

283/1991 Coll.

ACT

of the Czech National Council

of 21 June 1991

regulating the Police of the Czech Republic

The Czech National Council has resolved to pass the following Act:

Amendment: 26/1993 Coll.

Amendment: 67/1993 Coll.

Amendment:163/1993 Coll.

Amendment:326/1993 Coll.

Amendment: 82/1995 Coll.

Amendment:152/1995 Coll.

Amendment: 18/1997 Coll.

Amendment:186/1997 Coll.

Amendment: 168/1999 Coll., 325/1999 Coll., 326/1999 Coll.

Amendment:105/2000 Coll.

Amendment:138/1999 Coll.

Amendment: 329/1999 Coll.

Amendment:258/2000 Coll., 361/2000 Coll.

Amendment:60/2001 Coll.

Amendment:120/2001 Coll.

Amendment:265/2001 Coll.

Amendment:216/2002 Coll.

Amendment:436/ 2003 Coll.

Amendment: 119/2004 Coll.

Amendment:288/2005 Coll.

Amendment:362/2003 Coll., 413/2005 Coll.

Section 1

Introductory provisions

(1) There shall be established an armed security force of the Czech Republic under the name the Police of the Czech Republic (hereinafter referred to as the "Police").

(2) The Police shall perform tasks related to internal order and security and other tasks to the extent and in the manner stipulated in legal provisions. When performing their tasks, the Police shall also proceed in accordance with international

agreements approved, ratified and promulgated by the Parliament which are binding upon the Czech Republic, (hereinafter referred to as an "international agreement").

(3) The tasks under paragraph (2) shall be performed by members of the Police (hereinafter referred to as "police officers").

(4) The Police shall operate within the territory of the Czech Republic, except when provided otherwise by statute or an international agreement.

TITLE ONE

POLICE TASKS, ORGANIZATION AND MANAGEMENT

Section 2 Police tasks

(1) The Police shall perform the following tasks:

- (a) protect the safety of persons and property;
- (b) participate in securing public order, and in the case of its breach take measures for its restoration;
- (c) combat terrorism;
- (d) detect crimes and establish the offenders;
- (e) conduct criminal investigation;
- (f) protect the state borders to the defined extent;
- (g) protect the safety of constitutional agents of the Czech Republic and the safety of protected persons who, when in the territory of the Czech Republic, shall be provided personal protection under international agreements;
- (h) provide the protection of diplomatic missions, of the seats of the Parliament, except when provided otherwise by statute, protection of the President of the Republic, the Constitutional Court, the Ministry of the Foreign Affairs, the Ministry of the Interior and other premises of special importance for internal order and security designated by the Government upon the proposal of the Minister of the Interior; they shall further provide protection of premises where such protection arises from an international agreement by which the Czech Republic is bound;
- (i) supervise the road safety and highway traffic flow and participate in its control;
- (j) detect administrative infractions;
- (k) hear the cases of administrative infractions, if stipulated in a special statute; 2)
- (l) keep records and statistics necessary for the performance of its tasks;

(m) launch a nation-wide search; in this context, they are entitled to make public the data necessary for the identification of wanted persons;

(n) upon the notice of the authorities of the Prison Service of the Czech Republic, carry out procedures connected with the immediate pursuit of persons who have escaped from custody or from serving a sentence of imprisonment;

(o) detain wards under hospital order or under the protection of a young offender institution who have escaped, and participate in the search for them;

(p) provide emergency protection of nuclear facilities designated by the Government of the Czech Republic, and participate in the physical protection of nuclear material during its transport under a special statute; 2a)

(q) check the documents of liability insurance against damage caused by motor vehicles under a special legal regulation. 4a)

(2) The Police shall also perform the state administration tasks, if so stipulated in a special statute. 3)

(3) The Police shall also perform tasks related to managing local matters of public order assigned to them by the competent municipal authorities under the conditions stipulated by special regulations. 4)

(4) The task of detecting and verifying facts indicating that a criminal act has been committed by a police officer and establishing the offender shall be carried out, under the Code of Criminal Procedure, by a department of the Ministry of the Interior for inspection activity (hereinafter referred to as the "Department of Inspection", directly reporting to the Minister of the Interior (hereinafter referred to as the "Minister").

Section 3

Police organization and management

(1) The police shall be subordinate to the Ministry of the Interior (hereinafter referred to as the "Ministry").

(2) The Police shall be constituted by the Police Presidium of the Czech Republic, departments with nation-wide jurisdiction in the territory of the Czech Republic and departments with territorially limited jurisdiction. Police departments shall be established by the Minister upon the proposal of the Police President.

(3) The following services shall operate within the Police: the Public Order Police Service, the Criminal Police and Investigation Service, the Traffic Police Service, the Police Administrative Services, the Protection Service, the Foreign and Border Police Service, the Service or Rapid Response, the Railway Police Service and the Aviation Service.

(4) The Police activity when performing the tasks under this Act shall be directed by the Police Presidium of the Czech Republic, unless stipulated otherwise in this Act.

(5) The head of the Police Presidium of the Czech Republic shall be the Police President, who shall be the chief of all police officers, with the exception of the police officers assigned to the tasks of the Ministry.

(6) The Police President shall be responsible to the Minister for the activity of the Police.

(7) Directors shall head the services listed in paragraph (3) and the security department ensuring the protection of the President of the Czech Republic and the presidential premises.

(8) Specific regulation of the Police organization, particularly of the management of police departments and services, their cooperation and the manner of their economic support, shall be provided by the Minister upon the proposal of the Police President.

Section 3a

(1) Investigation shall be carried out by the Criminal Police and Investigation Service at the departments with territorially limited jurisdiction; the Minister may also charge other police departments with carrying out investigation and specify their jurisdiction.

(2) Within the Criminal Police and Investigation Service shall also be the Office of Documentation and Investigation of the Crimes of Communism, having nationwide jurisdiction.

(3) When performing acts within criminal proceedings, a police officer is bound by the instructions of a prosecuting attorney. The prosecuting attorney, according to the nature of the matter, shall instruct the competent department or directly the police officer. In other matters regarding the performance of police tasks, the police officer is bound by the instructions of his/her superiors.

TITLE TWO

repealed

Section 4

repealed

Section 5

repealed

TITLE THREE

DUTIES, POWERS AND MEANS OF A POLICE OFFICER

PART ONE

Duties of a police officer

Section 6

(1) When carrying out police actions and police procedures, a police officer must respect the honour, esteem and dignity of persons and his/her own and make sure that no unreasonable damage is caused to persons in connection with this activity and that a potential interference with their rights and freedoms does not exceed the extent necessary for achieving the purpose of the police action or police procedure.

(2) When carrying out a police action or police procedure interfering with the rights and freedoms of persons, a police officer must caution the persons about their rights, if the nature and circumstances of the police action or procedure permit; in the contrary case, the officer shall caution the persons subsequently.

Section 7

(1) A police officer on duty must, within the limits of this Act, carry out a police action, police procedure, or take other measures necessary for the performance of a police action or police procedure; in particular, inform the nearest police department if an offense or administrative infraction is being committed or if there are reasonable grounds for suspecting that such acts are being committed.

(2) Also when not on duty, a police officer must, within the limits of this Act, carry out a police action, or take another measure necessary for taking police action, in particular inform the nearest police department if an offense or administrative infraction is being committed, posing an immediate threat to life, health or property.

Section 8

A police officer is not required to take police action if

(a) he/she is under the influence of medical drugs or other substances which seriously reduce his/her capability to act;

(b) he/she has not been professionally trained for the action to be taken and the nature of that action requires such professional training;

(c) if it contravened an important service interest;

Section 9

(1) When taking police action, a police officer must, if the nature and circumstances of the action permit, use the appropriate warning.

(2) If the nature of the police action permits, the police officer shall begin his/her warning by the words "In the Name of the Law!".

(3) Every person must obey the intervening officer's warning command.

