Translation from Finnish
Legally binding only in Finnish and Swedish
Ministry of Justice, Finland

Coercive Measures Act

(806/2011; amendments up to 182/2024 included)

By decision of Parliament, the following is enacted:

Chapter 1
General provisions

Section 1
Scope of application of the Act

This Act applies to the use of coercive measures and to the preconditions for the use of coercive measures, unless otherwise provided elsewhere by law.

Section 2
Principle of proportionality

Coercive measures may only be used if the use may be deemed justifiable in view of the seriousness of the offence under investigation, the importance of investigating the offence, the degree to which the use of the coercive measures infringes on the rights of the suspect or others, and other circumstances affecting the matter.

Section 3
Principle of minimum intervention

The use of a coercive measure shall not infringe anyone's rights more than is essential to achieve the purpose for which the measure is used.

The use of a coercive measure shall not cause anyone undue harm or inconvenience.

Section 4
Principle of sensitivity

In the use of coercive measures, attraction of undue attention shall be avoided and the conduct shall also otherwise be discreet.

Section 5
Self-help

The assistance of a competent authority shall be used to recover movable property that has been lost through an offence or that has otherwise been misplaced. However, measures to recover such property are permissible as self-help if:

1) the property has been lost through an offence and the measures to recover the property are undertaken immediately after the offence was committed; or

2) in other cases, the lost or misplaced property is recovered from a person who unlawfully has it in their possession, and sufficient and timely assistance of the authorities is not available.

In situations referred to above, such necessary force to recover property may be used that can be deemed justifiable when assessed as a whole, taking into consideration the obviousness of the infringement and the extent and probability of the threatening loss of rights.

Provisions on punishable unlawful self-help are laid down in chapter 17, section 9 of the Criminal Code (39/1889).

Chapter 2
Apprehension, arrest, remand, and house arrest imposed instead of remand imprisonment (101/2018)

Apprehension

Section 1
Police officer's right of apprehension

A police officer may, for the purpose of investigating an offence, apprehend a person suspected of an offence who is caught in the act of committing an offence or observed absconding.

A police officer may also apprehend a person suspected of an offence who has been ordered to be arrested, remanded or apprehended for the purpose of attaching on the person devices that will be used for the monitoring of an intensified travel ban. In addition, a police officer may, during a main hearing or the consideration of a decision in court, apprehend a defendant whose remand has been requested in connection with sentencing, if apprehension is necessary to prevent the defendant from leaving. (452/2023)

If preconditions for arrest exist, a police officer also has the right to apprehend a person suspected of an offence without an arrest warrant, if the arrest could otherwise be endangered. The police officer shall notify a public official with the power of arrest of such apprehension without delay. The public official with the power of arrest shall decide, within 24 hours of the apprehension, whether the apprehended person shall be released or arrested. Continuing apprehension for more than 12 hours requires that preconditions for arrest exist.

Section 2
General right of apprehension

Anyone has the right to apprehend a person suspected of an offence who has been caught in the act of committing an offence or observed absconding, if the offence is punishable by imprisonment or if the offence is petty assault, petty theft, petty embezzlement, petty unauthorised use, petty theft of a motor vehicle for temporary use, petty criminal damage or petty fraud.

Furthermore, anyone has the right to apprehend a person who, under a warrant of apprehension issued by an authority, is to be arrested or remanded.

The apprehended person shall be handed over to a police officer without delay.

Section 3
Use of force

If, in connection with the exercise of the general right of apprehension, the person being apprehended offers resistance or absconds, the person apprehending them may use such essential force to carry out the apprehension that can be considered justifiable when assessed as a whole, taking into consideration the nature of the offence, the conduct of the person being apprehended and the situation in other respects.

Provisions on excessive use of force are laid down in chapter 4, section 6, subsection 3 and section 7 of the Criminal Code.

Section 4
Notification of apprehension

The apprehended person shall be notified of the reason for the apprehension without delay.

Provisions on notifying a person close to the apprehended person or another person of the apprehension are laid down in chapter 2, section 2, subsection 2 of the Act on the Treatment of Persons in Police Custody (841/2006).

