

**Translation from Finnish.
Legally binding only in Finnish and Swedish.
Ministry of the Interior, Finland**

Police Act

(872/2011; amendments up to 1168/2013 included)

Chapter 1 General provisions

Section 1

Police duties

The duty of the police is to secure the rule of law; maintain public order and security; prevent, detect and investigate crimes; and submit cases to prosecutors for consideration of charges. The police work in cooperation with other public authorities and with communities and residents in order to maintain security, and they engage in international cooperation pertaining to their duties.

The police also perform licensing functions and other tasks separately provided by law, and provide individuals with such assistance as falls within their duties. If there are reasonable grounds to believe that someone has gone missing or has been the victim of an accident, the police shall take any action necessary to find that person.

Provisions on the criminal investigation of offences are laid down in the Criminal Investigation Act (805/2011), and provisions on the coercive measures used in the criminal investigation of offences are laid down in the Coercive Measures Act (806/2011).

Section 2

Respecting fundamental and human rights

The police shall respect fundamental and human rights and, in exercising their powers, choose from all reasonable options the course of action that best asserts these rights.

Section 3

Principle of proportionality

Police action shall be reasonable and proportionate with regard to the importance, danger and urgency of the duty; the objective sought; the behaviour, age, health and other specifics of the person targeted by the action; and other factors influencing the overall assessment of the situation.

Section 4

Principle of minimum intervention

The police shall not take action that infringes anyone's rights or causes anyone harm or inconvenience more than is necessary to carry out their duty.

Section 5
Principle of intended purpose

The police may exercise their powers only for the purposes provided by law.

Section 6
Performance of duties and their order of importance

The police shall act in an appropriate and objective manner and promote equal treatment and a conciliatory spirit. The police shall seek to maintain public order and security primarily through advice, requests and orders.

The police shall perform their duties with all due efficiency and expediency. If circumstances so require, duties shall be placed in order of importance.

Section 7
Stating the grounds for actions

A police officer shall inform a person targeted by an action, or a representative of the person, of the grounds for the action affecting his or her personal liberty as soon as the person's condition or other circumstances allow.

Unless otherwise provided by law, a person targeted by an action other than one affecting personal liberty, or his or her representative, also has the right to know the grounds for the action as soon as this is possible without jeopardising the completion of the action.

Section 8
Declaring police officer status and identifying individual police officers

If necessary, a police officer shall declare to the person targeted by the action that he or she is a police officer and, on request, present his or her badge if such a declaration or presentation is possible without jeopardising the completion of the action.

The police shall ensure that police officers carrying out official duties can be identified if necessary.

Section 9
Postponing actions and refraining from taking actions

The police have the right to refrain from taking an action if completion of the action could lead to an unreasonable conclusion compared with the outcome sought.

Any person requesting a police action whose rights, interests or obligations are affected by the matter has the right, on request, to know the grounds for refraining from taking the action.

Provisions on postponing actions concerning secret intelligence gathering are laid down in Chapter 5, section 46(1).

Section 10

Uniform

Police officers, senior guards and guards shall wear a uniform when performing their official duties if this is required by the nature or type of the duty.

A uniform may also be worn during travel connected with an official duty and when representing the police. The head of the unit concerned decides whether or not a uniform may be worn in other situations.

Only a police officer may wear a police uniform or articles of official police clothing. Similarly, nobody may wear an outfit or items of clothing that are deceptively similar to the police uniform or articles of official police clothing in a manner that may give the impression that the person wearing them is a police officer. What is provided in this subsection above does not, however, apply to the right of a senior guard or a guard referred to in subsection 1 or of a member of the reserve police to wear the prescribed uniform or articles of official clothing.

Notwithstanding the provisions of subsection 3, the chief of the local police department concerned may give permission to wear a police uniform in theatre performances or other similar events.

Section 11

Authority of police officers

When exercising the powers laid down in this or any other Act, police officers have the right to issue necessary orders and prohibitions to all persons in an individual case.

Section 12

Police officers

Police officers are public officials, who are commanding officers, senior officers or officers as specified by government decree.

Chapter 2

General powers

Section 1

Establishing identity

To carry out an individual duty, police officers have the right to obtain from anyone their name, personal identity code or, if this does not exist, date of birth and nationality, and information concerning a place where they can be reached.

If a person refuses to give the information referred to in subsection 1 and his or her identity cannot otherwise be ascertained, the police officer has the right to establish identity on the basis of personal identifying characteristics. In this case, the provisions of Chapter 8, section 33(2–4) of the Coercive Measures Act on conducting personal searches shall be observed as appropriate.

To establish the person's identity, police officers have the right to apprehend anyone who refuses to give the information referred to in subsection 1 or gives what is likely to be false information, provided that the apprehension is essential in order to establish identity. Persons apprehended shall be released as soon as the necessary information has been obtained, but no later than 24 hours after being apprehended.

Section 2

Apprehension to protect a person

Police officers have the right to apprehend a person to protect him or her from an immediate serious danger to life, physical integrity, safety or health if the person is unable to take care of himself or herself and the danger cannot be otherwise eliminated or the person otherwise looked after.

Anyone apprehended under subsection 1 who is under 18 years of age shall be immediately handed over to the person who has custody of him or her or, if this is not possible, to the child welfare authorities. Other persons apprehended shall be allowed to leave as soon as the reason for their apprehension has ceased to exist, but no later than 24 hours after being apprehended. A person who has not been released by 20.00 may be held until 8.00 the following day if this is on the grounds of protecting the person's life or health, on the basis that he or she lacks a home address or a night's lodging, or for some other special reason.

Provisions on keeping in custody a person who was apprehended while intoxicated are laid down in the Act on Treating Intoxicated Persons (461/1973). Provisions on delivering an apparently mentally ill person into care and on other executive assistance in matters concerning such persons are laid down in the Mental Health Act (1116/1990).

Section 3

Apprehending wanted persons

Police officers have the right to apprehend wanted persons who, in accordance with a warrant issued by a competent authority, are to be remanded or taken into custody.

If requested by a police officer, wanted persons other than those referred to in subsection 1 are obliged to present themselves at a police station or other place where the measures stated in the apprehension warrant can be taken. If the person does not follow the request, or if it is likely that he or she is attempting to avoid the measures stated in the apprehension warrant, police officers have the right to apprehend the person in order to take the measures stated in the apprehension warrant.

Unless otherwise provided on the duration of measures required in an apprehension warrant, wanted persons are obliged to be present for the measures to be taken for a period of up to six hours after being apprehended.

Section 4

Conducting a search to apprehend a person

To find a person who is to be brought to a police investigation referred to in Chapter 6 of this Act, police officers have the right to conduct a search of a domicile or an area, as laid down in Chapter 8 of the Coercive Measures Act.

The decision on the search is made by a commanding police officer. Other police officers may conduct a search without a decision from a commanding police officer when an immediate search is essential due to the urgency of the matter.

The provisions of subsection 1 also apply to statutory executive assistance that is rendered to other public authorities by the police in order to apprehend a person. The decision on such a search is made by a commanding police officer.

Section 5

Protecting domestic and public premises

At the request of an occupier of domestic premises referred to in Chapter 24, section 11 of the Criminal Code (39/1889) or of public premises referred to in section 3 of the same Chapter, or his or her representative, police officers have the right to remove anyone who unlawfully enters by force, stealth or deception, or hides in such premises or neglects an order to leave.

Police officers have the right to remove anyone from the premises referred to in subsection 1 who has permission to be there if he or she disturbs the privacy of others at the domestic or public premises or causes considerable disturbance in other ways and there are reasonable grounds to suspect that disturbance would recur.

If it is likely that removal would not prevent the disturbance from recurring, police officers have the right to apprehend the person causing the disturbance and keep him or her in custody. The apprehended person may be kept in custody only for as long as the disturbance is likely to recur, but for no longer than 12 hours after being apprehended.

Section 6

Gaining entry and conducting a search in dangerous situations or where injury or damage has occurred

Police officers have the right to enter domestic or public premises or premises to which there is no public access, or a vehicle, and where necessary conduct a search if there are reasonable grounds to believe that:

- 1) an act or event endangering life, health or personal liberty or causing substantial damage to property or the environment is imminent or taking place;
- 2) somebody is in need of immediate help due to an offence or accident that has already occurred, or for a similar reason; or
- 3) the body of a deceased person will be found in the search.

In the case referred to in subsection 1(1) above, it is further required that the action be essential to prevent danger, injury or damage or to search for and take possession of explosives, weapons or other dangerous substances or objects.

In situations that are not urgent, entry to premises used for permanent residence requires an order from a commanding police officer.

Section 7

Carrying out actions

In cases referred to in sections 4–6 above, a room, place of storage or other similar place targeted by an action may be entered using force, if necessary. After the action has been taken, the place shall be closed in a suitable manner. A record shall be drawn up or a similar entry made in some other document of the actions taken under these sections.

Section 8

Cordoning off a place or an area

Police officers have the right to cordon off, close or clear a place or area in public use, or to prohibit or restrict movement there, if this is necessary to maintain public order and security, to secure a police investigation, or to protect measures taken at the scene of an accident, the privacy of persons targeted by an action or any endangered property.

On the order of a commanding police officer, and in urgent cases even without such an order, police officers have the right to cordon off or clear domestic or public premises if this is necessary to avert an immediate danger to life or health and the persons in the area cannot be protected in any other way.

Provisions on the right of the police to issue orders concerning the place of a public meeting are laid down in section 10 of the Assembly Act (530/1999).

Police officers have the right to prohibit or restrict the moving of any object or to order an object to be moved from a place or area in public use if this is necessary to secure a police investigation. Police officers also have the same right in domestic premises if the action is necessary to avert an immediate danger to life or health or to protect property.

Section 9

Dispersing a crowd

Police officers have the right to order a crowd to disperse or move if the gathering threatens public order and security or obstructs traffic. Police officers have the same right if members of the crowd are likely, on the basis of their threats or other behaviour, to commit an offence against life, health, liberty, domestic premises or property. If the order to disperse or move is not obeyed, police officers have the right to use force to disperse the crowd and to apprehend noncompliant persons. Wherever possible, the police shall restrict their actions to those persons whose conduct is causing the need to disperse or move the crowd.

Apprehended persons shall be released as soon as the purpose of the action has been served, but no later than 12 hours after being apprehended.

Provisions on the interruption and dispersal of public meetings are laid down in section 21 of the Assembly Act, and provisions on the prevention, interruption and dispersal of public events are laid down in section 22 of the same Act.

Section 10

Preventing an offence or disturbance

Police officers have the right to remove a person from a place if there are reasonable grounds to believe on the basis of the person's threats or other behaviour, or it is likely on the basis of the person's previous behaviour, that he or she would commit an offence against life, health, liberty, domestic premises or property, or would cause a considerable disturbance or pose an immediate danger to public order or security.

A person may be apprehended if his or her removal is likely to be an inadequate measure and the offence cannot otherwise be prevented or the disturbance or danger otherwise removed. The apprehended person may be kept in custody for as long as it is likely that he or she would commit an offence referred to in subsection 1 or cause a disturbance or danger, but the period may not exceed 24 hours from the time of apprehension.

A police officer may protect a person or guard a place in order to prevent or interrupt an offence referred to in subsection 1.

Section 11

Stopping and moving a vehicle

Police officers have the right to order a vehicle to be stopped, to move a vehicle or to order it to be moved if this is justified in order to carry out a police duty.

Provisions on road traffic surveillance are laid down in the Road Traffic Act (267/1981), and provisions on ordering an aircraft to land are laid down in the Aviation Act (1194/2009).

Section 12

Security searches

When apprehending, arresting or remanding a person, taking a person into custody or carrying out some other action affecting personal liberty, police officers have the right to search the clothing of such persons and anything else they have on them and their belongings in order to ensure that they are not carrying any objects or substances that they could use to jeopardise their custody arrangements or to cause danger to themselves or others. When carrying out an official duty, police officers may also search a person to find such objects or substances if there are reasonable grounds that make this necessary for ensuring the police officers' occupational safety and completion of the official duty.

