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**OF THE REPUBLIC OF LITHUANIA
INTELLIGENCE CONTROLLERS
LAW**

23 December 2021 No XIV-868
Vilnius

**SECTION 1
GENERAL PROVISIONS**

Article 1 — Purpose of the Law

1. The purpose of this Law is to create legal regulation of independent external supervision of intelligence institutions, which would guarantee the independence, legality and compliance with the requirements of the protection of human rights and freedoms of intelligence institutions.

2. This Law shall establish the status, powers, procedure for appointment and dismissal of the intelligence controller and accountability, relations with the Seimas Committee of the Republic of Lithuania exercising parliamentary control over intelligence institutions, the Seimas Committee responsible for ensuring human rights and freedoms and other entities controlling the activities of intelligence institutions, as well as the status of the Intelligence Ombudsmen's Office of the Republic of Lithuania and the grounds for organising its activities.

Article 2 — Basic Concepts of this Law

1. “**Applicant**” means a natural or legal person who applies to the Intelligence Controller by lodging a complaint.

2. “**Notification**” means information provided by an intelligence officer about potentially illegal activities of an intelligence institution and/or possible unlawful decisions taken by an intelligence institution regarding persons subject to intelligence activities in violation of the requirements of protection of human rights and freedoms and requirements for the processing of personal data processed for the purposes of national security or defence.

3. **Complaint** shall mean the applicant's appeal to the Intelligence Controller stating that due to abuse or bureaucracy of intelligence institutions and/or intelligence officers in the field of

public administration or other actions of intelligence institutions and/or intelligence officers, his rights and freedoms have been violated, violations of the processing of personal data processed for the purposes of national security or defence have been committed, and requests to defend these rights and ensure compliance with the requirements for the processing of these personal data.

4. The Seimas Committee **responsible for ensuring human rights and freedoms shall be the Seimas Committee** referred to in the Statute of the Seimas of the Republic of Lithuania responsible for the formation of the state human rights and freedoms policy.

5. The Seimas committee **exercising parliamentary scrutiny of intelligence institutions** shall be the **Seimas committee** specified in the Statute of the Seimas, which is tasked with carrying out parliamentary scrutiny of intelligence institutions.

6. **‘Inspection of the intelligence controller’ means an inspection** of the factual circumstances carried out by the intelligence controller in order to determine whether there are grounds for initiating an investigation by the intelligence controller.

7. **“Investigation of the Intelligence Controller”** means the procedure carried out by the Intelligence Controller, including an assessment of the legality of the activities of intelligence institutions and/or intelligence officers, misuse of the powers conferred on them, a possible violation of the requirements for the processing of personal data processed for the purposes of national security or defence or any other possible violation of the requirements for the protection of human rights and freedoms in the field of public administration, taking decisions and making recommendations.

8. The term “representative” used in this Law shall be understood as defined in the Code of Civil Procedure of the Republic of Lithuania.

Article 3 — Purpose and tasks of the Intelligence Controller

1. The purpose of the activities of the Intelligence Controller is to carry out independent supervision of the legality of the activities of intelligence institutions and the assessment of compliance with the requirements for the protection of human rights and freedoms.

2. Tasks of the Intelligence Controller:

1) to assess the compliance of activities of intelligence institutions and actions of intelligence officers and/or decisions taken by them, as well as the internal legal acts of intelligence institutions with laws and other legal acts, to verify and assess the legality of the collection of intelligence and the application of intelligence methods;

2) to carry out a control of the lawfulness of the processing of personal data processed by an intelligence institution for the purposes of national security or defence;

3) examine the complaints of the applicants;

4) examine reports of intelligence officers.