Arrest

Section 5
Preconditions for arrest

A person suspected with probable cause of an offence may be arrested if:
1) the minimum punishment provided by law for the offence is imprisonment for at least two years;

2) the minimum punishment provided by law for the offence is less severe than imprisonment for two years, but the most severe punishment provided by law is imprisonment for at least one year and, based on the personal circumstances of the suspect or other circumstances, there is reason to suspect that the person will:

a) abscond or otherwise evade the criminal investigation, judicial proceedings or the enforcement of punishment;

b) hinder the investigation of the matter by destroying, damaging, altering or concealing evidence or by influencing a witness, an injured party, an expert or an accomplice; or

c) continue criminal activity;

3) the identity of the suspect is unknown and the suspect refuses to tell their name or address or gives evidently false information regarding this; or

4) the suspect does not have a permanent residence in Finland and it is probable that the suspect will evade the criminal investigation, judicial proceedings or the enforcement of punishment by leaving the country.

Where there is reason to suspect a person of an offence, the person may be arrested even if no probable cause exists to support the suspicion, if the other preconditions for arrest specified in subsection 1 exist and arresting the suspect is very important due to anticipated additional evidence.

A person suspected of having committed a criminal act when under 15 years of age shall not be arrested.

Section 6
Prohibition of unreasonable arrest

No one shall be arrested where this would be unreasonable because of the nature of the matter or the age or other personal circumstances of the suspect.

Section 7
Release of a person under arrest

A person under arrest shall be released immediately when preconditions for arrest no longer exist. A person under arrest shall be released at the latest upon expiry of the period provided by law for the submission of a request for remand, unless the person's remand is requested.

The decision on the release of a person under arrest is made by a public official with the power of arrest. However, when a request for remand is being considered, the decision on release is made by the court.

Section 8
Re-arrest

A person who has been arrested or remanded for an offence and subsequently released shall not be re-arrested for the same offence on the basis of a circumstance of which the authority was aware when deciding on the arrest or remand.

Section 9 (587/2019)
Public official with the power of arrest

A public official with the power of arrest decides on arrest. Public officials with the power of arrest are:

1) the national police commissioner; deputy national police commissioners, assistant police commissioners and chief superintendents of the National Police Board; police chiefs; deputy police chiefs; the director and deputy directors of the National Bureau of Investigation; detective chief superintendents; senior detective superintendents; detective superintendents; superintendents; detective chief inspectors; and chief inspectors;

2) the head of customs crime prevention, the head of the operational unit of customs crime prevention, and such senior customs officers within customs crime prevention whom the head of customs crime prevention has assigned to act as the head of investigation;

3) the chief and deputy chief of the Border Guard; the chief of the Border and Coast Guard Division of the Border Guard Headquarters; the chief, the deputy chief, the head of the Crime Prevention Unit, border guard chief superintendents, senior officers, detective chief superintendents and senior detective superintendents of the Legal Division of the Border Guard Headquarters; commanders and deputy commanders of the border guard districts and the coast guard districts; heads of operational border offices or operational maritime offices; the chief and deputy chief of the Helsinki Border Control Department of the Gulf of Finland Coast Guard District; and such border guards of at least the rank of lieutenant who have undergone the training to qualify as a head of investigation in the Border Guard as provided by law and who have been assigned to act as a head of investigation by the chief of the Border Guard or a head of an administrative unit;

4) prosecutors.

Separate provisions are issued on public officials of the Finnish Defence Forces with the power of arrest.

Section 10 (452/2023)
Notification of arrest and decision on arrest

A person under arrest shall be notified of the reason for the arrest without delay once a decision on the arrest has been made or once the person has been apprehended pursuant to an arrest warrant.

Provisions on notifying a person close to the person under arrest or another person of the arrest are laid down in chapter 2, section 2, subsection 2 of the Act on the Treatment of Persons in Police Custody.

A written decision shall be issued on the arrest, briefly mentioning the particulars of the offence of which the person under arrest is suspected and the grounds for the arrest. A copy of the decision on arrest shall be delivered to the person under arrest without undue delay.

Remand

Section 11
Preconditions for remand

At the request of a public official with the right to make a request for remand, the court may order that a person suspected with probable cause of an offence shall be remanded, subject to the preconditions provided in section 5, subsection 1.

