

Intelligence Legislation Model

Argentina

The Argentinean National Intelligence Law,
2001 and the Regulation of the National
Intelligence Act, 2002



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About DCAF

The Geneva Centre for the Democratic Control of Armed Forces (DCAF) promotes good governance and reform of the security sector. The Centre conducts research on good practices, encourages the development of appropriate norms at the national and international levels, makes policy recommendations and provides in-country advice and assistance programmes. DCAF's partners include governments, parliaments, civil society, international organisations and security services such as police, judiciary, intelligence agencies, border security services and the military.

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Editorial Board

The Editorial Board for the series of booklets on intelligence oversight comprises:

- Hans Born, Geneva
- Arnold Luethold, Geneva

Series Editor

- Aidan Wills, Geneva

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Introduction to the Toolkit

Legislating for the security sector is a complex and difficult task. Many lawmakers thus find it tempting to copy legislation from other countries. This expedites the drafting process, especially when the texts are available in the language of the lawmaker, but more often than not, the result is poor legislation.

Even after being amended, the copied laws are often out of date before coming into effect. They may no longer be in line with international standards or they may not fully respond to the requirements of the local political and societal context. Copied laws are sometimes inconsistent with the national legislation in place.

In some cases, there is simply no model law available in the region for the type of legislation that is needed. This has been the case in the Arab region, where the security sector has only slowly begun to be publicly debated. It is thus difficult to find good model laws for democratic policing or for parliamentary oversight of intelligence services.

It is therefore not surprising that many Arab lawmakers have felt frustrated, confused, and overwhelmed by the task of drafting legislation for the security sector. They found it difficult to access international norms and standards because little or no resources were available in Arabic. Many of them did not know where to search for model laws and several were about to give up. Some eventually turned to DCAF for assistance.

The idea of a practical toolkit for legislators in the Arab region came when practitioners began looking for a selection of standards, norms and model laws in Arabic that would help them draft new legislation. Experts from the Arab region and DCAF thus decided to work together and develop some practical tools.

Who is this toolkit for?

This toolkit is primarily addressed to all those who intend to create new or develop existing security sector legislation. This includes

parliamentarians, civil servants, legal experts and non-governmental organisations. The toolkit may also be helpful to security officials and, as a reference tool, to researchers and students interested in security sector legislation.

What is in the toolkit?

The bilingual toolkit contains a number of booklets in English and Arabic that provide norms and standards, guidebooks as well as practical examples of model laws in various areas of security sector legislation.

The following series have been published or are being processed:

- Police legislation
- Intelligence legislation
- Military Justice legislation
- Status of Forces Agreements

Additional series will be added as the needs arise. The existing series can easily be expanded through the addition of new booklets, based on demand from the Arab region.

For the latest status of publications please visit: www.dcaf.ch/publications

What is the purpose of this toolkit?

The toolkit seeks to assist lawmakers in the Arab region in responding to citizens' expectations. Arab citizens demand professional service from police and security forces, which should be effective, efficient and responsive to their needs. They want police and security organisations and their members to abide by the law and human rights norms and to be accountable for their performance and conduct. The toolkit thus promotes international standards in security sector legislation, such as democratic oversight, good governance and transparency.

The toolkit offers easy access in Arabic and English to international norms as well as

examples of legislation outside the Arab region. This allows to compare between different experiences and practices.

The scarcity of Arab literature on security sector legislation has been a big problem for Arab lawmakers. The toolkit seeks to address this deficiency. One of its aims is to reduce time lawmakers spend on searching for information, thus allowing them to concentrate on their main task. With more information becoming available in Arabic, many citizens and civil society groups may find it easier to articulate their vision of the type of police and security service they want and to contribute to the development of a modern and strong legal framework for the security sector.

Why is it important to have a strong legal framework for the security sector?

A sound legal framework is a precondition for effective, efficient and accountable security sector governance because it:

- Defines the role and mission of the different security organisations;
- Defines the prerogatives and limits the power of security organisations and their members;
- Defines the role and powers of institutions, which control and oversee security organisations;
- Provides a basis for accountability, as it draws a clear line between legal and illegal behaviour;
- Enhances public trust and strengthens legitimacy of government and its security forces.

For all these reasons, security sector reform often starts with a complete review and overhaul of the national security sector legislation. The point is to identify and address contradictions and the lack of clarity regarding roles and mandates of the different institutions.

How to use this tool?

Every state has specific needs and expectations regarding its intelligence services. These demands are influenced by factors such as history, legal tradition, and a state's security environment. Legislation on intelligence services will invariably reflect these factors. Notwithstanding these differences between states, lawmakers can benefit from studying other states' legislation and practice. Additionally, lawmakers should refer to international standards and best practice in the area of intelligence governance. It is important to note that international law imposes restrictions on what states can permit their intelligence services to do; lawmakers should take account of these standards when developing the legal framework for intelligence services.

The intelligence series of the "Legislating for the Security Sector" toolkit facilitates the drafting process and development of legislation for intelligence services by providing good examples of intelligence legislation, as well as an explanation of the relevant international standards in this area.

Although each state's legislation on intelligence services is unique, a number of common elements of a comprehensive legal framework for intelligence services can be identified. The Editorial Board of the toolkit "Legislating for the Security Sector" developed a grid that highlights these elements (see Table 1). This booklet contains The Argentinean National Intelligence Law, 2001 and the Regulation of the National Intelligence Act, 2002 in its original form, as well as

Table 1 : The analytical grid for comparing intelligence legislation

Subject	Content
General provisions	<ul style="list-style-type: none"> • Definition of key terms used in the law • Description of institutions covered by the law
Organisation and structure	<ul style="list-style-type: none"> • Explanation of how the intelligence community is structured and which institutions are involved • Description of who is responsible for the intelligence services
Mandate and functions	<ul style="list-style-type: none"> • Description of the role of the intelligence services and the tasks that they are and are not permitted to perform
Information collection powers	<ul style="list-style-type: none"> • Description of what information intelligence services can and cannot collect • Explanation of the special powers available to the intelligence services to collect information, and when such measures may be used • Details of how and by whom special powers are authorised, implemented and reviewed
Management and use of personal data	<ul style="list-style-type: none"> • Rules on how personal data can be collected, retained, accessed, transferred, and deleted • Explanation of how individuals can apply to access their personal data held by the intelligence services
Cooperation and information sharing with domestic and foreign bodies	<ul style="list-style-type: none"> • Rules on which domestic and foreign entities the intelligence services may cooperate with • Details on controls that apply to information sharing with domestic and foreign entities • Details of how and by whom intelligence cooperation is authorised and reviewed
Internal management and control	<ul style="list-style-type: none"> • Explanation of the internal management system • Description of the roles and responsibilities of managers of the intelligence services

the provisions of this legislation reorganised by topic, as shown in the grid. This allows lawmakers to easily identify the specific topics that should be covered by legislation on intelligence services, as well as to compare different laws according to particular topics.

Executive control	<ul style="list-style-type: none"> • Explanation of the role and responsibilities of the executive in controlling and overseeing the intelligence services
Parliamentary and expert oversight	<ul style="list-style-type: none"> • Description of parliamentary and expert oversight bodies outside the intelligence services and the executive • Description of the mandate and functions of external oversight bodies • Details of the powers available to external oversight bodies, including their access to information and officials
Complaints handling	<ul style="list-style-type: none"> • Details of how individuals may complain about the intelligence services • Explanation of which institution is competent to handle complaints about the intelligence services • Description of the powers available to the complaints-handling institution
Personnel	<ul style="list-style-type: none"> • Details of the rights and duties of members of the intelligence services • Information on possible sanctions for unlawful actions
Other	<ul style="list-style-type: none"> • Sections which do not fall into the other categories • Sections that have been removed

The Argentinean Intelligence Legislation

Overview

This booklet contains the National Intelligence Law of Argentina as well as Presidential Decree 950 of 2002 which was required by the law and contains supplementary regulations.

The National Intelligence Law was adopted in 2001 after almost twenty years of debate on reforming Argentina's intelligence services and the accompanying oversight and control institutions. The intelligence services were used as an instrument of oppression during the period of military dictatorship (1976-1983), and were involved in large-scale human rights abuses. Following the return of a democratically elected government in 1983, major reforms were needed to the intelligence services in order to create professional, democratically controlled institutions, which respect the rule of law and human rights. Reform of the Argentinean intelligence services took place within the context of a broader security sector reform process which also overhauled the armed forces and the police. This process focussed on placing the security sector under democratic, civilian control and ending the armed forces' role in internal security.

Argentina's National Intelligence system includes three agencies. The Intelligence Secretariat (SIDE), a civilian body, is the lead agency in the intelligence system. The Intelligence Secretariat is responsible for collecting and producing intelligence and counter-intelligence on foreign and domestic threats to the state. The National Directorate for Criminal Intelligence is a civilian body which is responsible for the collection and production of criminal intelligence. Finally, the National Directorate for Strategic Military Intelligence is responsible for collecting military intelligence; the intelligence unit of each branch of the armed forces fall under the purview of this agency.

Control and oversight of the Argentinean intelligence services

The main institutions responsible for the control and oversight of Argentina's intelligence services are parliament, the executive and the judiciary.

1. Parliamentary oversight of the intelligence services is conducted by the "Bicameral Committee for the Oversight of Intelligence Bodies and Activities." The Committee comprises seven members of the lower house and seven members of the upper house of parliament; the chairmanship of the Committee rotates between the two houses. The Committee has a broad mandate to oversee the following dimensions of the intelligence services: the legality of their activities, their policies, management and administration, effectiveness, and finances. It can furthermore receive and investigate complaints from members of the public. The Committee has extensive powers to access the classified information necessary to fulfil its mandate.
2. The president is responsible for establishing overall policies and objectives for the intelligence system. The president appoints a Secretary for Intelligence who is the minister that assists him/her in this task. The Secretary for Intelligence is also the minister in charge of the Intelligence Secretariat. The Minister for Security, Justice and Human Rights is responsible for the National Directorate for Criminal Intelligence, and the Minister of Defence heads the National Directorate for Strategic Military Intelligence. There is no specialised executive body for scrutinising the intelligence services.
3. The judiciary's main oversight function is to review and, if appropriate, grant applications made by the Intelligence Secretariat to use special powers to collect information, such as

intercepting communications. The Intelligence Secretariat cannot use such powers without prior judicial authorisation.

