Text consolidated by Valsts valodas centrs (State Language Centre) with amending laws of:

7 April 2004 [shall come into force on 1 May 2004];

29 April 2010 [shall come into force on 28 May 2010];

14 June 2012 [shall come into force on 1 October 2012];

12 December 2019 [shall come into force on 24 December 2019].

If a whole or part of a section has been amended, the date of the amending law appears in square brackets at the end of the section. If a whole section, paragraph or clause has been deleted, the date of the deletion appears in square brackets beside the deleted section, paragraph or clause.

The *Saeima*1 has adopted and

the President has proclaimed the following law:

**Law on Detective Activity**

**Section 1.** The purpose of this Law is to determine the legal basis and range of subjects of detective activity as a special type of commercial activity and to regulate the rights and obligations thereof.

**Section 2.** (1) Detective activity shall mean the services provided by individual merchants, partnerships and capital companies (hereinafter – the detective company), and natural persons (hereinafter – the detective) certified in accordance with the procedures prescribed by this Law which are provided to a natural or legal person on the basis of a contract in order to protect the rights and lawful interests of such a person.

(2) The detective company and the detective may provide the following detective activity services:

1) gather information in civil cases and criminal cases;

2) search for persons who have committed a criminal offence or missing persons;

3) ascertain the facts, things or persons related to a criminal activity;

4) provide consultations to natural persons and legal persons concerning security matters;

5) ascertain the facts of unfair competition, unlawful commercial activities or another unlawful economic activity;

6) gather information characterising a person prior to concluding an employment contract or another civil contract and information on the solvency of a person;

7) examine information related to the fulfilment of obligations of insurance contracts and compensation for material losses;

8) search for property lost by natural and legal persons or property which has been unlawfully alienated.

(3) The detective company and the detective may also provide other services if they are not in contradiction with law and serve to achieve the purposes specified in Paragraph one of this Section.

**Section 3.** (1) The following may commence detective activity:

1) the detective company – after receipt of a special permit (licence) for the performance of detective activity (hereinafter – the licence);

2) the detective – after receipt of a certificate for the performance of detective activity (hereinafter – the certificate).

(2) The licence shall be issued for an indefinite period. The certificate shall be issued for five years.

(3) The Cabinet shall prescribe the procedures for the issuance of the licence and certificate, extension of the duration of the certificate, cancellation of the licence and certificate.

[*29 April 2010; 14 June 2012*]

**Section 4.** (1) An individual merchant, partnership or a capital company in which the individual merchant or any member of the partnership with the right of representation or a member of the executive board of the capital company (hereinafter – the head of the detective company) respectively is a citizen of a Member State of the European Union or a citizen of a country of the European Economic Area or a non-citizen of Latvia shall be entitled to obtain the licence and perform detective activity.

(2) An individual merchant, partnership or a capital company shall not be entitled to obtain the licence and perform detective activity if the head thereof is subject to the restrictions referred to in this Law.

(3) It is prohibited to issue a licence repeatedly to the individual merchant, partnership or a capital company whose licence has been cancelled until one year has passed after its cancellation.

[*14 June 2012*]

**Section 5.**

[14 June 2012]

**Section 6.** (1) A citizen of a European Union Member State or a citizen of a country of the European Economic Area or a non-citizen of Latvia shall be entitled to obtain the certificate and perform detective activity if he or she has a higher education in law or work experience of at least five years in law enforcement institutions (court, Office of the Prosecutor, police, investigating institutions, State security institutions).

(2) Such citizen of a European Union Member State or a citizen of a country of the European Economic Area or a non-citizen of Latvia shall not be entitled to obtain the certificate and perform detective activity:

1) who is an official or employee of a law enforcement institution;

2) who has been convicted for committing an intentional criminal offence or for a criminal offence committed under the influence of alcoholic beverages, narcotic or other intoxicating substances – prior to the extinguishment or setting aside of the conviction;

3) who has been convicted for committing the criminal offence provided for in Clause 2 of this Paragraph, releasing from sentence or serving of the sentence – earlier than one year after entering into effect of the decision to release from sentence or serving of the sentence;