Article 4 — Basic Principles of the Intelligence Controller’s Activities

The Intelligence Controller’s activities shall be guided by the following principles:

1) the rule of law and the rule of law. The Intelligence Controller shall act in accordance with the Constitution of the Republic of Lithuania, international treaties and agreements of the Republic of Lithuania, this Law and other laws and legal acts, legal principles;

2) respect for the people and the state. The Intelligence Controller shall base his activities on respect for human fundamental rights and freedoms, public interests and the State, its institutions and bodies;

3) independence. The Intelligence Controller shall be independent from other institutions and shall independently decide the matters falling within his competence;

4) accountability. The Intelligence Controller shall be accountable to the Seimas for his activities;

5) timeliness. The intelligence controller shall as soon as possible carry out investigations into the legality of the activities carried out by intelligence institutions and possible violations;

6) transparency. The Intelligence Controller shall provide information to the public, the Seimas and other interested persons about his/her activities and decisions taken in order to disclose the reasons for the decisions taken. Information shall not be provided where methods and means of activities of intelligence institutions, operational tactics and/or damage caused to the activities of intelligence institutions may be disclosed;

7) clarity. The decision taken by the Intelligence Controller must be reasoned, consistent, accurate, understandable and unambiguous;

8) impartiality. The Intelligence Controller shall protect the rights and freedoms of all persons equally (equally) regardless of their nationality, race, gender, language, origin, social status, faith, beliefs or views;

9) objectivity and reliability. The decision taken by the intelligence controller must be based on data-based assessments.

SECTION 2

INTELLIGENCE CONTROLLER

Article 5 — Intelligence Controller

Intelligence Ombudsperson shall mean a state official appointed by the Seimas who performs supervision of the legality of the activities of intelligence institutions and assessment of compliance with the requirements for the protection of human rights and freedoms.

Article 6 — Requirements for the Intelligence Controller

A citizen of the Republic of Lithuania of good repute as defined in the Law on Civil Service of the Republic of Lithuania shall be appointed as an Intelligence Controller who has acquired a master's qualification degree or qualification acquired upon completion of solid studies, at least 10 years of experience in carrying out activities related to national security and defence and/or protection of human rights and freedoms and meets the requirements laid down in legal acts necessary for the issuance of an authorisation to work or familiarise with classified information classified as "Completely Secret". A person who has not been a state politician for the last five years prior to the date of his candidacy in the Seimas shall be appointed as intelligence controller.

Amendments to the Article:

No [XIV-2090](#).

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Article 7 — Appointment of the Intelligence Controller

1. On the recommendation of the Speaker of the Seimas, after consideration by the Seimas committee exercising parliamentary scrutiny of intelligence institutions and the Seimas committee responsible for ensuring human rights and freedoms, the Seimas shall appoint two intelligence controllers for a term of five years.

2. The same person may be appointed as intelligence controller not more than twice in a row.

3. The Intelligence Controller shall take up his duties only after taking an oath to the Republic of Lithuania at a sitting of the Seimas.

4. Before taking an oath, a person appointed as intelligence controller must suspend his membership and activities in political parties until the end of his term of office, and terminate his membership and activities in public electoral committees.

Article 8 — Oath of the Intelligence Controller

1. The text of the oath of the Intelligence Controller shall be as follows:

"I, (forename, surname),

I swear to be faithful (faithful) to the Republic of Lithuania, to respect and execute its Constitution and laws, to perform my duties in honor, to protect human rights, freedoms and legitimate interests, to always be impartial and to protect the secrets entrusted to me.

May God help me.”

2. The oath is allowed without the last sentence.
3. The sworn person shall sign the oath. The signed text of the oath shall be stored in the personal file of the Intelligence Controller.
4. Failure to sign the text of the oath or to sign it with a reservation shall mean that a person has not taken up an oath and is therefore prevented from performing his or her duties.

Article 9: Prohibitions against the Intelligence Controller

1. The Intelligence Controller shall be prohibited from:
 - 1) to be a member of political parties, independent political campaign participant, member or sponsor of independent political campaign participants;
 - 2) to be a member of an organisation prohibited in accordance with the procedure laid down by laws;
 - 3) to participate in meetings of political parties, independent political campaign participants or other public actions expressing political provisions or political requirements or directly supporting a political party, an independent political campaign participant;
 - 4) to be the owner of a private or public legal person, a full member or a team member appointed (elected) member of management bodies, founder and participant of a legal person;
 - 5) to work in private or public legal persons, to receive other remuneration, with the exception of remuneration for pedagogical and creative work;
 - 6) to carry out economic, economic commercial or individual activities;
 - 7) strike or picket;
 - 8) to form trade unions, to be a member thereof and to participate in their activities;
 - 9) accept gifts or services or provide them where this may lead to a conflict of public and private interests.
2. The intelligence controller may not travel to foreign states or territories in which armed conflict takes place, as well as to other foreign states or territories for purposes other than service, if his presence in them could harm the national security of the Republic of Lithuania or the interests of the state.

