

ON INTERNATIONAL COOPERATION IN LAW ENFORCEMENT

Chapter I - General Provisions

Article 1 - Purpose of the Law

1. The purpose of this Law is to ensure effective cooperation between law enforcement authorities of Georgia and foreign countries, or between law enforcement authorities of Georgia and relevant international organisation bodies in preventing, detecting and suppressing crimes; to define rules and procedures for international cooperation in law enforcement based on bilateral or multilateral international agreements of Georgia; and to create stable legal grounds for such cooperation in the absence of such agreements.
2. International cooperation in law enforcement shall be carried out on the basis of protecting and respecting human rights and freedoms.

Article 2 - Scope of the Law

1. This Law regulates the issues of international cooperation in law enforcement that are related to the exchange of operative investigative information and personal data, implementation of operative investigative measures and other areas within the power of law enforcement authorities of Georgia, in which law enforcement authorities of Georgia cooperate with foreign law enforcement authorities or with relevant international organisation bodies.
2. International cooperation in law enforcement shall be carried out for preventing, detecting, or suppressing crimes punishable by a minimum of one year of imprisonment according to the Criminal Code of Georgia, unless otherwise provided in international agreements of Georgia.
3. International cooperation in law enforcement shall be carried out only if the action, for which the assistance is requested, is punishable under both the criminal legislation of Georgia and the legislation of the foreign countries, regardless of whether it falls in the same or different categories of crime in the legislation of Georgia and the legislations of the foreign countries, or whether it is or is not considered under the same category in such legislation.
4. This Law shall not regulate:
 - a) International cooperation in law enforcement carried out within the framework of International Criminal Police Organisation (Interpol)
 - b) the relationships regulated by the Law of Georgia on International Cooperation in Law Enforcement
 - c) the relationships regulated by the Law of Georgia on the Cooperation of Georgia with the International Criminal Court.
5. When carrying out measures in law enforcement within the framework of international collaboration that require necessary consent or permission from the Prosecutor's Office of Georgia or the Common Courts of Georgia, such collaboration shall be carried out after obtaining necessary consents or permissions, as determined by the legislation of Georgia.
6. In the case provided for by the fifth paragraph of this article, cooperation results may not be presented as evidence to respective foreign law enforcement authorities unless a request for legal assistance concerning this issue is prepared.

Article 3 - Definition of terms

The terms used in this Law have the following meanings:

- a) *ad hoc* decision - decisions made in writing by chiefs or deputy chiefs of the law enforcement authorities of Georgia related to each specific case of international cooperation in law enforcement that serve as the basis for the international cooperation in law enforcement;
- b) decision on cooperation based on the principle of reciprocity - decisions of Chiefs or Deputy Chiefs of law enforcement authorities of Georgia on international cooperation with foreign law enforcement authorities of countries or relevant international organisation bodies in law enforcement based on reciprocity, which serve as the basis for international cooperation in law enforcement;
- c) individual agreement - written agreements concluded with foreign law enforcement authorities or relevant international organisation bodies for each specific case, which regulate details of certain types of international cooperation in law enforcement;
- d) spontaneous cooperation - a form of international cooperation in law enforcement, initiated by the respective law enforcement authority of Georgia without a request from foreign law enforcement authorities or relevant international organisation bodies;
- e) liaison officer - a person sent to relevant international organisation bodies by the Ministry of Internal Affairs of Georgia or the State Security Service of Georgia in agreement with the Ministry of Foreign Affairs of Georgia, or persons sent to the Ministry of Internal Affairs of Georgia or the State Security Service of Georgia by relevant international organisation bodies;
- f) police attaché - persons sent by the Ministry of Internal Affairs of Georgia in agreement with the Ministry of Foreign Affairs of Georgia to diplomatic missions of Georgia accredited in foreign countries, or persons sent by foreign law enforcement authorities to their diplomatic missions accredited in Georgia;



f¹) security attaché – persons sent by the State Security Service of Georgia in agreement with the Ministry of Foreign Affairs of Georgia to diplomatic missions of Georgia accredited in foreign countries;