Where there is reason to suspect a person of an offence, the person may be remanded even if no probable cause exists to support the suspicion, if the other preconditions specified in section 5, subsection 1 exist and remanding the suspect is very important due to anticipated additional evidence. If a suspect has been remanded under this subsection, the court shall hold a new remand hearing as provided in chapter 3, section 11. At the request of the party making the request for remand, the court may delegate the responsibility for holding the new remand hearing to the court that is competent to hear the charges. The first-mentioned court shall immediately notify the latter court of its decision.

A person who is suspected with probable cause of an offence and whose extradition to Finland will be requested may be remanded if the most severe punishment provided by law for the offence is imprisonment for at least one year and, based on the suspect's personal circumstances, the number or nature of the offences specified in the request for extradition or other equivalent circumstances, there is reason to suspect that the person will not arrive in Finland voluntarily for the purposes of prosecution.

A person suspected of having committed a criminal act when under 15 years of age shall not be remanded.

A suspect under 18 years of age shall not be remanded or ordered to be kept on remand unless there are serious reasons for this. (323/2019)

Section 12

Preconditions for remanding a sentenced person

At the request of the prosecutor or an injured party who has requested punishment for the defendant, the court may order that a person sentenced to unconditional imprisonment be remanded or be kept on remand if:

1) the punishment imposed is imprisonment for at least two years;

2) the punishment imposed is imprisonment for less than two years but at least one year, and it is probable that the sentenced person will:

a) abscond or otherwise evade the enforcement of the punishment; or

b) continue criminal activity;

3) the punishment imposed is imprisonment for less than one year and:

a) the sentenced person does not have a permanent residence in Finland and it is probable that the person will evade the enforcement of the punishment by leaving the country; or

b) the person has been sentenced by one or several judgments to imprisonment for a number of offences committed at short intervals, and remanding the person is necessary to prevent them from continuing criminal activity of the same degree of seriousness.

A sentenced person under 18 years of age shall not be remanded or ordered to be kept on remand unless there are serious reasons for this. (323/2019)

A decision on the remand of a sentenced person is in force until the enforcement of the punishment begins or a reviewing court decides otherwise.

Section 12a (101/2018)
House arrest imposed instead of remand imprisonment

Instead of remanding a sentenced person or keeping a sentenced person on remand, a court may, in cases referred to in section 12, subsection 1, paragraphs 2 and 3, place the person under house arrest, if the court considers a travel ban referred to in chapter 5, section 1 an inadequate coercive measure. A defendant who is at liberty may only be placed under house arrest at the request of the prosecutor or an injured party who has requested punishment for the defendant. A court may, on its own initiative, place a remanded person or a person whose remand has been requested under house arrest instead of remand imprisonment.

The preconditions for placing a person under house arrest are that:

1) the sentenced person consents to the enforcement of house arrest and commits to comply with the obligations to be set out in the decision on house arrest;

2) it can be considered likely, based on the personal circumstances of the sentenced person and other circumstances, that the sentenced person will comply with the obligations imposed on them.

When considering the possibility of placing a person under house arrest, the court shall take into account what is presented in connection with the consideration of the matter on:

1) the personal circumstances of the sentenced person and other equivalent circumstances;

2) the suitability of the sentenced person's residence or other place suitable for living for the enforcement of house arrest;

3) the need of the sentenced person to move outside the residence or other place suitable for living.

House arrest is enforced in the sentenced person's residence or other place suitable for living and it is monitored in the manner referred to in section 12d.

Provisions on house arrest imposed instead of remand imprisonment in a court of appeal and provisions on requesting a review of a decision on house arrest are laid down in chapter 3, sections 18 and 19.

Section 12b (101/2018)
Content of house arrest imposed instead of remand imprisonment

A person placed under house arrest instead of remand imprisonment is obliged to remain at their residence or other place suitable for living for at least 12 hours and at most 22 hours a day. As a rule, the person shall be obliged to remain at their residence between the hours of 21.00 and 6.00. The person placed under house arrest is also obliged to submit to technical monitoring referred to in section 12d.

The number and timing of hours for which the person under house arrest is obliged to remain at their residence may deviate from what is provided in subsection 1 for a reason related to the person's work or studies or for another comparable essential reason.