Other relevant laws

Beyond the National Intelligence Law, there are several other laws which are particularly relevant to the intelligence services in Argentina. The Internal Security Law of 1992 contains a number of important provisions regarding the intelligence services. Notably, it establishes a clear distinction between external and internal security. The absence of such a distinction had presented major problems in the past when the military violated human rights while conducting internal operations.

The National Defence Law regulates the work of the armed forces, including each branch's intelligence service and intelligence coordination body. This law prohibits the armed forces from being involved in internal security matters, and explicitly disallows the armed forces' intelligence services from collecting information on domestic political affairs.

Finally, the Personal Data Protection Law of 2000 is relevant because it regulates the processing of personal data by the intelligence services.

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The Legislation, presented in the analytical grid

(Extracts of Sections of the Argentinean National Intelligence Law, 2001 and the Regulation of the National Intelligence Act, 2002. For the complete version of the law, please see pages 20-33.)

Subject	Articles of the Argentinean National Intelligence Law, 2001 and the Regulation of the National Intelligence Act, 2002
General provisions	<p>The Argentinean National Intelligence Law, 2001</p> <p>Article 1</p> <p>The purpose of the present Law is to establish the legal, organisational and functional bases of the Nation's Intelligence System.</p> <p>Article 2</p> <p>For the purposes of the present Law and the activities it regulates, the following terms shall mean:</p> <ol style="list-style-type: none">1. 'National Intelligence': the activity that consists of obtaining, gathering, systematising and analysing the specific information concerning the facts, threats, risks and conflicts that affect the Nation's external and internal security.2. 'Counterintelligence': the specific activity pertaining to the intelligence field that is undertaken with the aim of avoiding or preventing intelligence activities by actors that represent threats or risks to the security of the National State.3. 'Criminal Intelligence': the part of Intelligence that concerns the specific criminal activities which, by their nature, magnitude, foreseeable consequences, danger or formats, affect freedom, life, inhabitants' assets, their rights and guarantees and the institutions of the representative, republican and federal system established by the National Constitution.4. 'Strategic Military Intelligence': the part of Intelligence that concerns knowledge of the capacities and weaknesses of the military potential of the countries that are of interest from the point of view of national defence, together with the geographical environment of the strategic operational areas determined by strategic military planning.5. 'National Intelligence System': the set of functional relationships linking the National State's intelligence bodies, which is directed by the Intelligence Secretariat in such a way as to contribute to decision-making with regard to matters involving the Nation's external and internal security. <p>Article 3</p> <p>The National Intelligence System's modus operandi must adapt itself exactly to the provisions set out in Part 1, Chapters I and II of the National Constitution and in the current legal and regulatory norms.</p>

Article 4

No intelligence body may:

1. Engage in repressive tasks, possess compulsory powers, or, in its own right, perform police or criminal investigation functions, save at the specific order of a competent judicial authority issued within the framework of a concrete case that is subject to its jurisdiction, or which is authorised to that end by law.
2. Obtain information, produce intelligence or store data about persons, due solely to the fact of their race, religious belief, private actions or political opinion, or to the fact that they have joined or belong to party, social, trade union, community, cooperative, charitable, cultural or labour organisations, or because of the lawful activities they pursue in any sphere of action.
3. In any way influence the country's institutional, political, military, police-related, social and economic situation, its foreign policy, the internal life of legally constituted political parties, public opinion, persons, media, or legal associations or groups of any kind.
4. Reveal or disclose any type of information with regard to any inhabitant or legal person, be they public or private, that it has acquired in the exercise of its functions, save by judicial order or dispensation.

Article 11

The creation, structuring and functioning of associations, institutions, networks and groups of natural or legal persons that plan and/or execute any of the stages of the intelligence functions and activities which the present Law attributes to the bodies that belong to the National Intelligence System is prohibited.

The Regulation of the National Intelligence Act, 2002

Article 1

The requirements for judicial cooperation referred to in Article 4 subsection 1) of the Act must be met under the framework of the objectives and functions assigned to the required intelligence agency.

Article 2

The intelligence agencies shall outline the activities indicated in Article 4 subsection 2 of the Act, pursuant to the general prescriptions of Personal Data Act 25,326 and specifically what is stated in Article 23 of the aforementioned legal guidelines. Fulfilment of these provisions shall be the result of policies and controls established by the head of each agency in the National Intelligence System, within the scope of their respective Jurisdictions.

**Organisation
and structure**

The Argentinean National Intelligence Law, 2001

Article 6

The following are National Intelligence System bodies:

1. The Intelligence Secretariat.
2. The National Directorate of Criminal Intelligence.
3. The National Directorate of Strategic Military Intelligence.

Article 7

The Intelligence Secretariat, which shall be under the authority of the Presidency of the Nation, shall be the senior National Intelligence System body and its general mission shall be to direct the System.

Article 14

The President of the Nation may convene an inter-ministerial council to assist and advise him with regard to the strategic outlines and general objectives of the National Intelligence policy, and in each such case shall determine the members who are to participate therein.

Similarly, when he sees fit to do so, the President of the Nation may require the consultative participation in the said Council of representatives of the Armed Forces, the Security Forces or the Argentine Federal Police.

Article 15

The Intelligence Secretariat shall be the responsibility of the Secretary for Intelligence, who shall possess the rank of Minister and shall be appointed by the President of the Nation following non-binding consultation of the National Congress's Bicameral Committee for the Oversight of Intelligence Bodies and Activities.

The Regulation of the National Intelligence Act, 2002

Article 9

The agencies that make up the National Intelligence System shall be permanent members of the inter-ministerial council referred to in Article 14 of the Act.

<p>Mandate and functions</p>	<p>The Argentinean National Intelligence Law, 2001</p> <p>Article 8</p> <p>The function of the Intelligence Secretariat shall be the production of National Intelligence.</p> <p>Article 9</p> <p>The National Directorate of Criminal Intelligence is hereby created, and shall be under the authority of the Secretariat of Internal Security.</p> <p>Its function shall be the production of Criminal Intelligence.</p> <p>Article 10</p> <p>The National Directorate of Strategic Military Intelligence is hereby created, to be under the authority of the Minister of Defence, in conformity with the provisions of Article 15 of Law 23,554.</p> <p>Its function shall be the production of Strategic Military Intelligence.</p> <p>The Armed Forces’ intelligence bodies shall be responsible for the production of the operational strategic intelligence and the tactical intelligence needed to plan and conduct military operations, and of specific technical intelligence.</p>
<p>Information collection powers</p>	<p>Article 5</p> <p>Telephone, postal, telegraphic or fax communications or any other system for sending objects or transmitting images, voices or packets of data, as well as any type of information, files, records and/or documents which are private or access to or the reading of which is unauthorised or inaccessible to the public shall be inviolable throughout the Argentine Republic, except by means of a judicial order or dispensation to the contrary.</p> <p>Article 18</p> <p>When, in pursuit of intelligence or counterintelligence activities, it is necessary to intercept or capture private communications of any kind, the Intelligence Secretariat must request the applicable judicial authorisation.</p> <p>Such authorisations must be formulated in writing and set out the grounds on which they are issued, and shall give precise indications as to the telephone number or numbers or the electronic address or addresses or whatever other medium may be involved, whose communications are to be intercepted or captured.</p>

Article 19

In the case provided for in the previous Article, the judicial authorisation shall be requested by the Secretary for Intelligence or the official to whom he expressly delegates the power to do so, before the federal penal judge with the appropriate jurisdictional competence. For the purpose of determining that competence, regard shall be had to the domicile of the natural or legal persons whose communications are to be intercepted or, in the case of mobile or satellite communications, the registered office from which they are made.

The proceedings shall be classified at every instance.

The procedural time limits at first instance shall be twenty-four hours for both the parties and the intervening courts.

Decisions to deny such requests shall be subject to appeal to the applicable Federal Chamber, when the Bench that is hearing the appeal must decide within a mandatory time limit of SEVENTY-TWO (72) hours, with authorisation to sit outside the normal times, when appropriate.

Authorisation shall be granted for a time limit of no more than SIXTY (60) days, which shall lapse automatically, save if the Secretary for Intelligence or the official to whom this power has been delegated makes a formal request and authorisation is again granted by the Judge who is hearing it, or by the respective Chamber in the event that the request is denied at first instance. In such cases the time limit may be extended for another SIXTY (60) days at most, when this is indispensable to completion of the ongoing investigation.

Article 20

Once the time limits established in the previous Article have ended, the judge shall order that the corresponding legal proceedings commence, or else that whoever is obliged to do so destroy or erase the mediums on which the recordings have been made, the copies of the postal, cable or fax interventions or any other element that would enable their results to serve as proof.

Article 21

The Directorate of Judicial Surveillance (DOJ) is hereby created as part of the Intelligence Secretariat. The DOJ shall be the only State organ charged with executing any type of interception authorised or ordered by the competent judicial authority.

Article 22

Judicial orders to intercept telephone communications shall be sent to the Directorate of Judicial Surveillance (DOJ) in the form of an official letter signed by the judge, to include precise and detailed instructions for the guidance of the said task.