Article 10 — Expiry of the mandate of the Intelligence Controller

1. The mandate of the Intelligence Controller shall be terminated when:
 - 1) his term of office expires;
 - 2) he resigns;
 - 3) he is dying;

4) does not work due to temporary incapacity for work for more than 120 consecutive calendar days or more than 140 days during the last 12 months, if the laws do not provide that duties are retained for a longer period due to a certain illness, or when the intelligence controller is unable to perform his duties according to the opinion of the Disability and Work Capacity Assessment Service under the Ministry of Social Security and Labour;

5) a conviction by which the intelligence controller is found guilty of a criminal act enters into force or a court decision exempting the intelligence controller from criminal liability becomes final;

6) more than half of all members of the Seimas express a lack of confidence in him;

7) lose citizenship of the Republic of Lithuania in accordance with the procedure laid down by the Law of the Republic of Lithuania on Citizenship;

8) lose the right to handle or familiarise with classified information classified as “Top Secret”.

2. In the case specified in subparagraph 4 of paragraph 1 of this Article, the Seimas shall decide on the termination of the powers of the intelligence controller only when there is a conclusion of the medical commission set up by the Minister of Health.

3. In the event of the termination of the powers of the Intelligence Controller who is the head of the Agency of Intelligence Controllers, the Board of the Seimas shall, by decision, assign another Intelligence Controller to perform the duties of the Head of the Agency of Intelligence Controllers on a temporary basis until the permanent head of the Agency of Intelligence Controllers is appointed.

Article 11 — Duties of the Intelligence Controller

Intelligence Controller:

1) carry out regular supervision of the legality of the activities of intelligence institutions related to the actions of intelligence institutions and intelligence officers and the decisions taken by them;

2) carry out inspections to determine whether there are grounds for initiating an investigation by the intelligence controller;

3) assess the legality of the collection of intelligence and the application of intelligence methods and other activities of intelligence institutions and/or intelligence officers, misuse of the powers conferred on them, bureaucracy, possible violations of human rights and freedoms or legitimate interests or possible processing of personal data processed for the purposes of national security or defence or other possible violations of human rights and freedoms in the field of public administration;

4) verify the lawfulness of the processing of personal data processed for the purposes of national security or defence;

5) examine complaints (reports) of applicants (intelligence officers);

6) after carrying out investigations, take decisions on the complaints (reports) of the applicants (intelligence officers) examined;

7) provide decisions to applicants (intelligence officers), heads of intelligence institutions in respect of which investigations have been carried out, other institutions or interested persons specified in the decisions, make recommendations to intelligence institutions in order to eliminate the causes of the established violations and to ensure that similar violations do not recur in the future;

8) upon discovering signs of a possible criminal act, apply to a pre-trial investigation institution or prosecutor;

9) prepare and submit methodological recommendations and/or consultations to intelligence institutions regarding the improvement of their activities related to the execution of intelligence and counterintelligence;

10) submit to the Seimas the evaluations and reports referred to in Article 30 of this Law;

11) regularly inform the public about its activities;

12) perform other duties laid down by laws.

Article 12 — Rights of the Intelligence Controller

In performing his duties, the Intelligence Controller shall have the right to:

1) to enter the official premises, territories, vehicles or other objects of intelligence institutions lawfully managed or used by them, where this is necessary for the performance of the duties of the intelligence controller;

2) to familiarise yourself with the information constituting a state or official secret held by an intelligence institution, where such familiarisation is necessary for the performance of the duties of the intelligence controller, and to use it, with the exception of information on the identity of classified intelligence officers or intelligence secret collaborators and information received from foreign partners;

3) to receive the documents (including documents containing information constituting a state or official secret) which are necessary for the performance of the duties of the intelligence controller, with the exception of information on the identity of classified intelligence officers or intelligence secret collaborators and information received from foreign partners;

4) to receive reasoned proposals from heads of intelligence institutions or their authorised deputies to carry out court-sanctioned intelligence gathering actions;

