NATIONAL INTELLIGENCE LAW

Decree 950/2002

The regulations of Law No. 25,520 are approved.

Buenos Aires, 5/6/2002

SEEN the provisions of the National Intelligence Law No. 25,520 and,

CONSIDERING:

That the aforementioned Law established the legal, organic and functional bases of the National Intelligence System.

That by article 44 it was arranged that the National Executive Power will proceed to dictate its regulations within 180 days of its entry into force, at the proposal of the Intelligence Secretariat of the Presidency of the Nation, which will be sent for your information to the Bicameral Commission created by said law.

That this regulation has been prepared in consultation with the different areas involved, aiming to consolidate the bases for the development of intelligence activities and of the organizations that make up the National Intelligence System, while ensuring respect for human rights. protected individuals in the aforementioned law.

That this measure is issued in use of the powers conferred by article 99, paragraph 2 of the NATIONAL CONSTITUTION.

Thus,

THE PRESIDENT OF THE ARGENTINE NATION

DECREES:

**Article 1** - Approve the regulations of the National Intelligence Law No. 25,520, which as Annex I, forms part hereof.

**Art. 2** - Send a copy of this, for your information, to the Bicameral Commission for the Oversight of Intelligence Organizations and Activities of the National Congress.

**Art. 3** - Communicate, publish, give to the National Directorate of the Official Registry and file. — DUHALDE. — Alfredo N. Atanasof. — Jorge R. Matzkin. — Jose H. Jaunarena.

ANNEX I

REGULATION OF THE LAW

OF NATIONAL INTELLIGENCE, No. 25,520

TITLE I

General principles

(Unregulated).

TITLE II

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

ARTICLE 1 — The judicial cooperation requirements referred to in article 4, paragraph 1) of the Law must be satisfied within the framework of the missions and functions assigned to the required intelligence agency.

ARTICLE 2 — The intelligence agencies will frame the activities mentioned in article 4, paragraph 2) of the Law, inexcusably within the general prescriptions of the Personal Data Protection Law No. 25,326 and specifically as determined in article 23 of the aforementioned legal norm. Compliance with these provisions will be the subject of directives and controls by the head of each agency that is part of the National Intelligence System within the scope of their respective Jurisdiction.

ARTICLE 3° The disclosure or dissemination of information regarding inhabitants or legal persons, public or private, acquired by intelligence agencies for the exercise of their functions, will inexorably require a judicial order or dispensation and the authorization provided for in the second paragraph of article 16 of the Law, except when the agency's intervention is provided for in a legal provision.

TITLE III

Intelligence Organizations

ARTICLE 4 - The Intelligence Secretariat of the Presidency of the Nation will dictate the rules that are necessary for the operation of the National Intelligence System, according to the mission conferred by article 7 of the Law.

ARTICLE 5 - The National Directorate of Criminal Intelligence, dependent on the Secretary of Internal Security of the Presidency of the Nation, whose mission is determined in Law No. 24,059, and its regulations, will submit annually to its hierarchical dependency, the requirements budgetary of the area and will be responsible for the execution of the specific Intelligence budget, assigned for each fiscal period.

ARTICLE 6 - The National Directorate of Strategic Military Intelligence under the Ministry of Defense will coordinate the actions that correspond to the intelligence agencies of the Armed Forces. Likewise, it will submit annually to the aforementioned Ministry of Defense the budgetary requirements of the area and will be responsible for the execution of the budget assigned to its dependency.

TITLE IV

National Intelligence Policy

ARTICLE 7 - The bodies of the National Public Administration will provide all the information required by the Intelligence Secretariat of the Presidency of the Nation based on the provisions of article 13, paragraph 6) of the Law, within the terms set forth in the corresponding requirements.

ARTICLE 8 - In the framework of the cooperation provided for in article 13 paragraph 7) of the Law, the provincial governments will make available to the Intelligence Secretariat of the Presidency of the Nation, the information they obtain and that could lead to the detection of threats and conflicts that may affect the security of the Nation.