The judge must send another, summary, official letter that solely lists the numbers that are to be the object of intervention, so that the DOJ can attach it to the request

	<p>it is to send to the telephone service company with responsibility for tapping the communications.</p> <p>The official letters which the DOJ and its branch offices in the interior send to telephone service companies must be signed by the head of the Directorate or of the branch office that is making the request.</p> <p>Article 34</p> <p>The Bicameral Committee shall be empowered to require the Directorate of Judicial Surveillance (DOJ), the latter’s branch offices in the interior of the country, and the companies which, now or in the future, provide any type of telephone or telecommunications services in the Argentine Republic, to supply it with security-classified reports containing the list of the intercepts and taps that have been performed in a given period.</p> <p>The Bicameral Committee shall be responsible for collating and analysing the information and controlling whether the measures in question were taken in response to judicial orders.</p> <p>The Regulation of the National Intelligence Act, 2002</p> <p>Article 14</p> <p>During the performance of intelligence or counterintelligence activities, in the event that judicial authorisation is required for the interception or capture of any type of private communications between several subjects simultaneously, the National Intelligence Secretary will request this authorisation from a federal judge with jurisdiction over any of the domiciles, in accordance with what is stated in the first paragraph of Article 19 of the Act.</p> <p>Likewise, subsequent requests that are the product of the same intelligence activities must be addressed to the federal judge who was part of the original request regarding the interception or capture of communications.</p> <p>Article 15</p> <p>For the purposes of Article 22 (final paragraph) of the Act, written communications issued by the Judicial Observations Office to the telephone service companies shall be signed by the Director of the area or by the duly authorised official, in the event of vacancy or absence.</p>
<p>Management and use of personal data</p>	

<p>Cooperation and information sharing with domestic and foreign bodies</p>	
<p>Internal management and control</p>	
<p>Executive control</p>	<p>The Argentinean National Intelligence Law, 2001</p> <p>Article 12</p> <p>The President of the Nation shall set the strategic outlines and the general objectives of the National Intelligence policy.</p> <p>Article 13</p> <p>In conformity with the outlines and objectives established by the President of the Nation, the Intelligence Secretariat shall possess the following specific functions:</p> <ol style="list-style-type: none"> 1. Formulate the National Intelligence Plan. 2. Design and execute the intelligence programmes and budgets set out in the National Intelligence Plan. 3. Plan and execute the activities involved in obtaining and analysing the information for use in the production of National Intelligence and Counterintelligence. 4. Direct and articulate the National Intelligence System’s activities and modus operandi, as well as the relations with the intelligence bodies of other states. 5. Coordinate the activities included within the framework of Law 23,554 on National Defence and Law 24,059 on Internal Security with the officials appointed by the Ministers with responsibility for the respective areas, whose rank may not be less than that of Undersecretary of State. 6. Require all the organs of the National Public Administration to provide the information needed for the fulfilment of its functions. 7. Require the provincial governments to provide their cooperation when it is necessary to the performance of its activities. 8. Coordinate the drawing up of the National Strategic Intelligence Assessment and of the ensuing information-gathering plan. 9. Draw up the annual report on intelligence activities, with a view to its presentation before the National Congress’s Bicameral Committee for the Oversight of Intelligence Bodies and Activities. To this end the bodies in the National Intelligence System must provide it with all the applicable information. 10. Make itself familiar with the training, capacity-building, practical training and updating of the staff who belong to the Intelligence Secretariat, and participate in the advanced capacity-building of intelligence staff, via the National Intelligence School. 11. Provide the Ministry of Defence with the information and intelligence that is

	<p>needed to contribute to the production of Strategic Military Intelligence, in conformity with the provisions on this matter laid down in Article 15 of Law 23,554.</p> <ol style="list-style-type: none"> 12. Provide the Internal Security Council with the information and intelligence that is needed to contribute to the production of criminal intelligence, in conformity with the provisions on this matter laid down in Article 10(e) of Law 24,059. 13. Enter into such agreements with natural or legal persons of a public or private nature as are useful to the fulfilment of its functions. <p>Article 14</p> <p>The President of the Nation may convene an inter-ministerial council to assist and advise him with regard to the strategic outlines and general objectives of the National Intelligence policy, and in each such case shall determine the members who are to participate therein.</p> <p>Similarly, when he sees fit to do so, the President of the Nation may require the consultative participation in the said Council of representatives of the Armed Forces, the Security Forces or the Argentine Federal Police.</p> <p>Article 15</p> <p>The Intelligence Secretariat shall be the responsibility of the Secretary for Intelligence, who shall possess the rank of Minister and shall be appointed by the President of the Nation following non-binding consultation of the National Congress’s Bicameral Committee for the Oversight of Intelligence Bodies and Activities.</p>
<p>Parliamentary and expert oversight</p>	<p>The Regulation of the National Intelligence Act, 2002</p> <p>Article 4</p> <p>The National Intelligence Secretary shall issue the guidelines necessary for the operations of the National Intelligence System, pursuant to the mandate granted by Article 7 of the Act.</p> <p>The Argentinean National Intelligence Law, 2001</p> <p>Article 17</p> <p>The members of the intelligence bodies, the legislators who belong to the Bicameral Committee for the Oversight of Intelligence Bodies and Activities and the staff allocated thereto, together with the judicial authorities, officials and persons who, as a result of their functions or by chance, gain access to knowledge about the information mentioned in the previous Article (16) must maintain the strictest secrecy and confidentiality.</p>

Breach of this duty shall render the culprits subject to the sanctions provided for in Book II Title IX, Chapter II, Articles 222 and/or 223 of the National Penal Code, as appropriate.

Article 31

The Bicameral Committee for the Oversight of Intelligence Bodies and Activities is hereby created as part of the National Congress.

Article 32

The bodies that belong to the National Intelligence System shall be supervised by the Bicameral Committee, for the purpose of overseeing whether their modus operandi is strictly in accordance with the current constitutional, legal and regulatory norms, to include verification of strict fulfilment of and respect for the individual guarantees enshrined in the National Constitution, as well as with the strategic outlines and general objectives of the National Intelligence policy.

The Bicameral Committee shall possess broad powers to control and investigate on its own initiative. When it requires them to do so, and subject to the precautionary requirements laid down in Article 16, the bodies in the National Intelligence System must supply such information or documentation as the Committee requests.

Article 33

Where intelligence activities are concerned, parliamentary control shall include:

1. Considering, analysing and evaluating the execution of the National Intelligence Plan.
2. Considering the Annual Report on Intelligence Activities, which shall be secret and shall be drawn up by the Intelligence Secretariat and sent to the Bicameral Committee within ten days of the beginning of the period of ordinary sittings.
3. Receiving such explications and reports as are deemed appropriate in accordance with the provisions of Article 71 of the National Constitution.
4. Drawing up a secret annual report on the following topics, and sending it to the National Executive Authorities and the National Congress:
 - a. An analysis and evaluation of the National Intelligence System's activities, modus operandi and organisation, in the light of the way in which the National Intelligence Plan has been executed.
 - b. A description of the conduct of the inspection and control activities undertaken by the Bicameral Committee in the performance of its missions, together with the grounds on which it is based.
 - c. Recommendations for improvements in the modus operandi of the National Intelligence System.
5. Issuing an opinion on all draft legislation concerning intelligence activities.
6. Receiving denunciations made by natural and legal persons with regard to abuses and unlawful acts committed during the work of the intelligence bodies, and investigating those denunciations.

7. Auditing the study plans which the National Intelligence School has used for staff training and capacity-building.

Article 34

The Bicameral Committee shall be empowered to require the Directorate of Judicial Surveillance (DOJ), the latter's branch offices in the interior of the country, and the companies which, now or in the future, provide any type of telephone or telecommunications services in the Argentine Republic, to supply it with security-classified reports containing the list of the intercepts and taps that have been performed in a given period.

The Bicameral Committee shall be responsible for collating and analysing the information and controlling whether the measures in question were taken in response to judicial orders.

Article 35

When asked to do so, the bodies that belong to the National Intelligence System shall send the Bicameral Committee all their internal norms, principles, regulations and organisational/operational structural charts.

Article 36

No public document issued by the Bicameral Committee may reveal data that might prejudice the intelligence bodies' activities or affect internal security or national defence.

Article 37

The Bicameral Committee shall have the competence to supervise and control the "Classified Expenses" allocated to the component elements of the National Intelligence System. To this end it may undertake any act related to its competence. It may especially:

1. Make itself familiar with and intervene in the process applicable to draft national budget bills which the Executive Authorities send to the National Congress. To this end the Executive Authorities shall send it all the necessary documentation, especially:
 - a. An annex containing the amounts which are allocated or executed per administrative area and whose nature is that of classified, confidential, secret or limited or restricted-access expenses.
 - b. A security-classified annex containing the purpose, programme or object of each expense item.
2. Require the collaboration of all the intelligence bodies addressed in the present Law, which shall be obliged to supply the data, background information and reports related to the exercise of their functions. In cases of strict necessity, which it must justify, it may also require that it be sent the documentation referred to in Article 39 of the present Law.

3. Control whether classified funds have been used for the purpose provided for in the budget allocation.
4. Each year, draw up a classified report, which shall be sent to the National Congress and the President of the Nation and shall contain:
 - a. An analysis and evaluation of the execution of the classified expenses allocated to the intelligence bodies.
 - b. A description of the way in which the Bicameral Committee has performed its supervisory and control activities, together with such recommendations as the Committee sees fit to make.

Article 39

The expenditures incurred during each financial year shall be documented by means of a monthly record signed by the responsible officials from the body or dependent entity in question, which shall serve as an acquittance for the National Comptroller-General's Office.

Article 40

Members of the Bicameral Committee and the permanent or temporary staff assigned to it who make improper use of the information to which they have access in the exercise of their functions shall be deemed to have committed a serious breach of their duties and shall be subject to the current penalty regime, without prejudice to the liabilities which they may incur as a result of the application of the Penal Code.

Article 41

Restrictions or classifications that were established in any other norm or provision of a general or particular nature issued by the National Executive Authorities and/or by officials acting under the latter's authority before the present Law comes into force shall not be opposable to the Bicameral Committee or its members.

The Regulation of the National Intelligence Act, 2002

Article 20

The requests for documentation referred to in Article 35 and the supply of data and documentation referred to in Article 37 sub-section 2 of the Act will be processed by the intelligence agencies pursuant to what is established in the second paragraph of Article 16 of the Act and in the other related guidelines of this regulation.