5) to receive oral and/or written explanations from intelligence officers and other persons involved in the investigation of the intelligence controller;

6) to draw up a protocol of administrative offences concerning the administrative offences provided for in Articles 505 and 507 of the Code of Administrative Offences of the Republic of Lithuania;

7) apply to the administrative court with a request to investigate whether a regulatory administrative act (or part thereof) complies with the provisions of laws or regulatory legal acts of the Government of the Republic of Lithuania;

8) to apply, in accordance with the procedure laid down by laws, to the court or to other state, municipal institutions and agencies and other persons in matters falling within the competence of the intelligence controller;

9) to receive reasoned rulings of regional courts to carry out court-sanctioned intelligence gathering actions. The Intelligence Controller does not assess the validity and legality of court rulings;

10) to submit, within its remit, proposals to the President of the Republic, the Seimas, the Government and other state institutions and agencies regarding the improvement of legal acts regulating the activities of intelligence institutions and the protection of human rights and freedoms and the protection of personal data processed for the purposes of national security or defence, to inform the entities referred to in this subparagraph about violations of laws or other legal acts;

11) exercise other rights granted to the Intelligence Controller by other laws of the Republic of Lithuania.

Article 13: Duty of secrecy and personal data

The Intelligence Controller, civil servants and employees of the Agency of Intelligence Controllers working under an employment contract (hereinafter referred to as “employees”) must protect state, service, commercial or bank secrets, as well as personal data protected by law, which they become aware while performing their duties.

SECTION 3

INVESTIGATIONS, RECEPTION AND HANDLING OF COMPLAINTS/REPORTS, PROVISION OF METHODOLOGICAL RECOMMENDATIONS AND ADVICE

Article 14 — Investigations by the Intelligence Controller

The Intelligence Controller shall conduct investigations:

- 1) on its own initiative, having established indications to believe that intelligence institutions and/or intelligence officers may abuse their powers or possibly violate human rights and freedoms or legitimate interests, whether they may violate the requirements of the processing of personal data processed for the purposes of national security or defence, or otherwise potentially violate human rights and freedoms in the field of public administration;
- 2) upon receipt of a notification by an intelligence officer;
- 3) upon receipt of a complaint from the applicant.

Article 15 — Submission of complaints/notifications

1. The applicant shall have the right to lodge a complaint with the intelligence controller concerning the misuse of powers granted to them by intelligence institutions and/or intelligence officers or bureaucracy in the field of public administration, also regarding the compliance of other actions of intelligence institutions and/or intelligence officers with the requirements of legal acts and protection of human rights and freedoms and possible violations of the processing of personal data processed for the purposes of national security or defence.

2. An intelligence officer shall have the right to submit to the intelligence controller a notice concerning the potentially illegal activities of an intelligence institution and/or the potentially unlawful decisions taken by the intelligence institution regarding the persons against whom intelligence activities are carried out in violation of the requirements for the protection of human rights and freedoms and the requirements for the processing of personal data processed for the purposes of national security or defence.

3. The Intelligence Controller shall also examine complaints submitted to him by the members of the Seimas, other institutions or officials, which comply with the requirements laid down in Article 16 of this Law.

4. Written complaints are usually submitted via the National electronic parcel delivery system using the postal network, information system (hereinafter referred to as “e-delivery system”), other electronic means of communication, registered postal item or directly. Electronic delivery services for natural persons, when they send electronic parcels to the Intelligence Controller via the e-delivery system, shall be provided free of charge. If the complaint is received orally, by telephone, the Intelligence Controller may initiate an investigation on his own initiative.

5. An appeal to the Intelligence Controller shall not restrict a person’s right to apply to the court for acts or omissions of intelligence institutions that may violate his rights and freedoms.

Article 16 — Requirements for complaint and notification

1. The complaint must include:

- 1) the addressee;
- 2) the name and address of the applicant, if the applicant has one, his e-mail address, telephone, fax numbers or addresses of other electronic means of communication, as well as the name and address of the representative, if any, and, if known, the electronic mail address of the representative, telephone, fax numbers or addresses of other electronic means of communication;
- 3) the names, surnames and functions of the intelligence officers complained of, the name of the intelligence institution in which they hold office;
- 4) description of the contested decision or act of the intelligence institution, the time and circumstances of its commission;
- 5) the form of the application;
- 6) the date of the complaint and the signature of the applicant.