In the decision on house arrest, the person placed under house arrest may also be obliged to:

1) remain in the locality or area specified in the decision;

2) stay away from or not to move in a given area specified in the decision;

3) be available at their residence, workplace or place of study at certain times;

4) be in contact with the Prison and Probation Service of Finland at certain times;

5) remain in an institution or hospital into which the person has already been admitted or will be admitted;

6) refrain from contacting any of the witnesses, injured parties, experts or accomplices;

7) hand over their passport and identity card that is accepted as a travel document to the Prison and Probation Service of Finland.

Section 12c (101/2018)
Decision on house arrest imposed instead of remand imprisonment

A decision to place a person under house arrest instead of remand imprisonment shall indicate:

1) the number and timing of hours for which the person is obliged to remain at their residence and the means of technical monitoring to be used;

2) the other obligations imposed on the person under house arrest;

3) the sanctions for breaching the obligations.

The Prison and Probation Service of Finland shall be notified of a decision to place a person under house arrest and of the service of the decision. If the person placed under house arrest is at liberty and the person is not present when the decision on house arrest is issued, the court shall serve the decision on house arrest on the person by using one of the methods of verifiable service specified in chapter 11 of the Code of Judicial Procedure. (509/2019)

The decision on house arrest concerning a sentenced person remains in force until the enforcement of the punishment begins or a higher court decides otherwise.

Section 12d (101/2018)
Technical monitoring

Compliance with the obligations imposed on a person placed under house arrest instead of remand imprisonment is monitored with technical devices that are given into the possession of the person or attached on the person's wrist, ankle or waist, or with a combination of such devices. The device shall not enable on-site interception referred to in chapter 10, section 16 or technical observation referred to in chapter 10, section 19 on premises used for permanent residence.

Attraction of undue attention shall be avoided in the monitoring. Technical monitoring shall be carried out without infringing anyone's rights and causing any more inconvenience than is essential to carry out the monitoring.

The Prison and Probation Service of Finland is responsible for the technical monitoring of house arrest. The Prison and Probation Service of Finland is responsible for organising the centralised monitoring of house arrest at national or regional level in compliance with the provisions of section 57 of the Act on the Enforcement of Community Sanctions (400/2015).

Section 12e (101/2018)
Prohibition to issue a passport

A person placed under house arrest instead of remand imprisonment shall not be issued with a passport or an identity card accepted as a travel document, if issuing such a document endangers the purpose of house arrest.

Section 12f (101/2018)
Authority responsible for the enforcement of house arrest imposed instead of remand imprisonment

The Prison and Probation Service of Finland is responsible for monitoring and enforcing house arrest imposed instead of remand imprisonment.

Section 12g (101/2018)
General obligations of a person placed under house arrest instead of remand imprisonment

A person placed under house arrest instead of remand imprisonment shall:

1) comply with the obligations specified in the court decision on house arrest and contact the Prison and Probation Service of Finland immediately in order to arrange the monitoring of house arrest; (509/2019)

2) handle the monitoring devices referred to in section 12d, subsection 1 with care and comply with the instructions for use provided;

3) be in contact with the Prison and Probation Service of Finland in the manner determined by the agency.

Contacts may include supervision appointments, control visits, telephone calls and other equivalent contacts.

Section 12h (101/2018)
Permission to deviate from obligations and altering the content of house arrest imposed instead of remand imprisonment

The head of prison or the head of probation office may, for justifiable reasons, in an individual case grant permission for a minor deviation from an obligation specified in a decision on house arrest imposed instead of remand imprisonment. A person under house arrest may refer a matter concerning refusal to grant such permission for consideration to a court that is competent to hear charges. (232/2022)

A person under house arrest may deviate from an obligation specified in the decision on house arrest without prior permission, if this is essential in an individual case because of the person's sudden illness or for another compelling and unforeseeable reason. In such a case, the person placed under house arrest shall notify the Prison and Probation Service of Finland of the matter without delay.

The content of house arrest may be altered due to a change in circumstances or for an important reason.