<p>Complaints handling</p>	<p>The Argentinean National Intelligence Law, 2001</p> <p>Article 33</p> <p>Where intelligence activities are concerned, parliamentary control shall include:</p> <ol style="list-style-type: none"> 6. Receiving denunciations made by natural and legal persons with regard to abuses and unlawful acts committed during the work of the intelligence bodies, and investigating those denunciations.
<p>Personnel</p>	<p>Article 23</p> <p>The officials or members of intelligence bodies shall be citizens who are native-born, naturalised or have opted for Argentine citizenship, are of age, fulfil the conditions laid down in the present Law and its regulations, and whose conduct and public life provide adequate guarantees that they respect the National Constitution and the current legal and regulatory norms.</p> <p>The following persons may not serve as officials or members of any intelligence body:</p> <ol style="list-style-type: none"> 1. Those in relation to whom there is a record of war crimes, crimes against humanity or crimes involving human rights violations in the files of the Undersecretariat for Human Rights, which is a dependent entity of the Ministry of Justice and Human Rights, or of any other body or dependent entity that may replace them in the future. 2. Those who are subject to any of the disqualifications laid down in the statutes that provide the framework for the staff of the respective intelligence bodies. <p>Article 24</p> <p>The Intelligence Secretariat’s personnel roster shall include:</p> <ol style="list-style-type: none"> 1. Permanent employees, who shall occupy the levels or categories laid down in the regulatory norms. 2. Staff who are engaged under fixed-term contracts to provide services of a provisional or temporary nature, who shall occupy the levels or categories laid down in the regulatory norms. 3. Office Staff, whose appointments shall be temporary and shall be made by the head of the Intelligence Secretariat, whose number may not exceed 2% of the total number of permanent employees in the said Secretariat’s personnel roster, and who may only remain in their positions during the tenure of the person who appointed them. For the purposes of the present paragraph, ‘Office Staff’ means all those persons whom the head of the Intelligence Secretariat contracts to perform assistance and advisory tasks. <p>Article 25</p> <p>The duties, rights, remuneration system, categories, disciplinary regime, social security regime and other normative provisions inherent in the labour regime</p>

governing the staff covered by the present Law shall be established in the Special Statutes that are to be issued by decree of the National Executive Authorities.

The Special Statutes shall be public and shall be issued in accordance with the directions established in the present Law.

The staff who belong to the bodies in the National Intelligence System shall fall within the scope of the provisions of Article 4(4) of the present Law.

With regard to the social security regime, any changes which may occur shall only be valid for the intelligence staff who join after the new statutes come into force.

Article 26

The training and capacity-building of the staff of the bodies in the National Intelligence System must:

1. Develop the attitudes and values required by the training of responsible persons and officials, with an ethical, solidary, thoughtful and critical awareness and frame of mind.
2. Help ensure that full advantage is taken of the existing and assigned human and material resources.
3. Increase and diversify the opportunities for updating, improvement and reconversion available to the persons who belong to the bodies in the National Intelligence System.
4. Favour specific training and capacity-building in intelligence tasks and tasks related to the law, general scientific and technical training and capacity-building, and training and capacity-building with a humanistic, sociological and ethical content.

Article 27

The training and capacity-building of the Intelligence Secretariat's staff and also that of the officials with responsibility for the formulation, management, implementation and control of the National Intelligence policy shall be in the hands of the National Intelligence School, which shall be under the authority of the Intelligence Secretariat.

The National Intelligence School shall be the higher-education institute with responsibility for capacity-building and improvement in intelligence-related matters, and the staff of the other bodies in the National Intelligence System may have access to its courses.

Similarly, under the conditions laid down in the regulations, it may give courses for persons who do not belong to the National Intelligence System.

A Permanent Advisory Council shall be formed within it, to include delegates from all the bodies that are members of the National Intelligence System. The Council must be consulted about the curricular programmes for both the intelligence courses and the staff-improvement activities.

Article 28

The National Intelligence School shall promote and arrange staff training in accordance with the principles of objectivity, equal opportunities, merit and capacity.

Article 29

The studies undertaken at the National Intelligence School may be the object of validation by the Ministry of Education, in accordance with the current laws and regulations.

Article 30

In order to give the instruction and courses concerning the studies referred to in the previous Article, arrangements shall be made to promote the institutional collaboration of the National Universities, the Judicial Authorities, the Public Prosecutors' Office, non-governmental organisations and other higher-education institutions, centres and establishments that are specifically of interest to the aforementioned teaching purposes.

Similarly, formal agreements may be entered into with non-governmental organisations and other public or private institutions whose activities match the matter regulated by the present Law, with a view to undertaking academic activities, scientific research, and similar activities.

Article 42

Anyone who, while permanently or temporarily taking part in the tasks that are regulated in the present Law, improperly intercepts, captures or taps telephone, postal, telegraphic or fax communications or any other system for sending objects or transmitting images, voices or packets of data, as well as any type of information, files, records and/or documents which are private or access to or the reading of which is unauthorised or inaccessible to the public and which are not addressed to him, shall be punished by imprisonment for between one month and two years and by special disqualification for double the time, if no other, more severely punished, offence results therefrom.

Article 43

Anyone who, with a judicial order and while he is under an obligation to do so, fails to destroy or erase the mediums on which the recordings have been made, the copies of the postal, cable or fax interventions or any other element that would enable the results of intercepts, captures or taps to serve as proof shall be punished by imprisonment for between three months and one year and by special disqualification for double the time, if no other, more severely punished, offence results therefrom.

The Regulation of the National Intelligence Act, 2002

Article 16

The National Intelligence Secretary will design plans for staff training that address the various training, education and updating needs of the different staff categories, as well as those related to higher level National Intelligence training for the other National Intelligence System agencies.

The National Intelligence School will propose plans for training, updating, enhancement and retraining, thereby meeting the needs of the National Intelligence System. Likewise, it will determine the vacancies to fill in virtue of the training and instruction needs of each agency in the National Intelligence System, as based on the annual requirements calculated by each agency.

The guidelines issued by the National Intelligence Secretary will establish the conditions for admission and continuance, as well as other requirements for the specific training of members of the National or Provincial Agencies that are not a part of the National Intelligence System, yet require knowledge of the intelligence activity for the job they perform.

The National Office of Criminal Intelligence, a sub-agency of the National Internal Security Office, and the National Office of Strategic Military Intelligence, a sub-agency of the Ministry of Defence, will be in charge of the specific guidelines for the training and education of their particular personnel to be developed by the respective security, police and Armed Forces institutions.

Article 17

The Permanent Advisory Council shall be made up of one (1) representative designated by the National Intelligence Secretary, one (1) representative of the National Criminal Intelligence Office, a sub-agency of the National Internal Security Office, and one (1) representative of the National Military Strategic Intelligence Office, a sub-agency of the Ministry of Defence.

Article 18

The National Intelligence Secretary will determine the courses that will be validated by the Ministry of Education, Science and Technology, pursuant to the laws and regulations in effect.

The courses taken by permanent staff must be recognised in the framework of the National System of the Administrative Profession, pursuant to the guidelines in effect, and at the request of any of the National Intelligence System agencies.

Article 19

The National Intelligence School, following consultation with the Permanent Advisory Council and with the approval of the National Intelligence Secretary, will

	<p>formulate exchanges and agreements with governmental and non-governmental Centres of Investigation, both domestic and foreign.</p> <p>Likewise, it will also promote and coordinate the tasks of investigation and development with the relevant sectors, as based on the objectives established by the National Intelligence System. It will also maintain permanent academic and professional contacts with the institutions indicated in Article 30 of the Act, and will promote the development of similar investigations.</p>
<p>Other</p>	<p>The Argentinean National Intelligence Law, 2001</p> <p>Article 16</p> <p>Intelligence activities, the staff allocated to them, and the documentation and databases of the intelligence bodies shall possess the security classification that is appropriate to the interests of internal security, national defence and the Nation’s foreign relations.</p> <p>Access to the aforesaid information shall be authorised on a case-by-case basis by the President of the Nation or the official to whom he expressly delegates this power, with the exceptions provided for in the present Law.</p> <p>The classification of the activities, staff, documentation and databases referred to in the first paragraph of the present Article shall be maintained even when knowledge thereof must be submitted to the justice system within the framework of a given case or is required by the Bicameral Committee for the Oversight of Intelligence Bodies and Activities.</p> <p>Article 17</p> <p>The members of the intelligence bodies, the legislators who belong to the Bicameral Committee for the Oversight of Intelligence Bodies and Activities and the staff allocated thereto, together with the judicial authorities, officials and persons who, as a result of their functions or by chance, gain access to knowledge about the information mentioned in the previous Article must maintain the strictest secrecy and confidentiality.</p> <p>Breach of this duty shall render the culprits subject to the sanctions provided for in Book II Title IX, Chapter II, Articles 222 and/or 223 of the National Penal Code, as appropriate.</p> <p>The Regulation of the National Intelligence Act, 2002</p> <p>Article 3</p> <p>The revelation or disclosure of information concerning inhabitants or public or private legal persons that is acquired by intelligence agencies in the performance of their functions shall necessarily require a judicial order or waiver and the corresponding authorisation established in the second paragraph of Article 16 of the Act, except when intervention by the agency is foreseen in a legal provision.</p>

Article 5

The National Criminal Intelligence Office, a sub-agency of the National Internal Security Office, whose responsibilities are established in Act No. 24,059 and its regulations, shall submit the sector's budgetary requirements each year pursuant to the reporting hierarchy, and shall be responsible for executing the specific Intelligence budget assigned for each fiscal period.

Article 6

The National Office of Strategic Military Intelligence, a sub-agency of the Ministry of Defence, will coordinate the operations of the intelligence agencies of the Armed Forces. Likewise, each year it will submit the budgetary requirements of the sector to the aforementioned Ministry of Defence and will be responsible for managing the budget assigned to its department.

Article 7

The National Public Administration agencies will provide all information required by the National Intelligence Secretary in accordance with that set forth in Article 13, subsection 6 of the Act, doing so within the timeframes established in the corresponding requirements.

Article 8

In the framework of the collaboration anticipated in Article 13, subsection 7 of the Act, the provincial governments shall provide the National Intelligence Secretary with all of the information they obtain that could lead to the discovery of threats and conflicts that may pose risks to the security of the Nation.