Likewise, the existing information and intelligence bodies at the provincial level, through the National Directorate of Criminal Intelligence of the Secretary of Internal Security of the Presidency of the Nation and within the framework of the provisions of article 16 of Law No. 24,059, will make available to the Intelligence Secretariat of the Presidency of the Nation the information they obtain and that could lead to the detection of threats and conflicts that affect the internal security of the Nation.

ARTICLE 9° — They will be permanent members of the interministerial council referred to in article 14 of the Law, the organizations that make up the National Intelligence System,

TITLE V

Information Classification

SECTION 10 — The following security classifications are established to be observed by the agencies that make up the National Intelligence System, in accordance with the provisions of the first paragraph of Article 16 of the Law:

a) STRICTLY SECRET AND CONFIDENTIAL: Applicable to all information, document or material that is exclusively related to the organization and specific activities of the agencies of the National Intelligence System.

b) SECRET: Applicable to any information, document or material whose knowledge by unauthorized personnel may affect the fundamental interests or vital objectives of the Nation.

c) CONFIDENTIAL: Applicable to all information, document or material whose knowledge by unauthorized persons may partially affect the fundamental interests of the Nation or violate principles, plans and functional methods of the powers of the State.

d) RESERVED: Applicable to all information, document or material that, not being included in the previous categories, does not suit the interests of the State that its knowledge transcends outside certain institutional spheres and is accessible to unauthorized persons.

e) PUBLIC: Applicable to all documentation whose disclosure is not detrimental to the agencies of the National Intelligence System and which, due to its nature, allows dispensing with restrictions related to the limitation of its knowledge, without implying that it can transcend the official sphere, to unless the responsible authority so provides.

ARTICLE 11 — The Secretary of Intelligence of the Presidency of the Nation is delegated the power contained in the second paragraph of article 16 of the Law.

In those cases in which documentation and information classified in the terms of article 16 of the Law have been incorporated, within the framework of a judicial case, it will not be necessary to survey the classification when it is only a question of ratifying or recognizing the signatures of the aforementioned instruments.

ARTICLE 12 — The obligation to keep secret provided for in article 17 and concordant of the Law will subsist notwithstanding the termination of the functions by virtue of which knowledge of the classified information was accessed.

ARTICLE 13° — By internal resolution of each agency of the National Intelligence System, the formal and written notification of the responsibilities emanating from article 17 of the Law to each agent of the agency must be expressly documented.

TITLE VI

Interception and Collection of Communications

ARTICLE 14° — When, due to the development of intelligence or counterintelligence activities, judicial authorization is necessary for the interception or capture of private communications of any kind, carried out between several subjects simultaneously, the Intelligence Secretariat of the Presidency of the Nation will request the measures to the federal judge with territorial jurisdiction in any of the domiciles based on the provisions of article 19 first paragraph of the Law.

Likewise, the successive requests must be submitted to the federal judge who prevented the interception or capture of the communications, as long as they are the consequence of the same intelligence activities.

ARTICLE 15° — For the purposes of article 22, last paragraph of the Law, the official letters sent by the Directorate of Judicial Observations to the different companies providing the telephone service, shall be signed by the director of the area and/or, in case of vacancy or absence, by the duly authorized official.

TITLE VII

Personnel and Training

ARTICLE 16 - The Intelligence Secretariat of the Presidency of the Nation will develop personnel training plans, attending to the different training, training and updating needs of the different staff cadres, as well as those related to higher training in National Intelligence of the remaining organisms of the National Intelligence System.

The National Intelligence School will propose training, updating, improvement and reconversion plans, attending to the needs of the National Intelligence System. Likewise, it will determine the vacancies to be assigned in accordance with the education and training needs of each body that is part of the National Intelligence System, based on the annual requirement that each of them will formulate.

The regulations issued for this purpose by the Intelligence Secretariat of the Presidency of the Nation will establish the conditions of admission, permanence and other requirements for the specific training of the members of National or Provincial Organizations not belonging to the National Intelligence System that require specific knowledge of intelligence activity by the task they develop.

