

553/2002 Coll.

ACT

of August 19th, 2002

on Disclosure of Documents Regarding the Activity of State Security Authorities in the Period 1939 - 1989 and on Founding the Nation's Memory Institute (Ústav pamäti národa) and on Amending Certain Acts

(Nation's Memory Act)

Amendment: 110/2003 Coll.

Amendment: 610/2004 Coll.

Amendment: 309/2005 Coll.

Amendment: 219/2006 Coll.

Amendment: 58/2009 Coll.

The National Council of the Slovak Republic, keeping in mind:

- the large number of victims, losses and damages, incurred by the Slovak Nation and the members of minorities living in Slovakia in the years of the Second World War and after its ending,
- patriotic traditions of the Slovak Nation in fighting occupants, fascism, and communism, the deeds of citizens acting in the interest of a free and democratic Slovakia and acting to protect freedom and human dignity,
- the duty to persecute crimes against peace, humanity and crimes of war, as well as
- the duty of our State to rectify the wrongdoings to all those who suffered damage on behalf of a State, which violated human rights and its own laws,
- the duty of our State to disclose the activity of repressive authorities, which was kept in secrecy in the period of oppression 1939 - 1989 and to establish responsibility for subduing our Mother Country, murdering, enslaving, committing robberies and degrading others, the moral and economic decline accompanied by judicial crimes and terror against those of different opinions, the destruction of traditional principles of property rights, misuse of upbringing, education, science and culture for political and ideological purposes

to express our persuasion that those who do not know their past, are condemned to repeat it, and that no unlawful act on behalf of the State against its citizens may be protected by secrecy or forgotten,

agreed on the present Act:

Article I

Section One

General Provisions

§ 1

Subject-Matter of the Act

The present Act shall regulate the following:

- a) establishment of the Nation's Memory Institute,
- b) recording, collecting, disclosing, publishing, managing and using documents of security authorities of the German Third Reich and of the Union of Soviet Socialist Republics, as well as security authorities of the State, which were created and collected in the period from April 18th, 1939 to December 31st, 1989 (hereinafter referred to as "crucial period") regarding crimes committed against persons of Slovak nationality or Slovak citizens of other nationalities, i.e.
 1. Nazi crimes,
 2. Communism crimes,
 3. other crimes, which include crimes against peace, crimes against humanity or war crimes,
 4. other repressive acts due to political reasons, committed by members of the Slovak and Czecho-Slovak authorities active in penal proceedings or persons acting on their behalf which were published in decisions of courts, against persons persecuted for acting in the interest of freedom, democracy and the existence of a free and democratic Slovakia,
 5. activity of security authorities as stated in § 2,
- c) manner of proceeding in revealing or prosecuting crimes according to letter b),
- d) protection of personal data of prosecuted persons (§ 5),
- e) activity in the area of public education.

§ 2

Explication of Terminology

For the purpose of the present Act, the following shall be intended:

- a) by a file – a separate documentation unit created and kept in records by security authorities and registered in record tools of the statistical-registry department of the Federal Ministry of the Interior, of the individual directorates of security authorities, in record-keeping or archiving tools of the archive of the Ministry of the Interior (hereafter referred to as "Ministry") or statistical-registry departments of the regional directorates of the National Security Corps or their predecessors; a file being a personal file or a file containing personal data,

b) by a personal file – a file kept in records regarding a particular physical person included in the relevant register of persons,

c) by a file containing personal data – a file kept about a particular institution or a group of persons (objects), which contains data stating about particular physical persons, i.e. mainly an object file,

d) by a record containing the results of the use of intelligence technology or of surveillance by State Security – a record about the performance of auxiliary intelligence services acting in order to secretly gain information about persons,

e) by a personal (cadre) file of a security authority member – a file kept by the service office about a security authority member, containing data regarding the beginning, course and ending of his or her service; an extract from this file is a personal record card of the member,

f) by a document – all types of files, sub-files, information outputs from files, records, personal (cadre) files and personal record cards, which are subject to be disclosed or made public according to the present Act,

g) by a security authority – State Security, Main Directorate of the Military Counterintelligence of the National Security Corps (Directorate III), Intelligence Directorate of the Main Directorate of the Border Patrol and State Border Protection, Department of Internal Protection of the Penitentiary Forces, Intelligence Service of the General Staff of the Czechoslovakian Army or predecessors of the above forces in the period from April 18th, 1939 to December 31st, 1989,

h) by State Security – components of the former State Security, such as authorities of the National Security Corps, 1) the Main Directorate of Intelligence of the National Security Corps (Directorate I), the Main Directorate of Counterintelligence of the National Security Corps (Directorate II), the Directorate of Surveillance of the National Security Corps (Directorate IV), the Directorate of Intelligence Technology of the National Security Corps (Directorate VI), the Directorate of Passports and Visa of the National Security Corps, territorial units performing activities of the above forces or predecessors of the above forces and units,

i) by a person kept in records as a collaborator of a security authority – a person, about whom at any given time during the period from February 25th, 1948 to December 31st, 1989 a file was kept in records by the State Security in the categories resident, agent, informer, keeper of a lent apartment or keeper of a conspiracy apartment,

j) by the period of oppression – the period of the years 1939 – 1989, during which citizens of the State did not have a possibility, common in democratic countries at that time, to decide freely about their State and about themselves, and during which time the activity of democratic institutions is limited or abolished and human rights are breached permanently and constantly.