2. If the complaint is lodged by the applicant's representative, a power of attorney or other document confirming the representative's powers must be attached.

3. The complaint may be accompanied by:

- 1) a copy of the contested decision;
- 2) the available data and their description.

4. The notification must include:

- 1) the addressee;
- 2) the name and address of the intelligence officer, if available – his e-mail address, telephone, fax numbers or addresses of other electronic means of communication, the name of the intelligence institution in which he is acting;

3) a description of the alleged illegal act of the intelligence institution and/or the date and number of its potentially unlawful decision;

4) the date of the report and the signature of the intelligence officer.

5. The notification may be accompanied by the available data and a description thereof.

6. Failure to comply with the requirements referred to in paragraphs 1, 2 and 4 of this Article or failure to specify details may not be a ground for refusing to examine a complaint (notice), except for anonymous complaints (notifications), as well as in cases where it is impossible to initiate an investigation due to a lack of data and the applicant (intelligence officer) does not submit them at the request of the intelligence controller, or when the text of the complaint (notification) is illegible or the content of the complaint (notification) is incomprehensible.

Article 17 — Deadline for complaints/notifications

The time limit for the submission of complaints (notifications) shall be one year from the date on which the acts complained of were committed or the judgment under appeal was adopted.

Complaints (notifications) submitted after the expiry of the specified time limit shall not be considered unless the Intelligence Controller decides otherwise.

Article 18 — Anonymous complaints (messages)

Anonymous complaints (notifications) shall not be considered unless the Intelligence Controller decides otherwise.

Article 19 — Refusal to examine a complaint (notification)

1. The Intelligence Controller shall, not later than within 10 working days from the receipt of the complaint (notification), adopt a decision refusing to examine the complaint (notice) if:

1) investigation of the circumstances indicated in the complaint (notification) does not fall within the competence of the Intelligence Controller;

2) the complaint (notification) on the same issue has already been examined or is being examined in court, whether it is being examined by other competent state institutions or bodies;

3) a procedural decision on the subject matter of the complaint (notification) has been taken to initiate a pre-trial investigation;

4) the cases referred to in paragraph 6 of Article 16 of this Law shall be established.

2. Upon the adoption of a decision refusing to examine a complaint (notification), the grounds for refusal to examine shall be indicated to the applicant (intelligence officer) who submitted the complaint (notice) in accordance with the procedure laid down in paragraph 2 of Article 20 of this Law. In cases where the examination of a complaint (notification) is not within the competence of the Intelligence Controller, in accordance with the procedure laid down in paragraph 2 of Article 20 of this Law, it shall be indicated to which institution or body the applicant (intelligence officer) submitting the complaint (notice) could apply on the matter, or to which institution or body the complaint (notification) has been transmitted.

3. A resubmitted complaint (notice) shall not be examined, except for the cases when the re-submitted complaint (notice) indicates new significant circumstances and/or facts.

4. If the applicant (intelligence officer) abuses the right to apply to the Intelligence Controller, the complainant's complaint (notification) may not be examined by the decision of the Intelligence Controller.

Article 20 — Time limits for handling a complaint/notification and means of information

1. The complaint (notice) must be examined and answered by the applicant (intelligence officer) in accordance with the procedure laid down in paragraph 2 of this Article within 3 months

from the receipt of the complaint (notice), except in cases where it is necessary to extend the examination of the complaint (notice) due to the complexity of the circumstances indicated in the complaint (notice), the abundance of information, the continuing nature of the actions complained of or other important reasons. The applicant (intelligence officer) shall be informed of the decision to extend the time limit for examining the complaint (notice) in accordance with the procedure laid down in paragraph 2 of this Article. Complaints/notifications must be dealt with within the shortest possible time.

2. If the applicant has not specified the method of receiving the desired response to the complaint and/or the necessary contact details, he shall be informed of the decisions of the Intelligence Controller in the following priority order: via the e-delivery system; if the electronic delivery system box of the applicant is inactive, the reply is sent to the applicant via the e-delivery system, but is delivered as a registered postal item; other electronic means of communication or registered postal item. Where the applicant has indicated the desired method of receiving a reply to the complaint/notification and the necessary contact details, the reply to the complaint/notification shall be served on him/her in this way.