Likewise, through the National Office of Criminal Intelligence, a sub-agency of the National Internal Security Office, and within the framework of what is stated in Article 16 of Act No. 24,059, the information and intelligence agencies at the provincial level will provide the National Intelligence Secretary with all of the information they obtain that could lead to the discovery of threats and conflicts that may pose risks to the internal security of the Nation.

Article 10

The following security classifications will be observed by the agencies in the National Intelligence System, pursuant to what is stated in the first paragraph of Article 16 of the Act:

- a. TOP SECRET AND CONFIDENTIAL: Applicable to any information, document or material that pertains solely to the organisation and the specific activities of the National Intelligence System agencies.
- b. SECRET: Applicable to any information, document or material whose access by unauthorised individuals could be detrimental to the fundamental interests or objectives of the Nation.

- c. **CONFIDENTIAL:** Applicable to any information, document or material whose access by unauthorised individuals could be somewhat detrimental to the fundamental interests of the Nation or infringe on the principles, plans and operational methods of the State.
- d. **RESERVED:** Applicable to any information, document or material not included in the previous categories whose access outside of the previously defined institutional domains and whose access by unauthorised individuals is not in the interests of the State.
- e. **PUBLIC:** Applicable to all documentation whose disclosure is not detrimental to the National Intelligence System agencies and whose very nature permits the omission of restrictions on its status as public knowledge. This does not imply that it may leave the official sphere, as such action requires the ruling of the responsible authority.

Article 11

The powers described in the second paragraph of Article 16 of the Act may be delegated to the National Intelligence Secretary.

In cases in which the documentation and information classified in the terms of Article 16 of the Act have become elements of the framework of a lawsuit, a review of the classification will not be necessary when solely ratifying or acknowledging the signatures of the aforementioned instruments.

Article 12

The obligation of confidentiality established in Article 17 and the related provisions of the Act shall remain in effect regardless of whether the operations responsible for obtaining knowledge of the classified information have been terminated.

Article 13

All National Intelligence System agencies must issue internal resolutions to expressly notify, in writing, each of its members of the responsibilities resulting from Article 17 of the Act.

The National Intelligence Law, presented in its original form

Law 25,520

Sanctioned: 27 November 2001.

Promulgated: 3 December 2001.

Meeting in Congress, etc., the Senate and Chamber of Deputies of the Argentine Nation hereby approve, with the force of a Law, the:
National Intelligence Law

TITLE I

GENERAL PRINCIPLES

Article 1

The purpose of the present Law is to establish the legal, organisational and functional bases of the Nation's Intelligence System.

Article 2

For the purposes of the present Law and the activities it regulates, the following terms shall mean:

1. 'National Intelligence': the activity that consists of obtaining, gathering, systematising and analysing the specific information concerning the facts, threats, risks and conflicts that affect the Nation's external and internal security.
2. 'Counterintelligence': the specific activity pertaining to the intelligence field that is undertaken with the aim of avoiding or preventing intelligence activities by actors that represent threats or risks to the security of the National State.
3. 'Criminal Intelligence': the part of Intelligence that concerns the specific criminal activities which, by their nature, magnitude, foreseeable consequences, danger or formats, affect freedom, life, inhabitants' assets, their rights and

guarantees and the institutions of the representative, republican and federal system established by the National Constitution.

4. 'Strategic Military Intelligence': the part of Intelligence that concerns knowledge of the capacities and weaknesses of the military potential of the countries that are of interest from the point of view of national defence, together with the geographical environment of the strategic operational areas determined by strategic military planning.
5. 'National Intelligence System': the set of functional relationships linking the National State's intelligence bodies, which is directed by the Intelligence Secretariat in such a way as to contribute to decision-making with regard to matters involving the Nation's external and internal security.

TITLE II

PROTECTION OF THE RIGHTS AND GUARANTEES OF THE NATION'S INHABITANTS

Article 3

The National Intelligence System's *modus operandi* must adapt itself exactly to the provisions set out in Part 1, Chapters I and II of the National Constitution and in the current legal and regulatory norms.

Article 4

No intelligence body may:

1. Engage in repressive tasks, possess compulsory powers, or, in its own right, perform police or criminal investigation functions, save at the specific order of a

competent judicial authority issued within the framework of a concrete case that is subject to its jurisdiction, or which is authorised to that end by law.

2. Obtain information, produce intelligence or store data about persons, due solely to the fact of their race, religious belief, private actions or political opinion, or to the fact that they have joined or belong to party, social, trade union, community, cooperative, charitable, cultural or labour organisations, or because of the lawful activities they pursue in any sphere of action.
3. In any way influence the country's institutional, political, military, police-related, social and economic situation, its foreign policy, the internal life of legally constituted political parties, public opinion, persons, media, or legal associations or groups of any kind.
4. Reveal or disclose any type of information with regard to any inhabitant or legal person, be they public or private, that it has acquired in the exercise of its functions, save by judicial order or dispensation.

Article 5

Telephone, postal, telegraphic or fax communications or any other system for sending objects or transmitting images, voices or packets of data, as well as any type of information, files, records and/or documents which are private or access to or the reading of which is unauthorised or inaccessible to the public shall be inviolable throughout the Argentine Republic, except by means of a judicial order or dispensation to the contrary.

TITLE III

INTELLIGENCE BODIES

Article 6

The following are National Intelligence System bodies:

1. The Intelligence Secretariat.
2. The National Directorate of Criminal Intelligence.

3. The National Directorate of Strategic Military Intelligence.

Article 7

The Intelligence Secretariat, which shall be under the authority of the Presidency of the Nation, shall be the senior National Intelligence System body and its general mission shall be to direct the System.

Article 8

The function of the Intelligence Secretariat shall be the production of National Intelligence.

Article 9

The National Directorate of Criminal Intelligence is hereby created, and shall be under the authority of the Secretariat of Internal Security.

Its function shall be the production of Criminal Intelligence.

Article 10

The National Directorate of Strategic Military Intelligence is hereby created, to be under the authority of the Minister of Defence, in conformity with the provisions of Article 15 of Law 23,554.

Its function shall be the production of Strategic Military Intelligence.

The Armed Forces' intelligence bodies shall be responsible for the production of the operational strategic intelligence and the tactical intelligence needed to plan and conduct military operations, and of specific technical intelligence.

Article 11

The creation, structuring and functioning of associations, institutions, networks and groups of natural or legal persons that plan and/or execute any of the stages of the intelligence functions and activities which the present Law attributes to the bodies that belong to the National Intelligence System is prohibited.

TITLE IV

NATIONAL INTELLIGENCE POLICY

Article 12

The President of the Nation shall set the strategic outlines and the general objectives of the National Intelligence policy.

Article 13

In conformity with the outlines and objectives established by the President of the Nation, the Intelligence Secretariat shall possess the following specific functions:

1. Formulate the National Intelligence Plan.
2. Design and execute the intelligence programmes and budgets set out in the National Intelligence Plan.
3. Plan and execute the activities involved in obtaining and analysing the information for use in the production of National Intelligence and Counterintelligence.
4. Direct and articulate the National Intelligence System's activities and *modus operandi*, as well as the relations with the intelligence bodies of other states.
5. Coordinate the activities included within the framework of Law 23,554 on National Defence and Law 24,059 on Internal Security with the officials appointed by the Ministers with responsibility for the respective areas, whose rank may not be less than that of the Undersecretary of State.
6. Require all the organs of the National Public Administration to provide the information needed for the fulfilment of its functions.
7. Require the provincial governments to provide their cooperation when it is necessary to the performance of its activities.
8. Coordinate the drawing up of the National Strategic Intelligence Assessment and of the ensuing information-gathering plan.
9. Draw up the annual report on intelligence activities, with a view to its presentation before the National Congress's Bicameral Committee for the Oversight of Intelligence Bodies and Activities. To this end the bodies in the National Intelligence System

must provide it with all the applicable information.

10. Make itself familiar with the training, capacity-building, practical training and updating of the staff who belong to the Intelligence Secretariat, and participate in the advanced capacity-building of intelligence staff, via the National Intelligence School.
11. Provide the Ministry of Defence with the information and intelligence that is needed to contribute to the production of Strategic Military Intelligence, in conformity with the provisions on this matter laid down in Article 15 of Law 23,554.
12. Provide the Internal Security Council with the information and intelligence that is needed to contribute to the production of criminal intelligence, in conformity with the provisions on this matter laid down in Article 10(e) of Law 24,059.
13. Enter into such agreements with natural or legal persons of a public or private nature as are useful to the fulfilment of its functions.

Article 14

The President of the Nation may convene an interministerial council to assist and advise him with regard to the strategic outlines and general objectives of the National Intelligence policy, and in each such case shall determine the members who are to participate therein.

Similarly, when he sees fit to do so, the President of the Nation may require the consultative participation in the said Council of representatives of the Armed Forces, the Security Forces or the Argentine Federal Police.

Article 15

The Intelligence Secretariat shall be the responsibility of the Secretary for Intelligence, who shall possess the rank of Minister and shall be appointed by the President of the Nation following non-binding consultation of the National Congress's Bicameral Committee for the Oversight of Intelligence Bodies and Activities.

TITLE V

CLASSIFICATION OF INFORMATION

Article 16

Intelligence activities, the staff allocated to them, and the documentation and databases of the intelligence bodies shall possess the security classification that is appropriate to the interests of internal security, national defence and the Nation's foreign relations.

Access to the aforesaid information shall be authorised on a case-by-case basis by the President of the Nation or the official to whom he expressly delegates this power, with the exceptions provided for in the present Law.

The classification of the activities, staff, documentation and databases referred to in the first paragraph of the present Article shall be maintained even when knowledge thereof must be submitted to the justice system within the framework of a given case or is required by the Bicameral Committee for the Oversight of Intelligence Bodies and Activities.

Article 17

The members of the intelligence bodies, the legislators who belong to the Bicameral Committee for the Oversight of Intelligence Bodies and Activities and the staff allocated thereto, together with the judicial authorities, officials and persons who, as a result of their functions or by chance, gain access to knowledge about the information mentioned in the previous Article must maintain the strictest secrecy and confidentiality.