§ 3

Nazi and Communism Crimes

(1) According to the present Act, Nazi and Communism crimes are acts committed by representatives of State authorities during the crucial period, which consisted in the use of violence, repressive actions or other forms of human rights breach against individuals or groups of citizens or in relation to their application, which were criminal acts at the time when they were committed, or acts not reconcilable with basic principles of the law order of a democratic country.

(2) For the purposes of the present Act, a representative of a State authority is a public officer as well as a person who was protected on the level of a public officer, especially a person who carried out a managing function in State authorities or Party bodies or organizations.

§ 4

Crimes against Humanity

For the purposes of the present Act, crimes against humanity are mainly crimes of genocide, war crimes, and crimes against humanity pursuant to the Convention on the Non-applicability of Statutory Limitations to War Crimes and Crimes against Humanity, as well as torture pursuant to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and also other serious persecution due to the belonging of the persecuted persons to a certain nationality, political, social, racial or religious group, if they were carried out by representatives of State authorities or inspired or tolerated by them.²⁾

§ 5

Persecuted Persons

(1) For the purposes of the present Act, a persecuted person is a person, about whom security authorities of the State collected information in a secret manner, or a person who was limited in his or her rights in any other manner due to political reasons by authorities of the State.

(2) In the case of death of a persecuted person, his or her rights resulting from the present Act are the competence of a person close to the deceased. This right shall not apply if there is evidence that it would be in contrast with the will of the persecuted person.

(3) A persecuted person is not a person who later on became a member, employee or collaborator of State security authorities.

§ 6

Subject to Disclosure and Being Made Public

(1) Subject to being disclosed and made public shall be preserved and reconstituted documents, which were created as a result of the activity of State Security and other security authorities in the period from April 18th, 1939 to December 31st, 1989, of which records are kept in files or archives (registers) from those times by the above mentioned forces and authorities, or by authorities superior thereof.

(2) Subject to being disclosed and made public shall not be documents, which are excluded from being disclosed due to exceptional reasons.

(3) An exceptional reason shall be a presumption that the disclosure or making public of a document might harm the interests of the Slovak Republic in international terms, its security interests or lead to a serious endangerment of a person's life.

(4) In order to exclude a document from being disclosed and made public, a proposal of the Slovak Information Service or of the Ministry of Defense of the Slovak Republic shall be necessary, which was

approved by an appointed committee of the National Council of the Slovak Republic (hereafter referred to as "appointed committee").

(5) In order to request an approval, the pertinent authority pursuant to paragraph 4 shall present a document to be decided on, and the exclusion proposal along with a statement of reasons thereof. The appointed committee shall take a stand to the proposal within 60 days from delivery thereof.

(6) The appointed committee shall further monitor and evaluate facts regarding the scope and the completeness of disclosure of documents. The appointed committee shall make public statements on the results of this monitoring and evaluation.

(7) The proceedings of the appointed committee shall not be public. Once a year the appointed committee shall present a report on its activity at a meeting of the National Council of the Slovak Republic. Unless otherwise stipulated by the present Act, the establishment and proceedings of the appointed committee shall be governed by the provisions of a special act regarding the Rules of Procedure of the National Council of the Slovak Republic pertinent to its bodies.

Section Two

Nation's Memory Institute

§ 7

Basic Provisions

(1) Nation's Memory Institute (hereinafter referred to as "Institute") shall be a public-law institution.

(2) The Institute shall be a legal entity.

(3) The seat of the Institute shall be in Bratislava.