Section 10

(1) When executing his/her powers, every police officer must prove his/her membership of the Police, if the nature and circumstances of the police action or police procedure permit.

(2) A police officer shall prove his/her membership of the Police by the police uniform with an identification number, the police identity card, the criminal police badge or the oral statement "Police".

(3) Proving the membership of the Police by the oral statement "Police" shall be used only in exceptional cases, if the circumstances of the police action do not permit to prove this membership by the police uniform, police identity card or the criminal police badge. The police officer shall prove this membership by the police uniform, police identity card or the criminal police badge as soon as the circumstances of the police action or police procedure permit.

Section 11

The Ministry shall stipulate in a generally binding legal regulation the details of (a) when a police officer is not required to take police action if it contravened an important service interest;

(b) proving one's membership of the Police.

PART TWO **Powers of a police officer**

Section 12

The power to demand explanations

(1) A police officer is entitled to demand necessary explanations from a person who is likely to assist in the clarification of facts important for the detection of an administrative infraction and its perpetrator, and for the detection of wanted or missing persons or objects, and in case of need, demand the person's appearance at a set place and time for the purpose of writing a report on the provision of explanations.

(2) A person must obey the demand under (1).

(3) The provision of explanations may be refused only by a person who would thereby put himself/herself, his/her kin in the direct line of descent, his/her sibling, adoptive parent or child, spouse or cohabitee or other persons related by blood or

marriage, whose harm she/he would by right feel as his/her own, at the risk of criminal prosecution or a sanction for an administrative infraction.

(4) Explanations may not be demanded of a person who would thereby breach the duty of non-disclosure imposed or acknowledged by the State, unless this person has been released of that duty by the competent authority or the authority in whose interest that duty was imposed.

(5) A police officer must caution the person in advance that he/she may refuse to provide explanations under paragraphs (3) and (4).

(6) Whoever appears upon demand is entitled to compensation for necessary costs and compensation for the loss of earnings (hereinafter referred to as "compensation"). The compensation shall be awarded by the police. The right of compensation shall not apply only to that person who has appeared solely for his/her own interest or for the reason of his/her unlawful conduct.

(7) The right of compensation under paragraph (6) shall extinguish if the person concerned fails to claim this right within seven days of the date when he/she appeared upon the demand; the person must be cautioned about this fact.

(8) If a person fails to satisfy, without sufficient excuse or serious reasons, the demand under paragraph (1), he/she may be brought to the police department for the purpose of writing a report on the provision of explanations.

(9) The report on the provision of explanations must be written with the person without unreasonable delay after he/she has been brought to the Police; when the report has been written, the police officer shall release the person.

(10) The police officer shall write an official record about bringing the person to the police department.

Section 13

The power to demand proofs of identity

(1) To prove one's identity means to prove one's name and surname, date of birth and the permanent or temporary residence. The reason for the ascertainment of identity shall determine the degree of reliability with which the identity shall be ascertained.

(2) A police officer is entitled to require that a person

(a) caught in an act with criminal elements or elements of an administrative infraction;

(b) who has been demanded explanations under section 12 (1);

(c) who matches the description of a wanted or missing person;

(d) who, without reason, has been lingering in the immediate vicinity of protected premises;

(e) who has a weapon at a place open to the public (section 17 (2)), and there are reasonable grounds for suspecting that the weapon may be used for violence or threat of violence;

(f) who has been lingering in the vicinity of a scene of crime, place of traffic accident, fire or another extraordinary event

proves his/her identity; the person must satisfy this demand.

(2) A police officer shall also be entitled to demand proofs of a person's identity

(a) when that person has been brought to the police department upon the demand of a competent authority pursuant to special regulations; 5a)

(b) when that person is a reporter of a crime; 5b)

(c) upon the request of another person, if that person has a legal interest in the establishment of identity, and also demand the proofs of identity of that requesting person; the person must satisfy this demand.

(4) If by the ascertainment of identity a missing person is discovered, the police officer shall notify the person who reported the missing person, or, as the case may be, hand the person in question over to the competent authority or statutory representative.

(5) If the person under paragraphs (2) and (3) (a) refuses to prove his/her identity or cannot prove his/her identity even after being provided the necessary assistance for its proving, the police officer is entitled to bring such a person to the police department in order to carry out procedures aimed at establishing the person's identity and to properly clarify the facts. The necessary assistance need not be provided if it would, when ascertaining the identity of a number of persons at a time, frustrate the purpose of the procedure or action. After the person's identity has been established, the police officer shall release the person, unless there are legal reasons preventing it.

(6) If the police officer cannot establish the identity of the person brought to the police department under paragraph (5) on the basis of the reported data or from the register of citizens, he/she is entitled to request the person to submit to the necessary police procedures such as fingerprinting, making visual records, antropometrical measurements and detecting distinguishing physical features; antropometrical measurements and the detection of distinguishing physical features shall be performed by a person of the same sex or a medical doctor.

(7) If the police officer fails to establish the identity of a person within 24 hours of the moment the person was brought to the police department, he/she must release the person.

(8) The police officer shall write an official record about bringing the person to the police department and about the performed police procedures.

Section 14 Detention

(1) A police officer is entitled to detain a person

(a) whose conduct is immediately endangering his/her life or the life and health of other persons or property;

(b) who has attempted to escape when being brought to the police department under section 12(8) and section 13(5);

(c) who at the police department orally insults another person or a police officer or intentionally defiles or damages the equipment or police property;

(d) who has been caught in an act with elements of an administrative infraction, if there are reasonable concerns that the person may persist in the unlawful conduct, or obstruct proper clarification of the facts,

(e) who is under the age of fifteen and has been caught in an act with criminal elements, if there are reasonable concerns that the person may persist in the unlawful conduct, or obstruct proper clarification of the facts.

(2) When the reasons for detention cease to exist, the police officer must immediately release the person.

(3) The time of the detention may not exceed 24 hours from the moment of the restriction of personal liberty.

(4) Upon detaining a person, a police officer must, at the request of the detainee, notify one of the persons listed in section 12(3), or another person determined by the officer. In the case of a person under the age of 18, the police officer must immediately notify that person's statutory representative; in the case of a person under the age of fifteen, the police officer shall, as a rule, immediately notify the authority of social and legal protection of youth. In the case of a soldier, the police officer must inform the nearest garrison administration or military unit.

(5) The police officer shall write an official record about the detention.

Section 15 heading omitted

(1) A police officer is entitled to detain a foreigner for the purpose of handing him/her over to the authority competent to decide, under a special legal regulation, on the termination of the person's leave to remain in the territory of the Czech Republic or on administrative expulsion, 6) provided

(a) this foreigner has committed an act which may result in the termination of the leave to remain in the territory of the Czech Republic or in the opening of the proceeding on the administrative expulsion;

(b) the proceeding on the administrative expulsion has been opened and the police officer ascertains a reason for the foreigner's detention under a special legal regulation; 6)

(c) the foreigner is to be expelled upon an enforceable decision;

(d) there are grounds to believe that the foreigner has entered or has been staying in the territory of the Czech Republic illegally.

(2) The authority competent to decide on the termination of the leave to remain in the territory of the Czech Republic or on the administrative expulsion is entitled to detain the foreigner until having carried out the procedures pursuant to a special legal regulation. 6)

(3) Detention under paragraph (1) may not exceed 24 hours from the moment of the restriction of personal liberty. Detention under paragraph (2) may not exceed 48 hours from the moment of the restriction of personal liberty. If the authority that detained the foreigner under paragraph (1) is identical with the authority competent to decide on the termination of the leave to remain or the administrative expulsion, the detention periods shall accumulate. The total period of detention under paragraphs (1) and (2) must not exceed 48 hours from the moment of the restriction of personal liberty.

Section 16

The power to restrict the movement of aggressive persons

(1) A person who physically assaults another person or a police officer or damages another person's property or attempts to escape may be restricted from free movement by being shackled to a suitable object.

(2) The restriction of free movement must not last longer than until the person refrains from that conduct or is placed in a police cell, but as a rule no longer than 2 hours.

