

# National intelligence authorities and surveillance in the EU: Fundamental rights safeguards and remedies

November 2022 Update

Country: Finland

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**DISCLAIMER:** This document was commissioned under contract as background material for comparative analysis by the European Union Agency for Fundamental Rights (FRA) for the project '*National intelligence authorities and surveillance in the EU*'. The information and views contained in the document do not necessarily reflect the views or the official position of the FRA. The document is made publicly available for transparency and information purposes only and does not constitute legal advice or legal opinion. FRA would like to express its appreciation for the comments on the draft report provided by Finland that were channelled through the FRA National Liaison Officer and the comments provided by the Intelligence Ombudsman.

## Table of Contents

1. Summary .....	3
2. Annexes- Table and Figures .....	7
2.1. Overview of security and intelligence services in the EU-27 .....	7
2.2. EU Member States' legal framework on surveillance reformed since 2017 .....	7
Figure 1: EU Member States' legal frameworks on surveillance reformed since October 2015.....	8
2.3. Intelligence services' accountability scheme .....	8
Figure 5: Intelligence services' accountability scheme .....	9
2.4. Parliamentary oversight of intelligence services in EU Member States .....	9
Figure 6: Parliamentary oversight of intelligence services in EU Member States .....	10
2.5. Expert bodies (excluding DPAs) overseeing intelligence services in the EU.....	10
Table 2: Expert bodies (excluding DPAs) overseeing intelligence services in the EU .....	11
2.6 DPAs' powers over national intelligence services, by member states .....	11
Figure 7: DPAs' powers over national intelligence services, by member states .....	11
2.7. DPAs' and expert bodies' powers over intelligence techniques, by EU Member State .....	12
Figure 8: DPAs' and expert bodies' powers over intelligence techniques, by EU Member State .....	12
2.8. Binding authorisation/approval of targeted surveillance measures in the EU.....	12
Table 4: Binding authorisation/approval of targeted surveillance measures in the EU-27.....	12
2.9. Approval/authorisation of general surveillance of communication.....	13
Table 5: Approval/authorisation of general surveillance of communication in France, Germany, the Netherlands and Sweden.....	13
2.10. Non-judicial bodies with remedial powers .....	13
Table 6: Non-judicial bodies with remedial powers in the context of surveillance, by EU Member State.....	13
2.11. Implementing effective remedies.....	14
Figure 9: Implementing effective remedies: challenges and solutions.....	14
2.12 Non-judicial bodies' remedial powers .....	14
Table 7: Non-judicial bodies' remedial powers in case of surveillance, by EU Member State.....	15
2.13 DPAs' remedial competences .....	15
Figure 10: DPAs' remedial competences over intelligence services.....	16

# 1. Summary

FRANET contractors are requested to highlight in 1 page **maximum** the key developments in the area of surveillance by intelligence services in their Member State. This introductory summary should enable the reader to have a snapshot of the evolution during the reporting period (mid-2016 until third quarter of 2022). It should mention:

*the most significant legislative reform/s that took place or are taking place and highlight the key aspect/s of the reform, focusing on oversight and remedies.  
relevant oversight bodies' (expert bodies (including non-judicial bodies, where relevant), data protection authorities, parliamentary commissions) reports/statements about the national legal framework in the area of surveillance by intelligence services.*

## **List of the different relevant reports produced in the context of FRA's surveillance project to be taken into account**

### **FRA 2017 Report:**

[Surveillance by intelligence services: fundamental rights safeguards and remedies in the EU - Volume II: field perspectives and legal update](#)

### **FRANET data collection for the FRA 2017 Report:**

[Country studies for the project on National intelligence authorities and surveillance in the EU: Fundamental rights safeguards and remedies - Legal update](#)

[Country studies for the project on National intelligence authorities and surveillance in the EU: Fundamental rights safeguards and remedies - Monthly data collection on the current reform of intelligence legislation \(BE, FI, FR, DE, NL and SE\)](#)

### **FRA 2015 Report:**

[Surveillance by intelligence services: fundamental rights safeguards and remedies in the EU – mapping Member States' legal framework](#)

### **FRANET data collection for the FRA 2015 Report:**

[Country studies for the project on National intelligence authorities and surveillance in the EU: Fundamental rights safeguards and remedies](#)

FRANET contractors are requested to highlight in 1 page **maximum** the key developments in the area of surveillance by intelligence services in their Member State. This introductory summary should enable the reader to have a snapshot of the evolution during the reporting period (mid-2016 until third quarter of 2022). It should mention:

*the most significant legislative reform/s that took place or are taking place and highlight the key aspect/s of the reform, focusing on oversight and remedies.  
relevant oversight bodies' (expert bodies (including non-judicial bodies, where relevant), data protection authorities, parliamentary commissions) reports/statements about the national legal framework in the area of surveillance by intelligence services.*

In **Finland**, the legislative reform of the legal framework on surveillance was completed in 2019 when the intelligence legislation entered into force. The comprehensive reform included legislation on civilian and military intelligence, on the oversight of the intelligence gathering as well as the amendment of section 10 of the Constitution of Finland (*Suomen perustuslaki/Finlands grundlag*) on the right to privacy.

The constitutional amendment on the secrecy of confidential communications entered into force on 15 October 2018.<sup>1</sup> After the amendment, the limitations of the secrecy of confidential communications that are necessary for protecting national security can be laid down by an ordinary act of Parliament. The threat posed to national security must be serious and the limitations of the secrecy of communications must be necessary for the purpose. Thus, the new section 10 (4) of the Constitution of Finland stipulates that “Limitations of the secrecy of communications may be imposed by an Act if they are necessary in the investigation of crimes that jeopardise the security of the individual or society or the sanctity of the home, at trials and security checks, during deprivation of liberty, and for the purpose of obtaining information on military activities or other such activities that pose a serious threat to national security. (Act No. 817/2018)”<sup>2</sup>

Following the amendment of the Constitution, the Act on the Oversight of Intelligence Gathering (*laki tiedustelutoiminnan valvonnasta/lag om övervakning av underrättelseverksamheten*) and the amendment of Parliament’s Rules of Procedure (*eduskunnan työjärjestys/riksdagens arbetsordning*) entered into force on 1 February 2019.<sup>3</sup> Within the current legislation, the oversight of intelligence is complemented by two expert bodies, the Intelligence Ombudsman (*tiedusteluvalvontavaltuutettu/underrättelsetillsynsombudsmannen*) carrying out the legality oversight and the Intelligence Oversight Committee of Parliament (*tiedusteluvalvontavaliokunta/underrättelsetillsynsutskottet*) conducting parliamentary oversight.

