

APPENDIX A

UNOFFICIAL TRANSLATION

PROTECTION OF INFORMATION

Chapter 1. General provisions

Article 1. The purpose of this law is to protect the public and private information rights in of legal and natural persons.

Article 2. Information is categorized into the following groups:

1. General information;
2. Official information;
3. State secrets;
4. Information about natural persons.

Article 3. Legal and natural persons have the right to refuse to release private information, except as required by law.

Chapter 2. General information

Article 4. General information is any information formed as a result of the activities of legal and natural persons under private and public law, except official information, state secrets or information about natural persons.

Article 5. The access to general information in state and municipal institutions shall not be limited. The institutions have the right to determine rules and procedures of access and availability of general information. They have the right to charge fees for the furnishing of general information only when it is not related to their service or if it incurs additional work and expenses.

Article 6. Statistical information is general information, the furnishing, publishing and usage of which is determined by the Republic of Latvia's Law "On State Statistics".

Chapter 3. Official Information

Article 7. Official information is information in any area not intended for release to an unlimited number of persons and the release of which causes or may cause difficulties, damages or harm to legal or natural persons under public and private law.

Chapter 5. Information about Natural Persons

Article 19. Information about natural persons is formed by the documents and other information carriers accumulated as a result of the activity of legal persons containing various kinds of information concerning a natural person's private life and activity.

Article 20. Natural persons shall have the right to request and peruse information concerning themselves, without infringing on other persons' rights to the protection of information from state and municipal institutions, municipalities and business enterprises. This shall not include the following information:

- 1) reports and other documents about violations of the law before the legal documents are presented in due process;
- 2) information referring to the appointment or promotion of work in the civil service;
- 3) if the access to information is specially circumscribed by legislation.

Article 21. The information stored in archives concerning natural persons shall be assigned for scientific investigation according to the rules of the archive.

Chapter 6. Concluding Provisions

Article 22. Judges, prosecutors, state auditors and other public authorities are entitled by the law to acquaint themselves with general information, official information and information about natural persons within the limits of their authority and direct official duties and in cases determined by the law.

Article 23. Persons found guilty of divulging official information, state secrets and information about natural persons shall be called to account according to law.

Article 24. Persons, in accordance with the Civil law, have the right to plead to the court and claim compensation for moral and material damages as well as for the contingent damages caused by the divulgement of official information, state secrets and information about natural persons.

Article 8. The Cabinet of Ministers shall issue rules which determine what may be considered official information as generated by state institutions and which regulate the order of its storage and usage.

Article 9. Ministers shall issue instructions, which precisely determine what information shall be considered as official information and which regulate the order of its storage and usage in the corresponding ministry and institutions supervised by or subordinated to it.

Article 10. Commercial secrets - information about trade and financial transactions, manufacturing secrets - information about unique production technologies and techniques - shall be considered official information.

Chapter 4. State Secrets

Article 11. A state secret is any information which, if publically released, would endanger national defense, state security, economic or political interests.

Article 12. The Cabinet of Ministers shall decide which information is a state secret.

Article 13. The Minister shall decide how information containing state secrets is stored and used in the ministry and institutions supervised or subordinated by it.

Article 14. The leadership of institutions, organizations, enterprises to whom state secrets are entrusted shall be responsible to the extent of its competence for observing the order of its storage and usage.

Article 15. Documents or other information carriers containing state secrets shall not be transported abroad without the permission of the minister or authorized person.

Article 16. The leadership of institutions, organizations, and enterprises must issue written permission, to the extent of its competence, for work performed with information carriers containing state secrets in accordance with this law, the rules of the Cabinet of Ministers and instructions from ministers.

Article 17. Persons permitted to work with information carriers containing state secrets are obliged to:

- 1) refrain from disclosing information containing state secrets;
- 2) observe the limitations on the information and the order of its application as stated in the permission.

The person signs to personally guarantee the observation of the obligations mentioned in this article.

Article 18. Documents or other information carriers containing state secrets or official information shall be prepared, arranged, registered, sent, stored and destroyed according to rules determined by the Cabinet of Ministers.



TRANSLATION

REPUBLIC OF LATVIA

SUPREME COUNCIL

CONSTITUTIONAL LAW

The Rights and Obligations of a Citizen and a Person

Section I

GENERAL REGULATIONS

Article 1. A person, his/her existence, freedom, honor and rights are the highest fundamental values of the State of Latvia.

