose human rights or fundamental freedoms have allegedly been violated by an action of a police officer or a police officer's failure to act while performing police tasks. If a widow/widower, cohabitant or civil partner, father, mother, adoptive parent, adult brother or sister, adult half-brother or half-sister, adult child, adopted child or step-child (hereinafter: a relative) of a person who has lost his life believes that the death was the result of an action of a police officer or a police officer's failure to act while performing police tasks that constitutes a violation of human rights or fundamental freedoms, he or she may also file a complaint. If a complainant dies during the complaint procedure, the procedure may be continued by any of his relatives. Continuation of the complaint procedure may be requested within 30 days of the death of the complainant. If more than one relative wishes to file a complaint or continue a complaint procedure instead of the complainant, the one who first filed the complaint or requested the continuation of the complaint procedure shall take priority.

(3) The term "head of police unit" in the complaint procedure shall apply to the commander of a police station, director of a police directorate and the Director General of the Police or authorised police officers responsible for considering a complaint in a conciliation procedure.

(4) An authorised representative of the Minister shall be an employee of the Ministry, appointed by a written decision of the Minister, who is responsible for conducting panel meetings as the head of panel or examining the complaint as a

rapporteur or performing other tasks determined by this Act. Authorised representatives of the Minister shall be officials with special authorisations and shall prove their identity with a service card when performing their tasks. The card shall contain the full name, a photograph and the title of the organisational unit. The form of service card and the procedure for its issue shall be prescribed by the Minister.

(5) Normally, a rapporteur shall be an authorised representative of the Minister, but may also be the head of the police unit or any other police employee who is, on the proposal of the Director General of the Police, authorised by a written decision of the Minister and is responsible for performing all tasks related to establishing the facts of the complaint. The rapporteur shall examine the circumstances of the complaint, gather evidence and draw up a report which he shall present at the panel meeting.

(6) The head of panel shall be an authorised representative of the Minister who conducts the panel meeting and informs the complainant of the panel's decision in a written reply.

(7) A representative of the public shall be a person appointed by the Minister to participate in panels on the proposal of self-governing local communities, expert organisations and non-governmental and humanitarian organisations.

Article 143 (Powers of rapporteurs)

(1) In order to perform tasks smoothly and efficiently, a rapporteur may:

- enter police premises related to examining the complaint;
- examine the complaint concerning a police unit together with all enclosures and, when necessary, copy, print or transcribe them;
- examine documents, orders, minutes and records, and decisions that are acquired, drawn up or issued by the police in accordance with its competences and could be related to the complaint and, when necessary, request their delivery or delivery of their copies, printouts or transcripts;
- interview the complainant and the police officer against whom the complaint was made, police officers and other persons who witnessed the incident or could have any information about the incident;
- obtain information from and the opinions of specialist police services and the Ministry regarding the issues that are the subject of the complaint;
- examine data in the records kept and maintained by the police that are related to the complaint;
- request data from the records kept and maintained by the police that are related to the complaint;
- request permission from the Director General of the Police or other authorised persons to access technical information bases that explain, show or otherwise record the incident subject to the complaint (voice logging recorder, video surveillance, GPS and other forms of tracking, wireless communication recorder and similar) and request copies, printouts or transcripts when necessary;
- request official certificates and technical and other information on technical means used by the police and request proof that the police officer is qualified to use these means;
- carry out other measures and actions necessary to clarify the complaint.

(2) The rapporteur who conducts the procedure for examining the complaint shall be obliged to comply with professional guidelines, proposals or requests of the

authorised representative of the Minister who directs and supervises consideration of the complaint. When examination of the complaint is concluded, the rapporteur shall collect all evidence and draw up a written report on the findings and present it at the panel meeting.

(3) Police employees must deliver to the rapporteur all the necessary data and documents they possess or to which they have legal access and facilitate their examination, copying and printing, i.e. facilitate the examination of the complaint and provide any other assistance necessary.

(4) If there is a substantiated risk that the exercise of powers referred to in paragraph one of this Article might prevent the implementation of undercover investigative measures under the act governing criminal procedure or make it considerably more difficult, or endanger the life or health of people implementing them, the head of the police unit may temporarily refuse access to documents, entry into premises and provision of data and information until the reasons for the substantiated risk cease to exist.