The Intelligence Ombudsman oversees both the civilian intelligence and military intelligence authorities: the Finnish Security and Intelligence Service (*Suojelupoliisi/Skyddspolisen*), the Intelligence Division of the Defence Command (*Pääesikunnan tiedusteluosasto/Huvudstabens underrättelseavdelning*) and the Finnish Defence Intelligence Agency (*Puolustusvoimien tiedustelulaitos/Försvarsmaktens underrättelsetjänst*). The Intelligence Ombudsman is an autonomous and independent legality overseer with investigative powers and extensive right to access information. According to section 15 of the Act on the Oversight of Intelligence Gathering, the Intelligence Ombudsman has the competence to order the use of the intelligence method to be suspended or stopped if the Ombudsman considers that the intelligence authority has acted unlawfully in intelligence gathering.<sup>4</sup> The Intelligence Ombudsman can also order the intelligence method authorised by the court to be suspended or stopped, but only with a temporary order. This temporary order must be submitted to the court without delay. The court can then confirm or cancel the temporary order or amend the order.

Individuals can submit investigation requests and complaints to the Intelligence Ombudsman. In Finland, the Intelligence Ombudsman has not received any complaints so far. The Intelligence Ombudsman informs that the complainant would receive a response to the complaint, but the content of the response should be considered on a case-by-case basis. Furthermore, a response is also provided to investigation requests, but such a response would only state that the investigation has been carried out.<sup>5</sup> The Intelligence Ombudsman also reports that during 2021 there were no causes for legality enforcement sanctions against intelligence authorities.<sup>6</sup>

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<sup>1</sup> Finland, Finnish Government (*valtioneuvosto/statsrådet*) (2018), ‘[Proposal to parliament for amending the constitutional provision on the secrecy of confidential communication](#)’, press release, 25 January 2018.

Finland, Finnish Government (*valtioneuvosto/statsrådet*) (2018), ‘[Constitutional amendment concerning secrecy of confidential communications enters into force in October](#)’, press release, 4 October 2018.

<sup>2</sup> Finland, [The Constitution of Finland](#) (*Suomen perustuslaki/Finlands grundlag*), Act No. 731/1999, 11 June 1999.

<sup>3</sup> Finland, Finnish Government (*valtioneuvosto/statsrådet*) (2019), ‘[Tiedustelutoiminnan valvontaa koskeva laki voimaan helmikuun alusta](#)’, press release, 18 January 2019.

<sup>4</sup> Finland, [Act on the Oversight of Intelligence Gathering](#) (*laki tiedustelutoiminnan valvonnasta/lag om övervakning av underrättelseverksamheten*), Act No. 121/2019, 18 January 2019, section 15.

<sup>5</sup> Finland, information obtained via email from the Intelligence Ombudsman (*tiedusteluvalvontavaltuutettu/Underrättelsetillsynsombudsmannen*) on 10 November 2022

<sup>6</sup> Finland, Intelligence Ombudsman (*tiedusteluvalvontavaltuutettu/underrättelsetillsynsombudsmannen*) (2022), ‘[Tiedusteluvalvontavaltuutettu julkaisi kolmannen vuosikertomuksensa](#)’, press release, 31 May 2022;

The Intelligence Oversight Committee of Parliament carries out parliamentary oversight. The Committee oversees the proper implementation and appropriateness of intelligence operations, monitors and evaluates the focus areas of intelligence operations, monitors and promotes the effective exercise of fundamental and human rights in intelligence operations, conducts preparatory processing of the reports by the Intelligence Ombudsman and processes the supervisory findings of the Intelligence Ombudsman.<sup>7</sup>

The Act on the Oversight of Intelligence Gathering does not change the powers or tasks of the Parliamentary Ombudsman (*oikeusasiamies/justitieombudsmannen*) and the Chancellor of Justice (*oikeuskansleri/justitiekansler*), which carry out supreme oversight of legality. They are also eligible to oversee the oversight of the Intelligence Ombudsman.<sup>8</sup> The Data Protection Ombudsman (*tietosuojavaltuutettu/dataombudsmannen*) oversees the legality of the processing of personal data. The external oversight by the responsible ministries complements the internal oversight by surveillance authorities.

The current legal safeguards also include courts as some of the intelligence powers require authorisation by the court. Decisions concerning the use of the intelligence powers have been centralized to the District Court of Helsinki. According to section 14 of the Act on the Oversight of the Intelligence Gathering, the Intelligence Ombudsman or appointed official has a right to be present when the court is dealing with the case concerning the permission of intelligence methods.

The new legislation on civil and military intelligence, which entered into force on 1 June 2019, allows intelligence gathering both in Finland and abroad.<sup>9</sup> Central civilian intelligence legislation is now provided in the Police Act (*poliisilaki/polislag*)<sup>10</sup> and the Act on the Use of Network Traffic Intelligence in Civilian Intelligence (*laki tietoliikennetiedustelusta siviilitiedustelussa/lag om civil underrättelseinhämtning avseende datatrafik*).<sup>11</sup> The new legislation provides intelligence services with new, significant intelligence powers and methods, including network traffic intelligence that requires

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Finland, Intelligence Ombudsman (*tiedusteluvalvontavaltuutettu/underrättelsetillsynsombudsmannen*) (2022), ['Vuosikertomus 2021', K 13/2022, 31 May 2022](#).

<sup>7</sup> Finland, [Parliament's Rules of Procedure](#) (*eduskunnan työjärjestys/riksdagens arbetsordning*), Act No. 40/2000, Chapter 3, section 31 b. For the English translation of the tasks provided in section 31 b of the Act, see the website of the Committee: ['Intelligence Oversight Committee'](#)

<sup>8</sup> Finland, Government Bill No. 199/2017 ([hallituksen esitys eduskunnalle laiksi tiedustelutoiminnan valvonnasta ja laiksi valtion virkamieslain 7 §:n muuttamisesta/regeringens proposition till riksdagen med förslag till lag om övervakning av underrättelseverksamheten och lag om ändring av 7 § i statstjänstemannalagen](#)), p. 34. According to the Act on the division of tasks between the Chancellor of Justice and the Parliamentary Ombudsman ([laki valtioneuvoston oikeuskanslerin ja eduskunnan oikeusasiamiehen tehtävien jaosta/lag om fördelningen av uppgifter mellan justitiekanslern i statsrådet och riksdagens justitieombudsman](#)), Act No. 330/2022, 13 May 2022), which entered into force on 1 October 2022, oversight over matters concerning civilian intelligence, military intelligence and oversight of the legality of intelligence activities belongs at first hand to the Parliamentary Ombudsman. Finland, Government Bill No. 199/2017 ([hallituksen esitys eduskunnalle laiksi tiedustelutoiminnan valvonnasta ja laiksi valtion virkamieslain 7 §:n muuttamisesta/regeringens proposition till riksdagen med förslag till lag om övervakning av underrättelseverksamheten och lag om ändring av 7 § i statstjänstemannalagen](#)), p. 34. Finland, Government Bill No. 199/2017 ([hallituksen esitys eduskunnalle laiksi tiedustelutoiminnan valvonnasta ja laiksi valtion virkamieslain 7 §:n muuttamisesta/regeringens proposition till riksdagen med förslag till lag om övervakning av underrättelseverksamheten och lag om ändring av 7 § i statstjänstemannalagen](#)), p. 34.