Section 17

The powers to seize weapons

(1) A police officer is entitled to check whether the person to be brought to the police department or detained or against whom the police are taking action for reasons of his/her aggressive conduct carries a weapon by which he/she could endanger his/her life or the life and health of other persons, and he/she may seize that weapon.

(2) If a person ignores the officer's demand to surrender his/her weapon, the police officer is entitled to seize that weapon from the person at a place open to the public, should it be necessary for the protection of public order, the life and health of

persons or the security of property, and if there is a danger that the weapon may be used for violence or threat of violence. The person who has surrendered the weapon or whose weapon has been seized shall be issued a confirmation of its reception by the police officer.

(3) A "weapon" under paragraphs (1) and (2) means any object which can be used to make an attack against a body more forceful. 7)

(4) The weapon seized under paragraph (1) must be returned by the police officer against signature at the moment the person brought to the police department or detained is released. This shall not apply if legal reasons prevent it. The police officer shall issue the person whose weapon has been seized a confirmation of its seizure.

(5) If the reasons for the seizure of a weapon under paragraph (2) have ceased and there are no other legal reasons preventing its return, the weapon shall be returned to the person who surrendered it or from whom it was seized, if this person claims its return at the police department stated in the confirmation of the reception of the weapon.

Section 18

The powers to search vehicles

(1) When pursuing the perpetrators of some particularly serious intentional crimes 8a) or other intentional crimes the prosecution of which is binding under a promulgated international agreement, and when searching for these perpetrators and objects acquired through or related to the mentioned crimes, a police officer is entitled to search vehicles for these perpetrators or objects.

(2) When searching for wanted persons, arms, ammunition, explosives, narcotic substances or stolen property, police officers are entitled to check vehicles for the wanted person or thing if there are reasonable grounds for suspecting that they are in the vehicle.

Section 19

The powers connected with ensuring the safety of protected persons

(1) When ensuring the safety of protected persons, who under special legal regulations and international agreements shall be provided personal protection, a police officer assigned to the Protection Service is entitled to carry out a search of persons, luggage, things, vehicles occurring in an area from which the safety of the protected person might be endangered, check that the quality indicators of drinking water, victuals and meals are in compliance with the public health limits and that the public health requirements for the performance of epidemiologically serious activities are observed, 8c) if these are to be used for the needs of the protected person.

(2) A police officer is entitled to perform a search of persons only if these persons fail to immediately leave the said area upon the officer's demand or in the event of danger in delay.

(3) For a search of premises, a police officer must possess the owner's or user's permission. Without such permission, a police officer is entitled to carry out the search only if there are reasonable grounds for suspecting that the safety of the protected person is to be attacked from those premises.

(4) The search of premises, luggage, things and vehicles must not pursue other goals than ensuring the safety of the protected person.

(5) When checking the medical safety and the compliance with the public health requirements under paragraph (1), a police officer assigned to the Protection Service shall have the powers and duties of inspection officers under a special legal regulation; 8d) the same statute shall regulate the bearing and covering of costs incurred during this checking. 8e)

Section 20

The power to forbid the entry to designated places

Should it be necessary for the effective performance of tasks stipulated in this Act, a police officer is entitled to order anybody for the necessary time not to enter designated places or remain in them. Everybody must obey the police officer's command. To mark or delimit the designated place, technical means may be used.

Section 20a

The power to possess dangerous substances

A police assigned to such a task is entitled, for the purposes of education, training, tests, expertise etc., to possess, store and use certain dangerous substances and objects. Such substances include, in particular, explosives, explosive devices, narcotic substances, psychotropic substances, and poisons the handling of which is governed by special regulations, 8a) counterfeited money, stamps and securities.

Section 20b

The powers connected with ensuring the security of civil aviation

(1) When ensuring the security of civil aviation from terrorist attacks, a police officer is entitled to carry out a search of persons and luggage, as well as a search of aircraft for the purpose of ascertaining whether a passenger transports an object which could be used for a terrorist attack.

(2) The object under paragraph (1) means, in particular, a firearm, a stabbing or cutting weapon, explosives, explosive devices, caustics.

Section 20c

repealed

Section 20 d

The power of entry into business premises run under a trade licence

When performing police tasks, a police officer is entitled to enter all areas of business premises run under a trade licence 8b) which are assigned to customers; on premises where used goods or goods without any certificate of acquisition are purchased or taken into pledge, or such purchase or taking into pledge is mediated, a police officer is entitled to enter other areas as well. After the shopping or business hours, the police officer is entitled to do so provided there are reasonable grounds to presume that there are persons present on those premises. This shall be without prejudice to the provision of section 21 regarding cases of entry into a flat or other closed premises.

Section 20e

The powers connected with ensuring the security of railway traffic

A police officer assigned to the Railway Police Service, when performing tasks under this Act, is entitled

(a) in connection with a search for a missing shipment, to check for the article being sought in the vehicles or storehouses or other premises of the national railway and sidings operator which are placed or situated in the railway area;

(b) to free transportation by national railway, including the trains of exclusively international transportation and reserved trains, including the transport of a service dog, to a ride in the engine driver's cabin, in a service carriage and on a freight train, as well as to a free use of the communication equipment of the Czech Railway and the entry to the restricted areas of the premises and facilities, vehicles and other premises of the national railway and sidings operator which are placed or situated in the railway area.

Section 21

The powers to open a flat or other closed premises

(1) If there is a reasonable concern that the life or health of a person may be in danger or that there is a danger of a major damage to property, a police officer is entitled to open a flat or other closed premises (hereinafter referred to as "flat"), enter the flat and in accordance with this Act carry out necessary police actions and police procedures or take other measures to avert the immediate danger.

(2) A police officer shall have the powers under paragraph (1) also in the case of a reasonable suspicion that there may be a corpse in the flat.

(3) When carrying out police actions, police procedures or taking other measures under paragraphs (1) and (2), the police officer must ensure the presence of a disinterested person; he/she need not do so in the event of danger in delay.

(4) After carrying out a police action, a police procedure or taking another measure under paragraph (1), the police officer must immediately notify the flat user and ensure the security of the flat, if neither the owner nor another authorized person can do so.

(5) The police officer shall write an official record about the opening of the flat and the carried out measures.

Section 22
repealed

Section 22a

(1) A police officer is entitled to use an immobilizer to prevent the departure of a vehicle in the case that the vehicle has been left at a place where it is forbidden to leave vehicles and the driver could not be established on the spot.

(2) The immobilizer under paragraph (1) may be used only if conditions are permanently secured for its immediate removal.

(3) The immobilizer shall be removed without unreasonable delay after the administrative hearing on a ticket or the establishment of the identity of the driver who left the vehicle at the forbidden place, or after the performance of the necessary procedures for establishing the person's identity.

(4) The use of an immobilizer for reasons under paragraph (1) is not admissible if the vehicle

(a) is obstructing the road traffic, 17a) or

(b) is visibly marked as a vehicle of the armed forces, armed security forces, fire protection, a vehicle designed for providing medical services, a disabled person's vehicle or a vehicle of a person possessing privileges and immunities under the law or international agreements by which the Czech Republic is bound.

(5) The application and removal of the immobilizer shall be performed at the costs of the person who left the vehicle at a place where it is forbidden.

(6) The use of an immobilizer under paragraphs (1) through (5) shall not be affected by the provisions of Part Five.

Section 23

The powers to use explosives and explosive devices

A police officer is entitled, in connection with protecting the safety of persons and property, in particular when defusing improvised explosive devices, found ammunition, as well as when combating terrorism, to use explosives and explosive devices.

Section 23a

The powers to use operational means of searching

When preventing crime and in connection with criminal proceedings, a police officer is entitled to use operational means of searching, which include:

- (a) cover documents,
- (b) undercover means,
- (c) security technology,
- (d) special funds,
- (e) use of an informer.