Article 144

(Powers of authorised representatives of the Minister)

An authorised representative of the Minister may:

- request to be promptly informed of the course of the complaint procedure;
- give oral or written guidelines or explanations to the head of the police unit or the rapporteur on the method of considering the complaint;
- direct and supervise the conducting of the complaint procedure until the completion of the conciliation procedure or the scheduling of a panel meeting;
- access documents and other material in the complaint;
- access the record of complaints and enter data on complaints that were completed at panel meetings;
- directly monitor the complaint procedure and be present at interviews with the complainant, the police officer, witnesses and other persons, at the taking of evidence and in the conciliation procedure;
- order other measures and carry out actions necessary to clarify the complaint.

Article 145

(Appointment of representatives of the public)

(1) Representatives of the public shall be appointed by the Minister for a four-year term and dismissed with the possibility of reappointment.

(2) Any adult citizen of the Republic of Slovenia who fulfils the following conditions may be appointed a representative of the public:

- they have not been convicted by a final judgement for an intentionally committed criminal offence for which the perpetrator is prosecuted *ex officio*;
- they are not in criminal proceedings for an intentionally committed criminal offence for which the perpetrator is prosecuted *ex officio*; and
- they have not been convicted by a final judgment for two or more minor offences with elements of violence or three or more serious offences against road traffic safety for which penalty points are imposed.

(3) The proposers referred to in paragraph seven of Article 142 of this Act shall propose for a representative of the public a person who enjoys a good reputation

and the trust of experts or the local community and for whom it can be reasonably concluded on the basis of their past life, conduct and actions that they will perform their work as a member of the panel with due diligence and honesty.

(4) On the request of the Ministry, courts, minor offence authorities and other authorities must provide data referred to in paragraph two of this Article.

(5) A representative of the public may be dismissed before the term of appointment expires, if he

- so requests himself;
- no longer fulfils the conditions under paragraph two of this Article;
- does not take part in obligatory training;
- does not attend two panel meetings in one year without justified cause or performs his work unconscientiously.

(6) If a representative of the public no longer enjoys the trust of the proposer or the internal organisational unit of the Ministry responsible for the resolution of complaints, he may be dismissed upon a reasoned request.

Article 146

(Filing and examination of complaints)

(1) A complaint may be filed within 45 days of the day when a police officer by an action or by failing to act while performing police tasks allegedly violated the human rights or fundamental freedoms of the complainant.

(2) A complaint shall be filed with the Ministry in written form, orally on record or in electronic form. A complaint in electronic form that is not signed with a secure electronic signature authenticated by a qualified certificate shall be deemed to have been filed and signed by the person indicated as the signatory in the submission. If a complaint is filed with the police, the police shall immediately inform the Ministry and send it the complaint.

(3) The Ministry, in cooperation with the police unit to which the police officer who allegedly violated the complainant's human rights and fundamental freedoms by an action or a failure to act while performing police tasks is attached, shall coordinate the decision on whether the complaint will be considered in a conciliation procedure or directly by a panel. In case of disagreement, the opinion of the Ministry shall prevail.

(4) A complaint in which the complainant expresses his will to file a complaint against the work of a police officer must be comprehensible and must contain the following:

- the complainant's full name and the address of permanent or temporary residence;
- information on the authorised representative of the complainant, if applicable;
- address for serving documents; other personal data may also be included (electronic address, telephone number);
- place, time and description of the police officer's action or failure to act while performing police tasks when human rights or fundamental freedoms were allegedly violated;
- any facts and evidence on which the complaint is based; and
- the complainant's signature.

(5) If a complaint is incomprehensible or incomplete, the authorised representative of the Minister or the head of the police unit shall call upon the

complainant in writing to amend or supplement the complaint within five working days of the serving of the request for amendment or supplement.

(6) The head of the police unit shall examine a complete complaint to be considered in a conciliation procedure in order to establish whether it constitutes a complaint, whether it is admissible and was filed on time and whether it was filed by a person entitled to do so. If a complaint is considered directly by a panel, it shall be examined by the authorised representative of the Minister.

(7) A complaint shall not be considered if:

- the complainant does not amend or supplement an incomprehensible or incomplete complaint;
- it does not constitute a complaint under this Act;
- it was filed too late;
- it was filed by a person not entitled to do so;
- it is a complaint that has already been decided upon in a complaint procedure;
- its content is malicious or it abuses the complaint procedure;
- the complainant has withdrawn the complaint before the complaint procedure has been initiated by a written or oral statement, which is recorded.