§ 8

The Tasks of the Institute

(1) The tasks entrusted to the Institute by the State shall be mainly as follows:

a) to perform complete and unbiased evaluation of the period of oppression, mainly analyze the causes and manner of loss of freedom, symptoms of the Fascist and Communist Regimes and of their ideologies, participation of domestic and foreign persons in them,

b) to disclose to persecuted persons documents regarding their persecution,

c) to publish data on executors of the persecution and their activity,

d) to make motions for criminal prosecution of crimes and criminal offences under § 1; in cooperation with the Attorney General's Office of the Slovak Republic,

e) to provide necessary information to the public authorities,

f) to collect systematically, and professionally document all types of information, evidence and documents relating to the period of the oppression,

g) to cooperate with similar institutions in the Slovak Republic as well as abroad, especially with archives, museums, libraries, resistance memorials, memorials of concentration and labor camps, provide them with information, exploration possibilities and methodical aid, and promote their activity,

h) to provide the public with the results of its activity, in particular to publish and declassify information and other documents on the period of the oppression 1939 - 1989 and on the acts and destiny of individuals, publish and disseminate publications, organize exhibitions, seminars, professional conferences, discussion forums,

i) to promote the ideas of freedom and defense of democracy from the regimes similar to Nazism and Communism,

j) to decide on recognition of the status of an anti-communist resistance participant, 2a)

k) to decide on recognition of the status of an anti-communist resistance veteran, that of an anti-communist resistance veteran in memoriam, and issue a certificate of an anti-communist resistance veteran and that of an anti-communist resistance veteran in memoriam. 2aa)

(2) Within the scope of competence stipulated hereby the Institute shall be authorized to issue administrative decisions and impose penalties for offences.

(3) The documents about the activity of the State security authorities [§ 2 letter f) and g)] in the ownership of the Institute are irretrievable testimony of the historical period in which they arose and thus as an important tool for preservation of the nation's memory they form its cultural heritage.

§ 9

Organization of the Institute

(1) The details of the origination and activity of the organization units, their status and relations among them shall be regulated by the Statutes of the Institute.

(2) The Institute shall be allowed to form workplaces without legal personality to fulfill the tasks under the present Act.

§ 10

The Bodies of the Institute

(1) The bodies of the Institute shall be as follows:

a) Board of Directors,

b) Committee,

c) Supervisory Board.

(2) Members of the Institute's bodies shall meet the condition of integrity (§ 11).

(3) The membership in the Board of Directors or Supervisory Board shall cease to exist by a) expiry of the term of office of an Board of Directors or Supervisory Board member, b) a written waiver of the

membership, c) a withdrawal from the post of a member of the Board of Directors or Supervisory Board, d) death.

(4) The Chair of the Board of Directors shall be the statutory body of the Institute.

(5) Members of the Board of Directors and Supervisory Board shall be entitled to reimbursement of the expenses connected with the activity in these bodies under special regulations. 2a) The Chair of the Board of Directors and the Chair of the Supervisory Board shall be entitled for the execution of the office to a remuneration on a monthly basis in the amount of the triple of the average monthly nominal wage of an employee in the economy of the Slovak Republic, established by the Statistical Bureau of the Slovak Republic for the calendar year preceding the year in which the remuneration is to be paid out. In addition to the remuneration, the Chair of the Board of Directors and the Deputy Chair of the Board of Directors shall be entitled to a bonus, the amount of which shall be determined by the Board of Directors. Other members of the Board of Directors and Supervisory Board shall be entitled for the execution of the office to a remuneration on a monthly basis in the amount of the double of the average monthly nominal wage of an employee in the economy of the Slovak Republic, established by the Statistical Bureau of the Slovak Republic for the calendar year preceding the year in which the remuneration is to be paid out. The expenses connected with the execution of the office in the Board of Directors shall be settled from the Institute's budget.

(6) The execution of the office in the Board of Directors and Supervisory Board shall be considered as an obstruction in work for the reason of a general interest in which the employee shall be entitled to time off with the wage compensation under special regulations. 2b)

§ 11

Integrity

For the purposes of the present Act, irreproachable is considered a person who was not a member of the Communist Party of Czechoslovakia, of the Communist Party of Slovakia, of political parties associated in the National Front or an officer of organizations associated in the National Front, and who neither was a member or employee of the security authorities of the State [§ 2 letter g) and h)], nor a member of People's Militias nor a person kept in the records as a collaborator of a security force [§ 2 letter i)]. Other provisions under a special regulation shall not be affected thereby 3).

§ 12

Board of Directors

(1) The Board of Directors shall consist of nine members. The Chair and four members shall be elected by the National Council of the Slovak Republic on the proposal of the appointed committee; the Government of the Slovak Republic and the President of the Slovak Republic shall nominate two members each. The Board of Directors shall elect one Deputy Chair.

(2) The term of office of the members of the Board of Directors shall be six years. After the first election of the member of the Board of Directors the names of the half of four members appointed by the National Council of the Slovak Republic, two by the Government of the Slovak Republic and two by the President of the Slovak Republic shall be determined by lot, and their term of office shall terminate after three years. Upon the cessation of the membership of a member of the Board of Directors, a new member shall be elected by the body which elected the previous one, namely for the entire term of office. The first term of office of the Chair shall be six years.