Article 2. Each person has the right to all actions which are not prohibited by law.

Article 3. The State's responsibility is to protect each person, his/her existence, freedom, security, honor, rights and property.

Section II

CITIZENSHIP; THE RIGHTS AND OBLIGATIONS OF A CITIZEN

Article 4. Republic of Latvia citizenship is a person's stable political and legal link with the Republic of Latvia.

The content of citizenship is shaped by the totality of the mutually binding rights and responsibilities of the citizen and the State.

Article 5. The rights and responsibilities of all citizens are equal, regardless of the manner in which citizenship is obtained.

Republic of Latvia citizenship may be obtained, maintained and lost only according to the procedures stipulated by law.

Upon becoming a Republic of Latvia citizen, dual citizenship cannot be created.

Article 6. The Republic of Latvia does not extradite its citizens.

Article 7. Republic of Latvia citizens abroad are under the protection of the State of Latvia.

Article 8. Citizens participate in the determination of state and social issues directly or through the mediation of freely-elected representatives.

Citizens have equal rights to hold state office.

Citizens have the right to establish political parties.

Article 9. Land and other natural resources may be transferred into ownership or sold only to citizens, except for those cases for which international treaties signed by the Republic of Latvia determine a different procedure.

Article 10. A citizen may freely choose his/her residence in any part of Latvia's territory.

Citizens have the right to freely leave Latvia and to freely return to Latvia.

Article 11. A citizen must be loyal to the Republic of Latvia and has the right and responsibility to defend its freedom, independence and democratic parliamentary system.

A citizen must fulfill mandatory state service and other obligations to the state as determined by law.

A citizen has the right to possess registered weapons.

Section III RIGHTS AND OBLIGATIONS OF A PERSON

Article 12. All persons in Latvia are equal under the law regardless of race, nationality, sex, language, party affiliation, political and religious persuasion, social, material and occupational standing and origin.

Article 13. The death penalty can be determined by a court only in exceptional cases for particularly serious crimes.

Article 14. Each person has the right to resist unlawful violence with all existing legal means at his/her disposal.

Article 15. Detainment, imprisonment, searches or other restrictions of a person's freedom are permissible only in accordance with the procedures stipulated by law.

Each person is guaranteed the right to an attorney upon the moment of his/her detention.

The law determines the maximum terms of detainment, imprisonment and preliminary investigation.

Within seventy-two hours from a person's detention, a judge must issue a court order to sanction the person's arrest and further detention or to order the immediate release of such person.

Torture or other cruel, inhumane or degrading treatment of a person is prohibited.

Unlawful forced medical treatment, as well as the forced use of medicine for the purpose of obtaining from a person his/her testimony, his/her refusal to testify his/her statement of a particular viewpoint, or for the purpose to restrict the person's freedom of expression, is prohibited.

Article 16. A person's residence is inviolable.

No person has the right to enter a residence without the permission of its residents or to conduct a search without the order of a judge, except for those instances when a person is being detained at the scene of a crime or the lives of other persons are endangered.

Article 17. The State guarantees the confidentiality of correspondence, telephone conversations, telegraph and other communications.

These rights may be restricted by a judge's order for the investigation of serious crimes.

Article 18. Each person has the right to defend his/her rights and interests in court.

Each person is presumed innocent as long as his/her guilt is not proven in court in accordance with law.

Only the court may find a person guilty of a crime in accordance with the laws in effect at the time of the offense.

Each person has the right to a just, public review of his/her matter by a competent, independent and objective court, which is formed in accordance with law.

Each person has the right to the assistance of an attorney, as well as the right not to testify against him/herself and his/her family members.

Criminal responsibility may only be individual.

Each unlawfully arrested or convicted person has the right to compensation for his/her material and moral injuries.

Article 19. Convicted persons have all the human rights mentioned in this Law, except those which are restricted by law or by the court's order.

Each convicted person must work according to his/her physical and mental abilities.

Convicted persons may not be deprived of their rights to paid employment, as well as to rest, health care, the exercise of established cultural values, education and personal development.

Article 20. Forced labour is prohibited.

Mandatory state service involvement in the liquidation of disastrous effects and reformatory labour prescribed in accordance with a court order are not considered to be forced labour.

Article 21. The State recognizes and protects property and its rights of inheritance.