(8) The Ministry shall inform the complainant of the decision that the complaint will not be considered, by written notification. The notification shall be served on the complainant in person.

Article 147

(Informing the police officer about a complaint)

(1) The police officer against whom a complaint was made must be served with a copy of the complaint. Throughout the procedure, the police officer must participate in the examination of the complaint and may prepare a written statement on the complaint within five working days of the serving of the complaint. If this is necessary to clarify the circumstances of the complaint, he can be invited to clarify additional facts in relation to the complaint. The invitation may be given to the police officer in writing, directly verbally, by telephone or by electronic mail. The interview with the police officer must take place at least five working days after the invitation, however, this period may exceptionally be shortened with his consent.

(2) If the complaint gives rise to the suspicion that the police officer has committed a criminal offence that is prosecuted *ex officio* and if the complaint was sent to the competent state prosecutor, the police officer must be informed accordingly.

Methods of resolving complaints

Article 148

(Types of complaint procedure)

(1) Submissions in a complaint procedure shall be considered

- in a conciliation procedure, or
- before a panel.

(2) In a conciliation procedure a complaint shall be considered in the police unit within which the complainant's human rights or fundamental freedoms were

allegedly violated by a police officer's action or his failure to act in the performance of police tasks.

(3) A complaint shall be considered before a panel if the conciliation procedure was not concluded successfully.

(4) Notwithstanding the preceding paragraph, a complaint shall be considered directly before a panel in the following cases:

- if anybody suffered serious bodily injury, grievous bodily injury or lost their lives in the police procedure which the complaint concerns;
- if the complaint concerns a police procedure in which instruments of restraint were used against more than three persons and slight bodily harm was caused;
- if the complaint concerns a police procedure in which firearms were used;
- if children, minors or members of national or ethnic communities or minorities or other vulnerable groups were parties in the police procedure;
- if the complaint contains allegations of torture or cruel, inhuman or humiliating treatment or punishment;
- if the complaint is filed against a head of police unit or a head of internal organisational unit of the police;
- if the complaint was filed by a foreigner who does not reside in the territory of the Republic of Slovenia;
- in other cases of complaints of serious infringement of human rights or fundamental freedoms.

Article 149 (Conciliation procedure)

- (1) A conciliation procedure shall be a meeting between the head of police unit to which the police officer against whom the complaint was made is assigned and the complainant, in which the head of police unit informs the complainant of the findings related to the complaint. He must allow the complainant to present facts in relation to the complaint and propose evidence for establishing the actual situation. A written record shall be made of any conciliation procedure meeting.
- (2) In order to establish the actual situation concerning a complaint before a conciliation procedure is carried out, a head of the police unit shall use the powers laid down for rapporteurs in Article 143 of this Act.

Article 150 (Course of conciliation procedure)

(1) If the complainant is prepared to respond and to participate in a conciliation procedure, the head of the police unit referred to in the preceding Article shall invite him to a meeting directly verbally, by telephone or by electronic mail.

(2) If the complainant does not respond to the forms of invitation referred to in the preceding paragraph, he shall be invited to a conciliation procedure by a written invitation. If a duly invited complainant, who was cautioned about the consequences of absence, does not respond to the invitation and does not communicate that he will continue the procedure, his silence shall be considered a withdrawal of the complaint and the complaint procedure shall be concluded. The entire file shall immediately be referred to the Ministry. The Ministry shall inform the complainant of the conclusion of

the complaint procedure by written notification. The notification shall be served on the complainant in person.

(3) The police officer against whom the complaint was made must also be informed about the scheduled conciliation procedure meeting. However, his attendance at the conciliation procedure meeting shall be voluntary. If the police officer attends the conciliation procedure meeting, he must be allowed to present facts and evidence related to the complaint.

(4) At the conciliation procedure meeting, the complainant shall be informed of his rights, in particular the rights referred to in paragraphs five and six of this Article, and about the course of the complaint procedure. Police powers and the conduct of the police officer in the incident shall be explained to him and, if the complaint is justified, he shall be informed of the measures that have been or will be taken (apology, written or oral caution to the police officer, proposal for the initiation of disciplinary procedure, minor offence proceedings or criminal proceedings, etc.).

(5) If the complainant attends the conciliation procedure meeting and agrees with the findings, the complaint procedure shall be concluded with the signing of the written record.