Section 23b
Cover identity

(1) "Cover documents" for the purposes of this Act means a written instrument, or another document serving for concealing the person's real identity or for other similar purposes.

(2) A cover document must not be an identity card of a deputy or senator, member of the Government, Governor of the Czech National Bank, member of the Supreme Audit Office and judge of the Constitutional Court, an official identity card of a judge or prosecuting attorney and a document of any living or dead person.

(3) If necessary with respect to the nature of the cover document, a police officer is entitled to ensure, to the necessary extent, the entry and extraction of needful data from the information systems administered under special legislation. These data shall not be marked in any special way, nor kept separately from other personal data, unless the police officer determines otherwise. The administrative authorities and other bodies of public administration must perform the tasks requested by the Police and issue the cover documents.

(4) The Police shall obtain a cover document with the consent of the Minister. The Ministry shall keep records of cover documents.

Section 23c
Undercover means

An "undercover means" is a thing, premises or activity serving to conceal the real identity of a person or a police activity.

Section 23d
Security technology

"Security technology" means technical means, device and their sets used for the prevention or elimination of a threat to life and health or for the protection of property.

Section 23e
Special funds

(1) "Special funds" are specially assigned financial means used for covering the expenditures associated with the use of operational means of searching 9a) and other auxiliary intelligence means and device. The disposal of the special funds shall not be affected by the legal regulations governing the management of the state finance.

(2) A police officer disposing of the special funds must do so economically and appropriately to the purpose for which they have been assigned.

(3) Rules governing the disposal of the special funds shall be stipulated by the Minister, upon the proposal of the Police President.

Section 23f Informer

(1) "Informer" means a natural person providing the Police with information and services in such a manner that his/her collaboration with the Police is not disclosed.

(2) An informer may receive financial or material reward for his/her activity.

Section 24

The powers to perform procedures in connection with hearings on administrative infractions

(1) In connection with hearings on administrative infractions, a police officer is entitled to demand

(a) a copy of a person's criminal conviction records ¹ in the cases where a previous criminal sanction could lead to the qualification of an act as a criminal offense;

(b) a medical examination including the taking of blood and urine samples to test for the presence of alcohol or another addictive substance; 10)

(c) other expert statements; the police officer shall further be entitled to examine the scene of the administrative infraction, a thing related to the committed administrative infraction, and in this connection collect and secure evidence.

(2) A person must submit himself/herself to the procedures referred to in paragraph (1) (b) only if it does not involve danger to his/her health.

(3) Blood must be taken if the person suspected of an administrative infraction requests that.

Section 25

(1) A police officer is entitled, after an ignored police demand for surrendering a thing, to seize that thing, if there are reasonable grounds to presume that at the hearing on administrative infraction the thing may be forfeited 11) or confiscated.12)

¹ including those expunged

(2) It is not admissible to seize a thing the value of which is in a conspicuous disproportion to the nature of the administrative infraction.

(3) The police officer shall write an official record about the seizure of the thing and shall issue a written confirmation for the person whose thing has been seized; the thing shall be handed over to the authority that decides on the administrative infraction.

PART THREE **Police cells**

Section 26

(1) A police officer is entitled to place a person detained under sections 14 and 15 into a police cell (hereinafter referred to as the "cell") established for this purpose at the police department.

(2) A police officer shall further be entitled to place into a cell a person who
(a) has been detained; 13)

(b) has been arrested upon an arrest warrant; 14)

(c) is to be committed to the service of a term of imprisonment;

(d) has been, for the purpose of the execution of procedural acts, taken by the police officer from custody or the service of a term of imprisonment; 15)

(e) has been brought to the police department under section 13 (5) and there is no other possibility of ensuring the performance of the tasks referred to in section 13 (7).

Section 27

(1) Before placing a person into a cell, a police officer shall take from the person all objects which the person could use to endanger his/her own or somebody else's health or life.

(2) The police officer shall write a list of the property taken, which he/she shall sign together with the person who is being placed into the cell. On releasing the person from the cell, the officer shall return the taken property against signature.

Section 28

(1) When placing persons into a cell, the following shall always be placed separately:

(a) persons of the opposite sex;

(b) persons younger than 18 and adults;

(c) persons detained 13) or arrested upon an arrest warrant 14) who may be expected to face common criminal proceedings or whose criminal cases are related;

(d) persons who behave aggressively.

(2) A person who is apparently under the influence of alcohol, medical drugs or other addictive substances may be placed into a cell only if a medical doctor, after examining the person, does not find any reasons for his/her placement in a sobering-up station or medical facility, or if after the medical treatment there is no more reason for the person's reception in the sobering-up station or medical facility. 16)

(3) If the police officer finds out that the person who is to be placed in a cell is injured or if that person notifies the officer of his/her a serious illness, or if there is a reasonable suspicion that this person suffers from such an illness, the officer shall ensure his/her medical examination and request the doctor's opinion on whether this person can be placed in a cell.

Section 29

(1) The cell has to meet the public health standards and be adequate to the purpose under section 26.

(2) There may be no objects in the cell that could be used to endanger the life or health of the detainee or the police officer.

Section 30

If a person does not have sufficient clothing or his/her clothing does not meet the public health standards, he/she shall be lent clothing by the police department administering the cell.

Section 31

As a rule, a person shall be provided food every 6 hours from the moment of the restriction of personal freedom.

Section 32

(1) If the person placed in a cell falls ill, injures himself/herself or attempts to commit suicide, the police officer guarding the cell shall take the necessary measures for the protection of the person's life and health; in particular, he/she shall provide first aid and call a medical doctor, from whom he/she shall request an opinion on the possibility of the person's remaining in the cell or the necessity of his/her being placed in a medical facility.

(2) The police officer shall immediately report cases referred to in paragraph (1), or, as the case may be, the death of a detainee, to his/her superior; the superior shall immediately inform the appropriate prosecuting attorney. In the event of death, the Police must notify of this fact also the persons close to the deceased listed in section 12 (3), if they are known.

PART FOUR

repealed

Section 33

repealed

heading omitted

Section 34

repealed

Section 34a

repealed

Section 34b

repealed

Section 34c

repealed

Section 35

repealed

Section 36

repealed

Section 36a

repealed

Section 37

repealed

PART FIVE

The use of coercive means and weapons by a police officer

Section 38 Coercive means

(1) Coercive means include:

- (a) self-defence holds, grabs, hits and kicks;
- (b) tear gas;
- (c) baton;
- (d) handcuffs;
- (e) service dog;
- (f) use of horses for crowd control;
- (g) vehicle immobilizer;
- (h) road spike or other means of forcible stopping of a vehicle;
- (i) water gun;
- (j) shock weapon;
- k) hit with a firearm;
- l) threat with a firearm;
- m) warning shot.

(2) A police officer is entitled to use coercive means in the interest of the protection of security of persons and his/her own, protection of property and public order, against a person endangering those.

(3) Before using coercive means, a police officer must warn the person against whom he/she is taking action to stop the unlawful conduct or else coercive means will be used. This shall not apply in the case of the provision of paragraph (1)(g). He/she may refrain from using the police warning only in the case his/her life or health is in danger or the life or health of another person, and action must be taken immediately.

(4) The police officer shall choose the coercive means he/she will use with respect to the situation, in order to achieve the purpose of the police action, and use such a coercive means that is indispensable for breaking the resistance of the person violating the law.

(5) A police officer must take care that the use of coercive means does not inflict harm on the person of a degree obviously disproportionate to the nature and dangerousness of his/her unlawful conduct.