<sup>9</sup> Finland, Finnish Government (*valtioneuvosto/statsrådet*) (2019), ['Civilian Intelligence Act to enter into force on 1 June'](#), press release, 26 April 2019.

<sup>10</sup> Finland, [Amendment to the Police Act](#) (*laki poliisilain muuttamisesta/lag om ändring av polislagen*), Act No. 581/2019, 26 April 2019.

<sup>11</sup> Finland, [Act on the Use of Network Traffic Intelligence in Civilian Intelligence](#) (*laki tietoliikennetiedustelusta siviilitiedustelussa/lag om civil underrättelseinhämtning avseende datatrafik*), Act No. 582/2019, 18 January 2019. The English translation of the name of the Act was obtained via email from the Intelligence Ombudsman that recommended this form of translation on 8 November 2022.

court authorisation.<sup>12</sup> With this reform Finland is one of the Member States having regulated general surveillance of communications,<sup>13</sup> albeit under strict conditions. According to the law, the use of network traffic intelligence must not be general, non-specific monitoring.<sup>14</sup> Hence, for each case the intelligence service authority must justify why it is essential to screen specific traffic during a specific period.<sup>15</sup> As a general condition, section 4 of the Act on the Use of Network Traffic Intelligence in Civilian Intelligence provides that the use of network traffic intelligence must be necessary to obtain important information of the subject activity that seriously threatens national security, and the information cannot be obtained by other intelligence gathering methods. According to section 5 of the Act, the targeting of the network traffic intelligence is conducted by automated separation of network traffic based on criteria subjected to court authorisation.<sup>16</sup>

Military intelligence is regulated in the Act on Military Intelligence (*laki sotilastiedustelusta/lag om militär underrättelseverksamhet*).<sup>17</sup> According to section 1 of the Act on Military Intelligence, the act lays down provisions on the purpose of intelligence collection activities by the Defence Forces (military intelligence), on the duties and powers of authorities, on decision-making as well as on the guidance and oversight of military intelligence in the defence administration. The Act also lays down provisions on the technical implementation of network traffic intelligence on behalf of the Finnish Security and Intelligence Service. Chapter 4 of the Act includes provisions on intelligence collection methods.

In **Finland**, the Government (*valtioneuvosto/statsrådet*) reports that the national security has improved with the legislation on intelligence.<sup>18</sup> According to a Government report, the provisions regarding oversight and legal protection arrangements have proven to be functional, although observations have been made during a relatively short period of time. Some actors have raised concerns about the availability of public information on intelligence activities. According to the Parliamentary Ombudsman (*oikeusasiamies/justitieombudsmannen*), the lack of public information may have negative effects on the public trust in intelligence activities and their legality.<sup>19</sup> According to Electronic Frontier Finland – Effi ry (NGO), it is difficult to assess the legality oversight of intelligence gathering without public information.<sup>20</sup>

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<sup>12</sup> Finland, [Act on the Use of Network Traffic Intelligence in Civilian Intelligence](#) (*laki tietoliikennetiedustelusta siviilitiedustelussa/lag om civil underrättelseinhämtning avseende datatrafik*), Act No. 582/2019, 18 January 2019, section 7.

<sup>13</sup> As in [FRA 2017 report](#), in this report ‘general surveillance of communications’ refers to a large-scale technical collection of intelligence (FRA [European Union Agency for Fundamental Rights] [2017], ‘[Surveillance by intelligence services: fundamental rights safeguards and remedies in the EU - Volume II: field perspectives and legal update](#)’, Luxembourg, Publications Office of the European Union [Publications Office], p. 9 and p. 32).

<sup>14</sup> Finland, [Act on the Use of Network Traffic Intelligence in Civilian Intelligence](#) (*laki tietoliikennetiedustelusta siviilitiedustelussa/lag om civil underrättelseinhämtning avseende datatrafik*), Act No. 582/2019, 18 January 2019, section 1.

<sup>15</sup> Finland, Ministry of Interior (*sisäministeriö/inrikeministeriet*), ‘[Civilian intelligence protects Finland’s national security](#)’, internet page, accessed on 1 December 2022.

<sup>16</sup> Finland, [Act on the Use of Network Traffic Intelligence in Civilian Intelligence](#) (*laki tietoliikennetiedustelusta siviilitiedustelussa/lag om civil underrättelseinhämtning avseende datatrafik*), Act No. 582/2019, 18 January 2019, section 5.

<sup>17</sup> Finland, [Act on Military Intelligence](#) (*laki sotilastiedustelusta/lag om militär underrättelseverksamhet*), Act No. 590/2019, 26 April 2019.

<sup>18</sup> Finland, Finnish Government (*valtioneuvosto/statsrådet*) (2021) ‘[National security has improved along with legislation on intelligence](#)’, press release, 16 December 2021; Finland, Finnish Government (*valtioneuvosto/statsrådet*) (2021) ‘[Valtioneuvoston selonteko tiedustelulainsäädännöstä](#)’, Publications of the Finnish Government 2021:94, 16 December 2021.

<sup>19</sup> Finland, Parliamentary Ombudsman (*oikeusasiamies/justitieombudsmannen*), (2022), ‘[Eduskunnan oikeusasiamiehen kertomus vuodelta 2021](#)’, K 18/2022, 21 June 2022.

<sup>20</sup> Electronic Frontier Finland - Effi ry (2022), ‘[Effin näkemyksiä nykyisestä tiedustelulainsäädännöstä](#)’, statement, 10 March 2022. Electronic Frontier Finland - Effi ry (2022), ‘[Effin näkemyksiä nykyisestä tiedustelulainsäädännöstä](#)’, statement, 10 March 2022. Electronic Frontier Finland - Effi ry (2022), ‘[Effin näkemyksiä nykyisestä tiedustelulainsäädännöstä](#)’, statement, 10 March 2022.



Finnish Defence Forces (*puolustusvoimat/försvarsmakten*) published its first public review on military intelligence in 2021. According to the review, the legislation on military intelligence has strengthened the military intelligence and its foundations. In addition, the oversight of military intelligence was found comprehensive.<sup>21</sup>

## 2. Annexes- Table and Figures

### 2.1. Overview of security and intelligence services in the EU-27

*FRANET contractors are requested to check the accuracy of the table below (see Annex pp. 93 - 95 of the FRA 2015 report) and correct or add in track changes any missing information concerning security and intelligence services in their Member State (incl. translation and abbreviation in the original language). Please provide the full reference in a footnote to the relevant national law substantiating all the corrections and/or additions made in the table.*

	Civil (internal)	Civil (external)	Civil (internal and external)	Military
<b>FI</b>			Finnish Security and Intelligence Service/ <i>Suojelupoliisi/Skyddspolis</i> <sup>22</sup> (SUPO) (service belonging to the police)	Finnish Defence Intelligence Agency/ <i>Tiedustelulaitos/underrättelsetjänst</i> (FDIA) The Intelligence Division of the Defence Command ( <i>Pääesikunnan tiedusteluosasto/Huvudstabens underrättelseavdelning</i> )

### 2.2. EU Member States' legal framework on surveillance reformed since 2017

*In order to update the map below (Figure 1 (p. 20) of the FRA 2017 report), FRANET contractors are requested to state:*

1. *Whether their legal framework on surveillance has been reformed or is in the process of being reformed since **mid-2017** – see the Index of the FRA 2017 report, pp. 148 - 151. Please do not to describe this new legislation but only provide a full reference.*

In Finland, the legal framework on surveillance has been reformed during the reporting period.