3) A member of the Board of Directors shall be allowed to be withdrawn by the body which appointed him/her only on condition that he/she has been validly sentenced for a crime or fails to execute his/her office for the period of at least six months.

(4) The scope of competence of the Board of Directors shall include in particular the following a) to appoint and manage the Committee and supervise its activity, b) to approve the wage rules of the Institute, c) to elaborate the draft budget of the Institute and submit it to the Government for discussion, d) to approve the Statute of the Institute and amendments thereof, e) to approve the rules of procedure of the Board of Directors and the Committee, f) to discuss annual financial statements of the Institute and submit them to the Government for discussion, g) to discuss the annual report on the Institute activity for the previous year at the latest by April 30th, h) to reserve the right to decide on matters being, in other circumstances, in the scope of competence of the Committee under the present Act and the Statute.

(5) The Institute shall submit the annual report and upon discussion in the Government the draft budget and annual financial statements to the National Council of the Slovak Republic for approval.

(6) The Board of Directors shall have a quorum if the absolute majority of the members of the Board of Directors takes part in its session. The consent of the absolute majority of all members shall be required for a decision. The Chair shall decide in case of equality of votes.

(7) The Chair, and in his/her absence the Deputy Chair, shall sign the documents on behalf of the Board of Directors.

§ 13

Committee

(1) The Institute's activity, when fulfilling the tasks hereunder and under the instructions of the Board of Directors, shall be ensured by the Committee.

(2) Provision of § 12 par. 6 shall apply in a similar manner.

(3) The Committee shall consist of seven members.

(4) The office of the Committee Chair shall be executed by the Deputy Chair of the Board of Directors; Committee's other members shall be appointed by the Board of Directors for the period of six years. The Committee members may be withdrawn by the Board of Directors only for the reasons stated in § 12 par. 3.

(5) The Members of the Committee shall elect from among the midst of them no more than two Deputy Chairs.

(6) The Members of the Committee, except for the Committee Chair, shall be the employees of the Institute.

§ 14

Supervisory Board

(1) The Supervisory Board shall be the supreme control body of the Institute; it shall consist of three members. Two members shall be elected and withdrawn by the National Council of the Slovak Republic on the proposal of the appointed committee and one member shall be elected and withdrawn by the Justice Minister of the Slovak Republic. The Supervisory Board shall elect a Chair from among their members. The term of office of the Supervisory Board members shall be six years.

(2) The Supervisory Board shall control the activity and economy of the Institute, its Board of Directors and Committee, whether they are in accordance with the present Act, with other generally binding legal regulations and the Statute of the Institute. For this purpose the Members of the Supervisory Board shall be entitled to look into all documents related to the Institute activity. According to the nature of the matter the Supervisory Board shall advise the Board of Directors, the Government and the National Council of the Slovak Republic of the shortcomings established.

(3) The Board of Directors shall discuss the draft budget, the annual financial statements and the annual report at presence of the Supervisory Board before presentation thereof to the National Council of the Slovak Republic.

§ 15

The Assets of the Institute

(1) The State shall transfer from the ownership of the Slovak Republic to the Institute the real estates enabling to fulfill the tasks hereunder.

(2) The State shall be able to transfer or permanently lend to the Institute, without compensation, some visual and written documents and other materials related to the period of oppression 1939 - 1989 and to the tasks of the Institute.

(3) The State shall further be able to transfer to the ownership of the Institute also other assets provided that the quality, extent and availability of the generally useful services provided by the Institute is improved thereby.

§ 16

Economy and Financing of the Institute

(1) The Institute shall manage

a) assets of its own,

b) the State assets.

(2) The own assets shall represent money, securities, other movables and immovables as well as other proprietary rights and values which may be evaluated by money and which by their nature can serve to fulfill the Institute's tasks.

(3) Handling of the State assets, managed by the Institute, shall be regulated by a special regulation.⁴⁾

(4) For the purpose of fulfillment of the tasks hereunder the Institute shall be provided with subsidies and special-purpose subsidies from the state budget of the Slovak Republic. The Institute shall manage the mentioned subsidies according to special regulations.⁵⁾

(5) For the purpose of the income tax and donation tax, each donation to the Institute shall be considered a donation to the Slovak Republic.