Article 21 — Termination of the Investigation by the Intelligence Controller

1. The investigation conducted by the Intelligence Controller shall be terminated if:

1) during the investigation, the circumstances that led to the initiation of the investigation cease to exist;

2) the applicant (intelligence officer) who has submitted a complaint (notification) withdraws the complaint (notice);

3) under the mediation of the intelligence controller, problems are resolved or human rights and freedoms are resolved, the act that violates his legitimate interests is terminated;

4) when examining a complaint (notification), the grounds for refusal to examine the complaint (notice) specified in paragraphs 1 and 4 of Article 19 of this Law shall be established.

2. If the complainant (intelligence officer) who has submitted a complaint (report) withdraws the complaint (notice), the investigation opened may not be terminated and the intelligence controller's initiative continues.

Article 22 — Decisions of the Intelligence Controller

1. Having examined the complaint (notice) and having carried out the actions necessary for the investigation, the Intelligence Controller shall assess the collected data and, within its competence, shall take one of the following decisions:

1) to declare the complaint (notice) justified in full or in part;

- 2) dismiss the complaint (notification) as unfounded;
- 3) discontinue the examination of the complaint (notice).

2. Having carried out investigative actions initiated on his own initiative, the Intelligence Controller shall assess the collected data and, within its competence, take one of the following decisions:

- 1) to recognise that no violations of legal acts have been identified and/or no cases of abuse, bureaucracy or other violations of human rights and freedoms in the field of public administration have been detected;

- 2) to recognise that violations of legal acts and/or cases of abuse, bureaucracy or other violations of human rights and freedoms in the field of public administration have been established.

3. The decisions of the Intelligence Controller shall be recommended.

4. The decision of the Intelligence Controller shall be submitted to:

- 1) an applicant (intelligence officer) who has submitted a complaint (notice);

- 2) the head of the intelligence institution subject to the investigation;

- 3) other state institutions or bodies specified in the decision within their competence.

5. When signs of a possible criminal act are found, the decision shall be submitted to the pre-trial investigation body or prosecutor.

6. In cases where the decision adopted by the intelligence controller contains information constituting a state, official, commercial or bank secret or personal data protected by law, an extract of the decision of the intelligence controller may be submitted if the person to whom such a decision is submitted does not have the right to familiarise himself with the information constituting a state, official, commercial or bank secret or personal data of other persons protected by law.

Article 23 — Binding nature of the requirements of the Intelligence Controller

1. Intelligence institutions and/or intelligence officers must, at the request of the intelligence controller, provide him with information, documents, explanations and other material necessary for the performance of his functions within the time limit set by him.

2. The decision of the intelligence controller must be examined by the intelligence institution to which such a decision is addressed and inform the intelligence controller of the results of the examination. The information shall be provided to the intelligence controller immediately after taking decisions on the measures to be taken, taking into account the decision of the Intelligence Controller, but not later than within 30 days from the date of receipt of the decision.

3. Persons who fail to comply with the requirements of the Intelligence Controller shall be held liable in accordance with the procedure laid down by law.

Article 24 — Intelligence Controller’s methodological recommendations, consultations

The Intelligence Controller shall provide methodological recommendations and/or consultations to intelligence institutions regarding the improvement of their activities related to the execution of intelligence and counterintelligence. Methodological recommendations and/or consultations shall not be linked to specific investigations carried out by the Intelligence Controller and shall be provided in order to ensure the legality of the activities of intelligence institutions and compliance with the requirements of the protection of human rights and freedoms.

SECTION 4

OFFICE OF INTELLIGENCE CONTROLLERS

Article 25: Office of Intelligence Controllers

1. In order to ensure the work of intelligence controllers, an agency of intelligence controllers shall be established which shall assist in carrying out inspections of the activities of intelligence institutions, investigate complaints (reports) of applicants and intelligence officers and prepare methodological recommendations and/or consultations provided for in Article 24 of this Law, as well as assist the head of the Agency of Intelligence Controllers in properly performing the functions of the head of the institution.