(6) If the complainant does not agree with the findings presented in the conciliation procedure or does not attend the conciliation procedure meeting but communicates by the scheduled conciliation procedure meeting that he wishes the complaint procedure to be continued before a panel, the entire file shall immediately be referred to the Ministry, which shall conduct the further complaint procedure. If despite his disagreement with the findings in the conciliation procedure, the complainant proposes that the procedure be concluded, which shall be noted in the written record, the complaint procedure shall be concluded by the signing of the record.

(7) A conciliation procedure must be concluded within 30 days of receipt of the complaint, except when this is not possible owing to objective circumstances.

Procedure before a panel

Article 151 (Panel)

(1) A panel shall be appointed by the Minister and shall consist of the authorised representative of the Minister as the head of the panel and two representatives of the public as panel members. The panel shall be responsible for assessing the merits of a complaint against a police officer.

(2) The panel meeting shall be held in the territory of the police directorate within which the complainant's human rights or fundamental freedoms have allegedly been violated by a police officer's action or his failure to act in the performance of police tasks.

(3) If the complainant is a foreigner who does not reside in the territory of the Republic Slovenia, the panel meeting may be held at the headquarters of the Ministry. The panel members shall be invited to the meeting and the rapporteur may also be invited.

Article 152
(Procedure before a panel)

(1) A complaint shall be assigned for resolution to the head of the panel, who shall schedule and conduct a meeting of the panel, when the gathering of information and evidence is completed.

(2) Notwithstanding the preceding paragraph, the head of the panel shall not schedule a panel meeting in complaint cases that were considered in a conciliation procedure and in which the complainant did not agree with the findings, if the documents irrefutably show that circumstances were adequately examined and facts were wholly and correctly established and that further procedure before a panel would not result in a different decision. The Ministry shall inform the complainant of the decision that the complaint will not be considered, by written notification. The notification shall be served on the complainant in person. This shall conclude the complaint procedure.

(3) The head of the panel shall send to the complainant and the police officer against whose work the complaint was made a report on the findings in relation to the complaint, together with the invitation to the panel meeting. In the invitation, the complainant and the police officer shall be informed that they may submit comments on the report, as well as new evidence and facts related to the allegations in the complaint, which will be considered at the panel meeting.

(4) The complainant and the police officer may inspect other documents at the office of the head of the panel or the rapporteur. The complainant shall be allowed access to documents concerning any pre-trial investigation with the prior authorisation of the competent state prosecutor.

(5) The panel shall decide on the complaint in a meeting.

(6) Invitations to the meeting shall be given to the complainant, the police officer against whose work the complaint was made, authorised representatives, the rapporteur, witnesses, experts and interpreters.

(7) An invitation to the panel meeting must be served on the complainant and police officer at least five working days before the date of the meeting. The invitation shall contain a caution that if they do not attend the meeting in person or through an authorised representative, the complaint procedure will be concluded on the basis of evidence available.

(8) At the meeting, the rapporteur shall present the report on his findings.

(9) The complainant and the police officer may express their views on the content of the complaint and facts related to the complaint and, through the head of the panel, pose questions to the invitees or propose that additional evidence be presented.

(10) The head of panel and panel members may question the invitees and present additional evidence in order to establish facts.

(11) The head of the panel shall be responsible for keeping order at panel meetings and the dignity of the panel. He shall have the right to caution anybody who disturbs the work of the panel. He may also request any person who, regardless of the

caution, disturbs the work of the panel or behaves inappropriately, to leave the panel meeting.

(12) On the basis of established facts and circumstances, the panel shall decide on the merits of the complaint in a vote. If a complaint contains several grounds for complaint, the panel shall decide on the merits of each particular ground. A decision shall be adopted if at least two panel members vote for it.

(13) When voting is concluded, the head of the panel shall immediately inform everybody present of the decision of the panel.

(14) The decision of the panel shall be final.

Article 153 (Panel reply)

(1) The complaint resolution procedure shall be concluded by a written reply to the complainant.

(2) In the written reply referred to in the preceding paragraph, the substance of the panel decision must be explained. The complainant's grounds for complaint must be answered in such a way that the position on every comprehensible statement or allegation in the complaint is explained with reasoned arguments, and essential circumstances and findings are summarised.

(3) The reply of the panel shall be served on the complainant in person, and on the police officer through the head of the police unit to which he is assigned.