A person may own any property, except for property referred to in the restrictions stated in Article 9.

The forced expropriation of property shall occur solely by a court decision in accordance with the procedures prescribed by law. If the property is expropriated for the realization of a public project, then appropriate compensation is due to the owner.

Article 22. Each person has the right to engage in entrepreneurial activity which is not contrary to law.

Article 23. Each person has the right to freely choose his/her profession, occupation and employer.

Article 24. Each person has the right, in accordance with an employment contract, to such wages which are not less than the state-determined minimum wage.

Article 25. The maximum length of the work week is determined by law.

Employees have the right to weekly days off and to annual paid vacations.

Article 26. Employees have the right to strike in order to protect their economic or professional interests.

These rights are restricted by law in order to guarantee the operation of necessary services to the public.

Article 27. Each person has the right to material security in old age, during illness, or in the event of total or partial disability, as well as in the case of the loss of the breadwinner.

Each person has the right to unemployment benefits if he/she has no other means of subsistence and if the unemployment has arisen due to circumstances beyond his/her control.

Article 28. Each person has the right to freely depart for or emigrate to foreign countries.

These rights may not be restricted on the basis of political or ideological motives.

Article 29. Each person has the right to freely move within the territory of Latvia.

Article 30. Each person has the right to freely acquire and disseminate information, to express his/her views and ideas in oral, written or any other form. The realization of these rights must not be restricted by censorship.

No one may be forced to express his/her political, religious, ethical or other views, as well as his/her party affiliation.

Article 31. All people have the right to form public organizations and to participate in their activities if the goals and practical actions of such organizations are not contrary to law.

It is prohibited to form secret organizations and armed units which are not subject to the jurisdiction of the Republic of Latvia Government and administrative institutions.

Article 32. The State guarantees freedom of assembly for previously-announced peaceful gatherings, meetings, street processions and demonstrations.

The local government may change the time or place of such events, if such is required in the interests of public safety and order.

Article 33. The State guarantees freedom for creative work and protects patent rights and copyrights.

Article 34. Each person has the right to turn to the institutions of the State government and administration with individual or collective submissions or proposals and to receive an answer in accordance with the procedures prescribed by law.

Article 35. The State is separate from the church.

The State guarantees the freedom of religious persuasion.

People or their associations have the right to practice religious rituals and ceremonies.

No one may be forced to participate in religious rituals and ceremonies, or to learn religious doctrine.

Religious or ideological motives do not free anyone from their responsibilities to the State and the necessity of observing the law.

Article 36. Family and marital rights, as well as the rights of mothers and children are protected by the State.

The basis of marriage is the voluntary union of a woman and a man, as well as their legal equality.

The care and upbringing of children is in the first instance the right and responsibility of the parents or the guardians.

Society and the State provide that the parents or the guardians are able to fulfill their responsibilities to their children.

Children born within wedlock and those born out of wedlock have equal rights.

The State guarantees special assistance and protection to children who are left without the care of their parents.

Article 37. Everyone has the right to medical care.

Everyone has the responsibility to care for their own health and that of their family and society.

The State protects the health of the public and guarantees each person with the minimum level of medical assistance determined by law.

Article 38. Each person has the right to an education.

The State guarantees the opportunity to acquire an education free of charge, as well as to secure further education appropriate to each person's capabilities.

Article 39. The parents' responsibility is to secure their children's education appropriate to their capabilities and the requirements of mandatory education.

Article 40. Persons and their societies have the right to establish educational institutions of various levels with any language of instruction. The acquisition of education in such schools is under the State's supervision.

Article 41. Each person has the responsibility to observe the laws of the Republic of Latvia, to respect the customs and traditions of the Latvian people and of the national and ethnic groups living in Latvia, as well as to respect the national pride of other persons.

Article 42. Everyone participates in the discharge of State and local government expenses, by paying taxes and levies in accordance with the procedures set by law.

Article 43. The protection of nature, cultural centers, historical and architectural monuments and the environment is the responsibility of each person, the entire society and the State.

Article 44. Necessary restrictions on people's rights and freedom may be determined by law in order to:

- 1) protect the rights, honor, health and morals of other people;
- 2) guarantee State security, public order and peace.

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The authenticity of the translation is confirmed by
Secretary of the Supreme Council
of the Republic of Latvia. For purposes of
interpretation, the original Latvian text is to be
regarded as official.

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