g) the Forum of Liaison Officers and/or Police/Security Attachés – organisational meetings that are held regularly or as necessary with liaison officers and/or police/security attachés in Georgia or in foreign countries to discuss crime related issues;

h) *modus operandi* - a method of action or activity and criminal habit of organised crime groups or criminals that are characteristic to organised crime groups or criminals;

i) persons subject to search - persons accused of committing a crime, convicted and missing persons, including persons who are sought by law enforcement authorities of Georgia or foreign countries and whose whereabouts are to be determined by the request of law enforcement authorities of Georgia or foreign countries or relevant international organisation bodies;

j) operating officer - officers of law enforcement authorities of Georgia or foreign countries, who under the Georgian or foreign legislation are authorised to act in a secret way in order to gather operative investigative information or to take other measures provided for in this Law;

k) participants in criminal processes - witnesses, victims, accused persons, experts, or other participants in criminal processes under the Georgian or foreign legislation, who agree to participate in the special programme for protection of participants in criminal processes according to the Georgian or foreign legislation, and for whom specific measures of protection are used;

l) another person - next of kin of participants in criminal processes, the persons related to him/her or other persons provided for by the Georgian or foreign legislation, who agree to participate in the special programme for protecting participants in criminal processes under the Georgian or foreign legislation, and for whom specific measures of protection are used;

m) law enforcement authority of Georgia - the Ministry of Internal Affairs of Georgia, the Ministry of Finance of Georgia, the Ministry of Justice of Georgia, the State Security Service of Georgia, the Georgian Intelligence Service, the Special State Protection Service of Georgia;

n) Chief of law enforcement authority of Georgia - the Minister of Internal Affairs of Georgia, the Minister of Finance of Georgia, the Minister of Justice of Georgia, the Head of the State Security Service of Georgia, the Chief of the Georgian Intelligence Service, the Chief of the Special State Protection Service of Georgia.

Law of Georgia No 3945 of 8 July 2015 - website, 15.7.2015

Article 4 - Legal grounds for international cooperation in law enforcement

1. International cooperation in law enforcement shall be carried out based on bilateral and multilateral international agreements or other relevant international legal acts, and in the case of their absence - based on *ad hoc* decisions taken for each specific case or on decisions for cooperation on the basis of the principle of reciprocity according to procedures determined by this Law and other legislative acts and subordinate normative acts of Georgia.

2. Chiefs or deputy chiefs of law enforcement authorities of Georgia shall make *ad hoc* decisions and decisions on cooperation based on the principle of reciprocity within 15 days after receipt of the request for international cooperation in law enforcement.

Article 5 – Channels and tools of communication

1. International cooperation in law enforcement shall be carried out through the channels and tools of communication determined under appropriate international agreements of Georgia.

2. International cooperation in law enforcement shall be also carried out through direct channels and tools of communication existing within international regional organisations or through the links of liaison officers and police/security attachés.

3. If channels and tools of communication are not determined by international agreements of Georgia, or if Georgia has not concluded an international agreement with the respective foreign country, international cooperation in law enforcement shall be carried out through diplomatic channels or, if applicable, through direct communication between law enforcement authorities, unless otherwise provided for by the legislation of the respective foreign country.

4. Within the international cooperation in law enforcement, information containing state secrets shall be transferred according to Article 30 of the Law of Georgia on State Secrets. This kind of information shall be transferred through the means determined in international agreements of Georgia, diplomatic channels, cryptographic systems and codes being at the disposal of law enforcement authorities, or through other means determined by the agreement of parties to the relevant international agreement of Georgia.

5. International cooperation in combating cybercrime shall also be carried out through the communication tools within the 24/7 contact channel determined by Georgia according to Article 35 of the Convention on Cybercrime of the Council of Europe of 23 November 2001.