In connection with an action affecting personal liberty, the person and his or her belongings may also be searched in order to find a document necessary for his or her identification.

Police officers have the right, using methods required by the situation and to the extent necessary, to search persons arriving at or leaving court proceedings or a meeting, public event or other similar occasion requiring special protection or the accommodation facilities for participants in the event, or persons in the immediate vicinity of the place at which the event is held or of the accommodation facilities, and their belongings, to ensure that the persons do not have in their possession any objects or substances that could be used to endanger the safety of persons participating in the event or staying in the accommodation facilities or of other persons. A precondition for searching anyone leaving is that there is a

public disturbance at the event or in the accommodation facilities or some other evident special reason.

If necessary, dangerous objects or substances referred to in subsections 1 and 3 above shall be removed from the person being searched. Any objects or substances whose possession is otherwise prohibited by law or under provisions issued by virtue of the law shall also be removed.

Section 13

Carrying out security searches

A security search shall be performed by feeling with the hands, using a trained dog, using a metal detector or other similar technical device, or by some other similar method.

The search shall not interfere with the person's physical integrity any more than is necessary to carry out the duty. When searching, the level of discretion required by the circumstances shall be observed.

Section 14

Taking possession of dangerous objects and substances

In addition to what is provided in any other act, police officers have the right to take temporary possession of explosives and other dangerous objects or substances from any person whose age, state of intoxication, state of mind or other circumstances may reasonably be thought to pose an immediate danger to public order and security. The police also take possession of any explosives kept in contravention of the provisions of the Act on the Safe Handling and Storage of Dangerous Chemicals and Explosives (390/2005), or of provisions issued under it, which the party in possession of the explosives reports and hands over to the police on their own initiative.

Instead of taking possession of the whole object, a part belonging or connected to it may be taken into possession if its removal can prevent the danger referred to in subsection 1.

A record shall be drawn up or a similar entry made in some other document of the taking possession of the property.

Provisions on taking possession of firearms, firearm components, cartridges and specially dangerous projectiles are laid down in the Firearms Act (1/1998).

Section 15

Handling property taken into possession

Dangerous objects and substances taken into possession by the police under section 12(4) or 14(1) shall be returned to the holder without delay and within no later than 14 days, unless prior to this action is taken to cancel the licence for possession, or the action referred to in subsection 2 or 3 or in Chapter 7 of the Coercive Measures Act is taken. Any parts belonging to or connected to an object that are taken into possession by the police under section 14(2) of this Chapter shall always be returned, unless the whole object in question is taken into possession under section 14(1) before this.

An object or substance taken into possession under section 14(1) that cannot be returned to its holder or owner without posing a danger may, with the consent of the owner, be sold or given to a person with a right to possess it. If this is not possible, the property may be sold at a public auction on the owner's behalf.

If the object or substance cannot be returned, sold or given as provided in subsections 1 and 2 without posing a danger, or if the object or substance is of little value, a commanding police officer may order the object or substance to be destroyed.

The owner or holder shall be reserved an opportunity to be heard prior to the sale or destruction, unless the property is of little value. A record shall be drawn up of the sale or destruction or a similar entry made in some other document.

Section 16

Capturing and putting down an animal

Police officers have the right to capture and, as a last resort, to put down an animal causing danger to human life or health or significant damage to property or posing a serious danger to traffic. An animal may also be put down if keeping it alive would clearly be cruel to it.

Section 17

Use of force

When carrying out official duties, police officers have the right to use necessary force that can be considered justifiable to overcome resistance, remove a person from a place, carry out an apprehension, prevent the escape of a person who has been deprived of his or her liberty, remove an obstacle or prevent an immediate risk of an offence or some other dangerous act or event. The importance and urgency of the duty, the danger of resistance, the resources available and other circumstances influencing an overall assessment of the situation shall be taken into consideration when assessing the justifiability of the use of force.

Police officers on duty also have the right of self-defence as laid down in Chapter 4, section 4 of the Criminal Code. In such self-defence, police officers are subject to liability for acts in office. The requirements set for police officers on the basis of training and experience shall be taken into consideration when assessing the justifiability of self-defence.

In situations in which it is vital to enlist the help of bystanders when using force in carrying out an extremely important and urgent official police duty, persons temporarily assisting police officers at their request or with their consent have the right, under the direction of a police officer, to exercise such force as is authorised by the police officer acting within his or her powers.

The police have the right, with the assistance of the Defence Forces, to use military force to prevent or interrupt the commission of a terrorist offence as laid down in the Act on Executive Assistance to the Police by the Defence Forces (781/1980).

Provisions on the excessive use of force are laid down in Chapter 4, sections 6(3) and 7 of the Criminal Code and on excessive self-defence in Chapter 4, sections 4(2) and 7 of the Code.

Section 18

Preparing to use force and warning of its use

If in carrying out an official duty there is reason to suspect that resistance will be met or that an unlawful attack referred to in Chapter 4, section 4(1) of the Criminal Code will occur, preparation for the use of force shall be made in a suitable and appropriate manner.

Persons who are targeted by official duties shall be warned of the possibility that force may be used against them if such a warning is possible and appropriate. The warning shall be given in a way that is understood and suitable for the purpose.

Section 19

Use of firearms

Firearms may be used only when it is necessary to stop the actions of a person posing an immediate and serious danger to the life or health of another person and no more moderate means to do this are available. Firearms may also be used for removing an object, animal or other similar obstacle when carrying out an urgent and important duty. Firearms may not be used to disperse a crowd unless gas cartridges or other similar projectiles are used in the firearm in accordance with separately issued regulations for these.

Use of a firearm means warning of the use of a firearm referred to in section 2 of the Firearms Act, threatening with a firearm and firing a firearm. Revealing a firearm and getting it ready to use do not constitute use of a firearm.

The decision to threaten with a firearm and to fire a firearm is made by a commanding police officer if this is possible in view of the urgency of the situation.

Section 20

Physical restraint

The freedom to move and freedom to act of persons who are targeted by official duties can be restricted by applying handcuffs, using plastic ties or in some other similar way if, in connection with carrying out the official duty, restriction is necessary in order to prevent the person from fleeing, to control violent behaviour or to avert imminent violence.

Restriction on freedom to move or act shall not continue for longer than is necessary. Restriction shall not place the person in any danger or cause unnecessary pain.

Provisions on physical restraint of apprehended persons held by the police and of remanded persons are laid down in Chapter 11, section 2 of the Act on the Treatment of Persons in Police Custody (841/2006) and in Chapter 13, section 2 of the Remand Act (768/2005).

Section 21

Border checks and customs measures

Police officers on border-check duty have the right to carry out border checks referred to in the Border Guard Act (578/2005) at border crossing points or other locations specified in section 14 of the Border Guard Act, using the powers laid down in sections 28 and 29 of the same Act.

Police officers have the right to take customs measures laid down in the Customs Act (1466/1994) to seize objects or substances illegally produced, imported or possessed, using the powers laid down in section 14 of the Act. If a customs measure requires an intimate body search or a search other than of a person's luggage or outer clothing without conducting a criminal investigation, the provisions of section 15 of the Customs Act shall be observed when carrying out the measure. The decision on the measure is, however, made by a commanding police officer.

Section 22

Powers of public officials of foreign States

A competent public official of a State applying the Schengen acquis referred to in Article 41 of the Convention implementing the Agreement on the gradual abolition of checks at the common borders (*Schengen Convention*) has the right to pursue in the territory of Finland an offender caught in the act of committing an offence in or observed escaping from the territory of the public official's country, and to apprehend and carry out a security search on the offender in the territory of Finland, as provided in the Schengen acquis binding on Finland. The provisions of section 11(1) on stopping vehicles, section 12(1) on searches in connection with actions affecting personal liberty, and section 12(4) on the removal of dangerous objects and substances also apply to the stopping of vehicles and to security searches.

However, the right to use force to apprehend a person who was caught in the act of committing an offence or who is in the process of escaping only applies to situations in which the person concerned offers resistance to avoid capture and no competent Finnish public official is immediately available to provide assistance in the apprehension. What is provided elsewhere in this Act and in the Criminal Code also applies to the preconditions for and use of force.

Where an apprehension is based on subsection 1, the person apprehended shall be handed over without delay to the police department of the municipality in which the apprehension took place, and the police department shall also be notified of any other measures carried out in the territory of Finland and their consequences.

The provisions of Chapter 8 on liability for damages apply to compensation for injury or damage caused by the actions of a competent public official referred to in subsection 1 above.

Chapter 3

Security checks undertaken in police premises

Section 1

Security checks

Security checks aimed at ensuring security and order and protecting property may be organised at local police departments and in other police premises.

The decision on carrying out a security check is made by the head of the police unit.

Persons entering police premises, persons already there and their belongings may all be subjected to a security check. The decision on the extent of the security check is made by the head of the police unit.

The security check may be carried out by a police officer, another member of police personnel or a police-approved person trained for the task (*security inspector*).

The security check shall be carried out in such a manner that it does not cause any unnecessary inconvenience to the persons inspected or damage to property.

Section 2

Carrying out security checks

A security inspector has the right, using a metal detector or other similar technical device, to inspect persons entering police premises, persons already there and their belongings in order to ensure that the persons are not carrying any objects or substances that could endanger order or security or could be used for damaging property. The security inspector also has the right to inspect persons' belongings by other means.

If, on the basis of the security check or otherwise, there are reasonable grounds to suspect that a person is carrying an object or substance referred to in subsection 1, the person may be searched in order to find the object or substance. A security inspector performing such a search shall be of the same gender as the person being searched.

Section 3

Taking possession of objects found in a security check

A security inspector has the right to take possession of objects or substances found in a security check or otherwise that are referred to in section 2 or the possession of which is otherwise prohibited by law or by a regulation issued under the law. Provided that there is no legal impediment to doing so, objects and substances taken into possession shall be returned to the persons on whom the security check was made when they leave the police premises.

Section 4

Use of force in a security check

Anybody refusing to undergo a security check may be removed from the police premises by the security inspector. When removing a person from the premises, the security inspector may, if necessary, use force that can be deemed justified in view of the person's behaviour and other circumstances. However, unless otherwise provided elsewhere in the law, only a police officer or a member of police personnel with public official status may use force to remove a person from police premises.

Provisions on the excessive use of force are laid down in Chapter 4, sections 6(3) and 7 of the Criminal Code.

Chapter 4

Technical monitoring and rights to information

Section 1

Technical monitoring and the preconditions for it

Technical monitoring means continuous or repeated visual or audio monitoring of vehicles, vehicle drivers, pedestrians or the general public with the help of technical devices, or automatic recording of sounds or images;

After giving prior notification, the police may carry out technical monitoring in a public place or on a public road in order to maintain public order and security, prevent offences, identify a person suspected of an offence and guard special targets to be monitored.

Section 2

Obtaining information from public authorities

The police have the right, at the request of a commanding police officer and notwithstanding the obligation of secrecy, to obtain free of charge from a public authority or a body assigned to perform a public function any information and documents necessary to carry out a police duty, unless disclosing such information or documents to the police or using such information as evidence is expressly prohibited or restricted by law.

The police have the right, at the request of a commanding police officer and notwithstanding the obligation of secrecy, to obtain free of charge from a public authority or a body assigned to perform a public function any information concerning a licence or permit holder's state of health, use of intoxicants or violent behaviour for the purpose of considering the validity of the right to drive, a firearms permit or other such licence or permit if there are reasonable grounds to believe that the holder no longer meets the requirements for the licence or permit.

The police may only use secret information received under subsection 2 above to assess the reliability or suitability of the licence or permit holder or some other condition for the validity of the licence or permit or the fulfilment of a condition included in the licence or permit.

Section 3

Obtaining information from a private organisation or person

At the request of a commanding police officer, the police have the right to obtain any information necessary to prevent or investigate an offence, notwithstanding business, banking or insurance secrecy binding on members, auditors, managing directors, board members and employees of an organisation. The police have the same right to obtain information needed in a police investigation referred to in Chapter 6 if an important public or private interest so requires.