Section Three

Disclosing and Making Public the Documents in the Scope of Competence of the Institute

§ 17

(1) Upon a request of a physical person of 18 or more years of age, the Institute shall:

a) notify the person whether there is a personal file or a file containing personal data regarding that person kept in records in the preserved information system of documents, which were created by the activity of the State Security, and whether this file is preserved and, moreover, whether a record is preserved containing the results of the use of intelligence technology or of monitoring of that person by the State Security and whether there is an information output from the files or actions preserved,

b) disclose to this person a copy of the preserved file stated under letter a), and if it contains the name or a fictitious name (code name) of a person kept in records as a collaborator or member of a security authority, then disclose also

1. a copy of the preserved personal file of the person kept in records as a collaborator of a security authority and

2. a copy of the preserved personal (cadre) file of this member of a security force,

c) disclose to this person the preserved record containing the results of the use of intelligence technology and of the monitoring of this person by the State Security, as well as the preserved information output from files, in which he or she is mentioned, including a copy of the preserved personal (cadre) file of the member of a security authority stated in this information output,

d) disclose preserved documents, which were created as a result of the activities of the Main Directorate of the Military Counterintelligence of the National Security Corps (Directorate III), and documents, which were created as a result of the activity of other security authorities, kept in records in record tools of this directorate or in archive and record tools of archives of the armed forces,

e) disclose preserved documents, which were created as a result of the activities of the Department of Internal Protection of the Penitentiary Forces; if it is a personal file of a person kept in records as a collaborator of the Department of Internal Protection, it shall be disclosed in the case that this person was used for the interests of State security authorities.

(2) If there is a dispute concerning authenticity of a document or a part thereof, upon a request of a legal entity the Institute shall disclose, for the needs of expert activities under a special regulation 5a), the original of the preserved personal file or the original of the preserved personal (cadre) file or of those parts, the authenticity of which is at issue.

(3) After the death of a person as defined in paragraph 1, the Institute shall have the duties as defined in paragraph 1, also based on a request submitted by a person eligible to apply the right to protect the dignity of the deceased. 6)

(4) If there is a court trial underway regarding the rehabilitation proceeding pursuant to special regulation, 7) persons eligible according to such regulation shall 7) be enabled access to the files created and kept by the State security authorities about persons, which are no longer alive and who suffered property losses or other wrongdoings, for the purpose of obtaining any evidence material regarding the facts as regulated by a special regulation.7)

§ 17a

The Institute shall provide the state bodies, for the purpose of fulfillment of the tasks under the special regulation 7a), with information or disclose the documents under § 6.

§ 18

The Institute further shall, upon a request by a physical person older than 18 years,

a) notify, whether a file containing personal data, required by him/her, has been kept in the preserved information systems of the files created by the activity of the State Security and other security authorities and whether it has been preserved,

b) notify, whether the person stated by him/her has been kept in records as a collaborator of the State Security and other security authorities and whether the personal file of such person has been preserved, provided that such person not being a foreigner,

c) disclose to him/her a copy of the preserved file mentioned in letter a) and the document kept in letter b), provided that such person not being a foreigner,

d) disclose to him/her a copy of the preserved personal (cadre) file or personal record card of a security authority member contained in the list published by the Institute under § 19.

§ 19

Publication of the Documents used for Registration and of Lists of Personal Files

(1) The Institute shall issue by print and by electronic media the rewritten form of records from preserved or reconstituted file protocols and other record tools of State security authorities from the years 1939 through 1989, stating mainly data regarding the date of creation of the file, its movement and archiving, type of file and its amendments, regarding persons, unless they are foreigners, or entities, for whom file records are kept. From the preserved protocols of files of the Main Directorate of Counterintelligence of the National Security Corps (Directorate I), the Institute shall issue an overview of object files kept up to December 31st, 1989 and an overview of active and influential measures. The Institute shall also issue by print and by electronic media the rewritten form of files protocol of the Department of Internal Protection of the Penitentiary Forces in the scope of object files and files of persons kept in records as collaborators of this Department, if they were used for the interests of State security authorities.

(2) The Institute shall issue on an ongoing basis by print and by electronic media a list of personal (cadre) files of members of security authorities, disclosed according to § 17 section 1 letter b) point 2, along with the statement of the date of entry of that member into a security authority, the service functions performed in the security authority by that member and the date when this work relation ended.

Section Four

Procedure of Disclosure of the Documents

§ 20

Application

(1) The documents shall be disclosed under § 17 and 18 on the basis of an application. The application shall be filed to the Institute in writing.

(2) The applicant shall state his/her name, surname, birth identification number or, if he/she has not a birth identification number, the date of birth and his/her address in the application. In the application he/she shall further state

a) his/her state citizenship, including previous ones, previous changes in his/her surname, birthplace, address of the permanent residence in the Slovak Republic, including the region names of previous permanent residences, provided that he/she has had or had them if he/she asks for disclosure of the documents under Art. 17 par. 1,

b) the name of the institution or the organized group of persons, whom the object file should be related

to, or surname and possibly the name and other identification traits of the person regarding whom he/she is asking about, whether he/she has not been kept in files as a collaborator of the State Security and other security authorities, provided that he/she applies for disclosure of the files under § 18 p b),

c) identification of the personal (cadre) file under which the person has been recorded in the list published by the Institute under § 19, provided that he/she applies for disclosure of such file under § 18 par. d),

d) name, surname and birth identification number of a deceased or if he/she has it not, then his/her date of birth and the data on the deceased stated in letter a), if the applicant is a person authorized to submit an application under § 17 par. 3.