(4) The procedure before the panel must be concluded within 90 days of receipt of the complaint, except when this is not possible owing to objective circumstances.

Conclusion of complaint procedure and costs

Article 154 (Conclusion of complaint procedure)

- (1) A complaint procedure shall also be concluded in the following cases:
- the complainant has withdrawn the complaint by a written or oral statement, which is recorded;
 - it has been established during consideration of the complaint that it does not constitute a complaint;
 - the complainant has died and no relative referred to in paragraph two of Article 142 of this Act has requested continuation of the complaint procedure in due time;
 - conditions referred to in paragraph seven of Article 146 of this Act have been fulfilled;
 - other cases referred to in paragraph two of Article 152 of this Act.

(2) The Ministry shall inform the complainant of the conclusion of the complaint procedure by written notification. The notification shall be served on the complainant in person.

Article 155 (Costs of procedure)

(1) The costs incurred in a complaint procedure shall be budget costs.

(2) The representatives of the public and experts who are not employed by the police or the Ministry shall be entitled to the reimbursement of the costs of attendance at panel meetings.

(3) The amount, types and the method of reimbursement of costs of attendance at panel meetings shall be determined by the Minister.

Reporting

Article 156 (Obligation of reporting)

(1) When a complaint that has been considered before a panel is upheld or when in a conciliation procedure the conduct of a police officer has been assessed as contrary to regulations, the police must submit to the Ministry a written report on adopted and implemented measures within 30 days of the conclusion of the complaint procedure.

(2) The Ministry shall draw up semi-annual and annual reports on the resolution of complaints, which shall be published on the Ministry's website. Personal data shall not be included in the report.

V. COOPERATION WITH LAW ENFORCEMENT AUTHORITIES OF OTHER COUNTRIES

Article 157 (Cooperation of the police in other EU Member States)

(1) In order to prevent criminal offences, and maintain and secure law and order during public gatherings and in the event of natural and other disasters, the police may cooperate with law enforcement authorities in the territory of another EU Member State on the basis of a request, in accordance with Council Decision 2008/615/JHA and Council Decision 2008/616/JHA. Decisions on cooperation shall be made by the Director General of the Police.

(2) Decisions on the assistance and support of the police in crisis situations in another EU Member State, as defined in Council Decision 2008/617/JHA, on the basis of a request, shall be made by the Minister.

(3) When the police cooperate with law enforcement authorities in another EU Member State pursuant to this Act, police tasks may be performed and instruments of restraint may be used only under the authority of the competent law enforcement authority of the EU Member State if so determined by Council Decision 2008/615/JHA, Council Decision 2008/616/JHA, Council Decision 2008/617/JHA or the law of the EU Member State.

(4) In accordance with the preceding paragraph, police officers may only use firearms in cases referred to in indent 1 of paragraph one of Article 96 of this Act.

Article 158

(Cooperation of the police with law enforcement authorities of other EU Member States in the Republic of Slovenia)

(1) On the basis of a request by the police, law enforcement authorities of other Member States may participate in preventing criminal offences, maintaining and securing law and order during public gatherings and providing assistance in the event of natural and other disasters in the Republic of Slovenia, in accordance with Council Decision 2008/615/JHA and Council Decision 2008/616/JHA.

(2) On the basis of a request by the Minister, law enforcement authorities of other Member States may cooperate with the police in crisis situations in the Republic of Slovenia, as defined by Council Decision 2008/617/JHA.

(3) In the cases referred to in paragraphs one and two of this Article, law enforcement authorities of other Member States shall wear uniforms, carry firearms, accompanying ammunition and other instruments of restraint, and use vehicles and other equipment necessary for performing police tasks with their markings and symbols. The Director General of the Police may limit the entry and use of certain means and equipment.

(4) Law enforcement authorities of other Member States shall perform police tasks referred to in paragraphs one and two of this Article and use instruments of restraint pursuant to this Act and under the authority of the Slovenian police. They may use firearms only in cases referred to in indent 1 of paragraph one of Article 96 of this Act.

(5) In their cooperation with the police, law enforcement authorities of other Member States shall be provided with the same assistance and support as Slovenian police officers. Their national legislation shall apply to employment relationships and disciplinary responsibility of law enforcement authorities of other Member States.