In individual cases, the police have the right to obtain from a telecommunications operator and a corporate or association subscriber on request contact information about a network address that is not listed in a public directory or data identifying a network address or terminal end device if the information is needed to carry out police duties. Similarly, the police have the right to obtain postal address information from organisations engaged in postal services.

For licence administration purposes, the police have the right to obtain information from private organisations and persons as provided in section 2(2–3).

Chapter 5

Secret methods of gathering intelligence

General provisions

Section 1

Scope and definitions

This Chapter lays down provisions on the use of telecommunications interception, gathering data other than through telecommunications interception, traffic data monitoring, obtaining base station data, extended surveillance, covert intelligence gathering, technical surveillance (on-site interception, technical observation, technical tracking and technical surveillance of a device), gathering data for the identification of a network address or a terminal end device, undercover activities, pseudo purchases, use of covert human intelligence sources, and controlled deliveries, for preventing, detecting or averting the threat of an offence. These intelligence gathering methods may be used without the knowledge of the targets.

Preventing an offence means action aimed at preventing an offence, attempted offence or the preparation of an offence when, due to observations of a person's actions or information otherwise obtained on the person's actions, there are reasonable grounds to believe that he or she would commit an offence, or action aimed at interrupting the commission of an offence already in progress or at limiting the injury, damage or danger directly caused by it.

Detecting an offence means action aimed at establishing whether the grounds referred to in Chapter 3, section 3(1) of the Criminal Investigation Act for starting a criminal investigation are met when, due to observations made of or information otherwise obtained on a person's actions, it can be assumed that an offence has been committed.

With the exception of telecommunications interception, obtaining data other than through telecommunications interception, undercover activities, pseudo purchases and controlled use of covert human intelligence sources, the provisions of this Chapter on the right of the police or police officers to use secret intelligence gathering methods also apply to border control, customs and military authorities as separately provided by law.

Provisions on the use of covert coercive measures in the criminal investigation of offences are laid down in Chapter 10 of the Coercive Measures Act.

Section 2

Preconditions for use of secret methods of gathering intelligence

The general precondition for the use of secret methods of gathering intelligence is that this can be assumed to result in gaining information necessary for preventing, detecting or averting the threat of an offence.

In addition to the provisions below on the special preconditions for the use of secret intelligence gathering methods, telecommunications interception, obtaining data other than through telecommunications interception, extended surveillance, on-site interception, technical observation, technical tracking of a person, technical surveillance of a device, undercover activities, pseudo purchases, controlled use of human intelligence sources and controlled deliveries may be used only if they can be assumed to be of very great significance

for the prevention or detection of an offence. Use of undercover activities or pseudo purchases also requires that this be essential for the purpose of preventing or detecting an offence.

Use of a secret intelligence gathering method shall be discontinued before the end of the fixed period stated in the decision if the purpose of its use has been met or if the preconditions for it no longer exist.

Section 3 *Secret intelligence gathering to detect an offence*

The methods specified in this Chapter may be used in detecting the following offences:

- 1) compromising the sovereignty of Finland;
- 2) incitement to war;
- 3) treason, aggravated treason;
- 4) espionage, aggravated espionage;
- 5) disclosure of a national secret;
- 6) unlawful intelligence operations;
- 7) an offence committed with terrorist intent, as referred to in Chapter 34a, section 1(1)(2–7) or 1(2) of the Criminal Code;
- 8) preparation of an offence to be committed with terrorist intent;
- 9) directing of a terrorist group;
- 10) promotion of the activity of a terrorist group;
- 11) provision of training for the commission of a terrorist offence;
- 12) recruitment for the commission of a terrorist offence;
- 13) financing of terrorism.

Section 4 *Continuing secret intelligence gathering to investigate an offence*

If during the secret intelligence gathering begun for preventing or detecting an offence it emerges that there is reason to suspect the offence targeted by the intelligence gathering has already been committed, the gathering of intelligence for the purpose of investigating the offence may continue for three days under an authorisation issued under this Chapter, but shall not exceed the validity period of the authorisation. If it is necessary to use a covert coercive measure referred to in Chapter 10 of the Coercive Measures Act for investigating an

offence, the matter shall be brought within the stated period for decision by the public authority with the power to decide on the use of the coercive measure in question.

Gathering intelligence from telecommunications networks

Section 5

Telecommunications interception and the preconditions for it

Telecommunications interception means the audio monitoring, recording and other handling of messages received by or sent from a network address or terminal end device via a public communications network referred to in the Communications Market Act (393/2003) or a communications network connected to it, for the purpose of establishing the content of the message and the related identification data referred to in section 8. Telecommunications interception may only target messages from or intended for a person if there are reasonable grounds to believe that he or she would commit an offence specified in subsection 2.

To prevent an offence, the police may be authorised to target telecommunications interception at a network address or terminal end device in the possession of a person or presumed to be otherwise used by the person if on the basis of the person's statements, threats or behaviour there are reasonable grounds to believe that he or she would commit the following:

- 1) compromising the sovereignty of Finland;
- 2) incitement to war;
- 3) treason, aggravated treason;
- 4) espionage, aggravated espionage;
- 5) disclosure of a national secret;
- 6) unlawful intelligence operations;
- 7) an offence committed with terrorist intent, as referred to in Chapter 34a, section 1(1)(2–7) or 1(2) of the Criminal Code;
- 8) preparation of an offence to be committed with terrorist intent;
- 9) directing of a terrorist group;
- 10) promotion of the activity of a terrorist group;
- 11) provision of training for the commission of a terrorist offence;
- 12) recruitment for the commission of a terrorist offence; or
- 13) financing of terrorism.

(1168/2013)

The police may also be given authorisation for telecommunications interception if this is necessary to avert an immediate serious danger to life or health.

Section 6

Obtaining data other than through telecommunications interception

If it is likely that a message referred to in section 5 and the related identification data can no longer be obtained through telecommunications interception, the police may be authorised, in order to prevent an offence, to obtain data held by a telecommunications operator or a corporate or association subscriber subject to the preconditions laid down in section 5.

If, to establish the content of a message, the obtaining of data is targeted at a personal technical device suitable for sending and receiving a message that is in direct connection with a terminal end device or at the connection between this personal technical device and a terminal end device, the police may be authorised to obtain data other than through telecommunications interception for the purpose of preventing an offence, provided that the preconditions laid down in section 5 are met.

Section 7

Decision on telecommunications interception and on other similar data gathering

The decision on telecommunications interception or on obtaining data other than through telecommunications interception is made by a court at the request of a police officer referred to in Chapter 2, section 9(1)(1) of the Coercive Measures Act (*police officer with the power of arrest*).

The authorisation for telecommunications interception and for obtaining data referred to in section 6(2) may be given for up to one month at a time. (1168/2013)

The request and decision concerning telecommunications interception and obtaining data other than through telecommunications interception shall specify:

- 1) the offence on which the action is based and the assumed time of commission, or the danger on which the action is based;
- 2) the person who, with reasonable cause, might be assumed to commit an offence referred to in paragraph 1;
- 3) the facts on which the suspicion of the person and the preconditions for telecommunications interception or obtaining data other than through telecommunications interception are based;
- 4) the validity period, including the precise time, of the authorisation concerning telecommunications interception or the obtaining of data referred to in section 6(2);
- 5) the network address or the terminal end device targeted by the action;
- 6) the police officer with the power of arrest who will be directing and supervising the telecommunications interception or the obtaining of data other than through telecommunications interception;

7) any limits and conditions on the telecommunications interception or obtaining data other than through telecommunications interception.

(1168/2013)

Section 8

Traffic data monitoring and the preconditions for it

Traffic data monitoring means obtaining identification data from messages that have been sent from a network address or terminal end device connected to a communications network referred to in section 5 or received by such an address or device, or obtaining the location data of a network address or terminal end device, or temporarily preventing the use of the address or device. *Identification data* means data which is processed in communications networks for the purpose of transmitting, distributing or providing messages and which concerns messages that can be associated with a subscriber or user, as referred to in section 2(8) of the Act on the Protection of Privacy in Electronic Communications (516/2004).

To prevent an offence, the police may be authorised to target traffic data monitoring at a network address or terminal end device in the possession of a person or presumed to be otherwise used by the person if, on the basis of the person's statements, threats or behaviour or otherwise, there are reasonable grounds to believe that he or she would commit the following:

- 1) an offence for which the most severe punishment by law is at least four years' imprisonment;
- 2) an offence committed using a network address or terminal end device and for which the most severe punishment by law is at least two years' imprisonment;
- 3) unauthorised use, criminal damage, message interception or computer break-in using a network address or terminal end device and targeting an automatic data processing system;
- 4) abuse of a victim of prostitution, solicitation of a child for sexual purposes, or procuring;
- 5) a narcotics offence;
- 6) preparation of an offence to be committed with terrorist intent; or
- 7) an aggravated customs declaration offence.

(1168/2013)

The police have the right, notwithstanding subsection 2, to undertake traffic data monitoring if it is essential that it be conducted straight away to avert an immediate danger to life or health.

The police have the right to prevent the use of network addresses or terminal end devices in a certain area for a short period. The use of this action must be essential for the purpose of averting a serious danger to life or health and must not cause more harm or inconvenience than is necessary to carry out the duty.

In an investigation of cause of death referred to in the Act on Determining the Cause of Death (459/1973), the police may be given authorisation for traffic data monitoring targeted at a network address or terminal end device that was in the possession of the deceased person if there are reasonable grounds to believe that the action would help to obtain the information necessary for establishing the cause of death.

Provisions on disclosing information to emergency services authorities are laid down in section 35 of the Act on the Protection of Privacy in Electronic Communications.

Section 9 (881/2013)

Traffic data monitoring with the consent of the owner of the network address or terminal end device

To prevent an offence, the police may, with the consent of the person concerned, target traffic data monitoring at the network address or terminal end device controlled by the person if there are reasonable grounds to believe that someone, on the basis of his or her statements or other behaviour, would commit the following:

- 1) an offence for which the most severe punishment by law is at least two years' imprisonment;
- 2) an offence that leads to a network address or terminal end device being unlawfully in the possession of another person;
- 3) a violation of a restraining order, a criminal disturbance referred to in Chapter 17, section 13(1)(2) of the Criminal Code or a violation of the privacy of communications referred to in Chapter 24, section 1a of the Criminal Code, committed using a network address or terminal end device;
- 4) an offence other than one referred to in paragraph 3, committed using a network address or terminal end device; or
- 5) abuse of a victim of prostitution.

Section 9 amended under Act 881/2013 comes into force on 1 January 2014. Previous form of wording:

Section 9

Traffic data monitoring with the consent of the owner of the network address or terminal end device

To prevent an offence, the police may, with the consent of the person concerned, target traffic data monitoring at the network address or terminal end device controlled by the person if there are reasonable grounds to believe that someone, on the basis of his or her statements or other behaviour, would commit the following:

- 1) an offence for which the most severe punishment by law is at least two years' imprisonment;

- 2) an offence that leads to a network address or terminal end device being unlawfully in the possession of another person;
- 3) a violation of a restraining order, a criminal disturbance referred to in Chapter 17, section 13(1)(2) of the Criminal Code or an invasion of domestic premises referred to in Chapter 24, section 1(1)(3) of the same Code, committed using a network address or terminal end device;
- 4) an offence other than one referred to in paragraph 3, committed using a network address or terminal end device; or
- 5) abuse of a victim of prostitution.

Section 10

Decision on traffic data monitoring

The decision on traffic data monitoring referred to in sections 8(2) and 8(5) and in 9(1)(1) and 9(1)(4–5) and on traffic data monitoring in cases referred to in section 3 is made by a court at the request of a police officer with the power of arrest.

If a matter concerning traffic data monitoring referred to in subsection 1 other than that carried out under section 3 cannot be delayed, the decision on traffic data monitoring may be made by a police officer with the power of arrest until such time as the court has made a decision on the request for an authorisation. The matter shall be brought for decision by a court as soon as possible, but no later than 24 hours after the action was started.