4) who has been released from criminal liability for committing the criminal offence provided for in Clause 2 of this Paragraph – earlier than one year after entering into effect of the decision;

5) who has been conditionally released from criminal liability for committing the criminal offence provided for in Clause 2 of this Paragraph – prior to expiration of the probationary supervision period;

6) against whom criminal prosecution has been commenced for committing the criminal offence provided for in Clause 2 of this Paragraph;

7) who has been administratively punished for offences committed under the influence of alcoholic beverages, narcotic, psychotropic, toxic or other intoxicating substances, for refusal to submit to a medical test for alcohol concentration, as well as a test for narcotic or other intoxicating substance influence, for petty hooliganism or malicious non-compliance with the lawful order or request of a police employee, a national guardsman or a border guard as well as a soldier – if a year has not passed after enforcement of the administrative penalty;

8) who has been determined to suffer from mental illness or addiction to alcohol, narcotic, psychotropic or toxic substances;

9) who has been discharged (dismissed) from employment or service in a law enforcement institution for a disciplinary offence if three years have not passed since the discharge (dismissal) from employment or service;

10) about whom the State Police or State security institutions are in possession of information which gives reason to believe that the activity of the respective person is directed against the legitimate interests of the State, society or other persons.

(3) The restrictions referred to in Paragraph two of this Section shall also apply to the head of the detective company.

(4) It is prohibited to issue a certificate repeatedly to a person whose certificate has been cancelled until one year has passed since its cancellation. This provision shall not apply in the case where the certificate has been cancelled in accordance with Paragraph two, Clause 1 of this Section, nor in the case where the certificate has been cancelled in accordance with Paragraph two, Clause 6 of this Section and the criminal proceedings have been terminated on the basis of exoneration.

[*14 June 2012*]

**Section 7.** The licence of the detective company shall be cancelled if:

1) it intentionally does not comply with the requirements of laws and regulations;

2) it has knowingly provided false information in order to obtain the licence;

3) it systematically fails to fulfil tax liabilities;

4) it is determined by other laws or court rulings;

5) it has been established that it does not meet the requirements specified in Section 4 of this Law.

[*14 June 2012*]

**Section 8.** The certificate of the detective shall be cancelled if:

1) he or she intentionally does not comply with the requirements of laws and regulations;

2) he or she has knowingly provided false information in order to obtain the certificate;

3) he or she systematically fails to fulfil tax liabilities;

4) it is determined by other laws or court rulings;

5) it has been established that he or she does not meet the requirements specified in Section 6 of this Law.

[*14 June 2012*]

**Section 9.** (1) A written contract for the provision of detective activity service shall be concluded with each client. If the contract is concluded by the detective company, the given name, surname of the detective, the number and date of issue of the certificate of the detective who is to provide detective activity services must also be specified in addition to the requirements of the Civil Law.

(2) If a contract for gathering information in a criminal case is concluded, the provider of a detective activity service shall, within 24 hours, inform in writing thereof the person directing the proceedings in the records of whom the criminal case is located and agree with the person directing the proceedings on his or her activities in this case.

**Section 10.** (1) In the performance of detective activity, the detective is entitled:

1) to perform disguised (covert) questioning of a person regarding the facts he or she is interested in or the circumstances of the case or event;

2) with consent of the person, to perform detailed questioning of a person and accept written explanations from this person regarding the facts he or she is interested in and the circumstances of the case or event;

3) with the consent of the owner or legal possessor, to perform inspection of publicly inaccessible places, buildings, structures, premises, machinery, equipment, items, and documents;

4) to perform an open or disguised (covert) inspection of publicly accessible places, buildings, structures, premises, and items in the premises;

5) to perform open or disguised (covert) observation and tracking of persons, objects, and the movement thereof.

(2) For taking measures of detective activity referred to in Paragraph one of this Section, it is permitted to use video recordings, audio recordings and photographs as well as other technical means if they do not threaten human life or health as well as the environment and if it is not prohibited by laws and regulations in the particular circumstances.

(3) The obligation of the detective is to hand over to law enforcement institutions all the information obtained during the detective activity process regarding intended or committed criminal offences as well as the persons related thereto.