2. Intelligence Ombudsmen’s Office shall mean a budgetary institution financed from the state budget with a bank account and a seal bearing the State emblem of Lithuania and its name.

3. The head of the Agency of Intelligence Controllers shall be responsible for the use and storage of the seal of the Office of Intelligence Controllers.

Article 26 — Structure of the Office of Intelligence Controllers

1. The office of intelligence controllers shall be headed by the head of the Agency of Intelligence Controllers.

2. The Office of Intelligence Controllers shall consist of two intelligence controllers, civil servants and employees.

3. Civil servants and employees of an agency of intelligence controllers must meet the requirements laid down by legal acts necessary for issuing an authorisation to handle or familiarise with classified information. Civil servants and employees of the Agency of Intelligence Controllers must obtain an authorisation to work or familiarise themselves with the particular

classified information classified, shall be indicated in the job descriptions of the civil servants and employees of the agency.

4. The structure of the agency of intelligence controllers, its tasks, functions and organisation of work shall be established by the regulations of the Agency of Intelligence Controllers approved by the head of the agency of intelligence controllers.

5. The maximum permissible number of positions of civil servants and employees of the Office of Intelligence Controllers shall be approved by the Board of the Seimas.

Article 27 — Head of the Office of Intelligence Controllers

1. One intelligence Ombudsman shall be appointed by the Seimas on the recommendation of the Speaker of the Seimas, after consideration by the Seimas committee exercising parliamentary control of intelligence institutions and the Seimas committee responsible for ensuring human rights and freedoms, as the head of the Agency of Intelligence Ombudsmen.

2. In addition to the direct duties of the Intelligence Controllers, the Head of the Agency of Intelligence Controllers shall perform the following functions:

- 1) direct the Agency of Intelligence Controllers and organise its work;
- 2) allocate received complaints (notifications) for consideration;
- 3) a decision to extend the time limit for examining a complaint (notification) where the intelligence controller conducting the investigation is temporarily incapable of work and is therefore temporarily unable to perform his duties;
- 4) represent the Office of Intelligence Controllers in institutions and agencies of the Republic of Lithuania and foreign states, international organisations;
- 5) ensure the efficient use of financial and other resources allocated to the activities of the Agency of Intelligence Controllers;
- 6) lay down the requirements for internal administration, assurance of trust of staff, administration of classified information, physical protection of classified information, security of classified contracts, protection of classified information communication and information systems and other internal security requirements and the procedure for their implementation;
- 7) recruit civil servants and employees of the Agency of Intelligence Controllers in accordance with the procedure laid down by laws;
- 8) approve the regulations of the Agency of Intelligence Controllers, the regulations of structural divisions, the rules of procedure of the Agency of Intelligence Controllers laying down the internal rules of procedure, as well as lists of positions and job descriptions of civil servants and employees, establish specific coefficients of the basic salaries of civil servants and employees;

9) grant leave to the intelligence controller, civil servants and employees of the Agency of Intelligence Controllers, send them to missions and internships;

10) take decisions on the improvement of the qualification of civil servants and employees of the Agency of Intelligence Controllers;

11) encourage civil servants and employees of the Agency of Intelligence Controllers, impose official penalties on them or take decisions on the violation of work or duties;

12) organise the preparation and submission to the Seimas of an annual assessment of the legality of the activities of intelligence institutions and an activity report of the Agency of Intelligence Controllers for the previous calendar year;

13) perform other duties specified in laws and other legal acts.

3. The head of the agency of intelligence controllers shall be the manager of the state budget appropriations allocated to the Agency of Intelligence Controllers.

4. The head of the agency of intelligence controllers shall issue orders on matters of his competence and control the execution thereof and shall sign internal administrative documents.

5. When the head of the Office of Intelligence Controllers is on leave, has been on mission outside the Republic of Lithuania for more than one day or is temporarily incapable of work and is therefore temporarily unable to perform his duties, he shall be replaced at that time by another intelligence controller.

6. The Head of the Intelligence Ombudsmen's Office shall be dismissed from office by the Seimas on the recommendation of the Speaker of the Seimas after consideration of the Seimas committee exercising parliamentary control of intelligence institutions and the Seimas committee responsible for ensuring human rights and freedoms.