The decision on traffic data monitoring referred to in section 8(4) is made by the director of the National Bureau of Investigation or the Finnish Security Intelligence Service or the chief of the local police department. If the matter cannot be delayed, the decision on traffic data monitoring may be made by a police officer with the power of arrest until such time as the director of the National Bureau of Investigation or the Finnish Security Intelligence Service or the chief of the local police department has made a decision on the matter concerning traffic data monitoring. The matter shall be brought for decision by the said police officer as soon as possible, but no later than 24 hours after the action was started. (1168/2013)

The decision on traffic data monitoring referred to in sections 8(3) and 9(1)(2–3) is made by a police officer with the power of arrest.

An authorisation may be granted and a decision made for up to one month at a time, and the authorisation or decision may also refer to a fixed period prior to granting the authorisation or making the decision, which may be longer than one month. (1168/2013)

The request and decision concerning traffic data monitoring shall specify:

- 1) the offence on which the action is based and the assumed time of commission, or the danger on which the action is based;
- 2) the person who, with reasonable cause, might be assumed to commit an offence referred to in paragraph 1;

3) the facts on which the suspicion of the person is based and on which the preconditions for the traffic data monitoring are based;

4) consent, if this is a precondition for the use of traffic data monitoring;

5) the validity period of the authorisation, including the precise time;

6) the network address or the terminal end device targeted by the action;

7) the police officer with the power of arrest who will be directing and supervising the traffic data monitoring;

8) any limits and conditions on the traffic data monitoring.

(1168/2013)

Section 11

Obtaining base station data and the preconditions for it

Obtaining base station data means acquisition of data on terminal end devices and network addresses that were or are logged in via a particular base station.

To prevent an offence referred to in section 8(2), the police may be authorised to obtain relevant base station data.

The police also have the right to obtain base station data if this is necessary for the purpose of averting an imminent danger to life or health.

Section 12

Decision on obtaining base station data

The decision on obtaining base station data is made by a court at the request of a police officer with the power of arrest. If the matter cannot be delayed, the decision on obtaining base station data may be made by a police officer with the power of arrest until such time as the court has made a decision on the request for an authorisation. The matter shall be brought for decision by a court as soon as possible, but no later than 24 hours after the action was started.

The authorisation is granted for a certain time period.

The request and decision concerning obtaining base station data shall state:

1) the offence on which the action is based and the assumed time of commission, or the danger on which the action is based;

2) the facts on which the preconditions for obtaining base station data are based;

3) the time period covered by the authorisation;

4) the base station covered by the authorisation;

5) the police officer with the power of arrest who will be directing and supervising the obtaining of the base station data;

6) any limits and conditions on the obtaining of the base station data.

(1168/2013)

Extended surveillance, covert intelligence gathering and technical surveillance

Section 13

Extended surveillance and the preconditions for it

Surveillance means making covert observations of a particular person for the purpose of gathering intelligence. Notwithstanding Chapter 24, section 6 of the Criminal Code, surveillance may involve the use of a camera or other such technical device for making or recording visual observations. (1168/2013)

Extended surveillance means other than short-term surveillance of a person who, with reasonable cause, might be assumed to commit an offence.

To prevent an offence, the police may undertake extended surveillance of a person referred to in subsection 2 if there are reasonable grounds to believe that he or she would commit an offence for which the most severe punishment by law is at least two years' imprisonment, or a theft or a receiving offence.

Surveillance referred to in this section may not target premises that are used for permanent residence. A technical device may not be used in surveillance or extended surveillance targeting domestic premises referred to in Chapter 24, section 11 of the Criminal Code. (1168/2013)

Section 14

Decision on extended surveillance

The decision on extended surveillance is made by a police officer with the power of arrest.

A decision on extended surveillance may be given for up to six months at a time.

Decisions on extended surveillance shall be made in writing. The decision shall specify:

- 1) the offence on which the action is based and its time of commission;
- 2) the person who, with reasonable cause, might be assumed to commit an offence referred to in paragraph 1;
- 3) the facts on which the suspicion of the person and the extended surveillance are based;
- 4) the validity period of the authorisation;
- 5) the police officer with the power of arrest who will be directing and supervising the extended surveillance;

6) any limits and conditions on the extended surveillance.

Section 15

Covert intelligence gathering and the preconditions for it

Covert intelligence gathering means intelligence gathering targeting a particular person during brief interaction, in which false, misleading or disguised information is used in order to conceal the police officer's task.

To prevent an offence, the police may use covert intelligence gathering if there are reasonable grounds to believe on the basis of the person's statements or other behaviour that he or she would commit the following:

- 1) an offence for which the most severe punishment by law is at least four years' imprisonment;
- 2) abuse of a victim of prostitution, or procuring;
- 3) a narcotics offence;
- 4) preparation of an offence to be committed with terrorist intent;
- 5) an aggravated customs declaration offence; or
- 6) a theft or receiving offence connected with systematic, organised, professional, continuous or repeated criminal activity.

Covert intelligence gathering is not permitted in a place of residence even with the cooperation of the occupier. (1168/2013)

Section 16

Decision on covert intelligence gathering

The decision on covert intelligence gathering is made by the director of the National Bureau of Investigation or the Finnish Security Intelligence Service or the chief of the local police department, or a police officer with the power of arrest who is specially trained in secret intelligence gathering and is designated for the task.

Decisions on covert intelligence gathering shall be made in writing. The decision shall specify:

- 1) the action and its purpose in sufficient detail;
- 2) the police unit carrying out the covert intelligence gathering and the police officer responsible;
- 3) the offence on which the action is based;
- 4) the person targeted by the covert intelligence gathering;

- 5) the facts on which the suspicion of the person is based;
- 6) the planned time for carrying out the action;
- 7) any limits and conditions on the covert intelligence gathering.

The decision shall be reviewed as necessary if circumstances change.

Section 17

On-site interception and the preconditions for it

On-site interception means, notwithstanding Chapter 24, section 5 of the Criminal Code, audio monitoring, recording and other handling of a particular person's conversation or message not intended for the knowledge of outsiders and where the listener does not participate in the discussion, using a technical device, process or piece of software for the purpose of investigating the content of or participants in the conversation or message, or the activities of a person referred to in subsection 4.

On-site interception shall not target premises used for permanent residence.

To prevent an offence, the police have the right to engage in on-site interception targeted at a person not inside premises used for permanent residence. The police may also be given authorisation to engage in on-site interception targeted at a person who has been deprived of his or her liberty as a result of an offence and is in the premises of a public authority. Interception can be carried out by arranging it at the premises or other place where the person targeted by the intelligence gathering can be assumed likely to stay or visit.

A further precondition for on-site interception is that, on the basis of the person's statements, threats or behaviour or otherwise, there are reasonable grounds to believe that he or she would commit the following:

- 1) an offence for which the most severe punishment by law is at least four years' imprisonment;
- 2) a narcotics offence;
- 3) preparation of an offence to be committed with terrorist intent; or
- 4) an aggravated customs declaration offence.

Notwithstanding subsection 2, the police always have the right to engage in on-site interception if this is essential in order to carry out a police duty safely and to avert an immediate danger to the life or health of the person carrying out the duty, the person to be apprehended or the person to be protected.

Section 18

Decision on on-site interception

The decision on on-site interception targeted at a person who has been deprived of his or her liberty is made by a court at the request of a police officer with the power of arrest.

The decision on on-site interception referred to in section 17(5) and on-site interception other than that referred to in subsection 1 is made by a police officer with the power of arrest.

An authorisation may be granted and a decision given for up to one month at a time.

The request and decision concerning on-site interception shall specify:

- 1) the offence on which the action is based and the assumed time of commission, or the danger on which the action is based;
- 2) the person who, with reasonable cause, might be assumed to commit an offence referred to in paragraph 1;
- 3) the facts on which the suspicion of the person and the preconditions for the on-site interception are based;
- 4) the validity period of the authorisation, including the precise time;
- 5) the premises or other location at which the on-site interception is to be arranged;
- 6) the police officer with the power of arrest who will be directing and supervising the on-site interception;
- 7) any limits and conditions on the on-site interception.

(1168/2013)

Section 19

Technical observation and the preconditions for it

Technical observation means, notwithstanding Chapter 24, section 6 of the Criminal Code, surveillance or recording of a particular person or premises or other location using a camera or other technical device, process or piece of software located at the place.

Technical observation shall not target premises used for permanent residence.

To prevent an offence, the police have the right to engage in technical observation of persons not inside premises used for permanent residence. The police may also be given authorisation to engage in technical observation of a person who has been deprived of his or her liberty as a result of an offence and is in the premises of a public authority. Observation can be carried out by arranging it at the premises or other place where the person targeted by the intelligence gathering can be assumed likely to stay or visit.

A precondition for the technical observation of domestic premises referred to in Chapter 24, section 11 of the Criminal Code or of a person who has been deprived of his or her liberty as a result of an offence is that there are reasonable grounds to believe, on the basis of the person's statements, threats or behaviour or otherwise, that he or she would commit an offence referred to in section 17(4). The precondition for other technical observation is that it can with reasonable cause be assumed that the person would commit an offence for which the most severe punishment by law is at least one year's imprisonment.

Notwithstanding subsection 2, the police always have the right to engage in technical observation if this is essential in order to carry out a police duty safely and to avert an immediate danger to the life or health of the persons carrying out the duty, the person to be apprehended or the person to be protected.

Section 20

Decision on technical observation

The decision on technical observation is made by a court at the request of a police officer with the power of arrest when the observation targets domestic premises referred to in Chapter 24, section 11 of the Criminal Code or a person who has been deprived of his or her liberty as a result of an offence.

The decision on technical observation referred to in section 19(5) and on technical observation other than that referred to in subsection 1 is made by a police officer with the power of arrest.

An authorisation may be granted and a decision given for up to one month at a time.

The request and decision concerning technical observation shall specify:

- 1) the offence on which the action is based and the assumed time of commission, or the danger on which the action is based;
- 2) the person who, with reasonable cause, might be assumed to commit an offence referred to in paragraph 1;
- 3) the facts on which the suspicion of the person and the preconditions for the technical observation are based;
- 4) the validity period of the authorisation, including the precise time;
- 5) the premises or other location at which the observation is to be arranged;
- 6) the police officer with the power of arrest who will be directing and supervising the technical observation;
- 7) any limits and conditions on the technical observation.

(1168/2013)

Section 21

Technical tracking and the preconditions for it

Technical tracking means tracking of the movements of an object, substance or item of property using a radio transmitter separately placed inside it or already inside it, or using other such technical device, process or piece of software.

To prevent an offence, the police may arrange technical tracking of an object, substance or item of property that is the target of an offence or assumed to be in the possession or use of a person who, on the basis of his or her statements, threats or behaviour or otherwise, with

reasonable cause might be assumed to commit an offence for which the most severe punishment by law is at least one year's imprisonment.

If the purpose of technical tracking is to track a person's movements by positioning a tracking device in the clothes that he or she is wearing or in an object he or she is carrying (*technical tracking of a person*), this action may be performed only if there are reasonable grounds to believe that he or she would commit an offence referred to in section 17(4).

The police also have the right to engage in technical tracking if this is essential in order to carry out a police duty safely and to avert an immediate danger to the life or health of the person carrying out the duty, the person to be apprehended or the person to be protected.

Section 22

Decision on technical tracking

The decision on the technical tracking of a person is made by a court at the request of a police officer with the power of arrest. If the matter cannot be delayed, the decision on tracking may be made by a police officer with the power of arrest until such time as the court has made a decision on the request for an authorisation. The matter shall be brought for decision by a court as soon as possible, and within 24 hours at the latest after the action was started.

The decision on technical tracking referred to in section 21(4) and on technical tracking other than that referred to in subsection 1 is made by a police officer with the power of arrest.