**Section 11.** During the performance of detective activity, it is prohibited to cause physical, moral or material harm to persons, to endanger the life and health of people as well as the environment, to apply or to threaten to apply physical means of coercion, or to incite people to criminal acts.

**Section 12.** It is prohibited for the detective company and detective:

1) to mislead clients knowingly and use the information obtained against the interests of the State or the interests of a client or other persons protected by law;

2) to transfer the certificate or licence to other persons;

3) to perform operative activities measures;

4) to disclose information obtained in fulfilling his or her duties without consent of the client, except for the cases specified in Section 10, Paragraph three of this Law and other laws.

[*14 June 2012*]

**Section 12.1** It is prohibited for the detective company to assign the duties of the detective to a person who has not obtained the certificate or whose certificate has been cancelled.

[*14 June 2012*]

**Section 13.** For the issuance of the licence and certificate and for the extension of the duration of the certificate, a State fee shall be paid according to the procedures and in the amount specified by the Cabinet.

[*29 April 2010*]

**Section 14.** The control of detective activity shall be carried out by the State Police which is entitled to request the documents and oral or written information necessary for the performance of control functions.

**Section 15.** (1) The information on the licences and certificates issued for the performance of detective activity shall be registered by the State Police in the Licence and Certificate Register of the Integrated Interior Information System.

(2) The Cabinet shall determine the extent of information to be registered in the Licence and Certificate Register, the procedures for the inclusion, use, and deletion of information as well as the authorities to be granted access to the information included in the Register.

[*29 April 2010*]

**Section 16.** (1) For the violation of the prohibitions laid down in this Law for the detective company or the detective or failure to fulfil the duties of the detective company or the detective, a fine from seven to seventy units of fine shall be imposed on a natural person but a fine from fourteen to one hundred units of fine shall be imposed on a legal person.

(2) For the performance of detective activity without the licence or certificate, a fine from sixty to four hundred units of fine shall be imposed on a natural person or a member of the executive board by depriving him or her of the right to hold specific offices in commercial companies for a period of up to five years or without it.

[*12 December 2019 / Section shall come into force on 1 July 2020. See Paragraph 7 of Transitional Provisions*]

**Section 17.** The administrative offence proceedings for the offences referred to in Section 16 of this Law shall be conducted by the State Police.

[*12 December 2019 / Section shall come into force on 1 July 2020. See Paragraph 7 of Transitional Provisions*]

**Transitional Provisions**

1. The Cabinet shall, by 1 November 2001, draw up and adopt the legal acts referred to in this Law.

2. Within three months after coming into force of this Law, the State Police shall examine the conformity of the existing detective companies and detectives to the Law on Detective Activity and cancel the licences if they do not meet the requirements of this Law.

3. The requirement regarding the practical legal work experience in law enforcement institutions referred to in Section 6, Clause 1 of this Law may not serve as a basis for the cancellation of the licence and refusal to issue the certificate to the detective who has commenced detective activity prior to the date of adoption of this Law, provided that he or she conforms to the other requirements of the Law.

4. Licences issued for five years shall be valid until expiry of the term of validity indicated therein. Merchants shall apply for the new model (indefinite duration) licences 30 days before expiry of the term of validity indicated in the licence. In such case, the State fee for the issuance of the new model (indefinite duration) licences shall be applied in such an amount which is provided for repeated issuance of a licence.

[*29 April 2010*]

5. Until the day of entry into force of the new Cabinet regulations, but no longer than by 1 September 2010, the Cabinet Regulation No. 260 of 17 April 2007, Regulations Regarding Licensing and Certification of Detective Activity, shall be in force, insofar as they are not in contradiction with this Law.

[*29 April 2010*]

6. The licences and certificates which have been issued before 1 October 2012 and do not meet the requirements and conditions for issuance prescribed by this Law shall be valid until 31 December 2012.

[*14 June 2012*]

7. Sections 16 and 17 of this Law shall come into force concurrently with the Law on Administrative Liability.

[*12 December 2019*]

The Law shall come into force on 1 November 2001.

The Law has been adopted by the *Saeima* on 5 July 2001.

President V. Vīķe-Freiberga

Rīga, 20 July 2001