



Ordinance containing instructions for the Swedish Commission on Security and Integrity Protection;

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The Government prescribes the following.

Tasks

1 § The Swedish Commission on Security and Integrity Protection is an Authority responsible for the tasks set out in Section 1 of the Act on Supervision of Certain Crime-Fighting Activities (2007:980) and in Sections 2 and 3 of this Ordinance.

2 § In cases concerning records checks under the Protective Security Act (1996:627) the Authority has the task of examining matters concerning the release of

1. data from registers covered by the Criminal Records Act (1998:620),
2. data from registers covered by the Register of Suspected Persons Act (1998:621),
3. data from records covered by the Police Data Act (1998:622), and
4. other data that the National Police Board or the Swedish Security Service process under the Police Data Act, unless the data is part of a preliminary investigation or special investigation in criminal intelligence operations.

The Authority shall also examine matters concerning release of data in cases referred to in Section 10 of the Ordinance on Security Companies etc. (1989:149).

3 § The Authority will make decisions on qualified assumed identities in cases referred to in Section 2, points 1 and 2 of the Act on Qualified Assumed Identities (2006:939). The Authority will also examine other matters related to cases of qualified assumed identities.

Management

4 § The Authority will be led by a Commission and a Director.

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5 § The Commission will make decisions on rules of procedure, the annual report and on other matters of principle or of major importance. The Commission and the Director will make joint decisions on the Authority's annual plan of activities, budget and annual accounts.

The Commission will make decisions on matters of supervision under Section 1 of the Act on Supervision of Certain Crime-Fighting Activities.

Further regulations needed for the Authority's organization, the division of duties between the Commission and the Director, the delegation of decision-making powers within the Authority, the processing of cases and other forms for the activities are decided in the rules of procedure.

6 § The Director is responsible for

- the effectiveness and statutory compliance of activities,
- the reliable and fair reporting of activities,
- the Authority's sound management of central government funds, and
- the reporting to the Government on measures taken or planned by the

Authority in response to an objection in the Swedish National Audit Office's audit report on the Authority.

The Director is also responsible for the Authority's Chancellery and its employees as well as other activities of the Authority that the Commission is not responsible for.

The Director shall keep the Commission informed of the activities for which he or she is responsible.

7 § The number of members of the Commission and its composition are set out in Section 5 of the Act on Supervision of Certain Crime-Fighting Activities (2007:980).

8 § The Commission shall be competent to make decisions when the chair and at least half the other members are present.

Delegation

9 § The rules of procedure may stipulate that cases other than those referred to in Section 5 and Section 6, first paragraph may be determined by a person designated by the Commission. However, with regard to cases determined by the Records Checks Delegation and the Protective Registration Delegation, there are separate provisions on delegation in Section 24, third paragraph and Section 28.

Special decision-making bodies

10 § There shall be two special decision-making bodies within the Authority, called the Records Checks Delegation and the Protective Registration Delegation. The function of the Records Checks Delegation is to decide matters referred to in Section 2. The function of the Protective Registration Delegation is to decide matters referred to in Section 3.

Each Delegation shall consist of a chair, a vice chair and a maximum of three other members.

11 § The Delegations specified in Section 10 are responsible for their decisions.

Organization

12 § The Authority shall have a Chancellery.

13 § The Swedish Security Service shall provide the Records Checks Delegation with meeting rooms and office premises, Secretariat support and rapporteurs.

Appointments

14 § Provisions concerning how the members of the Commission of the Authority shall be appointed are set out in Section 5 of the Act on Supervision of Certain Crime-Fighting Activities (2007:980).

15 § The members of the Records Checks Delegation and the Protective Registration Delegation are appointed by the Government for a fixed period. The chair and vice chair shall be, or have been, a tenured judge or have other equivalent legal experience.

One of the other members of the Protective Registration Delegation shall have special experience of activities relating to national population registration.

16 § The Director is appointed by the Government.

17 § The Authority will appoint rapporteurs or other officers to serve at the Records Checks Delegation after consultation with the Swedish Security Service. They will be appointed by the Authority for a fixed period.

Processing of cases of supervision and checks by the Authority's Commission

18 § Sections 2–4 of the Act on Supervision of Certain Crime-Fighting Activities (2007:980) and Sections 19–22 of this Ordinance contain provisions on the processing of supervision and checks by the Authority's Commission.