(3) The applicant shall set with his/her officially certified signature to the application. The official certification of the signature shall not be needed if the applicant proves his/her identity upon a personal submission of the application.

§ 21

Attending to the Application

(1) The application not containing the requisites stipulated in § 20 par. 2 or 3, shall be rejected by the Institute without unreasonable delay, with stating the established shortcomings of the application; while the Institute shall do so always in a written form, with a personal delivery, with the exception for the cases when the applicant took his/her application back by a declaration into a protocol within an oral proceeding.

(2) The application for disclosure of a personal file, containing the requisites stipulated in § 20 par. 2 and 3 shall be attended to by the Institute within 90 days from the delivery date of the application by a written reply to the applicant using a personal delivery.

(3) The application for disclosure of documents that are not a personal file, provided that such application contains the requisites stipulated in § 20 par. 2 and 3, shall be attended to by the Institute without unreasonable delay after having ensured the technical resources.

(4) In the written reply the Institute shall notify the applicant about

a) the data stated in § 17 par. 1 letter a) and § 18 letter a),

b) the place of disclosure of the documents,

c) the information on the records of existence of the file, provided that the file has not been preserved, especially its type, period and which part of the security authority it was kept by,

d) the finding that the applicant is a person kept in the records as a collaborator of the State Security or another security authority.

§ 22

Method of Disclosure of the Documents

- (1) The applicant whom the Institute notified that the documents he/she had applied for are subject to being disclosed, shall have the right to access them (hereinafter referred to as "authorized applicant").
- (2) The documents shall be disclosed by making the authorized applicant acquainted with the copies of the documents in the place notified to him/her by the Institute in the written reply.
- (3) Access made pursuant to § 17, par. 2 shall be made by disclosure of the original of the preserved personal file or the original of the preserved personal (cadre) file or the parts thereof to the legal entity carrying out the expert activity 5a), this for the time inevitably necessary to carry out such activity.
- (4) The right to disclosure of documents stated in § 17 par. 1 shall also have, in addition to the authorized applicant, the physical person having presented the consent of the authorized applicant with his/her officially certified signature. The documents shall be disclosed to such person in the extent and way in which they are being disclosed to the authorized applicant. If the consent can be granted neither by the authorized applicant nor by the persons proving the right for protection of the deceased person, a designated committee of the National Council of the Slovak Republic may decide on disclosure of the documents.

§ 23

Personal Data Protection

- (1) Before the disclosure of the file to an authorized applicant, the Institute shall make illegible in the copy of the document the date of birth and residence of other persons and also all data on their private and family life, on their criminal activity, health and property condition. If the document being disclosed is a personal (cadre) file of a security authority member, all data on the persons out of the member's service and public activity shall be also made illegible.
- (2) If a physical person, to whom there is kept a personal file or a file containing personal data, hands over to the Institute a statement on the contents of the file or the fact of registration in the records in the information systems of the security authorities files, the Institute shall include such statement in the data regarding such person as an integral part of the document and to disclose it to the authorized applicants together with the documents or records on the registration.

§ 24

Application for notification of legitimate names

The authorized applicant may, when becoming acquainted with the documents being disclosed, ask the Institute for notification of the legitimate name of the person who is mentioned therein under a fictitious name (code name). If the person who is mentioned under a fictitious name (code name) in the document, is a person kept in the records as a collaborator of the security authority and identification of the names is possible, the Institute shall satisfy the authorized applicant without delay on the spot.

§ 25

Issue of a Copy of the Document

(1) The Institute shall issue to the authorized applicant, at his/her request submitted when becoming acquainted with the document being disclosed, one copy of the entire document or a selected part according to his/her choice. The Institute shall stamp each page of the issued copy. The authorized applicant shall confirm takeover of the issued copy by a signature.

(2) For the issue of a copy, the Institute shall collect a fee in the amount of SKK 2 for each, even an incomplete page. This fee shall be the income of the Institute.

§ 26

Information System of the Documents

(1) For the purpose of disclosure of the documents the Institute shall operate an information system of documents.

(2) The Institute shall keep in the information system the documents to be disclosed and published, data on the authorized applicants and if the authorized applicant is a person authorized under § 17 par. 3, then the data on a deceased person stated in § 17 par. 1.

(3) The Institute shall not be obliged to verify whether the data in a document and the data acquired into the information system of the documents from the preserved registration aids stated in paragraph 2 are accurate or truthful.