Breach of this duty shall render the culprits subject to the sanctions provided for in Book II Title IX, Chapter II, Articles 222 and/or 223 of the National Penal Code, as appropriate.

TITLE VI

INTERCEPTION AND CAPTURE OF COMMUNICATIONS

Article 18

When, in pursuit of intelligence or counterintelligence activities, it is necessary to intercept or capture private communications of any kind, the Intelligence Secretariat must request the applicable judicial authorisation.

Such authorisations must be formulated in writing and set out the grounds on which they are issued, and shall give precise indications as to the telephone number or numbers or the electronic address or addresses or whatever other medium may be involved, whose communications are to be intercepted or captured.

Article 19

In the case provided for in the previous Article, the judicial authorisation shall be requested by the Secretary for Intelligence or the official to whom he expressly delegates the power to do so, before the federal penal judge with the appropriate jurisdictional competence. For the purpose of determining that competence, regard shall be had to the domicile of the natural or legal persons whose communications are to be intercepted or, in the case of mobile or satellite communications, the registered office from which they are made.

The proceedings shall be classified at every instance.

The procedural time limits at first instance shall be twenty-four hours for both the parties and the intervening courts.

Decisions to deny such requests shall be subject to appeal to the applicable Federal Chamber, when the Bench that is hearing the appeal must decide within a mandatory time limit of seventy-two (72) hours, with authorisation to sit outside the normal times, when appropriate.

Authorisation shall be granted for a time limit of no more than sixty (60) days, which shall lapse automatically, save if the Secretary for Intelligence or the official to whom this power has been delegated makes a formal request and authorisation is again granted by the Judge who is hearing it, or by the respective Chamber in the

event that the request is denied at first instance. In such cases the time limit may be extended for another sixty (60) days at most, when this is indispensable to completion of the ongoing investigation.

Article 20

Once the time limits established in the previous Article have ended, the judge shall order that the corresponding legal proceedings commence, or else that whoever is obliged to do so destroy or erase the mediums on which the recordings have been made, the copies of the postal, cable or fax interventions or any other element that would enable their results to serve as proof.

Article 21

The Directorate of Judicial Surveillance (DOJ) is hereby created as part of the Intelligence Secretariat. The DOJ shall be the only State organ charged with executing any type of interception authorised or ordered by the competent judicial authority.

Article 22

Judicial orders to intercept telephone communications shall be sent to the Directorate of Judicial Surveillance (DOJ) in the form of an official letter signed by the judge, to include precise and detailed instructions for the guidance of the said task.

The judge must send another, summary, official letter that solely lists the numbers that are to be the object of intervention, so that the DOJ can attach it to the request it is to send to the telephone service company with responsibility for tapping the communications.

The official letters which the DOJ and its branch offices in the interior send to telephone service companies must be signed by the head of the Directorate or of the branch office that is making the request.

TITLE VII

STAFF AND CAPACITY-BUILDING

Article 23

The officials or members of intelligence bodies shall be citizens who are native-born, naturalised or have opted for Argentine citizenship, are of age, fulfil the conditions laid down in the present Law and its regulations, and whose conduct and public life provide adequate guarantees that they respect the National Constitution and the current legal and regulatory norms.

The following persons may not serve as officials or members of any intelligence body:

1. Those in relation to whom there is a record of war crimes, crimes against humanity or crimes involving human rights violations in the files of the Undersecretariat for Human Rights, which is a dependent entity of the Ministry of Justice and Human Rights, or of any other body or dependent entity that may replace them in the future.
2. Those who are subject to any of the disqualifications laid down in the statutes that provide the framework for the staff of the respective intelligence bodies.

Article 24

The Intelligence Secretariat's personnel roster shall include:

1. Permanent employees, who shall occupy the levels or categories laid down in the regulatory norms.
2. Staff who are engaged under fixed-term contracts to provide services of a provisional or temporary nature, who shall occupy the levels or categories laid down in the regulatory norms.
3. Office Staff, whose appointments shall be temporary and shall be made by the head of the Intelligence Secretariat, whose number may not exceed 2% of the total number of permanent employees in the said Secretariat's personnel roster, and who may only remain in their positions during the tenure of the person who appointed them. For the purposes of the present paragraph, 'Office Staff' means all those

persons whom the head of the Intelligence Secretariat contracts to perform assistance and advisory tasks.

Article 25

The duties, rights, remuneration system, categories, disciplinary regime, social security regime and other normative provisions inherent in the labour regime governing the staff covered by the present Law shall be established in the Special Statutes that are to be issued by decree of the National Executive Authorities.

The Special Statutes shall be public and shall be issued in accordance with the directions established in the present Law.

The staff who belong to the bodies in the National Intelligence System shall fall within the scope of the provisions of Article 4(4) of the present Law.

With regard to the social security regime, any changes which may occur shall only be valid for the intelligence staff who join after the new statutes come into force.

Article 26

The training and capacity-building of the staff of the bodies in the National Intelligence System must:

1. Develop the attitudes and values required by the training of responsible persons and officials, with an ethical, solidary, thoughtful and critical awareness and frame of mind.
2. Help ensure that full advantage is taken of the existing and assigned human and material resources.
3. Increase and diversify the opportunities for updating, improvement and reconversion available to the persons who belong to the bodies in the National Intelligence System.
4. Favour specific training and capacity-building in intelligence tasks and tasks related to the law, general scientific and technical training and capacity-building, and training and capacity-building with a humanistic, sociological and ethical content.

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The training and capacity-building of the

Intelligence Secretariat's staff and also that of the officials with responsibility for the formulation, management, implementation and control of the National Intelligence policy shall be in the hands of the National Intelligence School, which shall be under the authority of the Intelligence Secretariat.

The National Intelligence School shall be the higher-education institute with responsibility for capacity-building and improvement in intelligence-related matters, and the staff of the other bodies in the National Intelligence System may have access to its courses.

Similarly, under the conditions laid down in the regulations, it may give courses for persons who do not belong to the National Intelligence System.

A Permanent Advisory Council shall be formed within it, to include delegates from all the bodies that are members of the National Intelligence System. The Council must be consulted about the curricular programmes for both the intelligence courses and the staff-improvement activities.

Article 28

The National Intelligence School shall promote and arrange staff training in accordance with the principles of objectivity, equal opportunities, merit and capacity.

Article 29

The studies undertaken at the National Intelligence School may be the object of validation by the Ministry of Education, in accordance with the current laws and regulations.

Article 30

In order to give the instruction and courses concerning the studies referred to in the previous Article, arrangements shall be made to promote the institutional collaboration of the National Universities, the Judicial Authorities, the Public Prosecutors' Office, non-governmental organisations and other higher-education institutions, centres and establishments that are specifically of interest to the aforementioned teaching purposes.

The Argentinean Intelligence Legislation

Similarly, formal agreements may be entered into with non-governmental organisations and other public or private institutions whose activities match the matter regulated by the present Law, with a view to undertaking academic activities, scientific research, and similar activities.

TITLE VIII

PARLIAMENTARY CONTROL

Article 31

The Bicameral Committee for the Oversight of Intelligence Bodies and Activities is hereby created as part of the National Congress.

Article 32

The bodies that belong to the National Intelligence System shall be supervised by the Bicameral Committee, for the purpose of overseeing whether their *modus operandi* is strictly in accordance with the current constitutional, legal and regulatory norms, to include verification of strict fulfilment of and respect for the individual guarantees enshrined in the National Constitution, as well as with the strategic outlines and general objectives of the National Intelligence policy.

The Bicameral Committee shall possess broad powers to control and investigate on its own initiative. When it requires them to do so, and subject to the precautionary requirements laid down in Article 16, the bodies in the National Intelligence System must supply such information or documentation as the Committee requests.

Article 33

Where intelligence activities are concerned, parliamentary control shall include:

1. Considering, analysing and evaluating the execution of the National Intelligence Plan.
2. Considering the Annual Report on Intelligence Activities, which shall be secret and shall be drawn up by the Intelligence Secretariat and sent to the Bicameral Committee within ten days of the beginning of the period of ordinary sittings.

3. Receiving such explications and reports as are deemed appropriate in accordance with the provisions of Article 71 of the National Constitution.
4. Drawing up a secret annual report on the following topics, and sending it to the National Executive Authorities and the National Congress:
 - a. An analysis and evaluation of the National Intelligence System's activities, *modus operandi* and organisation, in the light of the way in which the National Intelligence Plan has been executed.
 - b. A description of the conduct of the inspection and control activities undertaken by the Bicameral Committee in the performance of its missions, together with the grounds on which it is based.
 - c. Recommendations for improvements in the *modus operandi* of the National Intelligence System.
5. Issuing an opinion on all draft legislation concerning intelligence activities.
6. Receiving denunciations made by natural and legal persons with regard to abuses and unlawful acts committed during the work of the intelligence bodies, and investigating those denunciations.
7. Auditing the study plans which the National Intelligence School has used for staff training and capacity-building.

Article 34

The Bicameral Committee shall be empowered to require the Directorate of Judicial Surveillance (DOJ), the latter's branch offices in the interior of the country, and the companies which, now or in the future, provide any type of telephone or telecommunications services in the Argentine Republic, to supply it with security-classified reports containing the list of the intercepts and taps that have been performed in a given period.

The Bicameral Committee shall be responsible for collating and analysing the information and controlling whether the measures in question were taken in response to judicial orders.

Article 35

When asked to do so, the bodies that belong to the National Intelligence System shall send the Bicameral Committee all their internal norms, principles, regulations and organisational/operational structural charts.

Article 36

No public document issued by the Bicameral Committee may reveal data that might prejudice the intelligence bodies' activities or affect internal security or national defence.