SECTION FIVE

ACTIVITIES OF THE INTELLIGENCE CONTROLLER AND OTHER GUARANTEES

Article 28 — Payment of the work of the intelligence controller and social guarantees

1. The amount of remuneration of the Intelligence Controller and the conditions of payment shall be laid down in the Law of the Republic of Lithuania on Remuneration of State Politicians and State Officials.

2. The intelligence controller shall be insured by state social insurance in accordance with the procedure laid down in the Law of the Republic of Lithuania on State Social Insurance.

3. The Intelligence Controller shall be granted 22 working days' leave each year. An intelligence controller who has a length of service of more than five years for the State of Lithuania shall be granted an additional 3 working days of annual leave for each subsequent three years'

service, but the total duration of annual leave may not exceed 37 working days. The Intelligence Controller shall also be entitled to the targeted and extended additional leave provided for in Article 125 of the Labour Code of the Republic of Lithuania. Unused annual leave shall be granted to the Intelligence Controller at other times.

4. Upon expiry of the term of office of the Intelligence Controller, a severance pay in the amount of two months' salary shall be paid to him. A severance allowance equal to three months' salary shall be paid to the intelligence controller who is dismissed from office when he is unable to perform his duties due to his state of health. In the event of the death of the intelligence controller, his family members (spouse, partner, cohabitant, minor children (adopted children) until they reach the age of 18, as well as older children (adopted children) if they are enrolled in the general education programme, according to a formal vocational training programme for the acquisition of the first qualification or studying at a higher school according to a programme of permanent form of study (including the period of academic leave), – until they reach the age of 24 years, children (adopted children) over 18 years of age, if they are recognised as disabled persons (before 1 July 2005 – invalids) up to the age of 18 shall be paid a three-month salary allowance. These allowances shall be paid from the appropriations of the state budget allocated to the Agency of Intelligence Controllers. In the event of the release of the intelligence controller at his own request or when a conviction by which the intelligence controller is found guilty of a criminal act enters into force or a court decision exempting the intelligence controller from criminal liability or loses citizenship of the Republic of Lithuania or loses the right to handle or familiarise with classified information classified as “Top Secret” becomes effective or where at least half of all Members of the Seimas declare their distrust in it, the severance pay shall not be paid.

5. Upon expiry of the term of office, the intelligence controller shall have the right, in accordance with the procedure laid down by legal acts of the Republic of Lithuania, to restore the status of a civil officer, statutory civil servant, career civil servant or head of an agency.

SECTION SIX

PUBLICITY OF THE INTELLIGENCE CONTROLLER'S ACTIVITIES, PROVISION OF ASSESSMENTS AND REPORTS

Article 29 — Publicity of activities

Intelligence Controllers shall regularly publish relevant news and summary information about their activities, the results of the inspections, investigations carried out and the implementation of decisions on the website of the Agency of Intelligence Controllers. Information

whose communication to the public is not permitted under the laws of the Republic of Lithuania shall not be disclosed to the public.

Article 30: Reporting of evaluations and annual activity reports

Before 1 March each year, the intelligence controllers shall submit in writing to the Seimas an annual assessment of the legality and compliance of the activities of intelligence institutions with the requirements of the protection of human rights and freedoms and an unclassified report on activities of the previous calendar year, which shall consist of aggregated information. This assessment and report shall be discussed in the Seimas and published on the website of the Agency of Intelligence Controllers.

**SECTION SEVEN
FINAL PROVISIONS**

Article 31 — Entry into force, implementation and application of the law

1. This Law, with the exception of paragraph 2 of this Article, shall enter into force on 1 January 2022.

2. The Seimas shall adopt a resolution on the establishment of the Agency of Intelligence Controllers by 31 December 2021.

3. Investigations concerning the activities of intelligence institutions and/or intelligence officers initiated and not completed by the Seimas Ombudsperson before the entry into force of this Law shall be completed by the Intelligence Controller.

I hereby promulgate this Law adopted by the Seimas of the Republic of Lithuania.

President of the Republic

Gitanas Nausėda

Amendments:

1.

Seimas of the Republic of Lithuania, Law

No [XIV-2090](#).

22

JUNE

2023,

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Law amending Article 6 of Law No XIV-868 on Intelligence Controllers of the Republic of Lithuania