(4) A part of the information system of the documents shall be the registration of applications. In this register the Institute shall keep the applications under § 20 and copies of the replies under § 21 and the confirmations on takeover of the copies under § 25.

§ 27

Duties of Public Authorities, Legal Entities and Physical Persons and Sanctions

(1) The Ministry of Interior of the Slovak Republic, the Ministry of Defence of the Slovak Republic, the Ministry of Justice of the Slovak Republic and the Slovak Intelligence Service shall hand over to the Institute the documents on the activity of the security authorities in their ownership, possession or administration, within eight months from the effective date hereof. They shall also hand over to the Institute the copies of the certificates, issued to the citizens of the Slovak Republic during the effect of the Act No. 451/1991 Coll. stipulating some other prerequisites for execution of some offices in state authorities and organizations of the Czech and Slovak Federative Republic, the Czech Republic and the Slovak Republic.

(2) The public authorities and self-government authorities disposing of the evidence and other types of documents related to the activity of security authorities of the State hereunder, shall be obliged to cooperate free of charge with the Institute in preparation of visual, audio or other documentation.

(3) Another person, disposing of evidence and other types of documents under paragraph 2, shall be obliged to enable to the Institute to prepare a visual, audio or other documentation at the Institute's expenses.

(4) For the purpose stated in paragraphs 1 to 3 the Institute shall be considered the authority stated in a special regulation.9)

(5) A person who fails to comply with the duty under paragraph 3, may be imposed a fine up to SKK 100,000. When determining the amount of the fine, the relevancy, importance, period of duration and consequences of breaching the duty shall be taken into account. The fine may be imposed within one year from the day when the Institute established the breaching of the duty under paragraph 3, however, no longer than three years from the day when the duty was breached.

(6) The fine shall be payable within 30 days from the day when the decision on imposing the fine came into force. The fine shall be revenue of the state budget.

(7) As for other matters, the general regulations on offences shall apply to the procedure under paragraphs 3 and 5. 10)

§ 28

Joint Provisions

(1) The Government of the Slovak Republic shall ask the governments of the former member states of the Warsaw Pact and the Government of the Russian Federation, the Czech Republic and the Federal Republic of Germany to issue the documents under § 1 letter. a). The Government shall transfer such documents to the Institute's ownership.

(2) The administrative procedure 11) shall not apply to the procedure hereunder, with the exception for the procedure under § 27 hereunder.

§ 29

Transitory Provisions

(1) An application for disclosure of the documents within the force of the Institute hereunder, when concerning § 17 and 18 hereunder, may be submitted no earlier than after seven months from the effective date hereof.

(2) The Attorney General shall establish, within six months from the effective date hereof, a special group of attorneys at the Attorney General's Office of the Slovak Republic to fulfill the tasks hereunder. These attorneys shall meet the condition of integrity under § 11.

(3) The term of office of a Supervisory Board member who executes the office of the Supervisory Board member as of December 1st, 2004, shall terminate by the expiry of six years from his/her election or appointment.

Article II

The Act of the National Council No. 149/1975 Coll. on Archiving, in the wording of the Act of the Slovak National Council No. 571/1991 Coll., of the Act of the National Council of the Slovak Republic No. 222/1996 Coll. and of the Act No. 312/2001 Coll. shall be supplemented as follows:

In § 11 the paragraph 3 shall be supplemented by letter d) with the following wording:

"d) if these are file materials and archival documents of the Communist Party of Czechoslovakia and other organizations based on its ideology, activity of which was focused on repressing human rights and democratic system, 1) unless otherwise stipulated by a special act.1a)".

Remarks under line to the references 1 and 1a shall read as follows:

"1) § 1 of the Act of the National Council of the Slovak Republic No. 125/1996 Coll. on Immorality and Illegality of the Communist System.

1a) The Act No. 553/2002 Coll. on Disclosure of the Documents on the Activity of the Security Authorities of the State between 1939 and 1989 and on Establishment of the Nation's Memory Institute and on Supplement to Some Acts (Nation's Memory Act).".

The existing reference 1 shall be marked as reference 1b.

Article III

The Act of the Slovak National Council No. 320/1992 Coll. on Administrative Fees in the wording of the Act of the National Council of the Slovak Republic No. 181/1993 Coll. and of the Act of the National Council of the Slovak Republic No. 58/1995 Coll. shall be supplemented as follows:

The item 2 at the end of the text "Exemption" in the tariff of administrative fees shall be supplemented by the following sentence:

"If these are copies of the documents disclosed, issued under § 25 par. 1 of the Act No. 553/2002 Coll. on Disclosure of the Documents on the Activity of the Security Authorities of the State between 1939 and 1989 and on Establishment of the Nation's Memory Institute and on Supplement to Some Acts (Nation's Memory Act), the fee shall be reduced by 90 %."