Section 12i (509/2019)
Breach of obligations

If the Prison and Probation Service of Finland finds, based on an investigation it has conducted, that a person placed under house arrest instead of remand imprisonment has breached their obligations without a reason referred to in section 12h, subsection 2 and the breach is of minor significance, the Prison and Probation Service of Finland shall issue a written warning to the person. The head of probation office decides on the issuing of a warning. (232/2022)

If the Prison and Probation Service of Finland finds, based on an investigation it has conducted, that a person under house arrest has breached their obligations despite a written warning issued to the person or otherwise seriously, or if the person under house arrest continues criminal activity, absconds or starts preparing an abscond, the Prison and Probation Service of Finland shall

immediately notify the police and the prosecutor of this. A person under house arrest may be arrested and remanded if the person breaches their obligations in a case other than that referred to in subsection 1 or continues criminal activity, absconds or starts preparing an abscond. The period from the beginning of the day on which the person under house arrest breached their obligations, continued criminal activity or absconded is not counted as part of the term of house arrest served. The Prison and Probation Service of Finland shall provide the prosecutor with such information on the serving of house arrest that is necessary for court proceedings. If a sentence of unconditional imprisonment imposed on a person placed under house arrest has already become enforceable, it may be enforced immediately.

A matter concerning remand and a breach of obligations is considered by a district court. The district court has a quorum in single-judge formation. The matter may be decided regardless of the absence of the person placed under house arrest.

The Prison and Probation Service of Finland shall give the person under house arrest an opportunity to be heard when it conducts an investigation referred to in subsections 1 and 2.

If a person under house arrest has breached their obligations, the person may be brought to a meeting determined by the Prison and Probation Service of Finland for the purpose of investigating the breach. The police shall provide executive assistance when bringing someone in. A police officer with the power of arrest decides on the bringing in at the request of the Prison and Probation Service of Finland. A person ordered to be brought in may be apprehended and taken into custody six hours before the meeting at the earliest.

Section 12j (996/2022)
Executive assistance

Public officials of the Prison and Probation Service of Finland have the right to obtain free-of-charge executive assistance from the police in accordance with the Police Act (872/2011) for the performance of their official duties.

Section 12k (509/2019)
Warrant of apprehension

The Prison and Probation Service of Finland may issue a warrant of apprehension on a person placed under house arrest instead of remand imprisonment for the purpose of enforcing the house arrest, if the person is evading the enforcement.

A public official in charge of enforcement referred to in the Imprisonment Act (767/2005) or another public official of the Enforcement Unit designated to the task under the rules of procedure of the Prison and Probation Service of Finland decides on the issuing and revocation of a warrant of apprehension. (232/2022)

Section 13
Prohibition of unreasonable remand

No one shall be remanded or ordered to be kept on remand if this would be unreasonable due to the nature of the matter or the age or other personal circumstances of the suspect or the sentenced person.

Section 14
Re-remand

A person who has been remanded for an offence and subsequently released may be remanded again for the same offence only on the basis of such a circumstance to which the party that had requested remand could not have referred when the earlier decision on remand was made.

Section 15
Notification of a request for remand

A person under arrest and their counsel shall be notified of a request for remand without delay. The written request for remand shall be delivered to them without delay.

Section 16 (772/2013)
Translation of a decision on arrest

The suspect has the right to receive, within a reasonable period, a written translation of the decision on arrest in a language used by the suspect referred to in chapter 4, section 12 of the Criminal Investigation Act (805/2011).

By derogation from subsection 1, the decision on arrest or a summary of the decision may be translated orally for the suspect, unless the legal protection of the suspect requires that a written translation of the decision be provided.

The provisions of chapter 4, section 13 of the Criminal Investigation Act on the translation of an essential document that is part of the criminal investigation documentation also apply to the translation of a decision on arrest.

Chapter 3
Court proceedings in remand matters

Section 1
Authority deciding on remand

A decision on remand is made by the court that is competent to hear charges. Before charges are brought, a decision on remand may also be made by another district court where the consideration of the matter is deemed appropriate. Provisions on the district court on duty in urgent cases are issued by decree of the Ministry of Justice.

When considering a remand matter, the district court also constitutes a quorum in single-judge formation. The session may also be held at another time and in another place than those specified in the provisions governing the sessions of general courts of first instance.