- The Constitution of Finland was amended for the purpose of allowing the enactment of legislation on intelligence gathering powers. The constitutional amendment concerning section 10 of the Constitution (Act No. 817/2018)<sup>22</sup> entered into force on 15 October 2018.
- The Act on the Oversight of Intelligence Gathering (Act No. 121/2019)<sup>23</sup> entered into force on 1 February 2019.
- The Act on the Use of Network Traffic Intelligence in Civilian Intelligence (Act No. 582/2019)<sup>24</sup> entered into force on 1 June 2019.

<sup>21</sup> Finland, Finnish Defence Forces (*puolustusvoimat/försvarsmakten*) (2021), '[Finnish Defence Forces publishes its first public Finnish Military Intelligence Review](#)', press release, 6 May 2021.

<sup>22</sup> Finland, [Constitution of Finland](#) (*Suomen perustuslaki/Finlands grundlag*), Act No. 731/1999, 11 June 1999

<sup>23</sup> Finland, [Act on the Oversight of Intelligence Gathering](#) (*laki tiedustelutoiminnan valvonnasta/lag om övervakning av underrättelseverksamheten*), Act No. 121/2019, 18 January 2019.

<sup>24</sup> Finland, [Act on the Use of Network Traffic Intelligence in Civilian Intelligence](#) (*laki tietoliikennetiedustelusta siviilitiedustelussa/lag om civil underrättelseinhämtning avseende datatrafik*), Act No. 582/2019, 26 April 2019.

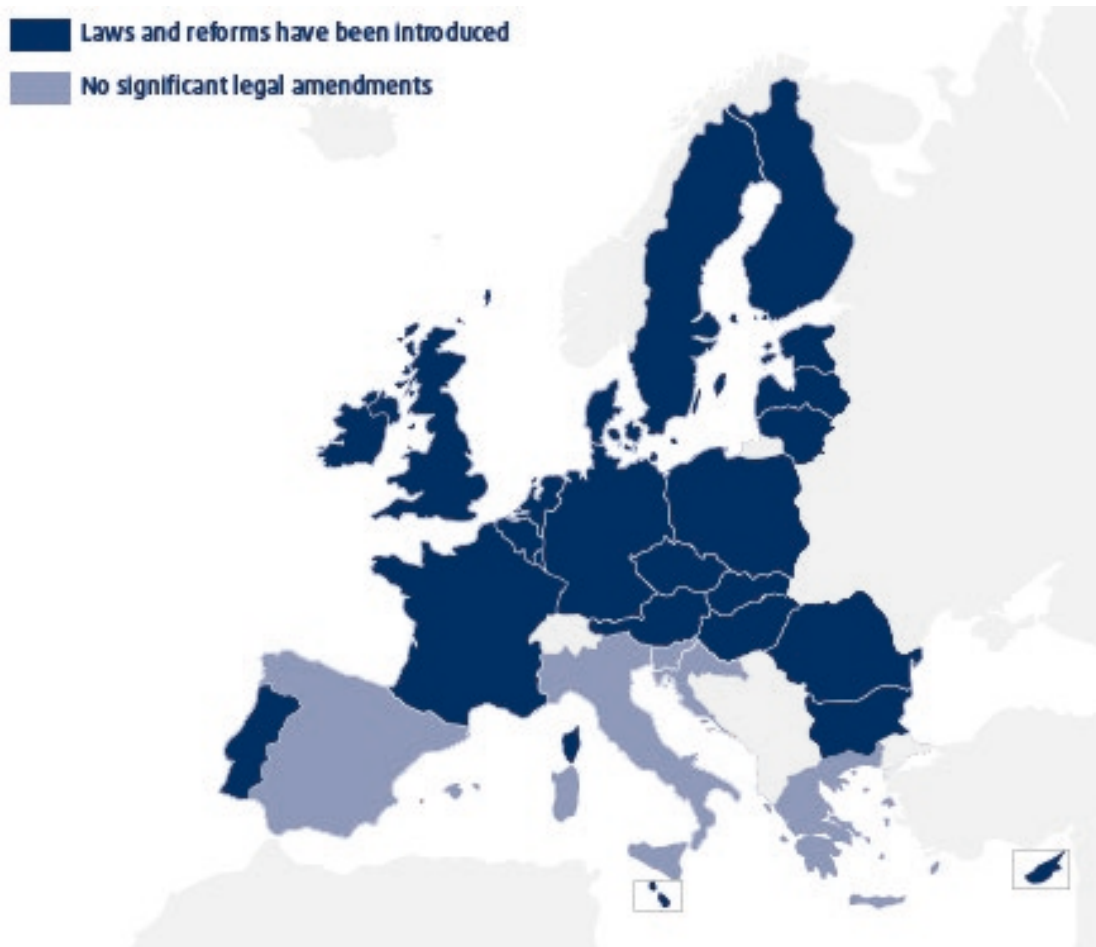
- The Act on Military Intelligence (Act No. 590/2019)<sup>25</sup> entered into force on 1 June 2019.
- The Amendment to the Police Act (Act No. 581/2019)<sup>26</sup> entered into force on 1 June 2019.

The information in Figure 1 concerning Finland is accurate.