Article 159

(Cooperation of the police with foreign law enforcement authorities in the protection of particular persons and buildings)

(1) The members of foreign law enforcement authorities who protect a representative of that country or another protected person on a visit in the Republic of Slovenia and participate in the performance of police tasks in the Republic of Slovenia may wear a uniform if they perform tasks in uniform, use vehicles and bring into the country and carry firearms, accompanying ammunition and instruments of restraint without special authorisation, subject to timely notification of the police. No special authorisation subject to timely notification of the police shall be needed by foreign law enforcement authorities if they are protecting a representative of their country or another protected person and are in transit through the Republic of Slovenia on account of this protection. Decisions on the use of other protection equipment by foreign law enforcement authorities shall be made by the Director General of the Police. Tasks related to the protection of particular representatives of the Republic of Slovenia abroad shall be performed by police officers of the Republic of Slovenia in accordance with the regulations of the Republic of Slovenia and the regulations of the host country provided they are not in conflict with the regulations of the Republic of Slovenia.

(2) Decisions on the necessity of entry and use of aircraft and vessels of foreign law enforcement authorities in the territory of the Republic of Slovenia in order

to perform tasks referred to in the preceding paragraph, shall be made by the Government on the proposal of the Minister.

(3) Members of foreign law enforcement authorities in the Republic of Slovenia shall be permitted to use firearms and instruments of restraint only in cases referred to in indent 1 of paragraph one of Article 96 of this Act.

Article 160

(Cooperation of the police on the request of international organisations)

(1) The police may, on the request of international organisations or on the basis of international agreements of which the Republic of Slovenia is a member or signatory, participate in the performance of police or other non-military tasks abroad.

(2) Decisions on the participation referred to in the preceding paragraph shall be made by the Government on the proposal of the Minister.

Article 161

(Authority to fulfil the obligation of cooperation with other competent authorities)

(1) The authority responsible for the implementation of regulations concerning the police that implement the provisions of Chapters 2 (except Article 7), 3 and 4 of Council Decision 2008/615/JHA and Chapters 3, 4 and 5 of Council Decision 2008/616/JHA shall be the Ministry.

(2) The authority responsible for police cooperation referred to in Article 17(1) and paragraph one of Article 18 of Council Decision 2008/615/JHA and Article 17 of Council Decision 2008/616/JHA shall be the police.

(3) The competent authority under Article 2(c) of Council Decision 2008/617/JHA shall be the police.

(4) National contact points responsible for the implementation of Articles 6, 11, 12, 15 and 16 of Council Decision 2008/615/JHA shall be determined by the Government.

(5) The competent authority referred to in paragraph one of Article 3 of Council Decision 2008/633/JHA for performing tasks related to police work shall be the police. The central access points referred to in Article 3(3) of Council Decision 2008/633/JHA shall be police units.

VI. PENAL PROVISIONS

Article 162

(Minor offences)

(1) A fine of EUR 10,000 shall be imposed on a legal person, sole trader or self-employed person who acts in contravention of paragraph four of Article 10 of this Act.

(2) A fine of EUR 1,000 shall be imposed on the responsible person of a legal person or an individual who commits a minor offence referred to in the preceding paragraph.

(3) A fine of EUR 300 to 800 shall be imposed on an offender who does not comply with the order referred to in Article 60 of this Act or who in the period of the ordered measures harasses the injured party through means of communication.

(4) A fine of EUR 300 to 800 shall be imposed on an individual who

- does not comply with the measure imposed under paragraph one of Article 62 of this Act,
- does not comply with the order issued by the investigating judge under paragraph six of Article 62 of this Act.

(5) Fines in the prescribed range shall be imposed in expedited proceedings for minor offences under paragraphs three and four of this Article.

Act Amending the Police Tasks and Powers Act – ZNPPol-A (Official Gazette of the Republic [Uradni list RS], No. 15/13) shall include the following transitional and final provisions:

VII. TRANSITIONAL AND FINAL PROVISIONS

Article 163

(Completion of complaint procedures)

(1) Complaint procedures initiated before the date of application of this Act shall be completed according to the regulations pursuant to which they were initiated.

(2) Representatives of the public in a complaint procedure against the work of police officers who have been appointed pursuant to Article 28 of the Police Act (Official Gazette of the Republic [Uradni list RS], Nos. 66/09 – official consolidated text, 22/10, 26/11 – Constitutional Court Decision and 58/11 – ZDT-1, hereinafter: the ZPol) shall perform their tasks until the expiry of the term of appointment, if they fulfil the conditions laid down in this Act. The Ministry shall verify *ex officio* the fulfilment of conditions within 12 months of entry into force of this Act.