Article IV

Act No. 140/1961 Coll. – the Penal Act in the wording of the Act No. 120/1962 Coll., the Act No. 53/1963 Coll., the Act No. 184/1964 Coll., the Act No. 56/1965 Coll., the Act No. 81 /1966 Coll., the Act No. 148/1969 Coll., the Act No. 45/1973 Coll., the Act No. 43/1980 Coll., legislative provision of the Presidium of the Federal Assembly of the Czechoslovak Socialist Republic No. 10/1989 Coll., the Act No. 159/1989 Coll., the Act No. 47/1990 Coll., the Act No. 84/1990 Coll., the Act No. 175/1990 Coll., the Act No. 457/1990 Coll., the Act No. 545/1990 Coll., the Act No. 490/1991 Coll., the Act No. 557/1991 Coll., the Act No. 60/1992 Coll., Ruling of the Constitutional Court of the Czech and Slovak Federative Republic of September 4th, 1992 published in the part 93/1992 Coll., the Act of the National

Council of the Slovak Republic No. 177/1993 Coll., the Act of the National Council of the Slovak Republic No. 248/1994 Coll., the Act of the National Council of the Slovak Republic No. 102/1995 Coll., the Act of the National Council of the Slovak Republic No. 233/1995 Coll., the Act of the National Council of the Slovak Republic No. 100/1996 Coll., the Act No. 13/1998 Coll., the Act No. 129/1998 Coll., the Act No. 10/1999 Coll., the Act No. 183/1999 Coll., the Act No. 399/2000 Coll., the Act No. 253/2001 Coll., the Act No. 485/2001 Coll., the Act No. 237/2002 Coll. and the Act No. 421/2002 Coll. shall be supplemented as follows:

§ 67a shall be supplemented by the letter d) with the following wording:

"d) other criminal actions committed in the period from 1939 up to December 29th, 1989, for which an exceptional penalty may apply, if due to political reasons unreconcilable with the principles of the law order of a democratic state there has been no lawful conviction and nor charges were dropped, if the

criminal actions were committed by public officers or if they were committed in relation to persecution of an individual or groups of persons due to political, racial, or religious reasons."

Article V

§ 31

Effect

The present Act shall come into effect on the declaration date, with the exception for Art. I of the provision of § 19, which shall come into effect on the date of expiry of one year from the declaration date hereof.

Act No. 110/2003 Coll. shall come into effect on March 28th, 2003.

Act No. 610/2004 Coll. shall come into effect on December 1st, 2004.

Act No. 309/2005 Coll. shall come into effect on August 1st, 2005.

Act No. 219/2006 Coll. shall come into effect on June 1st, 2006.

Act No. 58/2009 Coll. shall come into effect on April 1st, 2009.

Jozef Migaš, in his own hand
Mikuláš Dzurinda, in his own hand

/1/ § 9 of Act No. 40/1974 Coll. on National Security Corps

/2/ Edict of the Minister of Foreign Affairs No. 32/1955 Coll. on the Convention on Prevention and Punishment of the Crime of Genocide. Edict of the Minister of Foreign Affairs No. 53/1974 Coll. on the Convention on the Non-applicability of Statutory Limitations to War Crimes and Crimes Against Humanity. Provisions of Chapter Ten of the Penal Act. Edict of the Minister of Foreign Affairs No. 143/1988 Coll. on the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

/2a/ § 11 of Act No. 219/2006 Coll. on the Anti-communist Resistance.

/2aa/ § 10 par. 2 and § 11b par. 3 of Act No. 219/2006 Coll. on the Anti-communist Resistance as amended by Act No. 58/2009 Coll.

/2b/ For example § 136 of the Labor Code.

/3/ § 20 of Act No. 213/1997 Coll. on Non-profit Organizations Providing Generally Useful Services.

/4/ Act of the National Council of the Slovak Republic No. 278/1993 Coll. on Administration of the State Property, as amended.

/5/ Act of the National Council of the Slovak Republic No. 303/1995 Coll. on Budgetary Rules, as amended.

/5a/ Act No. 382/2004 Coll. on Experts, Interpreters and Translators and on Amending Certain Acts.

/6/ § 15 of the Civil Code

/7/ Act No. 87/1991 Coll. on Out-of-court Rehabilitations, as amended.

/7a/ § 20 of Act No. 241/2001 Coll. on Protection of Official Secrets and on Amendment and Supplement to Some Acts.

/9/ § 11 par. 3 letter b) of Act of the Slovak National Council No. 149/1975 Coll. on Archiving, as amended.

/10/ Act of the Slovak National Council No. 372/1990 Coll. on Offences, as amended.

/11/ Act No. 71/1967 Coll. on Administrative Procedure (Code of Administrative Procedure).