2. *Whether the reform was initiated in the context of the PEGASUS revelations.*

In Finland, the reform was not initiated in the context of the PEGASUS revelations

**Figure 1: EU Member States' legal frameworks on surveillance reformed since October 2015**



### 2.3. Intelligence services' accountability scheme

*FRANET contractors are requested to confirm whether the diagram below (Figure 5 (p. 65) of the FRA 2017 report) illustrates the situation in your Member State in an accurate manner. If it is not the case, please suggest any amendment(s) as appropriate and substantiate it/them with specific reference to the legal framework.*

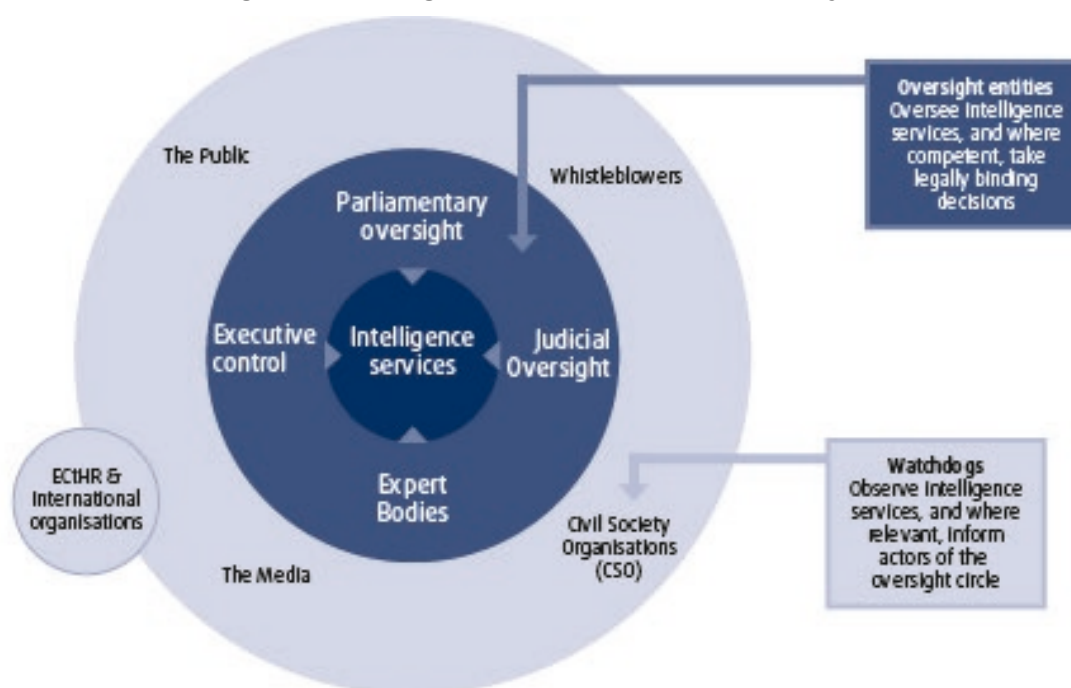
<sup>25</sup> Finland, [Act on Military Intelligence](#) (*laki sotilastiedustelusta/lag om militär underrättelseverksamhet*), Act No. 590/2019, 26 April 2019.

<sup>26</sup> Finland, [Amendment to the Police Act](#) (*laki poliisilain muuttamisesta/lagom ändring av polislagen*) Act No. 581/2019, 26 April 2019.



The diagram below illustrates the situation in Finland.

**Figure 5: Intelligence services' accountability scheme**



## 2.4. Parliamentary oversight of intelligence services in EU Member States

*FRANET contractors are requested to confirm that the map below (Figure 6 (p. 66) of the FRA 2017 report) illustrates the situation in your Member State in an accurate manner. If it is not the case, please suggest any amendment(s) as appropriate and substantiate it/them with specific reference to the legal framework.*

Figure 6 does not illustrate the current situation in Finland. After the reform of the legal framework on surveillance, the situation has changed. Finland should now be placed in the category “one specialised parliamentary committee”.

In Finland, the Constitutional Law Committee of Parliament (*perustuslakivaliokunta/grundlagsutskottet*) stated that the enactment of intelligence activities by an ordinary Act requires that sufficient regulations on supervision of legality and parliamentary control have been approved before the adoption of the laws on civilian and military intelligence.<sup>27</sup>

Thus, the Act on the Oversight of Intelligence Gathering<sup>28</sup> and the amendment to Parliament’s Rules of Procedure<sup>29</sup> entered into force already on 1 February 2019. The new legislation centrally changed the oversight of the intelligence in Finland. Within the new legislation, there is one specialised parliamentary committee, namely the Intelligence Oversight Committee of Parliament (*tiedusteluvalvontavaliokunta/underrättelsetillsynsutskottet*). It oversees the proper implementation

<sup>27</sup> Finland, Constitutional Law Committee of Parliament (*perustuslakivaliokunta/grundlagsutskottet*), [Report of the Constitutional Law Committee, PeVM 9/2018 – HE 199/2017](#), 8 May 2018.

Finland, Constitutional Law Committee of Parliament (*perustuslakivaliokunta/grundlagsutskottet*), [Opinion of the Constitutional Law Committee, PeVL 35/2018 - HE 202/2017](#), 27 February 2019.

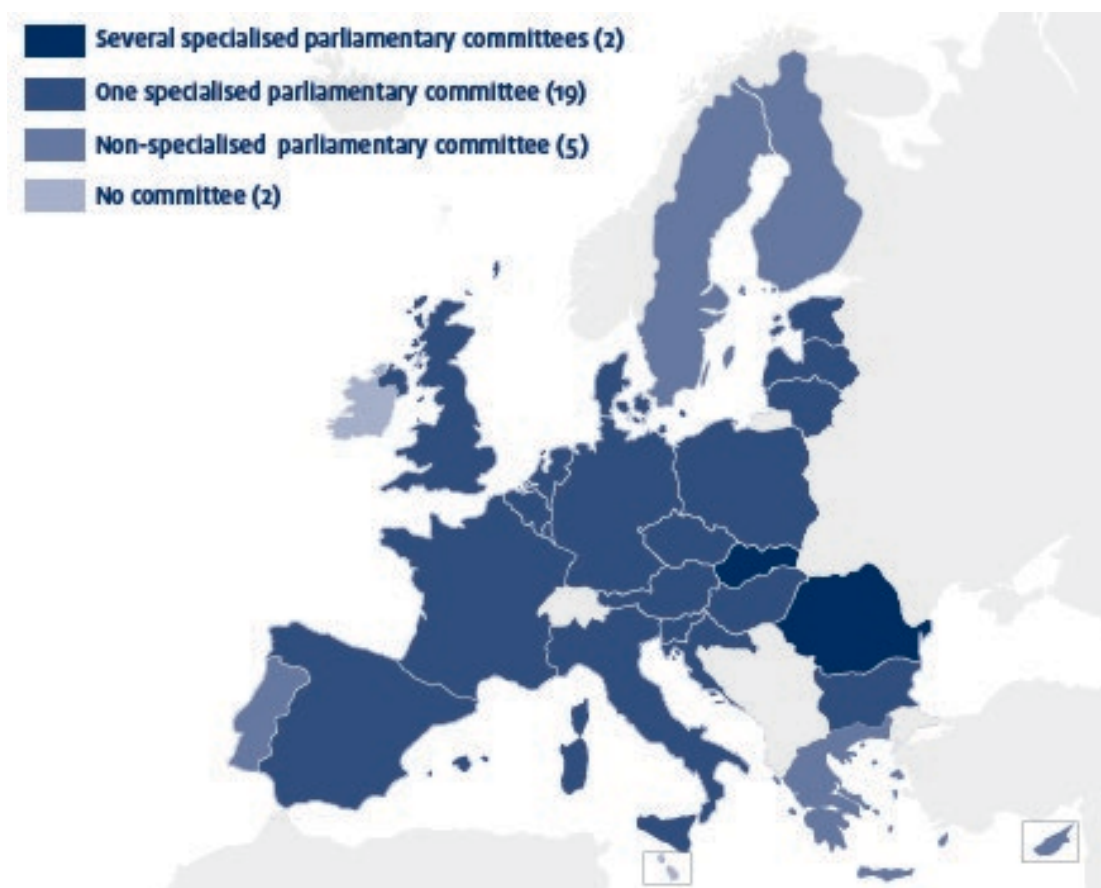
Finland, Constitutional Law Committee of parliament (*perustuslakivaliokunta/grundlagsutskottet*), [Opinion of Constitutional Law Committee, PeVL 36/2018 – HE 203/2017](#), 27 February 2019.