The National Directorate of Criminal Intelligence of the Secretary of Internal Security of the Presidency of the Nation and the National Directorate of Military Strategic Intelligence of the Ministry of Defense will understand the specific rules for the education and training of their respective staff to be developed by the respective institutes of the security, police and Armed Forces forces.

ARTICLE 17 - The Permanent Advisory Council will be made up of one (1) representative appointed by the Secretary of Intelligence of the Presidency of the Nation, one (1) representative of the National Directorate of Criminal Intelligence of the Secretary of Internal Security of the Presidency of the Nation, and one (1) representative of the National Directorate of Military Strategic Intelligence of the Ministry of Defense.

ARTICLE 18 - The Secretary of Intelligence of the Presidency of the Nation will determine the courses to be validated by the Ministry of Education, Science and Technology, in accordance with the laws and regulations in force.

The studies completed by permanent staff may be recognized within the framework of the National System of the Administrative Profession, in accordance with current regulations, at the request of any of the bodies that make up the National Intelligence System.

ARTICLE 19 - The National Intelligence School, with the prior intervention of the Permanent Advisory Council and with the approval of the Secretary of Intelligence of the Presidency of the Nation, will formulate exchanges and agreements with governmental and non-governmental, national and foreign Research Centers.

Likewise, it will also promote and coordinate with the relevant areas, research and development tasks based on the objectives set by the National Intelligence System, and maintain permanent academic and professional contacts with the agencies and institutions mentioned in article 30 of the Law. and will promote the development of similar research.

TITLE VIII

parliamentary scrutiny

ARTICLE 20 - The requests for documentation referred to in article 35 and the provision of data and documentation referred to in article 37 subsection 2) of the Law, will be processed by the intelligence agencies in accordance with the provisions of the second paragraph of the article 16 of the Law and in the other concordant norms of the present regulation.

TITLE IX

Penal Provisions

(Unregulated).

TITLE X

Temporary and Complementary Provisions

ARTICLE 21 - Create within the scope of the National Intelligence School, a transitory commission for the elaboration of the Preliminary Draft of the Intelligence Doctrine within a term of three hundred and sixty-five (365) days. Said commission will be made up of delegates from all the organizations that make up the National Intelligence System, appointed by resolution of the Intelligence Secretary of the Presidency of the Nation, at the proposal of each organization, who may have specialists intervene in the work subcommittees that to the effect they will be created.

ARTICLE 22 — The agencies whose personnel are affected by Law 'S' No. 19,373, modified by Law 'S' No. 21,705, are instructed so that within a period of one hundred and twenty (120) days from the entry into force of this decree, propose to the National Executive Power the draft Statutes referred to in article 46 of the Law.

To this end, create within the scope of the Intelligence Secretariat of the Presidency of the Nation a work commission made up of delegates from the agencies that make up the National Intelligence System, appointed by resolution of the Intelligence Secretary of the Presidency of the Nation, at the proposal of each body, for the drafting of the draft special statutes that contemplate the duties, rights, remuneration systems, categories, disciplinary regime, social security and other regulations inherent to the labor regime of the personnel covered by the Law.

Each body, through the Intelligence Secretariat and the Internal Security Secretariat, both of the Presidency of the Nation and the Ministry of Defense, as appropriate, will regulate the grouping, classification and basic staff of civilian intelligence personnel who, due to their specialty or particular training, must be incorporated into the respective intelligence bodies and agencies, for the purposes of better compliance with the Law.

-ERRATA-

Decree 950/2002

In the edition of June 6, 2002, where the aforementioned Decree was published, the following errors were made:

In the title:

**WHERE IT SAYS:** NATIONAL SECURITY LAW

**SHOULD SAY:** NATIONAL INTELLIGENCE LAW

In Annex I,

Article 5:

**WHERE IT SAYS:** The National Directorate of Criminal Intelligence under the Ministry of Internal Security…

**SHOULD SAY:** The National Directorate of Criminal Intelligence, dependent on the Secretary of Internal Security...

Article 22:

**WHERE IT SAYS:** …, disciplinary, social security system and more regulations …

**WHERE IT SAYS:** …, disciplinary, social security and other regulations …