Section 39 The use of a weapon

(1) A police officer is entitled to use a weapon

- (a) in self-defence or assisting self-defence in order to obstruct an immediately threatening or continuing attack against his/her person or the attack against the life or health of another;
- (b) if a dangerous offender against whom action is being taken ignores the officer's demand to surrender or is reluctant to leave his/her shelter;
- (c) if there is no other possibility to break the resistance aimed at frustrating the officer's serious action;
- (d) in order to prevent the escape of a dangerous offender who cannot be stopped in another way;
- (e) in order to obstruct a dangerous attack posing threat to guarded or protected premises or point, after an ignored warning to refrain from such an attack;
- (f) if there is no other possibility to stop a vehicle the driver of which is by his/her reckless driving seriously endangering the life and health of persons and fails to stop upon a repeated warning or signal given to him/her pursuant to a special regulation 9);
- (g) in order to stop a vehicle the driver of which, in the immediate area of a state border, fails to stop upon a repeated warning or signal given to him/her pursuant to a special regulation 9);
- (h) if a person against whom the coercive means of a threat with a firearm or the coercive means of a warning shot has been used fails to obey the officer's commands aimed at protecting his/her own security or the security of another person;
- (i) if there is a need to paralyze an animal endangering the life or health of persons.

(2) "Weapon" under paragraph (1) means a firearm, a stabbing or cutting weapon, unless it is a special weapon under this Act.

(3) The use of a weapon by a police officer in cases referred to in paragraph

(1) (a) through (g) is admissible only if the use of coercive means would obviously be ineffective.

(4) Before using a weapon in the cases referred to in paragraph (1) (a) through (e), a police officer must warn the person against whom he/she is taking action to refrain from the unlawful conduct or else a weapon will be used. He/she need not use the warning only if his/her life or health or the life or health of another person are endangered and he/she must immediately respond.

(5) When using a weapon, a police officer must take the necessary care, in particular, not to endanger other persons' life and to spare as much as possible the life of the person against whom the action is being taken.

Section 39a

(1) Police officers assigned to the intervention squads of the Public Order Police Service and the Rapid Response Unit, to the Protection Service as well as to the Foreign and Border Police Service at airports are entitled to use special coercive means and special weapons when taking actions to save the life and health of persons or to protect property, except when provided otherwise by this Act.

(2) Special coercive means are:

(a) temporarily paralyzing means;

(b) special ejection devices, unless having the character of a weapon or a special weapon under this Act;

(c) special means of forced entry.

(3) Special weapons are:

(a) sniper rifle

(b) shotgun;

(c) gun with a silencer;

(d) gun with laser sight;

(e) mechanical firearm;

(f) specially adapted firearm;

(g) explosive, special explosive device and special ammunition.

(4) Special coercive means under paragraph (2)(a) and special weapons under paragraph (3)(a) and (b) may also be used by police officers not referred to in paragraph (1) if they have a special training for their manipulation.

(5) The use of special coercive means and special weapons shall be regulated by the provisions of section 38 (2) through (5), section 39 and sections 40 through 42 of this Act.

Section 40

Duties of a police officer after the use of coercive means and a weapon

(1) If a police officer ascertains that during the use of coercive means a person was injured, he/she must, as soon as the circumstances permit, provide first aid to the injured person and ensure medical treatment.

(2) After every use of a weapon that led to a person's injury, a police officer, as soon as the circumstances permit, must provide first aid to the injured person and ensure medical treatment. He/she is further required to carry out all the urgent procedures necessary for the proper establishment of the lawfulness of the use of a weapon.

(3) A police officer must, without delay, report to his/her superior every police action involving the use of coercive means and a weapon.

Section 41

Special restrictions

(1) When taking action against a pregnant woman, a person of old age, a person with an apparent handicap or illness or a person younger than 15 years of age, a police officer must not use self-defence hits and kicks, tear gas, shock weapon, baton, handcuffs, service dog, hit with a firearm, threat with a firearm, warning shot and a weapon, with the exception of the cases when the attack of these persons poses an immediate threat to the officer's or other persons' life and health or a threat of major damage to property and there is no other possibility to avert that danger.

Section 42

Police interventions under a uniform command

(1) If police officers take action under a uniform command, the person competent to decide on the use of coercive means and a weapon under the conditions set out in this Act shall be the commander of the intervening squad. Also competent to decide on the use of coercive means and a weapon shall be the commander's superior officer present at the place of the intervention, who by virtue of such decision takes over the command for the rest of the action. The decision of the commander of the intervening squad and his/her superior on the use of coercive means and a weapon must be documented in writing or by sound recording.

(2) The commander of the intervening squad who decided on the use of coercive means and a weapon under paragraph (1) shall assume the duties which otherwise, after the use of these means or a weapon, are the duties of the police officers.

TITLE THREE

INTERVENTION SQUADS OF THE PUBLIC ORDER POLICE SERVICE AND THE RAPID RESPONSE UNIT

Section 42a

(1) Intervention squads of the Public Order Police (hereinafter referred to as "intervention squads") shall be established by the Ministry as organizational parts of departments with territorially limited jurisdiction, with the exception of the Police Presidium of the Czech Republic.

(2) The person competent to decide on the dispatch of an intervention squad shall be the director of the department with territorially limited jurisdiction to which the respective intervention squad belongs organizationally.

(3) The person competent to decide on the dispatch of the Rapid Response Unit shall be the Police President with the approval of the Minister.

(4) The person competent to decide on the deployment of an intervention squad and the Rapid Response Unit shall be the commander authorized to order the intervention under a uniform command.

Section 42b

(1) The intervention squads and the Rapid Response Unit shall carry out police actions against:

(a) terrorists;

(b) kidnappers and hijackers;

(c) dangerous perpetrators of organized crime and perpetrators of especially serious intentional crimes, in particular at their arrest;

(2) The intervention squads may also be deployed for the protection or restoration of public order, as well as for the restoration of order in places where custody or terms of imprisonment are served.

(3) The intervention squads may further be deployed in rescue operations, in particular in the cases of natural disasters and catastrophes, major traffic accidents and industrial disasters.

(4) When establishing an intervention squad, the Ministry may assign the squad a smaller scope of tasks than that specified in paragraphs (1) through (3).

Section 42c

(1) The interventions of intervention squads and the Rapid Response Unit shall be carried out under a uniform command under the conditions laid out in section 42.

(2) Police officers assigned to intervention squads and the Rapid Response Unit are entitled to use special coercive means and special weapons under this Act only in interventions under section 42b (1).

TITLE FOUR

PROCESSING OF INFORMATION BY THE POLICE

Section 42d

The Police shall process under this Act and special legal regulations 17b) information including personal data collected during the performance of police tasks, to the extent indispensable for the performance of these tasks.

Section 42e

(1) A police officer who, during the performance of police tasks, cannot obtain personal data that would enable future identification in a different manner is entitled, in the cases of persons accused of a crime or found persons for whom a nation-wide search has been launched and who do not have full legal capacity,

(a) to take fingerprints,

(b) to detect physical features,

(c) to perform antropometrical measurements

(d) to make visual, sound and similar recordings, or

(e) to take biological samples in order to obtain information on the genetic equipment.

(2) The detection of external physical features and antropometrical measurements under paragraph (1) shall be conducted by a police officer of the same sex, or at the officer's request, by a qualified medical worker; extraction of blood shall only be performed, at the officer's request, by a medical worker. Biological samples may be taken only in a manner not endangering the person's health.

Section 42f

(1) The Police are entitled, provided it is necessary for the performance of police tasks, to make sound, visual or other recordings from places open to the public, or sound, visual or other recordings of the course of a police procedure or police action.

(2) If permanent automatic technical systems are in place to make recordings under paragraph (1), the Police must, in an appropriate manner, make the information about the installation of such systems public.

TITLE FIVE

SPECIAL PROVISIONS FOR THE PROCESSING OF PERSONAL DATA BY THE POLICE

Section 42g

(1) When preventing and detecting crime, detecting offenders and conducting criminal investigation (hereinafter only "performing police tasks in connection with criminal proceedings"), the Police, while processing personal data, must

- (a) determine the purpose for which the personal data are to be processed;
- (b) collect only such personal data as are relevant for the determined purpose and to the extent indispensable for achieving that purpose;
- (c) retain the personal data only for the period necessary for the purpose of their processing;
- (d) process the personal data under this provision separately from personal data processed during the performance of other police tasks;
- (e) without delay report to the Office for the Protection of Personal Data 17c) the creation of any records containing personal data; this report shall include the name of the department responsible for the processing of the personal data, the purpose of the records, the categories of persons whose data are processed and of the personal data regarding these persons, and a description of measures for ensuring the required protection of the personal data.