An authorisation may be granted and a decision given for up to six months at a time.
(1168/2013)

The request and decision concerning technical tracking shall specify:

- 1) the offence on which the action is based and the assumed time of commission, or the danger on which the action is based;
- 2) the person who, with reasonable cause, might be assumed to commit an offence referred to in paragraph 1;
- 3) the facts on which the suspicion of the person and the preconditions for the technical tracking are based;
- 4) the validity period of the authorisation, including the precise time;
- 5) the object, substance or item of property targeted by the action;
- 6) the police officer with the power of arrest who will be directing and supervising the technical tracking;
- 7) any limits and conditions on the technical tracking.

(1168/2013)

Section 23

Technical surveillance of a device and the preconditions for it

Technical surveillance of a device means other than purely sensory surveillance, recording or other handling of information or of identification data which is contained in a computer, other similar technical device or in software, or of their operation, for the purpose of investigating a matter that is important for preventing an offence.

Technical surveillance of a device may not be used to obtain information on the content of a message nor identification data referred to in section 8.

To prevent an offence, the police may be given authorisation to engage in technical surveillance of a device if there are reasonable grounds to believe on the basis of the person's statements, threats or behaviour or otherwise that he or she would commit an offence referred to in section 17(4). The police may target technical surveillance of a device at a computer or other similar technical device, or its software, that is likely being used by the person in question.

Section 24

Decision on technical surveillance of a device

The decision on technical surveillance of a device is made by a court at the request of a police officer with the power of arrest. If the matter cannot be delayed, the decision on technical surveillance of a device may be made by a police officer with the power of arrest until such time as the court has made a decision on the request for an authorisation. The matter shall be brought for decision by a court as soon as possible, but no later than 24 hours after the intelligence gathering method was started.

An authorisation may be granted for up to one month at a time.

The request and decision concerning technical surveillance of a device shall specify:

- 1) the offence on which the action is based and its time of commission;
- 2) the person who, with reasonable cause, might be assumed to commit an offence referred to in paragraph 1;
- 3) the facts on which the suspicion of the person and the preconditions for the technical surveillance of a device are based;
- 4) the validity period of the authorisation, including the precise time;
- 5) the technical device or software targeted by the action;
- 6) the police officer with the power of arrest who will be directing and supervising the technical surveillance of a device;
- 7) any limits and conditions on the technical surveillance of a device.

Section 25

Gathering data identifying a network address or terminal end device

To prevent an offence, the police may use a technical device to obtain data identifying a network address or terminal end device if the most severe punishment by law for the offence to be prevented is at least one year's imprisonment.

In order to obtain the data referred to in subsection 1, the police may only use technical devices which can be deployed solely for identifying a network address and terminal end device. The Finnish Communications Regulatory Authority inspects the technical device to ensure that it meets the requirements provided in this subsection and that the properties of the device do not cause any harmful interference with the equipment or services of a public communications network.

The decision on gathering data identifying a network address or terminal end device is made by a police officer with the power of arrest.

Section 26

Installation and removal of a device, process or piece of software

A police officer has the right to position a device, process or piece of software used for technical surveillance in the object, substance, item of property, premises or other location, or information system, targeted by the action if this is required for the surveillance to be carried out. To install, start or remove a device, process or piece of software, a police officer has the right to secretly go to the aforementioned targets or information system and to circumvent, dismantle or in some other similar way temporarily bypass the protection of the target or information system or to impede it. Separate provisions shall be issued on searches of a domicile.

A device, process or piece of software to be used for technical surveillance may be installed in premises used for permanent residence only if a court has given authorisation for this based on the request of a police officer with the power of arrest or if the installation is essential in cases referred to in sections 17(5), 19(5) and 21(4).

Section 27

Surveillance and technical surveillance undertaken by public officials of foreign States

A competent public official of a State applying the Schengen acquis referred to in Article 41 of the Schengen Convention has the right, as provided in the Schengen acquis binding on Finland, to continue the surveillance or technical surveillance of a person in the territory of Finland for the purpose of investigating an offence if the surveillance or technical surveillance started in the territory of his or her own country. It is further required that a Finnish police officer or, within the limits of his or her authority, a Finnish border guardsman or customs officer is not able to immediately continue the surveillance or technical surveillance in the territory of Finland.

The surveillance may be carried out using the technical means that a Finnish police officer has the right to use under the provisions on technical surveillance. A report on the surveillance and technical surveillance shall be submitted to the local police department of the area in which most of the activities took place.

Undercover activities and pseudo purchases

Section 28

Undercover activities and the preconditions for them

Undercover activities means extended intelligence gathering on certain persons or their activities by means of infiltration in which false, misleading or disguised information or register entries are used or false documents are produced or used to gain the trust required for intelligence gathering or to avoid revealing the intelligence gathering.

To prevent an offence, the police may target undercover activities at a person if there are reasonable grounds to believe on the basis of the person's statements or other behaviour that he or she would commit or contribute to an offence referred to in Chapter 10, section 3 of the Coercive Measures Act other than aggravated facilitation of illegal entry or an aggravated customs declaration offence, or if there are reasonable grounds to believe that he or she would commit or contribute to an offence referred to in Chapter 17, section 18(1)(1) of the Criminal Code. It is further required that the intelligence gathering is deemed necessary on account of the planned, organised or professional nature of the criminal activity or the likelihood that it will continue or be repeated. (1168/2013)

To prevent an offence, the police have the right to target undercover activities at a person in an information network if there are reasonable grounds to believe on the basis of the person's statements or other behaviour that he or she would commit an offence for which the most severe punishment by law is at least two years' imprisonment, or if the matter concerns an offence referred to in Chapter 17, section 19 of the Criminal Code.

Undercover activities in a place of residence are permitted only if the entry or stay takes place with the active assistance of the occupier. Separate provisions shall be issued on searches of a domicile.

Section 29

Prohibition against committing an offence

Police officers performing undercover activities shall not commit an offence or propose that an offence be committed.

If a police officer performing undercover activities commits a traffic violation, public order violation or other similar offence for which the punishment by law is a fixed penalty, he or she will be exempt from criminal liability if the action was necessary for achieving the purpose of the undercover activities or preventing the intelligence gathering from being revealed.

Section 30

Participating in the activities of an organised criminal group and in controlled deliveries

If, when participating in the activities of an organised criminal group, a police officer performing undercover activities acquires premises, or vehicles or other such equipment, transports people, objects or substances, manages financial matters or assists a criminal group in other similar ways, he or she will be exempt from criminal liability if there are very strong grounds to believe that:

- 1) the action would be taken even without his or her assistance;
- 2) the police officer's activities do not pose a danger or detriment to anyone's life, health or liberty or a significant danger or detriment to property; and
- 3) assistance significantly furthers the achievement of the purpose of the undercover activities.

(1168/2013)

Police officers performing undercover activities may participate in the execution of a controlled delivery referred to in section 43 if this significantly furthers the achievement of the purpose of the delivery.

Section 31 *Proposal and plan for undercover activities*

A proposal for undercover activities shall specify:

- 1) who is proposing the action;
- 2) the person targeted by the intelligence gathering, in sufficient detail;
- 3) the offence on which the action is based, in sufficient detail;
- 4) the purpose of the undercover activities;
- 5) the necessity of the undercover activities;
- 6) other information needed for assessing the preconditions for the undercover activities.

A written plan shall be drawn up on how the undercover activities are to be carried out, and this shall include essential and sufficiently detailed information for decision making on the undercover activities and for performing the undercover activities. The plan shall be reviewed as necessary if circumstances change.

Section 32 *Decision on undercover activities*

The decision on undercover activities is made by the director of the National Bureau of Investigation or the Finnish Security Intelligence Service. The decision on undercover activities carried out exclusively in an information network is made by the director of the National Bureau of Investigation or the Finnish Security Intelligence Service or the chief of the local police department, or a police officer with the power of arrest who is specially trained in secret intelligence gathering and is designated for the task.

A decision on undercover activities may be given for up to six months at a time.

Decisions on undercover activities shall be made in writing. The decision shall specify:

- 1) who is proposing the action;
- 2) the police unit carrying out the undercover activities and the police officer responsible for the carrying out of the undercover activities;
- 3) identification information on the police officers performing the undercover activities;
- 4) the offence on which the intelligence gathering is based;
- 5) the person targeted by the undercover activities who, with reasonable cause, might be assumed to commit an offence referred to in paragraph 4;
- 6) the facts on which the suspicion and the preconditions for the undercover activities are based;
- 7) the purpose and execution plan for the undercover activities;
- 8) the validity period of the decision;
- 9) whether the undercover activities can include actions referred to in section 30, and the facts on which the actions are based and any limits and conditions on the undercover activities.

The decision shall be reviewed as necessary if circumstances change. A decision to cease the undercover activities shall be made in writing.

Section 33

Decision on the preconditions for undercover activities

If the information obtained in undercover activities is to be used as evidence of guilt in court proceedings, the police officer who made the decision on the undercover activities shall submit to the court for its decision as to whether the preconditions for undercover activities referred to in section 28(2) were met and whether the matter concerned undercover activities in cases referred to in section 3.

Section 34

Expanding undercover activities

If during undercover activities it emerges that there are reasonable grounds to believe that the person targeted by the undercover activities would commit not only the offence on which the use of the undercover activities is based but also, in direct connection with it, another offence referred to in section 28(2), for the prevention of which undercover activities would have to be performed immediately, the police officer performing the undercover activities may expand these activities to include prevention of this other offence as well. The expansion of the undercover activities shall, however, be brought for the decision of the police officer who made the decision on the undercover activities without undue delay and within no more than three days of the start of the intelligence gathering.

If during undercover activities it emerges that there are reasonable grounds to believe that someone other than the person targeted by the undercover activities would commit an offence

referred to in section 28(2), for the prevention of which undercover activities targeted at this person need to be started immediately, the police officer performing the undercover activities may expand these activities to include this other person as well. The expansion of the undercover activities shall, however, be brought for the decision of the police officer who made the decision on the undercover activities without undue delay and within no more than three days of the start of the intelligence gathering.

Section 35

Pseudo purchases and the preconditions for it

Pseudo purchase means a purchase offer for or purchase of an object, substance, item of property or service made by the police with the aim that, to prevent an offence, the police will take possession of or find an object, substance or item of property connected with the offence to be prevented. A precondition for purchasing anything other than a sample is that the purchase is essential to carry out the pseudo purchase.

To prevent an offence, the police may carry out a pseudo purchase if the offence to be prevented is one for which the most severe punishment by law is at least two years' imprisonment, or a theft or a receiving offence, and it is likely that the pseudo purchase will achieve the aim referred to in subsection 1.

The person carrying out the pseudo purchase may only conduct intelligence gathering that is essential for the purchase. The pseudo purchase shall be carried out in such a way that it does not induce the target person or anyone else to commit an offence that he or she would not otherwise commit.

A pseudo purchase in places of residence is permitted only if the entry or stay takes place with the active assistance of the occupier. Separate provisions shall be issued on searches of a domicile.

Section 36

Decision on a pseudo purchase

The decision on a pseudo purchase is made by the director of the National Bureau of Investigation or the Finnish Security Intelligence Service. The decision on a pseudo purchase concerning a sales offer exclusively to the public may also be made by a police officer with the power of arrest who is specially trained in secret intelligence gathering and is designated for the task.

A decision on a pseudo purchase may be given for up to two months at a time.

Decisions on pseudo purchases shall be made in writing. The decision shall specify:

- 1) the offence on which the action is based;
- 2) the person targeted by the pseudo purchase;
- 3) the facts on which the suspicion and the preconditions for the pseudo purchase are based;
- 4) the object, substance, item of property or service targeted by the pseudo purchase;

- 5) the purpose of the pseudo purchase;
- 6) the validity period of the decision;
- 7) the police officer with the power of arrest who will be directing and supervising the pseudo purchase;
- 8) any limits and conditions on the pseudo purchase.

Section 37

Plan for carrying out a pseudo purchase

A written plan for carrying out a pseudo purchase shall be drawn up if this is necessary on account of the extent of the operation or for some other similar reason.

The plan for carrying out a pseudo purchase shall be reviewed as necessary if circumstances change.

Section 38

Decision to carry out a pseudo purchase

Decisions to carry out a pseudo purchase shall be made in writing. The decision is made by a police officer with the power of arrest who is specially trained in secret intelligence gathering and is responsible for carrying out the pseudo purchase.