Law of Georgia No 3100 of 19 February 2015 - website, 12.3.2015

Article 6 - Financial support

1. Georgia may undertake the covering of all expenses related to the implementation of international cooperation in law enforcement in the territory of Georgia unless otherwise determined by international agreements of Georgia, an *ad hoc* decision, a decision for cooperation based on the principle of reciprocity or by individual agreement.



2. As an exception, Georgia may cover expenses related to international cooperation in law enforcement in the territory of foreign countries if the respective foreign country refuses to cover such expenses and if such cooperation is in the interest of Georgia.

Chapter II - Forms of Cooperation

Article 7 - Cooperation upon request

1. International cooperation in law enforcement shall be carried out on the basis of a written request.

2. The request and its response shall be sent and received in writing through communication channels and tools determined by this Law. The request shall be responded to within a reasonable period of time unless a specific timeframe is determined in an international agreement of Georgia or in the request.

3. In cases of emergency, the cooperation provided in Articles 10 and 11 of this Law may be carried out verbally as well. A verbal request for the cooperation shall be confirmed in writing before a response on implementation of measures indicated in the request is sent to the requesting law enforcement authority. In the cases of extreme emergency, the request may be responded to verbally and further confirmed in writing within a reasonable period of time. The response shall be sent within the time specified in an international agreement of Georgia. If the time is not specified, it shall be sent within a reasonable period of time.

4. Unless otherwise provided in an international agreement of Georgia, a request for cooperation shall include:

- a) name of the requesting law enforcement authority
- b) name of the law enforcement authority receiving the request
- c) subject of request
- d) purpose of request
- e) a list of desired measures and objectives to be achieved
- f) a desired period of time for fulfilment of the request, if needed
- g) any other information that will enhance the fulfilment of the request.

5. If fulfilment of a request for cooperation is beyond the power of the law enforcement authority receiving the request, it shall immediately send the request to the respective law enforcement authority of its country for fulfilment and inform the requesting law enforcement authority of the results of fulfilment of the request or ask the respective law enforcement authority of its own country to do so.

6. The procedure for preparing and sending a request for cooperation shall be determined by an order of the chief of the respective law enforcement authority of Georgia.

Article 8 - Spontaneous cooperation

1. International cooperation in law enforcement may also be carried out spontaneously without a request for cooperation if the law enforcement authorities of Georgia or foreign countries, or relevant international organisation bodies consider that the information held by them may be useful for Georgian or foreign law enforcement authorities, or for relevant international organisation bodies for preventing, detecting or suppressing crime.

2. The law enforcement authorities of Georgia, to the extent of their capabilities, shall find direct links with law enforcement authorities of foreign countries or relevant international organisation bodies, and also effectively use existing links and forums of liaison officers and/or police/security attaches in order to enhance spontaneous cooperation.

Article 9 - Cooperation within forums of liaison officers and/or police/security attachés

1. The appropriate law enforcement authorities of Georgia shall effectively cooperate within forums of liaison officers and/or police/security attachés operating in Georgia in order to enhance the cooperation provided for by this Law. For this purpose, respective law enforcement authorities of Georgia shall determine the formation of specific bodies or designation of persons responsible for cooperation.

2. The appropriate law enforcement authorities shall also effectively use the forums of liaison officers and/or police/security attachés in foreign countries and develop and/or consolidate existing cooperation if necessary.

Chapter III - Types of Cooperation

Article 10 - Requesting, delivering and exchanging information



To prevent, detect and suppress crime, the appropriate law enforcement authorities of Georgia shall cooperate with foreign law enforcement authorities or relevant international organisation bodies for requesting, delivering, and exchanging the following information and data:

- a) information and data that shall assist prevention, detection and suppression of crime
- b) information and personal data related to persons subject to search or persons participating in committing a crime or persons who are presumed to have participated in committing a crime
- c) information and data related to criminal links, structures of organised crime groups, typical methods used by certain criminals and criminal groups, the time, place and *modus operandi* of committing crimes
- d) information and data related to the purchase or registration of fire arms by citizens of Georgia in foreign countries or the purchase or registration of fire arms by foreign citizens in Georgia
- e) identification data of vehicles, ships, aircrafts, immovable property, and personal data of their owners or holders
- f) operative-investigative information
- g) information on revenues and properties obtained through crime, also, on equipment and other means used or to be used in committing a crime
- h) information on a commercial legal person, its owners and persons employed therein, that shall be requested, delivered, and exchanged as determined by the legislation of Georgia, if the mentioned persons are those determined in sub-paragraph 'b' of this article
- i) information on inconsistency between revenues and expenditures of natural or legal persons that shall be requested, delivered, and exchanged as determined by the legislation of Georgia, if the mentioned persons are those determined in sub-paragraph 'b' of this article
- j) information on the corresponding legislation of Georgia
- k) other information and data provided for by bilateral or multilateral international agreements of Georgia, or the corresponding legislation of Georgia.

Article 11 - Search for persons and items in order to determine their whereabouts

1. The appropriate law enforcement authorities of Georgia, in agreement with the Ministry of Internal Affairs of Georgia, based on a received request, shall carry out all necessary measures provided for by the legislation of Georgia to identify the location of persons and/or items including vehicles, ships, and aircraft subject to search.
2. The appropriate foreign law enforcement authorities shall carry out procedures provided for by the legislation of their countries, based on a request sent by the law enforcement authorities of Georgia to determine the whereabouts of persons and/or items including vehicles, ships, and aircrafts subject to search.

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Article 12 - Controlled delivery

1. Based on a request received, in order to prevent and to clear crimes and/or to identify persons having committed a crime, the appropriate law enforcement authorities of Georgia shall carry out controlled delivery of such material evidence or items to Georgia, from Georgia abroad and from abroad to Georgia, or through Georgia, the free sale of which is prohibited and restricted by law.
2. In addition to the data provided for by Article 7(4) of this Law, the request of controlled delivery shall include information on:
 - a) composition of cargo, possible route, length of transportation, transportation type, and identification data of vehicles
 - b) type of escort
 - c) technical tools to be used
 - d) the number of persons participating in escorting and participation of operating officers from the requesting law enforcement authority, if necessary
 - e) type of contact with participants in the controlled delivery
 - f) terms of forwarding and receiving cargo
 - g) measures to be taken when encountering delays and unpredictable circumstances.
3. The appropriate law enforcement authorities shall make decisions for each specific case of controlled delivery in agreement with the Ministry of Internal Affairs of Georgia and the State Security Service of Georgia. The decision for controlled deliveries from Georgia abroad, from abroad to Georgia, or through Georgia shall also be agreed with the Ministry of Finance of Georgia.
4. The controlled delivery shall be carried out so that it may be terminated at any time.
5. The methods and details of controlled deliveries shall be determined by individual agreements concluded for this purpose with relevant law enforcement authorities of foreign countries, according to the Georgian or foreign legislation.



6. The appropriate law enforcement authorities shall monitor and manage controlled deliveries in the territory of Georgia.

7. The decision on the participation of representatives and operating officers of appropriate foreign law enforcement authorities in controlled deliveries in the territory of Georgia shall be made by the appropriate law enforcement authorities which, upon request of law enforcement authorities of the respective foreign countries, shall implement protection measures for the operating officers.

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Article 13 – Formation of joint groups for detecting crimes

1. If a crime is committed beyond the borders of a country and it is difficult for a law enforcement authority of a country to detect it, or if the measures for detecting one and the same crime are being implemented in more than one country and they require coordinated work of law enforcement authorities of these countries, the appropriate law enforcement authority of Georgia may, based on individual agreement concluded with the foreign law enforcement authorities according to this Law and upon request of the foreign law enforcement authority, form a joint group for detecting crimes that shall operate in the territory of one of the countries.

2. Terms of operation, members of joint groups, and expenses related to the joint groups for detecting crimes, rights and duties of the persons participating in the operations of these groups, their criminal, administrative and/or civil liabilities, as well as other details related to the joint groups for detecting crimes shall be determined by individual agreements, in compliance with the appropriate foreign legislation.