Article 164

(Organisation of records)

The data in the records kept pursuant to the Zpol must be organised in accordance with the provisions of this Act within two years of its entry into force.

Article 165

(Repeal and application and time limit for issuing implementing regulations)

(1) As of the date of the entry into force of this Act, the following implementing regulations shall cease to apply; however, they shall continue to apply until the entry into force of the relevant implementing regulations adopted pursuant to this Act, insofar as they do not conflict with this Act:

- Decree on simplifying data and information exchange between the Police and the Customs Administration of the Republic of Slovenia and the competent authorities in other EU Member States (Official Gazette of the Republic [Uradni list RS], No. 67/08);
- Decree on the protection of particular persons, premises, structures and surroundings of structures protected by the police (Official Gazette of the Republic [Uradni list RS], No. 110/10);
- Rules on resolving complaints (Official Gazette of the Republic [Uradni list RS], Nos 1/04, 117/05 and 111/06);
- Rules on restraining orders (Official Gazette of the Republic [Uradni list RS], No. 95/04);
- Rules on the protection of police data (Official Gazette of the Republic [Uradni list RS], No. 17/11);
- Rules on police powers (Official Gazette of the Republic [Uradni list RS], No. 40/06 and 56/08);
- Rules on the reimbursement of travel costs to invitees (Official Gazette of the Republic [Uradni list RS], No. 79/06);
- Rules on retaining data on electronic communications of the police and on the access to police databases (Official Gazette of the Republic [Uradni list RS], Nos. 103/06 and 59/07);
- Rules on the possession and carrying of service weapons and ammunition in the police (Official Gazette of the Republic [Uradni list RS], No. 55/99);
- Rules on fees for accessing data in and providing data from police records (Official Gazette of the Republic [Uradni list RS], No. 53/12).

(2) The Government and the Minister shall issue the regulations set out in this Act within one year of the entry into force of this Act.

Article 166
(Cessation of validity)

- (1) On the day this Act enters into force, the following shall cease to apply:
- Articles 3, 18, 19, 20, 23, 24, 25, 26, 28, 29, 30, 32, 32.a, 33, 34, 35, 35.a, 35.b, 36, 36.a, 36.b, 37, 38, 38.a, 39, 39.a, 39.b, 40, 41, 42, 43, 44, 44.a, 45, 46, 47, 48, 48.a, 49.a, 50, 51, 51.a, 51.b, 51.c, 51.č, 51.d, 52, 53, 54, 54.a, 55, 56, 57, 58, 59, 60, 61, 62, 63 and 64 of the ZPol,
 - paragraph four of Article 37 of the State Border Control Act (Uradni list RS, no. 35/10 – official consolidated text).

(2) The provisions of the preceding paragraph shall apply until the date of application of this Act.

Article 167
(Entry into force and application of the Act)

This Act shall enter into force on the fifteenth day after its publication in the Official Gazette of the Republic of Slovenia and shall begin to apply on the sixtieth day after its entry into force.

Act Amending the Police Tasks and Powers Act – ZNPPol-A (Official Gazette of the Republic [Uradni list RS], No. 10/17) shall include the following transitional and final provisions:

“TRANSITIONAL AND FINAL PROVISIONS

Article 56

The data in the records under points 8, 14 and 15 of Article 123 of the Act shall be harmonised within one year of the entry into force of this Act.

Article 57

(Deadline for the issuing of an implementing regulation)

The minister shall align the regulation governing the manner of exercising the police powers with this Act within six months of the entry into force of this Act.

Article 58

(1) This Act shall enter into force on the fifteenth day following its publication in the Official Gazette of the Republic of Slovenia, and shall begin to apply on the thirtieth day after its entry into force.

(2) Notwithstanding the preceding paragraph, the provision of the new Article 112.a of the Act shall begin to apply one year after the entry into force of this Act in the part that prescribes the collection of data under points 30 and 31 of paragraph two of Article 123 for scheduled and non-scheduled flights from air carriers that carry out their transport activity from European Union member states to the territory of the Republic of Slovenia and back or with a stopover on the territory of the Republic of Slovenia, and six months after the entry into force of this Act for the collection of this data on flights from third-countries to the territory of the Republic of Slovenia and back or with a stopover on the territory of the Republic of Slovenia.”