(2) When processing personal data under paragraph (1), the Police are entitled, to the extent necessary for the performance of police tasks in connection with criminal proceedings,

- (a) to associate personal data which were obtained for different purposes,
- (b) to process untrue, inaccurate and unverified personal data; these personal data have to be marked as such.

(3) When processing personal data under paragraph (1), the Police are entitled to process sensitive information, 17d) provided it is necessary, with respect to the nature of the crime, for the performance of police tasks in connection with criminal proceedings.

(4) The Police shall process personal data under paragraph (1) also without the persons' consent; at the same time, they must respect the persons' right to the protection of their private and personal life. As soon as it does not jeopardize the accomplishment of police tasks in connection with criminal proceedings, the Police must inform the respective person that they have been processing his/her personal data, or destroy those personal data.

(5) The Police shall not destroy the personal data if these personal data are part of files and have not been processed electronically.

(6) Under the provisions of this Title, the Police shall process personal data also when preventing and detecting criminal offenses the elements of which are listed in the Penal Code 17e) and the perpetrators of which are not criminally liable because of their young age or insanity, and when establishing these offenders.

Section 42h

Processing of personal data during a search for persons

(1) When searching for persons for whom a search has been launched, the Police are entitled

(a) to associate, to the necessary extent, personal data obtained for different purposes, and

(b) to process sensitive data of these persons should that be necessary for their finding.

(2) The Police shall destroy the personal data of a missing or wanted person without unreasonable delay after the person has been found. The destruction of the personal data shall not be required if

(a) the person has been missing or wanted repeatedly;

(b) there are reasonable grounds to presume that the person will be missing or wanted again;

(c) his/her personal data are processed within the performance of police tasks in connection with criminal proceedings.

Section 42i

Checking the necessity of further processing of personal data

(1) The Police shall at least once in three years check whether the processed personal data are still needed for the performance of police tasks in connection with criminal proceedings or for a search for persons. If the Police find out during that checking or while processing personal data that the data are no longer needed for the performance of police tasks in connection with criminal proceedings or a search for persons, they shall destroy those personal data without unreasonable delay.

(2) For the purposes of the checking under paragraph (1), the investigative, prosecuting and adjudicating bodies, the Ministry of Justice, the Constitutional Court and the Office of the President of the Republic, within the limits of their respective competence, must continuously inform the Police of the final and conclusive decisions of the investigative, prosecuting and adjudicating bodies, the limitations of criminal prosecution, the executions of punishment or the decisions of the President of the Republic regarding criminal proceedings, punishments or granted amnesty.

Section 42j

Information about personal data and the correction of untrue or inaccurate personal data

(1) Upon a written request, the Police shall, free of charge, inform the requesting person about the personal data relating to him/her, and shall do so within 30 days of the delivery of that request.

(2) Upon a written request, the Police shall, free of charge, destroy or correct untrue or inaccurate personal data relating to the requesting person, and shall do so immediately upon the delivery of that request.

(3) The requests under paragraphs (1) and (2) shall be decided by the Police Presidium of the Czech Republic; a new request may be submitted no sooner than one year after the submission of the previous request.

(4) The Police shall not grant the request under paragraphs (1) and (2) if this would

(a) jeopardize the accomplishment of police tasks in connection with criminal proceedings, or

(b) endanger legitimate interests of a third person;
should the request not be granted, the reasons for the decision on the application must be given in writing.

(5) If the Police are not processing any personal data relating to the requesting person, or the information about the reasoned decision would jeopardize the accomplishment of police tasks in connection with criminal proceedings, the requesting person shall be notified in writing that the Police are processing no personal data relating to the requesting person.

(6) The procedure of handling the request shall not be affected by the Rules of Administrative Procedure.

Section 42k
Transferring of personal data

(1) The Police shall transfer personal data to other authorities or persons,
(a) if stipulated by a special statute;

(b) if it is in the interest of the person whose personal data are to be transferred, and this person has granted his/her consent to the transfer, or the consent may reasonably be assumed under the circumstances; or

(c) the transfer of the personal data is necessary for the elimination of immediate serious threat to the security of persons or public order.

(2) The Police shall transfer personal data under paragraph (1) upon a written request, which has to contain the purpose for which the personal data are to be transferred. In the case under paragraph (1)(c), the personal data may be transferred also without a request.

(3) The transferred personal data must be accompanied by the information on final and conclusive decisions of the investigative, prosecuting and adjudicating bodies, if related to these data.

(4) Untrue or inaccurate personal data may not be transferred; unverified personal data must be marked as such when transferred and the extent of their reliability must be stated. If untrue or inaccurate personal data have been transferred, the Police must without unreasonable delay inform all data receivers who have been transferred such personal data.

(5) The receiver of the data is entitled to process the personal data for another purpose than the one for which they have been transferred only under the condition that the personal data could be transferred for such a purpose as well, and only with the previous consent of the Police.

(6) The personal data may be transferred abroad to the international organization of Interpol, or under the conditions laid down in paragraph (1)(a) through (c) to an international police organization or a foreign security force, and may do so also without a request.

Section 42l

Disclosure of personal data

The Police are entitled to disclose personal data to the extent necessary for the performance of police tasks in connection with criminal proceedings or search for persons.

Section 42m

Processing of personal data by the Department of Inspection

(1) Processing personal data by the Department of Inspection while performing a task under section 2 (4) shall be governed accordingly by the provisions of this Title.

(2) Requests under section 42j (1) and (2) shall be decided by the Ministry.

TITLE SIX

POLICE RELATIONSHIPS TO STATE AUTHORITIES, MUNICIPAL AUTHORITIES, LEGAL ENTITIES AND NATURAL PERSONS

Section 43

Everybody is entitled to ask a police officer and police departments for their assistance. The police officer and police departments must provide such assistance within their respective competence.

Section 44

Police departments shall provide protection to judicial executors during their performance of executory activities 17f) and to persons charged with the execution of the decision of a court or another state or municipal authority, if these persons, for reasons of danger to life or limb, cannot carry out the execution of the decision and ask for such protection. Police departments shall also provide protection under the same conditions to a trustee in bankruptcy during the execution of his/her powers.

Section 45

(1) Police departments and municipal authorities shall exchange information necessary for the performance of tasks aimed at managing local matters of public order.

(2) The Government of the Czech Republic shall provide in a decree a more detailed regulation of the relationships of the Police to the municipal authorities and the Municipal Police.

Section 45a

Information from records kept by the Police under section 42d may be provided to the services operating within the Police, the Ministry of the Interior, to the Security Information Service of the Czech Republic, the Military Defense Intelligence and the Military Police; other state authorities and organizations and judicial executors 17f) may be provided such information only if it is necessary for the performance of their tasks under the law.

Section 46

(1) Police actions aimed at dispersing a meeting shall be carried out by police departments upon the decision of the competent authority; without such a decision they may carry out a police action if stipulated so by a special statute. 18)

(2) If a police action has been carried out without the decision of the competent authority, the police department must without delay notify that authority of the carried out action.

Section 47

(1) When performing their tasks, the police departments are entitled to request from the state and municipal authorities, legal entities and natural persons their assistance in the performance of the departments' tasks, in particular, the necessary background materials and information. The provision of section 12 (3) through (5) shall apply accordingly.

(2) The authorities, entities and persons referred to in paragraph (1) must provide the requested assistance, unless the execution and observance of their duties under other generally binding legal regulations prevents that.

(3) Police departments shall notify the authorities, entities and persons referred to in paragraph (1) of the facts which may affect their work and may lead to endangering or breaching public order or to a threat to the security of persons or property.