19 § Meetings of the Commission will convened by the chair. A member's request for a Commission meeting to be called shall be granted if the chair considers that there is reason to do so.

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20 § When dealing with a matter requiring special expertise the Commission may appoint an expert adviser to assist the Commission.

21 § The Commission may invite a person who can provide information in a case to attend a meeting.

A person who has attended a meeting may be granted reasonable compensation by the Commission from public funds for the cost of attending.

22 § If in the course of its activities the Commission notices circumstances that may constitute a criminal offence, the Commission shall report this to the Swedish Prosecution Authority (the Office of the Prosecutor-General) or another competent authority.

If the Commission notices any irregularities that may entail tort liability for the state towards a natural or legal person, the Commission shall report this to the Chancellor of Justice.

If the Commission discovers circumstances that the Swedish Data Inspection Board should be made aware of, the Commission shall report this to the Board.

The Commission shall consult with the authority concerned before a report referred to in the first to third paragraphs is submitted. The Commission shall attach its investigation to the report. After submission of a report the Commission shall assist the authority as necessary.

Processing of cases by the Records Checks Delegation

23 § Meetings of the Records Checks Delegation will be convened by the chair. Moreover the Delegation shall meet if one of its members so requests and the chair considers that there is reason to do so.

24 § The Records Checks Delegation shall be competent to make decisions when the chair and at least two other members are present.

If both the chair and the vice chair are prevented from attending, the chair of the Commission may replace the Delegation chair.

In the rules of procedure or special decisions, the Authority may assign decisions in cases of a simple nature to the Records Checks Delegation chair, vice chair, rapporteur or another officer.

25 § Information may be released only if all are agreed on the decision. If any member considers that the information should not be released, the chair may submit the case to the Government for processing, if the chair considers that the information should nevertheless be released.

Processing of cases by the Protective Registration Delegation

26 § When an application for a qualified assumed identity has been received, the Protective Registration Delegation shall meet as soon as possible, except in cases referred to in Section 27, second paragraph.

27 § The Protective Registration Delegation shall be competent to make decisions when the chair and at least two other members are present.

In urgent cases the chair or vice chair of the Delegation may make decisions on cases of qualified assumed identities. Such decisions shall be reported to the Delegation at its next meeting.

If both the chair and the vice chair are prevented from attending, the chair of the Commission may replace the Delegation chair.

28 § In the rules of procedure or special decisions, the Authority may assign decisions in cases of a simple nature to the Protective Registration Delegation chair or vice chair.

The assignment of decisions referred to in the first paragraph may not refer to decisions to establish qualified assumed identities or orders for the amendment or cancellation of decisions on qualified assumed identities. However, the Authority may assign to the chair or vice chair of the Protective Registration Delegation the right to cancel a decision on a qualified assumed identity if the agency of employment has so requested.

Annual report to the Government

29 § Every year, before the end of May, the Authority shall submit an annual report to the Government on its activities in the previous calendar year.

Appeals

30 § Section 22 a of the Administrative Procedure Act (1986:223) contains provisions concerning appeal to an administrative court. Other decisions than those under Section 21, second paragraph of this Ordinance may not be appealed.

Exceptions from the Government Agencies Ordinance

31 § The following provisions of the Government Agencies Ordinance (2007:515) shall not apply to the Authority:

- Section 2 on the management of the Authority,
- Sections 3 and 4 on the responsibilities of the management,
- Section 5 on delegation, and
- Section 7 on participation in European Union work etc.

1. This Ordinance enters into force on 1 January 2008, when the Ordinance containing Instructions for the Records Board (2006:1076) will cease to apply.

2. The provisions of the Ordinance containing Instructions for the Records Board (2006:1076) concerning the obligation of the Records Board to

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submit an annual report shall also apply after the close of 2007 to the Records Board's annual report for 2007.

3. Cases received by the Records Board before the close of 2007 that have not at that time been finally dealt with by the Board, shall be transferred to the Commission on Security and Integrity Protection. The Records Board's registers and archives shall be taken over by the Commission on Security and Integrity Protection.

4. The provisions concerning delegation of decision-making powers and concerning rapporteurs and other officers applicable to the Records Board at the close of December 2007 may be applied by the Records Checks Delegation in January and February 2008, but only until rules of procedure have been adopted for the Commission on Security and Integrity Protection.

On behalf of the Government

BEATRICE ASK

Ari Soppela
(Ministry of Justice)