The decision shall specify:

- 1) the police officer who made the decision on the pseudo purchase, and the date and content of the decision;
- 2) the police unit carrying out the pseudo purchase;
- 3) identification information on the police officers performing the pseudo purchase;
- 4) an account of the steps taken to ensure that the pseudo purchase will not induce the target person or anyone else to commit an offence that he or she would not otherwise commit;
- 5) any limits and conditions on the pseudo purchase.

(1168/2013)

If the action cannot be delayed, the decision referred to in subsection 2 will not have to be drawn up in writing before the pseudo purchase. The decision shall, however, be drawn up in writing without delay after the pseudo purchase.

The decision on carrying out the pseudo purchase shall be reviewed as necessary if circumstances change.

Section 39
*Protecting police officers in covert intelligence gathering,
undercover activities and pseudo purchases*

A police officer with the power of arrest may decide that a police officer carrying out covert intelligence gathering, undercover activities or a pseudo purchase will be equipped with a technical device that enables audio and visual monitoring if this is justified to ensure his or her safety.

The audio and visual monitoring may be recorded. The recordings shall be destroyed as soon as they are no longer needed to protect the police officer. If, however, there is a need to keep them for reasons connected with the legal protection of a party involved in the case, the recordings may be stored and used for this purpose. In that case, the recordings shall be destroyed when the case is final or withdrawn.

Use of covert human intelligence sources, and controlled deliveries

Section 40
*Use of covert human intelligence sources and preconditions for the controlled use of covert
human intelligence sources*

Use of covert human intelligence sources means other than occasional, confidential receipt of significant information for managing tasks referred to in Chapter 1, section 1 from persons outside the police and outside other criminal investigation authorities (*covert human intelligence source*).

The police may request a covert human intelligence source who is approved for the purpose, has suitable personal attributes, is registered and consents to the intelligence gathering to obtain information referred to in subsection 1 (*controlled use of covert human intelligence sources*).

In the controlled use of covert human intelligence sources, a request to gather information may not be made if gathering would require the use of powers vested in a public authority or endanger the life or health of the covert human intelligence source or another person. Before the controlled use of a covert human intelligence source, the source shall be made aware of his or her rights and obligations and especially the activities which are permitted and prohibited for him or her by law. The safety of covert human intelligence sources shall be ensured as necessary during and after the intelligence gathering.

Section 41
Processing information on covert human intelligence sources and paying a fee

Information on covert human intelligence sources may be entered in a personal data file. The provisions of the Act on the Processing of Personal Data by the Police (761/2003) apply to the processing of the information.

Registered covert human intelligence sources may be paid a fee. If there are justified grounds, a fee may also be paid to covert human intelligence sources who have not been registered. Separate provisions shall be issued on the taxability of the fee.

Section 42

Decision on the controlled use of covert human intelligence sources

The decision on the controlled use of covert human intelligence sources is made by the director of the National Bureau of Investigation or the Finnish Security Intelligence Service or the chief of the local police department, or a police officer with the power of arrest who is specially trained in secret intelligence gathering and is designated for the task.

A decision on the controlled use of covert human intelligence sources may be given for up to six months at a time. (1168/2013)

Decisions on the controlled use of covert human intelligence sources shall be made in writing. The decision shall specify:

- 1) who is proposing the action;
- 2) the police unit carrying out the intelligence gathering and the police officer responsible for its execution;
- 3) identification information on the covert human intelligence source;
- 4) the basis for the action;
- 5) the purpose and execution plan for the intelligence gathering;
- 6) the validity period of the decision;
- 7) any limits and conditions on the controlled use of covert human intelligence sources.

(1168/2013)

The decision shall be reviewed as necessary if circumstances change. A decision to cease the controlled use of covert human intelligence sources shall be made in writing.

Section 43

Controlled delivery and the preconditions for it

The police may refrain from intervening in the transport or other delivery of an object, substance or item of property or delay such intervention, if this is necessary to identify persons involved in the commission of an offence or to prevent a more serious or larger offence (*controlled delivery*).

The police may use a controlled delivery to prevent an offence for which the most severe punishment by law is at least four years' imprisonment. It is further required that the controlled delivery can be monitored and intervention used if necessary. Furthermore, the action may not pose a significant danger to anyone's life, health or liberty, or a significant danger of substantial damage to the environment or property, or a substantial financial loss. Separate provisions shall be issued on cooperation between public authorities in carrying out a controlled delivery.

What is separately laid down by law on international controlled deliveries under international agreements or other international obligations binding on Finland also applies.

Section 44
Decision on a controlled delivery

The decision on a controlled delivery performed by the police is made by the director of the National Bureau of Investigation or the Finnish Security Intelligence Service or the chief of the local police department, or a police officer with the power of arrest who is specially trained in secret intelligence gathering and is designated for the task. Separate provisions shall be issued on decision making by other public authorities concerning controlled deliveries.

A decision on a controlled delivery may be given for up to one month at a time.

The decision concerning a controlled delivery shall specify:

- 1) the offence on which the action is based and its time of commission;
- 2) the person who, with reasonable cause, might be assumed to commit an offence referred to in paragraph 1;
- 3) the facts on which the suspicion of the person is based;
- 4) the purpose and execution plan for the intelligence gathering;
- 5) the transport or other delivery targeted by the action;
- 6) the validity period of the decision;
- 7) any limits and conditions on the controlled delivery.

Provisions on the notification of a decision referred to in this section to the PCB criminal intelligence unit referred to in section 5 of the Act on Cooperation between the Police, Customs and the Border Guard (687/2009) are laid down by government decree.

Common provisions

Section 45
Procedure in court

The provisions of Chapter 3, sections 1, 3, 8 and 10 of the Coercive Measures Act on a remand hearing shall be observed as appropriate in a court's consideration of and decisions on matters of authorisation concerning secret intelligence gathering. Matters concerning undercover activities are considered by the Helsinki District Court.

A request to use a secret intelligence gathering method shall be considered by a court without delay in the presence of the public official who made the request or a public official designated by him or her who is familiar with the matter. The matter shall be decided urgently. The court hearing can also be conducted using video conferencing or another

suitable technical data transmission method, provided that the participants are connected in such a way that they can hear and see each other.

If a court has granted an authorisation for telecommunications interception or traffic data monitoring, it may examine and decide a matter concerning the granting of an authorisation for another network address or terminal end device in the absence of the public official who made the request or a public official designated by him or her, if less than one month has elapsed since the oral hearing of the matter concerning granting an authorisation for the same offence that is to be prevented or detected. The matter can also be considered in the absence of the stated public official if the use of the intelligence gathering method has been discontinued.

The matter can be decided without hearing the person who, with reasonable cause might be assumed to commit or to have committed an offence, or the owner of the network address or terminal end device or occupier of the premises where the audio or visual monitoring is taking place. However, when considering a matter referred to in section 9, the owner of the network address or terminal end device shall be reserved an opportunity to be heard, unless this is precluded for reasons connected with the prevention of an offence. In considering a matter concerning on-site interception and technical observation of a person who has been deprived of his or her liberty, a representative of the establishment where the person is being held shall be reserved an opportunity to be heard, unless this is unnecessary in view of his or her previous hearing.

Decisions issued in matters concerning authorisations are not subject to appeal. A complaint may be made against the decision, with no time limit. The complaint shall be handled with urgency. However, the party making the request may not lodge a complaint against a decision concerning undercover activities.

In matters concerning undercover activities, the court shall be supplied with only the information necessary for consideration of the matter. In considering the matter, special attention shall be given to ensuring that the secrecy obligation is observed and that the information contained in documents and information systems is protected with the necessary procedures and data security arrangements.

Section 46 *Protection of secret intelligence gathering*

When using a secret intelligence gathering method, the police have the right to delay intervention in an offence if this delay will not pose a significant danger to anyone's life, health or liberty, or a significant danger of substantial damage to the environment or property, or a substantial financial loss. It is further required that delaying intervention is necessary to avoid revealing the intelligence gathering or to secure the purpose of the operation.

The police may use false, misleading or disguised information, make and use false, misleading or disguised register entries and make and use false documents when this is essential in order to protect the use of a secret intelligence gathering method that has already been completed, is ongoing or is to be used in the future.

The register entries referred to in subsection 2 above shall be corrected after the preconditions referred to in the subsection no longer exist.

Section 47

Decision on protection

The decision on making register entries and producing documents referred to in section 46(2) is made by the director of the National Bureau of Investigation or the Finnish Security Intelligence Service.

The decision on the protection of intelligence gathering other than that referred to in subsection 1 is made by a police officer with the power of arrest who is specially trained in secret intelligence gathering. (1168/2013)

The public authority that decided on the making of register entries and the production of documents shall keep a record of the entries and documents, oversee their use and see to correction of the entries.

Section 48

Disclosure prohibition concerning secret intelligence gathering

If there is an important reason connected with the prevention or detection of an offence, a police officer with the power of arrest may prohibit third parties from disclosing any details they may have of the use of a secret intelligence gathering method. It is further required that the third party, due to his or her task or position, assisted or was requested to assist in carrying out the secret intelligence gathering method.

The disclosure prohibition is issued for up to one year at a time. The prohibition shall be served to the recipient in writing and in a verifiable manner. It shall specify the facts that are subject to the prohibition, state the validity period of the prohibition and note the threat of punishment for violating the prohibition.

The punishment for violating the disclosure prohibition is imposed under Chapter 38, section 1 or 2 of the Criminal Code, unless a more severe punishment for the act is provided elsewhere in the law.

Section 49

Calculation of time limits

The Act on the Calculation of Statutory Time Limits (150/1930) does not apply to the calculation of time limits referred to in this Chapter.

A period that is specified in months will end on the day of the closing month that corresponds to the stated date as an ordinal number. If the corresponding date does not exist in the closing month, the period will end on the last day of that month.

Section 50 (1168/2013)

Prohibitions concerning audio and visual monitoring

The provisions of Chapter 10, section 52 of the Coercive Measures Act apply, as appropriate, to prohibitions on telecommunications interception, obtaining data other than through telecommunications interception, on-site interception and technical observation.

Section 51
Inspecting recordings and documents

The recordings and documents accumulated during the use of a secret intelligence gathering method shall be inspected without undue delay by a police officer with the power of arrest or a public official designated by the officer.

Section 52
Examining recordings

Recordings accumulated during the use of a secret method of gathering intelligence may be examined only by a court or a police officer with the power of arrest. On the order of a police officer with the power of arrest or in accordance with the instruction of the court, a recording may also be examined by another police officer, an expert or other person assisting in carrying out the intelligence gathering.

Section 53
Surplus information

Surplus information means information obtained by telecommunications interception, traffic data monitoring, obtaining base station data and technical surveillance that is not related to an offence or averting a danger, or that concerns an offence other than the one for the prevention or detection of which the authorisation has been granted or the decision made.

Section 54 (1168/2013)
Use of surplus information

Surplus information may be used in investigating an offence if the information concerns an offence for the prevention of which it would have been possible to use the intelligence gathering method under this Chapter with which the information was obtained.

Surplus information may also be used if its use can be assumed to be of very great importance for the investigation of an offence and the most severe punishment by law for the offence is at least three years' imprisonment or the offence in question is one of the following:

- 1) participating in the activity of an organised criminal group;
- 2) assault, negligent homicide, grossly negligent bodily injury, brawling, imperilment or abandonment;
- 3) aggravated invasion of domestic premises;
- 4) deprivation of personal liberty, child abduction, menace or coercion;
- 5) extortion; or
- 6) preparation of endangerment.

The use of surplus information as evidence is decided by a court in connection with the hearing of the main matter. Provisions on noting the use of surplus information in criminal investigation records are laid down in Chapter 9, section 6(2) of the Criminal Investigation Act, and provisions on notifying its use in an application for a summons are laid down in Chapter 5, section 3(1)(8) of the Criminal Procedure Act (689/1997).

Furthermore, surplus information may always be used in the prevention of an offence, in directing police operations and as clarification in support of innocence.