Article 37

The Bicameral Committee shall have the competence to supervise and control the "Classified Expenses" allocated to the component elements of the National Intelligence System. To this end it may undertake any act related to its competence. It may especially:

1. Make itself familiar with and intervene in the process applicable to draft national budget bills which the Executive Authorities send to the National Congress. To this end the Executive Authorities shall send it all the necessary documentation, especially:
 - a. An annex containing the amounts which are allocated or executed per administrative area and whose nature is that of classified, confidential, secret or limited or restricted-access expenses.
 - b. A security-classified annex containing the purpose, programme or object of each expense item.
2. Require the collaboration of all the intelligence bodies addressed in the present Law, which shall be obliged to supply the data, background information and reports related to the exercise of their functions. In cases of strict necessity, which it must justify, it may also require that it be sent the documentation referred to in Article 39 of the present Law.
3. Control whether classified funds have been used for the purpose provided for in the budget allocation.
4. Each year, draw up a classified report, which

shall be sent to the National Congress and the President of the Nation and shall contain:

- a. An analysis and evaluation of the execution of the classified expenses allocated to the intelligence bodies.
- b. A description of the way in which the Bicameral Committee has performed its supervisory and control activities, together with such recommendations as the Committee sees fit to make.

Article 38

The National Executive Authorities must include a new function entitled "Intelligence" in the regulations applicable to Law 24,156 on the Financial Administration and the Administration of the Control Systems of the National Public Sector, to be included in the purpose entitled "Defence and Security Services" and to group together all the budget items concerning intelligence activities, whatever administrative area they originate in.

Article 39

The expenditures incurred during each financial year shall be documented by means of a monthly record signed by the responsible officials from the body or dependent entity in question, which shall serve as an acquittance for the National Comptroller-General's Office.

Article 40

Members of the Bicameral Committee and the permanent or temporary staff assigned to it who make improper use of the information to which they have access in the exercise of their functions shall be deemed to have committed a serious breach of their duties and shall be subject to the current penalty regime, without prejudice to the liabilities which they may incur as a result of the application of the Penal Code.

Article 41

Restrictions or classifications that were established in any other norm or provision

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of a general or particular nature issued by the National Executive Authorities and/or by officials acting under the latter's authority before the present Law comes into force shall not be opposable to the Bicameral Committee or its members.

TITLE IX

PENAL PROVISIONS

Article 42

Anyone who, while permanently or temporarily taking part in the tasks that are regulated in the present Law, improperly intercepts, captures or taps telephone, postal, telegraphic or fax communications or any other system for sending objects or transmitting images, voices or packets of data, as well as any type of information, files, records and/or documents which are private or access to or the reading of which is unauthorised or inaccessible to the public and which are not addressed to him, shall be punished by imprisonment for between one month and two years and by special disqualification for double the time, if no other, more severely punished, offence results therefrom.

Article 43

Anyone who, with a judicial order and while he is under an obligation to do so, fails to destroy or erase the mediums on which the recordings have been made, the copies of the postal, cable or fax interventions or any other element that would enable the results of intercepts, captures or taps to serve as proof shall be punished by imprisonment for between three months and one year and by special disqualification for double the time, if no other, more severely punished, offence results therefrom.

TITLE X

TRANSITIONAL AND COMPLEMENTARY PROVISIONS

Article 44

Upon a proposal from the Intelligence Secretariat, which the latter shall send for information purposes to the Bicameral Committee created by the present Law, the National Executive Authorities shall issue the regulations applicable to the present Law within 180 days of the latter's entry into force.

Article 45

Laws "S" 19,373/73, 20,194 and "S" 20,195, Decrees "S" 1792/73, "S" 1793/73, "S" 4639/73, "S" 1759/87, "S" 3401/79 and 1536/91, and Ministry of Defence Resolution 430/2000 are hereby derogated.

Article 46

Within 365 days of the entry into force of the present Law, the National Executive Authorities shall issue the Statutes that are to replace the normative provisions of Law "S" 19,373, as amended by Law "S" 21,705, which shall then be derogated.

Article 47

The expression "Directorate of Internal Intelligence" in the second paragraph of Article 14 of Law 24,059 is hereby replaced by the expression "National Directorate of Criminal Intelligence".

Article 48

The expression "Directorate of Internal Intelligence" in the first paragraph of Article 16 of Law 24,059 is hereby replaced by the expression "National Directorate of Criminal Intelligence".

Article 49

The expression "Directorate of Internal Intelligence" in Regulatory Decree 1273/92, which regulated Law 24,059, is hereby replaced

by the expression “National Directorate of Criminal Intelligence”.

Article 50

Title VII and Article 33 of Law 24,059 are hereby modified and henceforth read as follows:

“Title VII: Parliamentary control of internal security organs and activities.”

“Article 33 — A bicameral committee for the oversight of internal security organs and activities is hereby created.

Its mission shall be to supervise and control the internal security bodies and organs which exist at present, those which are created by the present Law, and all those which are created in the future”

Article 51

As of the moment at which the present Law is sanctioned, the name ‘Secretariat of State Intelligence’ (SIDE) is replaced by that of ‘Intelligence Secretariat’ (SI) and Decree “S” 416/76 is derogated.

Article 52

All norms of a public, classified, secret, published or unpublished nature that contradict the present Law are hereby derogated.

Article 53

Let it be communicated to the Executive Authorities.

ISSUED IN THE PLENARY CHAMBER OF THE ARGENTINE CONGRESS, IN BUENOS AIRES, ON THE TWENTY-SEVENTH DAY OF THE MONTH OF NOVEMBER OF THE YEAR TWO THOUSAND AND ONE.

— RECORDED UNDER No. 25,520 —

RAFAEL PASCUAL. — MARIO A. LOSADA. — Roberto C. Marafioti. — Juan C. Oyarzún.

Decree 950/2002

The Regulation of the National Intelligence Law, presented in its original form

Buenos Aires, 5/6/2002

GIVEN the contents of National Intelligence Act No. 25,520, and

CONSIDERING:

That the legal, organic, and operational foundations of the National Intelligence System were established in the abovementioned Act.

That Article 44 declares that the National Executive Branch shall pass the regulations within a term of 180 days from the entry into effect of the Act, as per the recommendation of the National Intelligence Secretary, and that said regulations shall be sent to the Bicameral Commission created in the Act for its consideration.

That this regulation has been created in consultation with the different sectors involved, with the purpose of consolidating the bases for the intelligence activities and for the agencies that make up the National Intelligence System, as well as respecting the individual rights guaranteed in said Act.

That this measure is granted through the use of the powers conferred by Article 99, paragraph 2, of the NATIONAL CONSTITUTION.

Therefore,

THE PRESIDENT OF ARGENTINA

DECREES:

Article 1

To approve the regulations of National Intelligence Act No. 25,520, which, along with Annex I, is an integral part of this document.

Article 2

To issue a copy of this order for the consideration of the Bicameral Commission for the Auditing of the Intelligence Agencies and Activities of the National Congress.

Article 3

To report, publish and transmit to the National Official Register for filing. DUHALDE. Alfredo N. Atanasof. Jorge R. Matzkin. José H. Jaunarena.

ANNEX I

REGULATION OF NATIONAL INTELLIGENCE ACT 25,520

SECTION I

OVERVIEW (Not regulated)

SECTION II

Protection of the Rights and Guarantees for the Inhabitants of the Nation

Article 1

The requirements for judicial cooperation referred to in Article 4 subsection 1 of the Act must be met under the framework of the objectives and functions assigned to the required intelligence agency.

Article 2

The intelligence agencies shall outline the activities indicated in Article 4 subsection 2 of the Act, pursuant to the general prescriptions of Personal Data Act 25,326 and specifically what is stated in Article 23 of the aforementioned legal guidelines. Fulfilment of these provisions shall be the result of policies and controls established by the head of each agency in the National Intelligence System, within the scope of their respective Jurisdictions.

Article 3

The revelation or disclosure of information concerning inhabitants or public or private legal persons that is acquired by intelligence agencies in the performance of their functions shall necessarily require a judicial order or waiver and the corresponding authorisation established in the second paragraph of Article 16 of the Act, except when intervention by the agency is foreseen in a legal provision.

SECTION III

INTELLIGENCE AGENCIES

Article 4

The National Intelligence Secretary shall issue the guidelines necessary for the operations of the National Intelligence System, pursuant to the mandate granted by Article 7 of the Act.

Article 5

The National Criminal Intelligence Office, a sub-agency of the National Internal Security Office, whose responsibilities are established in Act No. 24,059 and its regulations, shall submit the sector's budgetary requirements each year

pursuant to the reporting hierarchy, and shall be responsible for executing the specific Intelligence budget assigned for each fiscal period.

Article 6

The National Office of Strategic Military Intelligence, a sub-agency of the Ministry of Defence, will coordinate the operations of the intelligence agencies of the Armed Forces. Likewise, each year it will submit the budgetary requirements of the sector to the aforementioned Ministry of Defence and will be responsible for managing the budget assigned to its department.

SECTION IV

NATIONAL INTELLIGENCE POLICY

Article 7

The National Public Administration agencies will provide all information required by the National Intelligence Secretary in accordance with that set forth in Article 13, subsection 6 of the Act, doing so within the timeframes established in the corresponding requirements.

Article 8

In the framework of the collaboration anticipated in Article 13, subsection 7 of the Act, the provincial governments shall provide the National Intelligence Secretary with all of the information they obtain that could lead to the discovery of threats and conflicts that may pose risks to the security of the Nation.

Likewise, through the National Office of Criminal Intelligence, a sub-agency of the National Internal Security Office, and within the framework of what is stated in Article 16 of Act No. 24,059, the information and intelligence agencies at the provincial level will provide the National Intelligence Secretary with all of the information they obtain that could lead to the discovery of threats and conflicts that may pose risks to the internal security of the Nation.

Article 9

The agencies that make up the National Intelligence System shall be permanent members of the inter - ministerial council referred to in Article 14 of the Act.