3. The appropriate law enforcement authority of Georgia, with prior consent of the Ministry of Internal Affairs of Georgia and the State Security Service of Georgia, shall make decisions regarding every specific case related to the formation of joint groups for detecting crimes in the territory of Georgia.

4. If a joint group for detecting crimes is formed and is operated in the territory of Georgia, the appropriate law enforcement authority of Georgia shall appoint a chief of the group.

5. Persons sent by foreign law enforcement authorities to the joint groups formed and operated in the territory of Georgia for detecting crimes may not act independently. They shall follow the requirements of the relevant legislation of Georgia. Also, the mentioned persons shall act or abstain from acting according to the instructions of the chief of the joint group for detecting crimes.

6. Persons sent by foreign law enforcement authorities to the joint groups formed and operated in the territory of Georgia for detecting crimes may become familiar with the information containing state secrets obtained by the group under an international agreement or the relevant legislation of Georgia, if they have an appropriate access to the secret information and need to become familiar with the information to fulfil their duties provided for by the individual agreement.

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Article 14 - Stationing of operating officers

1. When necessary, and upon a received request, the appropriate law enforcement authorities of Georgia, according to individual agreements concluded with the foreign law enforcement authorities or relevant international organisation bodies, may allow the foreign law enforcement authorities or the relevant international organisation bodies to have their operating officers stationed in the territory of Georgia. The relevant law enforcement authorities of Georgia, based on individual agreements with the foreign law enforcement authorities or relevant international organisation bodies, may have their operating officers stationed in the territory of a foreign country as well.

2. The terms of stationing operating officers in the territory of the country, costs, the rights and duties of the operating officers, their criminal, administrative and/or civil liabilities, as well as other details related to the stationing of operating officers shall be determined by individual agreements according to the legislation of Georgia and the legislation of the respective foreign country.

3. The appropriate law enforcement authorities of Georgia, with prior consent of the Ministry of Internal Affairs of Georgia and the State Security Service of Georgia, shall make decisions for every specific case of stationing operating officers of foreign law enforcement authorities in the territory of Georgia.

4. The operating officers of foreign law enforcement authorities shall be stationed in the territory of Georgia only in certain cases and for a definite period of time.

5. The operating officers of foreign law enforcement authorities of foreign countries stationed in the territory of Georgia may not act independently. They shall follow the requirements of the relevant legislation of Georgia.

6. The operating officers of foreign law enforcement authorities stationed in the territory of Georgia may become familiar with information containing state secrets under international agreements of Georgia or the relevant legislation of Georgia if they have appropriate access to the secret information and if they need to become familiar with the information in order to fulfil their duties provided for by the individual agreement.

7. The activities of operating officers of foreign law enforcement authorities stationed in the territory of Georgia shall immediately be terminated upon a substantiated request of the appropriate law enforcement authorities of Georgia.

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Article 15 – Cross-border visual surveillance

1. The foreign law enforcement authorities or relevant international organisation bodies, based on a prior request, may carry out visual surveillance in



the territory of Georgia of a person presumed to have participated in committing a crime, or of a person who might assist in determining the identity and location of the above person, based on a permit issued by appropriate law enforcement authorities of Georgia in agreement with the Ministry of Internal Affairs of Georgia and the State Security Service of Georgia. The appropriate law enforcement authorities of Georgia may establish certain terms as a precondition for issuing such permits.

2. Upon request of the foreign law enforcement authorities or relevant international organisation bodies, the appropriate law enforcement authorities of Georgia may independently carry out the visual surveillance provided for by the first paragraph of this article.

3. The appropriate law enforcement authorities of Georgia may carry out visual surveillance in the territory of foreign countries according to bilateral or multilateral international agreements of Georgia, or the legislation of the respective foreign countries.

4. The methods and details of visual surveillance shall be determined by individual agreements concluded for this purpose with the relevant law enforcement authorities of respective countries, according to the legislation of Georgia and the legislation of the respective foreign countries.