Surplus information may also be used for preventing a significant danger to life, health or liberty, or substantial damage to the environment or property, or a substantial financial loss.

Provisions on the use of surplus information obtained under the Coercive Measures Act for the purpose of preventing an offence or for a purpose referred to in subsection 4 of this section are laid down in Chapter 10, section 56 of the Coercive Measures Act.

Section 55 (1168/2013)

Destroying information

Information obtained through a secret intelligence gathering method shall be destroyed without delay once it becomes evident that the information is not needed to prevent, detect or investigate an offence or to avert a danger.

However, surplus information can be held and stored in a register referred to in the Act on the Processing of Personal Data by the Police if the information concerns an offence referred to in section 54(1) or (2) or the information is necessary for preventing an offence referred to in Chapter 15, section 10 of the Criminal Code. Information not stored in a register or not incorporated in criminal investigation material shall be destroyed without undue delay once it is evident that the information cannot be used or that it is no longer needed to prevent or investigate an offence.

Base station data referred to in section 11 above shall be destroyed once it becomes evident that the information is not needed to prevent, detect or investigate an offence or to avert a danger.

Section 56 (1168/2013)

Interrupting telecommunications interception, on-site interception and technical surveillance of a device

If it becomes evident that telecommunications interception is directed at messages from or to a person other than the person referred to in the authorisation or that the person targeted by on-site interception is not staying at the premises or other place where the interception is being conducted, the use of the intelligence gathering method shall be interrupted as soon as possible, and the recordings obtained by audio monitoring and the notes on the information obtained accordingly shall be destroyed immediately. The obligation to interrupt and destroy recordings and notes also applies to technical surveillance of a device if it becomes evident that the surveillance is directed at the content of a message or at identification data referred to in section 8, or that the device targeted by the surveillance is not used by the person referred to in section 23(3).

Section 57
Destroying information obtained urgently

If, in urgent situations referred to in section 10(2), 12(1), 22(1) or 24(1), a police officer with the power of arrest has decided to begin traffic data monitoring, obtaining base station data, technical tracking of a person or technical surveillance of a device, but a court deems that the preconditions for the action were not met, the intelligence gathering shall be stopped and the information obtained by it and the notes concerning this information destroyed immediately. However, the use of information obtained in this way is permitted under the same conditions that apply to the use of surplus information laid down in section 54.

Section 58 (1168/2013)
Notification of use of a secret intelligence gathering method

The target of intelligence gathering shall be notified in writing without delay of the telecommunications interception, obtaining data other than through telecommunications interception, traffic data monitoring, extended surveillance, covert intelligence gathering, technical surveillance or controlled delivery once the purpose of the intelligence gathering has been achieved. The use of a secret intelligence gathering method shall, however, be notified to the target of the intelligence gathering no later than one year after use of the method has ceased.

At the request of a police officer with the power of arrest, a court may decide that the notification referred to in subsection 1 to the target of the intelligence gathering may be postponed for up to two years at a time if this is justifiable in order to secure ongoing intelligence gathering, to ensure State security or to protect lives or health. By decision of the court, there is no need to send the notification at all if this is essential for the purpose of ensuring State security or protecting lives or health.

If the identity of the target of the intelligence gathering is not known by the expiry of the deadline or postponement referred to in subsection 1 or 2, the use of the intelligence gathering method shall be notified in writing to the person without undue delay as soon as his or her identity is established.

Information about notifying the target shall also be supplied in writing to the court that granted the authorisation.

For extended surveillance, covert intelligence gathering, undercover activities, pseudo purchases and controlled use of covert human intelligence sources, there is no obligation to notify the target of the intelligence gathering unless a criminal investigation has been started into the matter. If a criminal investigation is begun, the provisions of Chapter 10, section 60 of the Coercive Measures Act shall be observed, as appropriate.

When considering postponing the notification or not sending it at all in cases referred to in subsections 2 and 5, the assessment shall also take account of the right of the party to properly secure his or her rights.

In the court's consideration of a matter concerning a notification, the provisions of section 45 shall be observed, as appropriate. Matters concerning notification of pseudo purchases and

controlled use of covert human intelligence sources are considered by the Helsinki District Court in compliance with subsection 6 of the specified section, as appropriate.

Section 59 *Record*

After discontinuing the use of a secret intelligence gathering method other than surveillance, a record shall be prepared without undue delay.

Section 60 *Restriction on parties' right of access in certain cases*

Until the notification referred to in section 58 has been made, a person whose rights or obligations are affected by the matter has no right to obtain information concerning the use of an intelligence gathering method referred to in this Chapter, regardless of what is laid down in section 11 of the Act on the Openness of Government Activities (621/1999). Neither does he or she have a data subject's right of access under the Personal Data Act (523/1999) or the Act on the Processing of Personal Data by the Police.

Once a notification referred to in section 58 has been made, a person referred to in subsection 1 has the right to obtain information about documents or recordings concerning the use of a secret intelligence gathering method, unless withholding the information is essential to ensure State security or to protect life, health or privacy, or secret tactical and technical methods. When considering withholding a document, a recording or information, the assessment shall also take account of the right of a person referred to in subsection 1 to properly secure his or her rights.

Information about an audio or visual recording may only be given by making it available for listening or viewing at the premises of a public authority if, in view of the content of the recording, there is reason to assume that providing the information in any other way could lead to a violation of the protection of privacy for a person appearing in the recording.

Section 61 *Telecommunications operators' obligation to assist, and access to certain premises*

Telecommunications operators shall, without undue delay, make the telecommunications network connections required for telecommunications interception and traffic data monitoring and make available to the police authorities the information, equipment and personnel necessary for carrying out telecommunications interception. The same also applies in situations in which telecommunications interception or traffic data monitoring is performed by the police authorities using a technical device. Telecommunications operators shall also make available to a police officer with the power of arrest the information in their possession that is necessary for carrying out technical tracking.

The police and the person carrying out the action and the personnel providing assistance also have the right, in order to make the connections necessary for telecommunications interception, to access premises other than those used by the telecommunications operator, but not premises used for residential purposes. The decision on the action is made by a police officer with the power of arrest. Separate provisions shall be issued on searches of a domicile.

Section 62
Compensation for telecommunications operators

Telecommunications operators have the right to receive compensation from State funds for the direct costs incurred in assisting public authorities as referred to in this Chapter and for providing information, as laid down in section 98 of the Communications Market Act. The decision on payment of compensation is made by the unit of the police authorities that carried out the action.

The decision is subject to appeal as laid down in the Administrative Judicial Procedure Act (586/1996). When considering such a case, the administrative court shall reserve an opportunity for the Finnish Communications Regulatory Authority to be heard.

Section 63
Oversight of secret intelligence gathering

The intelligence gathering referred to in this Chapter is overseen by the National Police Board and the heads of the police units using secret intelligence gathering methods.

The Ministry of the Interior shall provide the Parliamentary Ombudsman each year with a report on the use and oversight of secret intelligence gathering methods and on their protection.

Provisions on the reports to be submitted to the Ombudsman concerning covert coercive measures used to investigate offences are laid down in the Coercive Measures Act.

Section 64
Effect of mitigated penal latitude

Determining sentences in accordance with a mitigated penal latitude, applying Chapter 6, section 8 of the Criminal Code, will not affect the use of intelligence gathering methods referred to in this Chapter.

Section 65
Further provisions

Further provisions on the arrangement and oversight of the use of secret intelligence gathering methods referred to in this Chapter, on the recording of actions and on reports to be supplied for oversight purposes may be given by government decree.

Chapter 6
Police investigation

Section 1
Matters examined and provisions applied in police investigations

A police investigation means a statutory investigation performed by the police other than the criminal investigation of an offence. In addition to what is provided elsewhere in the law, the police shall carry out a police investigation if, on the basis of a report or for some other

special reason, this is necessary to find a missing person or investigate the cause of a fire.
(1168/2013)

Police investigations are carried out in compliance with the provisions of the Criminal Investigation Act, as appropriate, and in the manner required for the type of investigation.

Section 2

Status of a person in a police investigation

If a police investigation is conducted to clarify a matter affecting someone's rights or obligations, the provisions of the Criminal Investigation Act on parties apply to the person.

If the police investigation is conducted to establish whether a person should be subject to a punitive sanction either by sentence or order, the provisions of the Criminal Investigation Act on suspects apply to the person.

Persons other than the party referred to in subsection 2 and their legal representatives shall speak truthfully when clarifying the matter under investigation and replying to questions.

The provisions of the Criminal Investigation Act concerning witnesses and experts apply to persons other than those referred to in subsection 1 or 2. Witnesses and experts shall speak truthfully and without concealing anything about the matter under investigation. However, in a police investigation under subsection 2, witnesses and experts have a right or duty to refuse to give a statement or disclose a matter or answer a question if they have such a right or duty in court proceedings.

Section 3

Duty to appear for a police investigation

If a person may have information required in a police investigation, he or she is obliged, when summoned, to attend a police investigation conducted within the area of jurisdiction of the local police department where he or she resides.

If a person summoned to a police investigation fails to comply with the summons without a valid reason, he or she may be brought there by decision of a commanding police officer, in compliance with the provisions of Chapter 6, section 2 of the Criminal Investigation Act on bringing a person to a criminal investigation. If a head of investigation has been appointed in charge of the police investigation, he or she decides on bringing the person in.

Section 4

Securing a police investigation

To conduct a police investigation, police officers have the right to gain access to the place or area in which the incident under investigation took place, to examine objects or documents which may be important for the conduct of the investigation, to make tests necessary to carry out the investigation, and to take samples necessary for examination. It is further required that there are reasonable grounds to believe that the measures are important in investigating the matter. Prohibitions on seizure and copying under Chapter 7, section 3 of the Coercive Measures Act shall be taken into consideration as appropriate when inspecting documents. A record shall be drawn up or an entry made in some other document of the action taken.

Entry to premises used for permanent residence for the purpose of a police investigation requires an order from a commanding police officer.

Provisions on the powers of police officers concerning the moving of an object in a place or area in public use are laid down in Chapter 2, section 8(4).

Chapter 7

Non-disclosure obligation and right to remain silent

Section 1

Non-disclosure obligation

Public officials who are part of police personnel may not disclose information on the identity of a person who has given information confidentially or acted as an undercover officer or carried out a pseudo purchase if disclosure of this information could endanger the safety of the person who gave information confidentially or acted as an undercover officer or carried out a pseudo purchase, or of his or her close family members. The non-disclosure obligation is also in force if disclosure of information on a person's identity would endanger ongoing or future intelligence gathering.

The non-disclosure obligation of public officials who are part of police personnel is otherwise subject to the provisions laid down in the Act on the Openness of Government Activities and elsewhere in the law and below in this Chapter. Anyone who has a contractual employment relationship with the police or who by virtue of police powers granted to him or her or on other grounds carries out a police duty has the same non-disclosure obligation.

The non-disclosure obligation remains in force after the end of the employment relationship with the police.

Section 2

Providing information regardless of the non-disclosure obligation

The non-disclosure obligation of public officials who are part of police personnel and of other persons referred to in section 1(2) does not prevent the provision of information to a public authority or an organisation performing a public function that on account of its statutory duty needs to obtain information on a fact otherwise secret or about a person's reliability or suitability for the duties. Separate provisions shall be issued on the disclosure of information for the purpose of verifying the reliability of a person applying for or operating in security-sensitive duties.

The non-disclosure obligation laid down in section 1(2) above does not prevent the disclosure of information where, in individual cases, there is an important reason connected with preventing an event that would endanger life or health, an offence against liberty, substantial damage to the environment or property or a substantial financial loss, or to ensure State security.

Section 3 *Right to remain silent*

Members of police personnel are not obliged to disclose information concerning the identity of persons who provided them with confidential information during their employment relationship or to disclose any secret tactical or technical methods.

Provisions on the obligation to keep secret the information and methods referred to in subsection 1 in certain cases are laid down in section 1(1) of this Chapter and in section 24(1)(5) of the Act on the Openness of Government Activities.