<sup>28</sup> Finland, [Act on the Oversight of Intelligence Gathering](#) (*laki tiedustelutoiminnan valvonnasta/ lag om övervakning av underrättelseverksamheten*), Act No. 121/2019, 18 January 2019.

<sup>29</sup> Finland, [Parliament’s Rules of Procedure](#) (*eduskunnan työjärjestys/riksdagens arbetsordning*), Act No. 40/2000.

and appropriateness of intelligence operations, monitors and evaluates the focus areas of intelligence operations, monitors and promotes the effective exercise of fundamental and human rights in intelligence operations, conducts preparatory processing of the reports by the Intelligence Ombudsman and processes the supervisory findings of the Intelligence Ombudsman.<sup>30</sup> According to section 7 of the Parliament's Rules of Procedure,<sup>31</sup> the Intelligence Oversight Committee is one of the standing committees of Parliament.

**Figure 6: Parliamentary oversight of intelligence services in EU Member States**



## 2.5. Expert bodies (excluding DPAs) overseeing intelligence services in the EU

*FRANET contractors are requested to check the accuracy of the table below (Table 2 (p. 68) of the FRA 2017 report). In case of inaccuracy, please suggest any amendment(s) as appropriate and substantiate it/them with specific reference to the legal framework.*

See changes in table below.

<sup>30</sup> Finland, [Parliament's Rules of Procedure](#) (*eduskunnan työjärjestys/riksdagens arbetsordning*), Act No. 40/2000, Chapter 3, section 31 b. For the English translation of the tasks provided in section 31 b of the Act, see the website of the Committee: '[Intelligence Oversight Committee](#)'

<sup>31</sup> Finland, [Parliament's Rules of Procedure](#) (*eduskunnan työjärjestys/riksdagens arbetsordning*), Act No. 40/2000, Chapter 3, section 7.

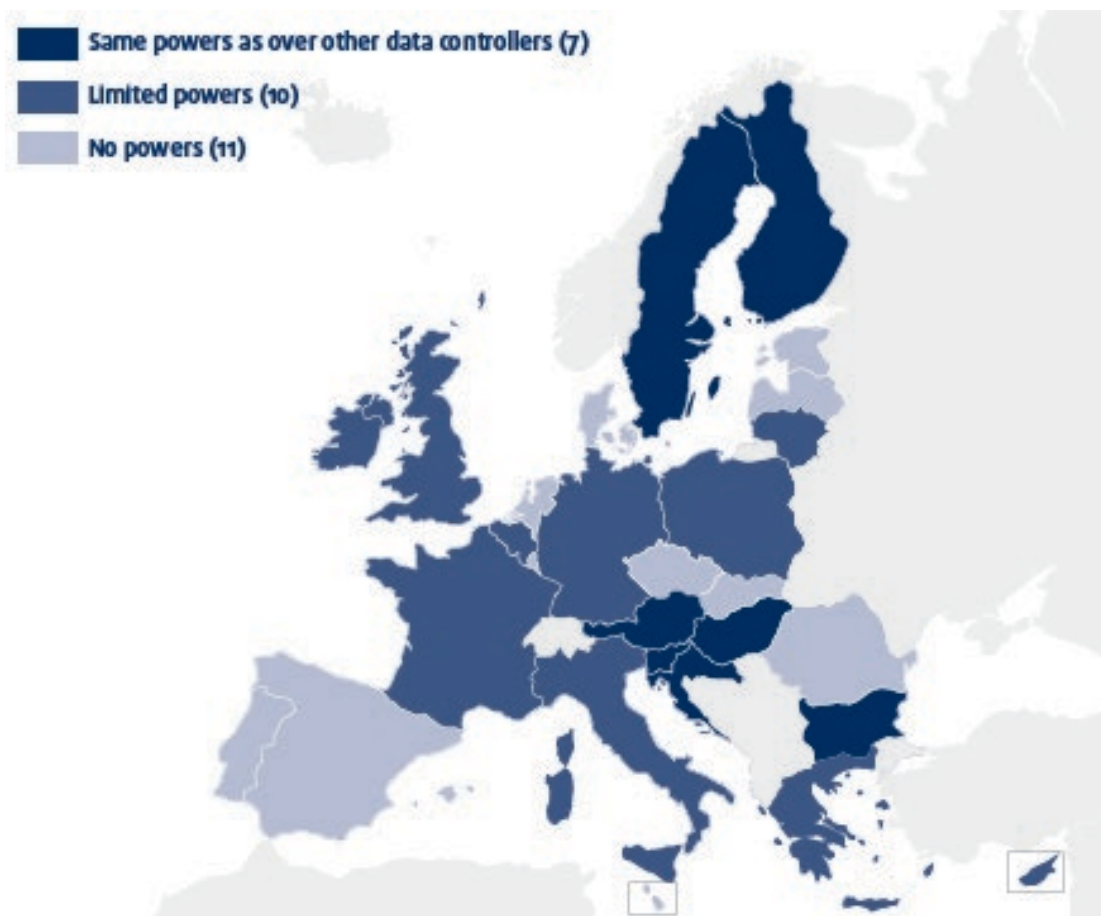
**Table 2: Expert bodies (excluding DPAs) overseeing intelligence services in the EU**

EU Member State	Expert Bodies
FI	Intelligence Ombudsman ( <i>Tiedusteluvalvontavaltuutettu/ Underrättelsetillsynsombudsman</i> ) <sup>32</sup> Intelligence Oversight Committee ( <i>Tiedusteluvalvontavaliokunta/Underrättelsetillsynsutskottet</i> ) <sup>33</sup>

## 2.6 DPAs' powers over national intelligence services, by member states

FRANET contractors are requested to confirm that the map below (Figure 7 (p. 81) of the FRA 2017 report) illustrates the situation in your Member State in an accurate manner. If it is not the case, please suggest any amendment(s) as appropriate and substantiate it/them with specific reference to the legal framework.

The figure's information concerning Finland is accurate.