Section 47a

(1) The Police may, to the extent necessary for the performance of a concrete police task, request the provision of information from records kept under a special legal regulation from the competent records administrator or compiler, at the expense of the records administrator or compiler. The records administrator or compiler must satisfy the request without unreasonable delay, unless a special legal regulation for the provision of information to the Police stipulates a different regime. 18a)

(2) When performing their tasks, the Police may, to the extent necessary for the performance of a concrete police task, request the provision of information from the database of the subscribers of a public telecommunication service, 18b) the identity cards register, 18c) the register of travel documents, 18d) the register of citizens 18e) and the drivers register 18f), from the respective register administrator or compiler, in a manner enabling remote and continuous access; in the cases of the identity cards register and the register of travel documents, the information may be provided in a manner enabling only continuous access.

(3) During the surveillance of people or objects, the Police are entitled to request, to the extent necessary for the performance of a concrete police task, from legal entities and natural persons providing telecommunication services, 18g), the transfer of telecommunication data 18h) in a manner enabling remote and continuous access. Legal entities and natural persons providing telecommunication services must satisfy the police request without unreasonable delay in the requested form and to the extent stipulated in a special statute.

(4) The Police may request provision of information under paragraphs (1) through (3) only to the extent indispensable for the performance of a police task, in a manner which must enable the retention of the identification data regarding the police department or officer who requested the information and the purpose for which the information was requested for the minimum period of 5 years. The register administrator or compiler must maintain confidentiality about the facts referred to in the first clause of this paragraph.

(5) For the purpose of securing the protection of a person whose life or health may reasonably be presumed to be in danger, the Police are entitled to request the operators and administrators of registers kept under special legal regulations to notify the Police of every release of personal data.

(6) The Police may transfer or disclose other information than personal data if this does not jeopardize the accomplishment of police tasks. The transfer of such information abroad shall be regulated by section 42k accordingly. The Police may transfer classified information abroad without the consent of the National Security Authority.

(7) The Police must ensure the protection of information against its unlawful disclosure or transfer. This is without prejudice to police duties under special statutes. 18j) A police officer is entitled to use the information obtained under sections (1) through (3) only for the performance of police tasks.

Section 48

In the case of an immediate threat to life, health or property, a Police officer is entitled to ask any person for assistance. The person asked for that assistance must provide it; he/she need not do so if he/she would put himself/herself or the persons specified in section 12 (3) in serious danger, or if other serious circumstances prevent this.

TITLE SEVEN

POLICE RELATIONSHIPS TO FOREIGN AGENCIES

Section 48a

(1) When performing their tasks, the Police are entitled to cooperate with the international organization of Interpol, with other international organizations and foreign security forces.

(2) The Police are entitled to use, at the request of a foreign security force, the operational means of searching, should it be necessary for the clarification of an act which in the Czech Republic would be classified as an intentional crime.

Section 48b

(1) A member of a foreign security force may, under the conditions, to the extent and in the manner stipulated by an international agreement, execute in the territory of the Czech Republic the powers and duties of a police officer.

(2) If no international agreement has been concluded and it is necessary for the performance of police tasks, it is admissible, with the consent of the Police President and the consent of the competent authority of the respective foreign country, to use for the performance of police tasks, to the extent stipulated by this Act or another special statute, a member of a foreign security force

- (a) as an undercover agent,
- (b) for the execution of a sham transfer,
- (c) for the surveillance of persons or things,
- (d) for the use of security technology,
- (e) for taking police action against terrorists.

(3) When performing operations under paragraph (2), the activity of a member of a foreign security force shall be directed by a police official designated by the Police President. 18k)

(4) Proceedings on damages associated with the performance of operations under paragraph (2), shall be governed by section 49 and a special statute. 18l)

Section 48c)

(1) A police officer is entitled to operate in the territory of another country
(a) under the conditions, to the extent and in the manner stipulated by an international agreement;

(b) upon the Government's decision to participate in peace operations following the decision of an international organization a member of which the Czech Republic is or with whom it has concluded relevant agreements; or

(c) if he/she has been dispatched to perform police tasks upon the decision of the Minister with the consent of the competent authority of the foreign country or at the request of the competent authority of the foreign country.

(2) The dispatch of a police officer abroad under paragraph (1) shall be regulated by a special statute. 18k)

TITLE EIGHT

COMPENSATION FOR DAMAGE

Section 49

(1) The State shall be liable for damages suffered by a person who provided assistance to the Police or a police officer at his/her request or with his/her knowledge (hereinafter referred to as "the injured"). The State may exempt itself from this liability only if the injured caused that damage to himself/herself intentionally.

(2) If the injured has suffered bodily harm or died, the extent and amount of the damages shall be determined according to the regulations on the compensation for industrial accidents. The Government of the Czech Republic shall stipulate in a decree in which cases and to what extent

(a) the injured is entitled, next to the claims under industrial legislation, to an extra one-off compensation;

(b) the one-off compensation to which the bereaved are entitled under industrial legislation shall be increased and when such compensation may be granted to persons who were dependent on the injured for support.

(3) The State shall also be liable for damages to property suffered by the injured in connection with providing such assistance. The injured shall recover actual damages in the form of reinstatement; should that not be possible or purposeful,

he/she shall be awarded financial compensation. The injured may also be awarded the costs associated with obtaining a new thing in place of the damaged one.

(4) The State shall also be liable for damages caused by a person in connection with his/her assistance to the Police or a police officer.

(5) The State shall also be liable for damages caused by the Police or a police officer in connection with their performance of police tasks stipulated by this Act; this shall not apply in the case of damages suffered by a person who, by his/her unlawful conduct, gave rise to a lawful and adequate police action.

(3) The damages shall be paid, on behalf of the State, by the Ministry.

TITLE NINE

COMMON, TRANSITIONAL AND FINAL PROVISIONS

Common provisions

Section 50

The number of the Police staff shall be determined by the Government of the Czech Republic.

Section 50a

Calling in soldiers to perform police tasks

(1) The Government of the Czech Republic may, in a situation of emergency connected with the protection of state borders or for the performance of the tasks of the Public Order Police or the Protection Service, to the extent stipulated by a special statute 19), call in soldiers in active service to perform police tasks, if the Police resources are not sufficient to secure internal order and ensure state security.

(2) When performing police tasks, soldiers in active service invited under paragraph (1) shall have the powers and duties of police officers, unless the Government of the Czech Republic limits the scope of these powers and duties.

(3) The soldiers referred to in paragraph (2) shall prove their authorization to perform police tasks by their regulation uniform with an external sign indicating "POLICE", or, as the case may be, by an oral statement or a document confirming the authorization to perform police tasks.

(4) The Ministry may, in a regulation, stipulate further details of proving the authorization of soldiers referred to in paragraph (2) to perform police tasks.

Section 50b

Inviting members of the Prison Service to perform police tasks

(1) The Government of the Czech Republic may call in members of the Prison Service to perform the tasks of the Public Order Police Service or the Protection Service, if the Police resources are not sufficient to secure internal order and ensure state security.

(2) When performing police tasks, members of the Prison Service of the Czech Republic called in under paragraph (1) shall have the powers and duties of police officers, unless the Government of the Czech Republic limits the scope of these powers and duties.

(3) Members of the Prison Service of the Czech Republic shall prove their authorization to perform police tasks by their regulation uniform with an external sign indicating "Police", or, as the case may be, by an oral statement or a document confirming their authorization to perform police tasks.

(4) The Ministry may, in a regulation, stipulate further details of proving the authorization of members of the Prison Service of the Czech Republic called in under paragraph (1) to perform police tasks.

Section 51

The Minister may call in police officers to perform tasks at the Ministry.

Section 52

Duty of non-disclosure

(1) A police officer must maintain confidentiality of facts which he/she has learnt while performing police tasks or in connection with these and which, for the sake of fulfilling police tasks or in the interest of other persons, require to remain undisclosed to unauthorized persons. This duty shall continue also after the termination of the officer's service in the Police.