5. The representatives of foreign law enforcement authorities shall immediately terminate the visual surveillance provided for by the first paragraph of this article upon a substantiated request of the appropriate law enforcement authorities of Georgia.

6. The visual surveillance provided in the first paragraph of this article shall be carried out under the following conditions:

a) persons carrying out visual surveillance shall follow the requirements of the legislation of Georgia and shall fulfil instructions of the appropriate law enforcement authorities of Georgia;

b) persons carrying out visual surveillance shall hold an appropriate document certifying the power to carry out visual surveillance issued by the law enforcement authorities of Georgia;

c) persons carrying out visual surveillance shall not be permitted to carry out visual surveillance on places of private property or ownership;

d) persons carrying out visual surveillance shall not have the right to stop, question, or detain the persons subject to the surveillance.

e) persons carrying out visual surveillance shall periodically submit reports on implementation of the surveillance and its results to the appropriate law enforcement authorities of Georgia.

7. The provisions of this article shall be applied unless otherwise provided in international agreements of Georgia.

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Article 16 - Protection of participants in criminal processes and other persons

1. The appropriate law enforcement authorities of Georgia may upon request cooperate with the foreign law enforcement authorities in transferring participants of criminal processes and other persons to foreign countries from Georgia, or from foreign countries to Georgia, according to the legislation of Georgia and the legislation of foreign countries.

2. The Ministry of Internal Affairs of Georgia shall ensure specific measures under the legislation of Georgia for protection of participants in criminal processes and other persons transferred from foreign countries to Georgia.

3. The Ministry of Internal Affairs of Georgia shall inform the foreign law enforcement authorities requesting specific measures of protection of the types of measures being applied for the participants in criminal processes and other persons transferred to Georgia.

4. The Ministry of Internal Affairs of Georgia shall conclude individual agreements with foreign law enforcement authorities for each specific case of transferring participants in criminal processes and other persons to/from the country, which shall determine cooperation details related to their transfer to/from the country.

5. The appropriate law enforcement authorities of Georgia shall make a decision for each specific case of transferring participants in criminal processes and other persons from foreign countries to Georgia.

6. The cooperation provided for in this article shall not prevent criminal proceedings being held in the territory of Georgia or of foreign countries.

7. When there are grounds for terminating protection of participants in criminal processes and other persons transferred from foreign countries to Georgia, the foreign law enforcement authorities shall immediately be informed. In such cases, the possibility of returning participants in criminal processes and other persons transferred from foreign countries to Georgia shall be discussed.

8. Participants in criminal processes and other persons transferred from foreign countries to Georgia shall follow the legislation of Georgia. If they violate the legislation of Georgia or the rules of behaviour specially defined for them, the appropriate foreign law enforcement authorities shall immediately be informed. Violation of the legislation of Georgia or the rules of behaviour by participants in criminal processes and other persons transferred from foreign countries to Georgia may be grounds for returning them.

9. Expenses related to the cooperation provided in this article shall be covered by the country from which participants in criminal processes and other persons have been transferred, unless otherwise determined in an international agreement of Georgia or in individual agreements.

Article 17 - Secret gathering of operative investigative information

1. The appropriate law enforcement authorities of Georgia may upon request gather operative investigative information secretly during the detection of a crime under procedures determined by the legislation of Georgia and deliver it to the foreign law enforcement authorities.



2. In addition to the data provided for in Article 7(4) of this Law, the request for secret gathering of operative investigative information shall include:

- a) desirable measure or method
- b) duration of operative investigative measures
- c) scope of data to be recorded and transferred
- d) type of data transfer.

3. The appropriate law enforcement authorities of Georgia shall make decisions on each specific case related to the secret gathering of operative investigative information.

Article 18 - Other types of cooperation

When required, the appropriate law enforcement authorities of Georgia, upon request, may cooperate with foreign law enforcement authorities in the following areas:

- a) exchange and training of relevant experts;
 - b) organising and conducting joint conferences, workshops, business meetings, and trainings;
 - c) sharing experiences and best practices;
 - d) assisting in the training of qualified staff and in raising their level of professionalism;
- sharing results of scientific research;
- f) supporting with appropriate equipment, technical means, and devices;
 - g) sharing experiences about methods and means applied in the criminal sphere.