**Figure 7: DPAs' powers over national intelligence services, by member states**

<sup>32</sup> Finland, [Act on the Oversight of Intelligence Gathering](#) (*laki tiedustelutoiminnan valvonnasta/lagom övervakning av underrättelseverksamheten*), Act No. 121/2019, 18 January 2019, section 5.

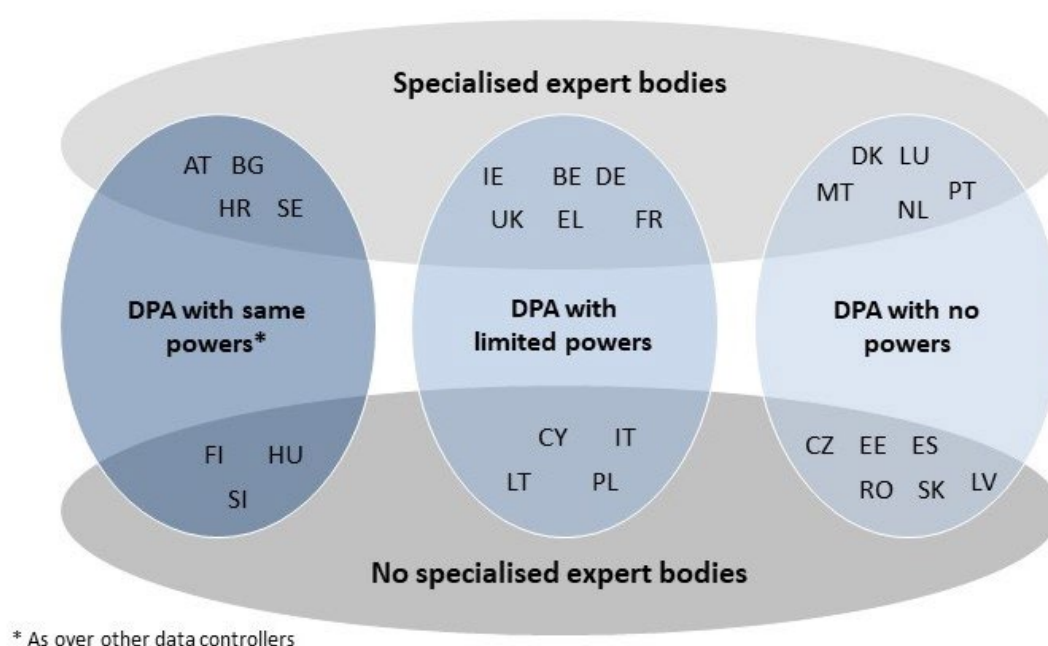
<sup>33</sup> Finland, [Parliament's Rules of Procedure](#) (*eduskunnan työjärjestys/riksdagens arbetsordning*), Act No 40/2000, Chapter 3, section 7; Finland, [Act on the Oversight of Intelligence Gathering](#) (*laki tiedustelutoiminnan valvonnasta/lagom övervakning av underrättelseverksamheten*), Act No. 121/2019, 18 January 2019, section 5.

## 2.7. DPAs' and expert bodies' powers over intelligence techniques, by EU Member State

*FRANET contractors are required to check the accuracy of the figure below (Figure 8 (p. 82) of the FRA 2017 report). In case of inaccuracy, please suggest any amendment(s) as appropriate and substantiate it/them with specific reference to the legal framework.*

After the reform of the legal framework on surveillance in Finland, there are two specialised expert bodies. Hence, the current situation is that there is DPA with the same powers and two expert bodies, consequently, Finland should be moved to the top of the left “egg” in Figure 8.

**Figure 8: DPAs' and expert bodies' powers over intelligence techniques, by EU Member State**



## 2.8. Binding authorisation/approval of targeted surveillance measures in the EU

*FRANET contractors are required to check the accuracy of table below (Table 4 (p. 95) of the FRA 2017 report). In case of inaccuracy, please suggest any amendment(s) as appropriate and substantiate it/them with specific reference to the legal framework.*

Table 4 is accurate concerning Finland.

**Table 4: Binding authorisation/approval of targeted surveillance measures in the EU-27**

	Judicial	Executive	Expert bodies	Services
FI	✓			

## 2.9. Approval/authorisation of general surveillance of communication

All FRANET contractors are requested to check the accuracy of the table below (Table 5 (p. 97) of the FRA 2017 report), and to update/include information as it applies to their Member State (if not previously referred to). In case of inaccuracy, please suggest any amendment(s) as appropriate and substantiate it/them with specific reference to the legal framework, in particular where - since 2017 - your Member State regulates these type of surveillance methods (for a definition of general surveillance, see FRA 2017 Report, p. 19).

In **Finland**, according to section 7 of the Act on the Use of Network Traffic Intelligence in Civilian Intelligence, the court decides on a network traffic intelligence based on the written request of the Chief of the Finnish Security and Intelligence Service (*Suojelupoliisi/Skyddspolis*).<sup>34</sup> Section 9 of the Act provides for the urgent procedure in which the Chief of the Finnish Security and Intelligence Service will decide on the use of network traffic intelligence, if an intelligence does not tolerate delay, until the Court has ruled on the request for authorisation.

According to section 1 of the Act on the Use of Network Traffic Intelligence in Civilian Intelligence, general and non-specific monitoring of network traffic is not allowed<sup>35</sup> and, in each case, the Finnish Security and Intelligence Service must state the reasons why it is essential to screen specified network traffic during a specific period.<sup>36</sup> In addition, according to section 65 of the Act on Military Intelligence, the use of network traffic intelligence must not be general, non-specific monitoring<sup>37</sup> The Court's authorisation process in military intelligence is regulated in section 67 of the Act on Military Intelligence.

**Table 5: Approval/authorisation of general surveillance of communication in France, Germany, the Netherlands and Sweden**

	Judicial	Parliamentary	Executive	Expert
FI	✓			

## 2.10. Non-judicial bodies with remedial powers

FRANET contractors are requested to check the accuracy of table below (Table 6 (p. 112) of the FRA 2017 report). In case of inaccuracy, please suggest any amendment(s) as appropriate and substantiate it/them with specific reference to the legal framework.

See changes in table below.

**Table 6: Non-judicial bodies with remedial powers in the context of surveillance, by EU Member State**

	Executive (ministry)	Expert body(ies)	DPA	Parliamentary committee(s)	Ombuds institution
FI		✓ <sup>38</sup>	✓		✓

<sup>34</sup> Finland, [Act on the Use of Network Traffic Intelligence in Civilian Intelligence](#) (*laki tietoliikennetiedustelusta siviilitiedustelussa/lag om civil underrättelseinhämtning avseende datatrafik*), Act No. 582/2019, 26 April 2019, section 7. Section 9 of the Act provides for the urgent procedure.