(2) Everybody who has been requested by police departments or police officers to provide assistance must maintain, having been properly cautioned, confidentiality of all information he/she has learnt in connection with the requested or provided assistance.

(3) A police officer or the person referred to under paragraph (2) may be released from the duty of non-disclosure by the Minister or another person authorized by him/her.

Section 53

Upon the request of a state authority with such a competence, the Police shall provide, under conditions laid down by a special statute, technical support for the use of intelligence technology.

Section 53a

(1) The control over the use of interception and recording of telecommunications and the surveillance of people or objects under a special statute 19a) shall be exercised by the Chamber of Deputies, which shall establish a controlling body for that purpose. The controlling body shall consist of five Deputies from a committee designated by the Chamber of Deputies.

(2) The controlling body shall exercise the control under paragraph (1) in the respective police departments after a prior notification to the Minister. The Minister shall, at least twice a year, and further upon the controlling body's request, submit to the controlling body the requested information regarding the use of means under paragraph (1). This is without prejudice to the right of the controlling body to demand information and the presence at its meeting from other persons.

(3) Members of the controlling body must keep secret classified information which they have learnt in connection with the execution of this office. This provision shall be without prejudice to the regulations on the protection of classified information.

Section 54

(1) Only a police officer is entitled to wear the police uniform and police badges. 21)

(2) The Police are entitled to use a special colour design and marking of police vehicles, vessels and aircraft.

(3) The external marking and badges of the Police, the design of the police uniforms and the special colour design and marking of police vehicles, vessels and aircraft shall be stipulated by the Ministry in the form of a regulation.

Section 54a

(1) Whoever intentionally, at a place open to the public, unlawfully uses on his/her vehicle, vessel or aircraft the special colour design and marking used on police vehicles, vessels and aircraft, or a special colour design and marking apparently interchangeable therewith, shall commit an administrative infraction.

(2) The penalty for the administrative infraction under paragraph (1) may amount to CZK 5,000.

(3) Administrative infractions under paragraph (1) and hearings on them shall be governed by general regulations 22).

Transitional provision

Section 55

If generally binding legal regulations refer to the National Security Corps², the departments of the National Security Corps and members of the National Security Corps, and further to the Public Security³, departments of the Public Security and members of the Public Security, they refer, in the case of departments and members subordinated to the Ministry, to the Police and police officers.

Section 56

repealed

Section 57

repealed

Section 58

repealed

Final provisions

Section 59

Repealing provision

Section 12 (4) of the Czech National Council Act No. 2/1969 Coll., regulating the establishment of ministries and other central state administration bodies of the Czech Socialist Republic, as amended, shall be repealed.

Section 60

Effect

This Act shall become effective on the date of its promulgation.

Selected provisions of amendments

Article VI of Act No. 265/2001 Coll.

Transitional provision to Part Three

Police officers assigned to the Criminal Police Service and the Offices of Investigation shall be as of the effective date of this Act assigned to the Criminal Police and Investigation Service.

2) Section 16 of the Czech National Council Act No.186/1992 Coll.

² In Czech: Sbor národní bezpečnosti

³ In Czech: Veřejná bezpečnost

2a) Act No. 18/1997 Coll., regulating peaceful use of nuclear energy and ionizing radiation (Atomic Act) and amending and altering certain acts.

3) The Decree of the Ministry of the Interior of the Czech Republic No. 428/1992 Coll., regulating the elements and compensations of costs for the members of the Police of the Czech Republic in connection with the execution of their service duties.

4) E.g. the Czech National Council Act No. 367/1990 Coll., Municipalities Act (local governments).

4a) Section 17 of Act No. 168/1999 Coll., regulating liability insurance against damage caused by motor vehicle and amending certain related acts (Vehicle Liability Insurance Act).

5a) E.g. section 52 (2) of the Rules of Civil Procedure, section 90 (3) of the Rules of Criminal Procedure, section 42 (2) of the Rules of Administrative Procedure.

5b) E.g. section 67 of the Czech National Council Act No. 200/1990 Coll., regulating administrative infractions, section 158 of the Rules of Criminal Procedure.

6) Act No. 326/1999 Coll., regulating the residence of foreigners in the territory of the Czech Republic and amending certain acts.

7) Section 89 of the Penal Code.

8) Section 41(2) of the Penal Code.

8a) The Czech National Council Act No. 61/1988 Coll., regulating mining activities, explosives and the State Mining Administration, as amended. The decree of the Government of the Czech Socialist Republic No. 192/1988 Coll., regulating poisons and certain other deleterious substances, as amended.

8b) Section 17 of Act No. 455/1991 Coll., regulating trade (Trade Act)

8c) Act No. 258/2000 Coll., regulating public health protection and amending certain other related acts.

8d) Act No. 552/1991 Coll., regulating state control, as amended.

8e) Section 20 of Act No 552/1991 Coll.

9) Regulation of the Federal Ministry of the Interior No. 99/1989 Coll., regulating the traffic on road communications (Road Traffic Rules), as amended by regulation No. 24/1990 Coll.

9a) Section 158b of the Penal Code.

10) Section 6 of the Czech National Council Act No. 37/1989 Coll., regulating the protection against alcoholism and other drug addictions.

- 11) Section 15 of the Czech National Council Act No. 200/1990 Coll.
- 12) Section 18 of the Czech National Council Act No. 200/1990 Coll.
- 13) Sections 75 and 76 of the Penal Code.
- 14) Section 69 of the Penal Code.
- 15) Section 321 (3) of the Penal Code.
- 16) Section 8 of the Czech National Council Act No. 37/1989 Coll., and section 2 of the Regulation of the Ministry of Health and Social Affairs of the CSR No. 187/1989 Coll. to implement the act regulating the protection against alcoholism and other drug addictions.
- 17a) Section 37 of the Regulation of the Federal Ministry of the Interior No. 99/1989 Coll., regulating the traffic on road communications (Road Traffic Rules).
- 17b) Act No. 101/2000 Coll., regulating the protection of personal data and amending certain acts, as amended.
- 17c) Section 2 of Act No. 101/2000 Coll.
- 17d) Section 4 (b) of Act No. 101/2000 Coll.
- 17e) Section 3 of the Penal Code.
- 17f) Act No. 120/2001 Coll., regulating judicial executors and executory activity (Rules of Execution Proceedings) and amending certain acts.
- 18) Act No. 84/1990 Coll., regulating the right of assembly.
- 18a) E.g. Act No. 337/1992 Coll., regulating the management of tax and other fees, as amended.
- 18b) Section 35 (1) (a) of Act No. 151/2000 Coll., regulating telecommunications and amending other acts.
- 18c) Act No. 328/1999 Coll., regulating citizens' identity cards.
- 18d) Act No. 329/1999 Coll., regulating travel documents and amending Act No. 283/1991 Coll. regulating the Police of the Czech Republic, as amended (Travel Documents Act).
- 18e) Act No. 133/2000 Coll., regulating the registration of population and birth identification numbers and amending certain acts (Registration of Population Act).
- 18f) Act No. 361/2000 Coll., regulating the traffic on road communications and amending certain acts.

18g) Section 84 (1) of Act No. 151/2000 Coll.

18h) Section 84 (3) (c) of Act No. 151/2000 Coll.

18i) Section 86 (1) of Act No. 151/2000 Coll.

18j) E.g. Act No. 148/1998 Coll., regulating the protection of classified information and amending certain acts, as amended, Act No. 106/1999 Coll., regulating free access to information, as amended.

18k) Section 2 (2) of Act No. 186/1992 Coll.

18l) Sections 75 through 102 of Act No. 186/1992 Coll.

19) Act No. 92/1949 Coll., Conscription Act, as amended (full text No. 331/1992 Coll.).

19a) Section 88 and section 158d (2) and (3) of the Penal Code.

21) Section 21(1)(i) of the Czech National Council Act No. 200/1990 Coll., Administrative Infractions Act.

22) The Czech National Council Act. No. 200/1990 Coll., as amended (full text No. 124/1993 Coll.).