Section 4 *Duty to disclose information in court*

A court may order information referred to in section 1(1) or 3(1) to be disclosed if the failure to do this would violate a party's right to a proper defence or otherwise to see his or her rights are properly secured in court proceedings. A further precondition is that the prosecutor is prosecuting for an offence for which the most severe punishment by law is at least six years' imprisonment, or for an attempt of or complicity in such an offence. Even in this case, disclosing the identity of persons who provided information confidentially or of a person who acted as an undercover officer or carried out a pseudo purchase cannot be ordered if this would manifestly pose a serious threat to their safety or that of their close family members.

Section 5 *Duty to disclose information during investigation of an offence*

Despite their non-disclosure obligation and right to remain silent, members of police personnel are obliged to disclose information referred to in section 1(1) or 3(1) where this is necessary for assessing the preconditions for starting a criminal investigation when there are reasonable grounds to believe that an offence was committed by a person providing information confidentially or by an undercover officer or by a person who carried out a pseudo purchase when they performed these activities.

Members of police personnel are also obliged to disclose information referred to in subsection 1 in order to provide clarification in a matter where the criminal investigation has begun if there are reasonable grounds to suspect that an offence was committed by a person providing information confidentially or by an undercover officer or by a person who carried out a pseudo purchase when they performed these activities.

If a member of police personnel refuses to disclose information referred to in subsection 1 or 2, a court may order, at the request of a public official with the power of arrest, that the information be given to the requesting party if there is no lawful basis for the refusal. A court may also order, at the request of the injured party, that a member of police personnel provide information on the identity of the person who supplied information confidentially to the police if disclosure is necessary for securing the right of the injured party to institute criminal proceedings as referred to in Chapter 1, section 14 of the Criminal Procedure Act (689/1997). When considering the matter referred to in this subsection, the provisions of Chapter 7, section 9 of the Criminal Investigation Act on examining witnesses in court shall be observed, as appropriate.

When considering issuing an order referred to in subsection 3, the court shall take into account whether the duty to disclose information could pose a danger to State security or to someone's life or health, or endanger ongoing intelligence gathering, and how justifiable the disclosure would be in view of the nature of the suspected offence and the right of the injured party to properly secure his or her rights in court proceedings.

If a matter referred to in subsection 3 concerns pseudo purchases, undercover activities or controlled use of covert human intelligence sources, the matter is considered by the Helsinki District Court. Any other matter concerning the duty to disclose information is handled by a district court at which it can conveniently be considered. The party presenting the request concerning the disclosure of information and the person refusing to disclose information shall be present when the matter is being considered. In its consideration of the matter, the district court will remain quorate when only the presiding judge is present.

Section 6

Reference provision on handing over information

Provisions on the handing over of information entered in a police personal data file to another police unit or other public authorities with the aid of a technical interface or in machine language, and to foreign countries are laid down in the Act on the Processing of Personal Data by the Police, and provisions on the use of personal data files in the issuing of security clearances are laid down in the Security Clearance Act (177/2002).

Chapter 8

Damage compensation and fees

Section 1

State liability for damages

Personal injuries and damage to property that are incurred by a third party as a result of coercive measures taken by the police are compensated from State funds.

The provisions of this Chapter do not restrict the right of the party suffering the injury or damage to compensation under the Tort Liability Act (412/1974) or by virtue of another act.

Section 2

Contribution of the party suffering the injury or damage

The compensation referred to in section 1 above can be adjusted or denied if the party that suffered the injury or damage significantly contributed to causing the injury or damage through its own actions or by negligence.

Section 3

Liability of public officials and employees

Provisions on the liability for damages of public officials or employees whose actions caused the injury or damage and their liability for damages towards the State for the compensation it has to pay under this Act are laid down in Chapters 4 and 6 of the Tort Liability Act.

Section 4

Compensation and fees payable for assistance tasks

Persons who participate in assistance tasks under Chapter 9, sections 3 or 4 will be paid compensation from State funds for any deterioration in or loss of tools, clothing and equipment, damaged vehicles and transport equipment, and for the fuel used. Those who participate in assistance tasks also have the right to receive a reasonable fee from State funds, calculated on the basis of the time spent on the task.

Where a person providing assistance to the police has an accident, he or she will be paid compensation from State funds on the same basis as statutory compensation is paid for occupational accidents, unless the injured party is otherwise entitled to compensation under the Employment Accidents Insurance Act (608/1948) or the Military Accidents Act (1211/1990). The compensation matter referred to in this subsection is handled in the first instance by the State Treasury.

Section 5

Right of employer and municipality

If an injured person's employer or municipality has paid wages or salary or an advance or made other payments in the matter of an accident to be compensated under this Act, the provisions of section 26 of the Employment Accidents Insurance Act on the rights of the employer apply to the right of the employer and the municipality.

Section 6

Investigating injury or damage

Police officers shall notify their superiors without delay of any personal injury or damage to property caused in the performance of an action, unless the injury or damage is minor.

Where necessary following the occurrence of injury or damage referred to in subsection 1 above, or at the request of the person suffering the injury or damage or the person carrying out the official duty, a police investigation shall be performed to establish such matters as the circumstances in which the action was carried out, the leadership and responsibility relationships during the action, the extent of the injury or damage, and the impact on the occurrence of injury or damage of the actions or negligence of the party suffering the injury or damage.

A party receiving injuries in connection with the action performed shall be given treatment without delay and assistance from a physician arranged if necessary. If a person states that he or she received injuries as a result of police action, he or she shall be given the opportunity to have a medical examination as soon as possible or, if this is not immediately possible, shall be examined by a disinterested party. The cost of treatment and assistance from a physician shall be paid in advance from State funds.

Section 7

Payment of compensation and fees

The decision on payment of compensation for injury or damage and fees referred to in this Chapter is made by the police unit within whose area of jurisdiction the action or assistance

task, or the majority of it, was carried out, or for which the action was undertaken. The compensation shall be applied for in writing within six months of the date when the action or assistance task was carried out or the person entitled to compensation was informed of the injury or damage. If there is a special reason, the application for compensation may be made at a later date.

The police unit's decision on compensation is not subject to appeal. The decision on fees is subject to appeal as laid down in the Administrative Judicial Procedure Act.

Chapter 9

Miscellaneous provisions

Section 1

Executive assistance by the police

On request, the police shall give executive assistance to other public authorities if provisions to this effect are separately laid down by law. The police shall give executive assistance to other public authorities also in order to fulfil a statutory supervisory obligation if the authority requesting executive assistance is prevented from performing its official duties.

The police may also give executive assistance to private persons if this is necessary for the persons to have access to their legal rights and it is apparent that their rights have been violated. A further precondition for providing executive assistance is that the private person is prevented access to his or her rights and access requires the use of police powers.

Decisions on giving executive assistance are made by a commanding police officer, unless otherwise laid down by law.

Section 2

Executive assistance to the police

Public authorities shall provide any necessary executive assistance for the performance of a police duty that they have the power to provide. Decisions on requesting executive assistance are made by a commanding police officer, unless otherwise provided by law or otherwise required by the urgency of the matter.

Separate provisions shall be issued on executive assistance given to the police by the Defence Forces.

Section 3

Obligation to assist

On the order of a commanding police officer, any person is obliged to assist the police in searching for a missing person whose life is in danger, saving a human life, aiding an injured person or preventing substantial damage to property or the environment, unless this is unreasonable in view of the person's age, state of health or personal circumstances or another special reason.

In the cases referred to in subsection 1 above and in the search for a person who has drowned, private persons and organisations shall, on the order of a commanding police officer, provide

the police with a reasonable amount of food, means of communication, transport equipment and tools and any other necessary devices and substances, against full compensation.

Section 4 *Voluntary activities*

The police can use the assistance of voluntary organisations and the National Defence Training Association of Finland referred to in Chapter 3 of the Act on Voluntary National Defence (556/2007), and of persons participating in the service referred to in the stated Act, in carrying out search operations and other assistance tasks that do not involve substantial exercise of official authority.

The decision concerning the use of voluntary organisations in search operations is made by the police officer in charge of the search, and in other assistance tasks by a commanding police officer.

Section 5 *Powers of persons assisting police officers*

A person assisting a police officer in the performance of an individual official duty at the officer's request has the right to carry out, in accordance with the officer's directions, measures to maintain public order or security assigned by the police officer within his or her authority. Provisions on the right to use force are laid down in Chapter 2, section 17(3).

Section 6 *Commissioning right*

If a person, despite being requested by the police, neglects to carry out a duty which he or she is obliged to carry out under an act or by virtue of a provision or regulation issued under the act, and if the negligence may cause significant harm to traffic or to public order, security or health, the police have the right to get the duty carried out at the expense of the person concerned. Decisions on such measures are made by a commanding police officer.

If protecting property from further damage after an accident or offence so requires, the police may take or commission urgent, necessary measures on behalf of the owner if the owner or occupier cannot immediately be reached.

The costs of measures referred to in subsections 1 and 2 may be paid in advance from State funds. They may be recovered from the party that neglected to carry out the duty or the owner of the property as provided in the Act on Enforcement of Taxes and Charges (706/2007).

Section 7 *Penal provisions*

Anyone who deliberately or through gross negligence unlawfully uses police insignia as such or incorporates them into a sign or a visual presentation or uses a sign that is misleadingly similar to police insignia shall be sentenced to a fine for *unlawful use of police insignia*.

Anyone who deliberately or through gross negligence violates the prohibition laid down in Chapter 1, section 10 shall be sentenced to a fine for *unlawful use of a police uniform*, unless a more severe punishment for the act is provided elsewhere in the law.

Section 8 *Restrictions on movement and sojourn*

In order to secure a very important activity or item of property or to protect people, movement or sojourn in a secured or protected location or its surroundings may be restricted due to a danger posed by or to the location, or the bringing of objects or substances that would endanger the safety of the location may be prohibited by Ministry of the Interior decree. A fine may be imposed for violating the prohibition or restriction, unless a more severe punishment for the act is provided elsewhere in the law.

Section 9 *International cooperation*

What is separately laid down by law or agreed in international agreements binding on Finland applies to mutual legal assistance and executive assistance given by the police to and received from the police of a foreign State and to the right of police officers of a foreign State to exercise powers of a Finnish police officer.

In matters not covered by legislation or not otherwise requiring the consent of Parliament, the Ministry of the Interior can make cooperation agreements of a conventional kind that fall within the scope of the police with Finland's neighbouring States, the Baltic Sea littoral states and the States belonging to the European Economic Area.

Section 10 *Further provisions*

Provisions on the following may be laid down by government decree:

- 1) police officers in the categories of commanding officers, senior officers and officers;
- 2) the operational chain of command of the police;
- 3) the police insignia and badge, and protective equipment and equipment for applying force;
- 4) notifications and reports made on the use of powers based on international agreements.

Further provisions on the following may be laid down by Ministry of the Interior decree:

- 1) ensuring the declaration of police officer status and identification of individual police officers;
- 2) storage of property taken into possession;
- 3) carrying out police investigations;
- 4) signals and procedures to be used when stopping a vehicle;

- 5) automatic road traffic surveillance;
- 6) definitions of the use of force, training in the use of force, practising and monitoring the use of force, the right to carry equipment for applying force, storage of equipment for applying force, and overseeing the use of force;
- 7) capturing, keeping and putting down animals;
- 8) giving executive assistance to parties other than Customs or the Border Guard;
- 9) recording the action taken by the police;
- 10) technical implementation of security checks, practical organisation of security checks and training to be arranged on security checks;
- 11) the design of the uniform and the badges to be used with it, and the type or nature of official duties requiring the use of a uniform.

Section 11
Entry into force

This Act comes into force on 1 January 2014.

This Act repeals the Police Act (493/1995), except for section 8 of the stated Act in respect of public officials as provided in Act 498/2009. The specified section and the powers conferred under it that also apply to public officials will be repealed three years after the entry into force of this Act.

When the National Police Board confers on a designated public official the powers to conduct a criminal investigation under section 8(2) of the Police Act (493/1995), it may also give the official the right to act as the head of investigation.