<sup>35</sup> Finland, [Act on the Use of Network Traffic Intelligence in Civilian Intelligence](#) (*laki tietoliikennetiedustelusta siviilitiedustelussa/lag om civil underrättelseinhämtning avseende datatrafik*), Act No. 582/2019, 26 April 2019, section 1.

<sup>36</sup> Finland, Ministry of Interior (*sisäministeriö/inrikeministeriet*), '[Civilian intelligence protects Finland's national security](#)', internet page, accessed on 1 December 2022.

<sup>37</sup> Finland, [Act on Military Intelligence](#) (*laki sotilastiedustelusta/lag om militär underrättelseverksamhet*), Act No. 590/2019, 26 April 2019, section 65.

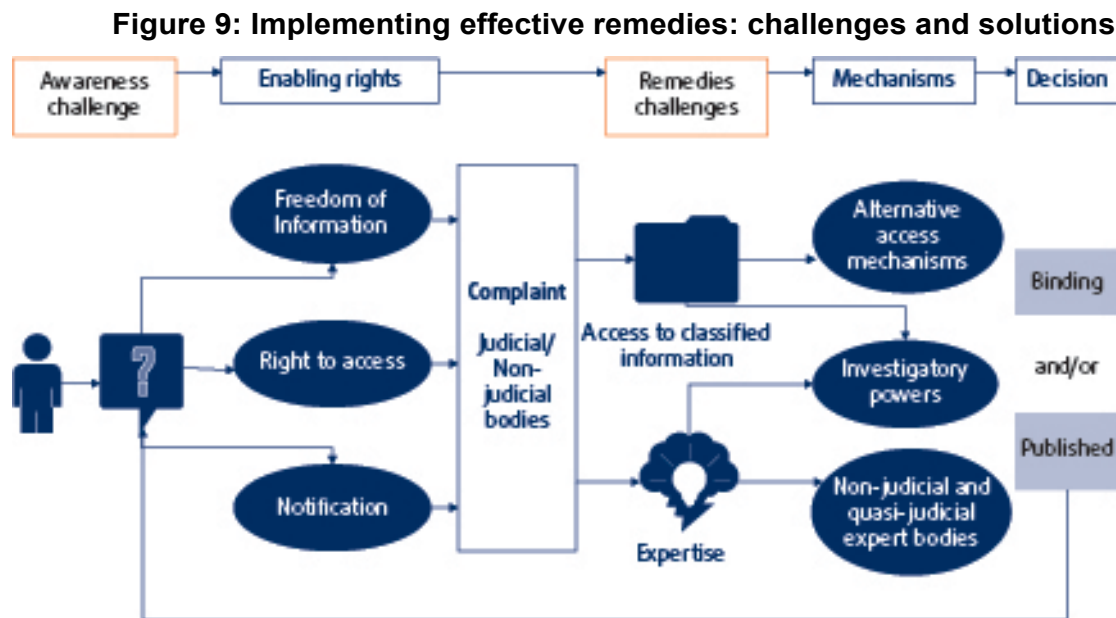
<sup>38</sup> For more information see, for example, The Intelligence Ombudsman's website: '[Complaints and investigation requests](#)'.



## 2.11. Implementing effective remedies

*FRANET contractors are requested to confirm that the diagram below (Figure 9 (p. 114) of the FRA 2017 report) illustrates the situation in your Member State in an accurate manner. If it is not the case, please suggest any amendment(s) as appropriate and substantiate it/them with specific reference to the legal framework.*

Figure 9 corresponds to the situation in Finland.



## 2.12 Non-judicial bodies' remedial powers

*FRANET contractors are required to check the accuracy of table below (Table 7 (pp. 115 - 116) of the FRA 2017 report). In case of inaccuracy, please suggest any amendment(s) as appropriate and substantiate it/them with specific reference to the legal framework.*

See changes in table below.



**Table 7: Non-judicial bodies' remedial powers in case of surveillance, by EU Member State**

	Bodies with remedial competence	Decisions are binding	May fully access collected data	Control is communicated to complainant	Decision may be reviewed
	Parliamentary Ombudsman			<sup>39</sup> X	X
FI					
	Office of the Data Protection Ombudsman				
	The Intelligence Ombudsman ( <i>Tiedusteluvalvontavaltuutettu/Underrättelsetillsynsombudsmannen</i> ) <sup>40</sup>	<sup>41</sup> X	X <sup>42</sup>	<sup>43</sup> X	

Note: Intelligence Ombudsman is an expert body and should be classified as an expert body in table 7.

	= Expert body
	= Ombuds institution
	= Data protection authority
	= Parliamentary Committee
	= Executive

Source: FRA, 2017

## 2.13 DPAs' remedial competences

FRANET contractors are required to check the accuracy of the figure below (Figure 10 (p. 117) of the FRA 2017 report) with respect to the situation in your Member State. In case of inaccuracy, please suggest any amendment(s) as appropriate and substantiate it/them with specific reference to the legal framework.

Figure 10 is accurate as concerns Finland.

<sup>39</sup> Finland, [Constitution of Finland](#) (*Suomen perustuslaki/Finlands grundlag*), Act No. 731/1999, 11 June 1999, section 111 provides that The Chancellor of Justice and the Ombudsman have the right to receive from public authorities or others performing public duties the information needed for their supervision of legality.

<sup>40</sup> Finland, [Act on the Oversight of Intelligence Gathering](#) (*laki tiedustelutoiminnan valvonnasta/lagom övervakning av underrättelseverksamheten*), Act No. 121/2019, 18 January 2019, Chapter 2, section 5.

<sup>41</sup> Finland, [Act on the Oversight of Intelligence Gathering](#) (*laki tiedustelutoiminnan valvonnasta/lagom övervakning av underrättelseverksamheten*), Act No. 121/2019, 18 January 2019, section 15.

According to the Intelligence Ombudsman, the suspension or termination of the use of the intelligence method (section 15 of the Act) are binding on the intelligence services while measures provided in section 17 and 18 of the Act are rather guiding (Finland, information obtained via email from the Intelligence Ombudsman (*tiedusteluvalvontavaltuutettu/Underrättelsetillsynsombudsmannen*) on 10 November 2022).

<sup>42</sup> Finland, [Act on the Oversight of Intelligence Gathering](#) (*laki tiedustelutoiminnan valvonnasta/lagom övervakning av underrättelseverksamheten*), Act No. 121/2019, 18 January 2019, Chapter 2, section 3.

<sup>43</sup> In Finland, the Intelligence Ombudsman informs that complainant would receive a response to the complaint, but the content of the response should be considered on a case-by-case basis. So far, the Intelligence Ombudsman has not received any complaints during its operation period. Furthermore, the Intelligence Ombudsman informs that response is also provided for investigation requests, but the response would only state that the investigation has been carried out (Finland, information obtained via email from the Intelligence Ombudsman (*tiedusteluvalvontavaltuutettu/Underrättelsetillsynsombudsmannen*) on 10 November 2022).

**Figure 10: DPAs' remedial competences over intelligence services**