Chapter IV - Protection of Information Containing State Secrets

Transfer and Protection of Personal Data

Article 19 - Protection of information containing state secrets

The information containing state secrets transferred under the cooperation provided for by this Law shall be protected under bilateral international agreements and the legislation of Georgia.

Article 20 - Transfer and protection of personal data

1. Personal data shall be transferred and protected under the cooperation provided for by this Law under bilateral international agreements of Georgia, the legislation of Georgia, the Law of Georgia on the Protection of Personal Data and the following minimum requirements:

- a) transferred personal data shall not be used for other purposes, except for the purposes for which they have been transferred, without the prior consent of the law enforcement authority having transferred such data;
- b) the law enforcement authority receiving the personal data shall not transfer them to a third party without the prior consent of the law enforcement authority having transferred such data;
- c) the law enforcement authority receiving personal data shall, upon request, inform the law enforcement authority having transferred such data about the results of using personal data;
- d) the law enforcement authority transferring personal data shall ensure that personal data are accurate and updated. If the transferred personal data are found to be inaccurate, the transferring law enforcement authority shall inform the receiving law enforcement authority.
- e) if the transferred personal data are found to be inaccurate or outdated, or if their transfer was not permitted, the receiving law enforcement authority shall correct and update or destroy such personal data and immediately inform the transferring law enforcement authority.
- f) the receiving law enforcement authority shall destroy personal data after there are no legal grounds for using the personal data;
- g) the receiving law enforcement authority shall duly protect the received personal data from unpermitted access from making changes in them and from their distribution;
- h) the receiving and transferring law enforcement authorities shall record the transferred and received personal data;



i) the receiving law enforcement authority shall periodically review the personal data transferred by the transferring law enforcement authority within the time established for deleting personal data.

2. The appropriate law enforcement authorities of Georgia may refuse to transfer personal data if the foreign legislation does not provide for protection of personal data as it is determined under the legislation of Georgia and/or if the foreign country, which is not a member of the Convention of the Council of Europe of 28 January 1981 on the Protection of Individuals with regard to Automatic Processing of Personal Data and its Explanatory Report of 8 November 2001, does not agree to protect the personal data as required by the appropriate law enforcement authorities of Georgia.

Chapter V - Grounds for Refusing Cooperation

Article 21 - Grounds for refusing cooperation

1. Unless otherwise provided for by bilateral or multilateral agreements of Georgia, the appropriate law enforcement authorities of Georgia may fully or partially refuse to carry out international cooperation in the law enforcement, if:

- a) the cooperation is likely to prevent the investigation of other criminal cases or operative investigative activities initiated by the law enforcement authorities of Georgia;
- b) the cooperation is likely to affect the sovereignty, security, public order or other essential interests of Georgia;
- c) the cooperation contradicts the legislation of Georgia;
- d) Georgia considers the crime, for which the cooperation is requested, to be a political crime or a crime related to a political crime. The crime shall not be considered to be political if the signs of criminal action outweigh the political aspects of committing a crime, taking into account the goals, motives, forms, methods and other circumstances of committing a crime;
- e) the cooperation is likely to adversely affect universally recognised human rights and fundamental freedoms.

2. If the relevant law enforcement authorities of Georgia suspect that the crime, for which the cooperation is requested, is a political crime, it shall inform the Prosecutor's Office of Georgia which in turn shall address the Ministry of Justice of Georgia regarding the issue. The Ministry of Justice of Georgia, on the request of the Prosecutor's Office of Georgia, shall make a decision regarding the cooperation, or a decision on fully or partially refusing to cooperate, according to paragraph 1 (d) of this article.

Chapter VI - Final Provision

Article 22 – Entering into force

This Law shall enter into force upon its promulgation.

President of Georgia

Mikheil Saakashvili

Kutaisi,

4 October 2013

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