SECTION V

CLASSIFICATION OF INFORMATION

Article 10

The following security classifications will be observed by the agencies in the National Intelligence System, pursuant to what is stated in the first paragraph of Article 16 of the Act:

- a. **TOP SECRET AND CONFIDENTIAL:** Applicable to any information, document or material that pertains solely to the organisation and the specific activities of the National Intelligence System agencies.
- b. **SECRET:** Applicable to any information, document or material whose access by unauthorised individuals could be detrimental to the fundamental interests or objectives of the Nation.
- c. **CONFIDENTIAL:** Applicable to any information, document or material whose access by unauthorised individuals could be somewhat detrimental to the fundamental interests of the Nation or infringe on the principles, plans and operational methods of the State.
- d. **RESERVED:** Applicable to any information, document or material not included in the previous categories whose access outside of the previously defined institutional domains and whose access by unauthorised individuals is not in the interests of the State.
- e. **PUBLIC:** Applicable to all documentation whose disclosure is not detrimental to the National Intelligence System agencies and whose very nature permits the omission of restrictions on its status as public knowledge. This does not imply that it may leave the official sphere, as such action requires the ruling of the responsible authority.

Article 11

The powers described in the second paragraph of Article 16 of the Act may be delegated to the National Intelligence Secretary.

In cases in which the documentation and information classified in the terms of Article 16 of the Act have become elements of the framework of a lawsuit, a review of the classification will not be necessary when solely ratifying or acknowledging the signatures of the aforementioned instruments.

Article 12

The obligation of confidentiality established in Article 17 and the related provisions of the Act shall remain in effect regardless of whether the operations responsible for obtaining knowledge of the classified information have been terminated.

Article 13

All National Intelligence System agencies must issue internal resolutions to expressly notify, in writing, each of its members of the responsibilities resulting from Article 17 of the Act.

SECTION VI

INTERCEPTION AND CAPTURE OF COMMUNICATIONS

Article 14

During the performance of intelligence or counterintelligence activities, in the event that judicial authorisation is required for the interception or capture of any type of private communications between several subjects simultaneously, the National Intelligence Secretary will request this authorisation from a federal judge with jurisdiction over any of the domiciles, in accordance with what is stated in the first paragraph of Article 19 of the Act.

Likewise, subsequent requests that are the product of the same intelligence activities must be addressed to the federal judge who was part of the original request regarding the interception or capture of communications.

Article 15

For the purposes of Article 22 (final paragraph) of the Act, written communications issued by the Judicial Observations Office to the telephone service companies shall be signed by the Director of the area or by the duly authorised official, in the event of vacancy or absence.

SECTION VII

PERSONNEL AND TRAINING

Article 16

The National Intelligence Secretary will design plans for staff training that address the various training, education and updating needs of the different staff categories, as well as those related to higher level National Intelligence training for the other National Intelligence System agencies.

The National Intelligence School will propose plans for training, updating, enhancement and retraining, thereby meeting the needs of the National Intelligence System. Likewise, it will determine the vacancies to fill in virtue of the training and instruction needs of each agency in the National Intelligence System, as based on the annual requirements calculated by each agency.

The guidelines issued by the National Intelligence Secretary will establish the conditions for admission and continuance, as well as other requirements for the specific training of members of the National or Provincial Agencies that are not a part of the National Intelligence System, yet require knowledge of the intelligence activity for the job they perform.

The National Office of Criminal Intelligence, a sub-agency of the National Internal Security Office, and the National Office of Strategic Military Intelligence, a sub-agency of the Ministry of Defence, will be in charge of the specific guidelines for the training and education of their particular personnel to be developed by the respective security, police and Armed Forces institutions.

Article 17

The Permanent Advisory Council shall be made up of one (1) representative designated

by the National Intelligence Secretary, one (1) representative of the National Criminal Intelligence Office, a sub-agency of the National Internal Security Office, and one (1) representative of the National Military Strategic Intelligence Office, a sub-agency of the Ministry of Defence.

Article 18

The National Intelligence Secretary will determine the courses that will be validated by the Ministry of Education, Science and Technology, pursuant to the laws and regulations in effect.

The courses taken by permanent staff must be recognised in the framework of the National System of the Administrative Profession, pursuant to the guidelines in effect, and at the request of any of the National Intelligence System agencies.

Article 19

The National Intelligence School, following consultation with the Permanent Advisory Council and with the approval of the National Intelligence Secretary, will formulate exchanges and agreements with governmental and non-governmental Centres of Investigation, both domestic and foreign.

Likewise, it will also promote and coordinate the tasks of investigation and development with the relevant sectors, as based on the objectives established by the National Intelligence System. It will also maintain permanent academic and professional contacts with the institutions indicated in Article 30 of the Act, and will promote the development of similar investigations.

SECTION VIII

PARLIAMENTARY CONTROL

Article 20

The requests for documentation referred to in Article 35 and the supply of data and documentation referred to in Article 37 subsection 2 of the Act will be processed by the intelligence agencies pursuant to what is

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established in the second paragraph of Article 16 of the Act and in the other related guidelines of this regulation.

SECTION IX

CRIMINAL PROVISIONS (Not regulated)

SECTION X

TEMPORARY AND SUPPLEMENTARY PROVISIONS

Article 21

A temporary commission will be created for the conception of the Preliminary Doctrine of Intelligence Plan, which shall be done in a period of three hundred and sixty-five (365) days. Such commission will be made up of delegates from all of the agencies in the National Intelligence System, as designated by National Intelligence Secretary resolution and at the proposal of each agency, and shall be able to call upon specialists to participate in the labour sub-commissions that will be created for such purpose.

Article 22

The agencies whose personnel are affected by Law S 19,373, modified by Law S 21,705, will be notified that in a period of one hundred twenty (120) days from the date this decree comes into force, they must propose the Bylaw projects referred to in Article 46 of the Act to the National Executive Branch.

For this purpose, a labour commission of delegates from the agencies that make up the National Intelligence System, as designated by a resolution from the National Intelligence Secretary, will be created in the National Intelligence Office at the proposal of each agency. It shall be responsible for the drafting of special bylaw projects that include duties and rights, as well as the systems of compensation, categories, discipline, benefits and other guidelines inherent to the labour system of the personnel included in the Act.

Each agency, through either the National Intelligence Office or the National Internal

Security Office, both sub-agencies of the Ministry of Defence, will regulate the grouping, classification and basic structure of the civilian intelligence personnel that, due to its speciality or specific training, must be incorporated into the respective intelligence bodies and agencies for greater compliance with the Act.

the 1990s, the number of people in the UK who are aged 65 and over has increased from 10.5 million to 13.5 million, and the number of people aged 75 and over has increased from 4.5 million to 6.5 million (ONS 2002).

There is a growing awareness of the need to address the needs of older people, and the need to ensure that they are able to live independently and actively in their own homes.

The aim of this paper is to explore the needs of older people, and to discuss the implications for the design of information systems for older people.

The paper is organized as follows. Section 2 discusses the needs of older people, and Section 3 discusses the implications for the design of information systems for older people.

2. Needs

The needs of older people are complex and diverse, and are influenced by a number of factors, including age, health, and social circumstances.

Older people may have a range of needs, including the need for information, the need for support, and the need for a safe and secure environment.

The needs of older people are often overlooked, and it is important to ensure that their needs are taken into account when designing information systems for older people.

The following are some of the key needs of older people:

- Information: Older people need access to information that is relevant to their needs, and that is presented in a clear and easy-to-understand format.

- Support: Older people need support from family, friends, and professionals, and information systems should be designed to facilitate this support.

- Safety and security: Older people need to feel safe and secure in their own homes, and information systems should be designed to enhance their safety and security.

- Independence: Older people need to be able to live independently and actively in their own homes, and information systems should be designed to support their independence.

- Usability: Information systems should be designed to be easy to use, and should take into account the physical and cognitive abilities of older people.

- Accessibility: Information systems should be designed to be accessible to older people, and should take into account their specific needs and requirements.

- Flexibility: Information systems should be designed to be flexible, and should be able to adapt to the changing needs of older people.

- Reliability: Information systems should be designed to be reliable, and should be able to provide accurate and up-to-date information.

- Privacy: Information systems should be designed to protect the privacy of older people, and should not collect or store unnecessary information.

- Security: Information systems should be designed to be secure, and should be able to protect older people from fraud and other security threats.

- Interoperability: Information systems should be designed to be interoperable, and should be able to work with other systems and devices.

- Portability: Information systems should be designed to be portable, and should be able to be used on a range of devices and platforms.

- Scalability: Information systems should be designed to be scalable, and should be able to handle a large number of users and transactions.

- Maintainability: Information systems should be designed to be maintainable, and should be easy to update and modify.

- Cost-effectiveness: Information systems should be designed to be cost-effective, and should provide good value for money.

- User-centred design: Information systems should be designed using user-centred design principles, and should take into account the needs and requirements of older people.

- Evaluation: Information systems should be evaluated to ensure that they meet the needs of older people, and that they are easy to use and effective.

مركز جنيف للرقابة الديمقراطية على القوات المسلحة
شارع المعارف ٣٤
رام الله / البيرة
الضفة الغربية
فلسطين

هاتف: +٩٧٢ (٢) ٢٩٥ ٦٢٩٧
فاكس: +٩٧٢ (٢) ٢٩٥ ٦٢٩٥

مركز جنيف للرقابة الديمقراطية على القوات المسلحة
مركز جيفنور - بلوك C - الطابق السادس
شارع كليمنسو
بيروت
لبنان

هاتف: +٩٦١ (٠) ١ ٧٣٨ ٤٠١
فاكس: +٩٦١ (٠) ١ ٧٣٨ ٤٠٢

DCAF Head Office, Geneva

By Post:

Geneva Centre for the Democratic Control of Armed Forces (DCAF)
P.O.Box 1360
CH-1211 Geneva 1
Switzerland

For Visitors:

Geneva Centre for the Democratic Control of Armed Forces (DCAF)
Rue de Chantepoulet 11
CH-1201 Geneva 1
Switzerland

Tel: +41 (0) 22 741 77 00
Fax: +41 (0) 22 741 77 05

DCAF Ramallah

Al-Maaref Street 34
Ramallah / Al-Bireh
West Bank
Palestine

Tel: +972 (2) 295 6297
Fax: +972 (2) 295 6295

DCAF Beirut

Gefinor Center - Block C - 6th Floor
Clemenceau Street
Beirut
Lebanon

Tel: +961 (0) 1 738 401
Fax: +961 (0) 1 738 402

www.dcaf.ch