Section 2
Party requesting remand

During a criminal investigation, a request for remand is made by a public official with the power of arrest. Before the request is made, the prosecutor shall be notified of this, and the prosecutor has

the right to take up the question of whether a request for remand is made for decision. After a matter has been transferred to the prosecutor upon conclusion of the criminal investigation, a request for remand is made by the prosecutor. A request for the remand of a sentenced person may also be made by an injured party who has requested punishment for the person.

The court shall not, on its own initiative, order the defendant in a criminal matter to be remanded.

Section 3
Form of a request for remand

A request for remand shall be made in writing. A request for the remand of a person under arrest may also be made orally or by telephone. Such a request shall be submitted in writing without delay.

In connection with the hearing of charges, a request for remand may be made orally.

Section 4
Time for making a request for the remand of a person under arrest

A request for the remand of a person under arrest shall be made to the court without delay and by 12.00 on the third day from the date of apprehension at the latest.

Section 5
Taking up a request for remand for consideration

A request for remand shall be taken up for consideration by a court without delay. A request regarding a person under arrest shall be taken up for consideration within four days of the date of apprehension.

If a defendant is arrested while charges are pending in court, the matter concerning their remand is considered in accordance with the procedure provided for the remand of a person under arrest.

Section 6
Remand hearing

The public official who made the request for remand or a public official who is familiar with the matter, designated by the first-mentioned public official, shall be present in the remand hearing. The public official designated to the task may exercise the right to be heard of the public official who made the request for remand to the extent that this has not been limited in the request.

A person under arrest whose remand is requested shall be heard in person regarding the request for remand. The person whose remand is requested shall be given an opportunity to have a counsel to assist them in the remand hearing.

A person who is not under arrest and whose remand has been requested shall be given an opportunity to be heard regarding the request, except if the person is not in Finland, their whereabouts are not known or the person is evading the criminal investigation or judicial proceedings. However, if a counsel authorised by the person whose remand is requested is known, the counsel shall be given an opportunity to be heard. A defendant who, without lawful excuse, fails to attend the remand hearing or the hearing of charges may be ordered to be remanded regardless of their absence.

If the court deems this appropriate, video conferencing or other suitable technical means of communication where the persons participating in the hearing are in voice and visual contact with each another may be used in a remand hearing. If the court deems this necessary, the person whose remand is requested shall, however, be brought to court.

Section 7
Hearing of a legal representative and social welfare authority

If the person whose remand is requested is under 18 years of age, the court shall ensure that an opportunity to be heard in the remand hearing is given to a person who has custody of this person or to a guardian or other legal representative of this person and a representative of the body referred to in section 6, subsection 1 of the Social Welfare Act (710/1982). The persons may be heard using a technical means of communication where the persons participating in the hearing are in voice and visual contact with each other. The obligation to give an opportunity to be heard

may be derogated from if the representative cannot be reached or if there are serious reasons related to the criminal matter in question for not giving an opportunity to be heard.

Section 6 of the Social Welfare Act 710/1982 was repealed by the Act Amending the Social Welfare Act 588/2022.

Section 8
Evidence to be presented in a remand matter

In a remand hearing, evidence on the preconditions for remand shall be presented. The evidence may only be based on written documentation. In addition to this evidence and the evidence that the person whose remand is requested has presented due to the request for remand, no other evidence shall be presented in respect of the offence under investigation, unless the court deems that there is a special reason for this.

Section 9
Postponement of a remand hearing concerning a person under arrest

A remand hearing concerning a person under arrest may only be postponed for a special reason. The remand hearing may be postponed for more than three days only at the request of the person under arrest.

The person shall remain under arrest until the next remand hearing unless the court orders otherwise.

Section 10
Decision in a remand matter

The decision on remand shall briefly mention the particulars of the offence of which the remanded person is suspected and the grounds for remand. The decision shall be pronounced immediately or at the latest once the hearing of all remand matters related to the same series of offences has been concluded.

If a request for the remand of a person under arrest is rejected, the person shall be ordered to be released immediately.

Section 11
Remand in connection with additional evidence

When the decision in a remand matter is based on chapter 2, section 11, subsection 2, the party who made the request for remand shall notify the court hearing the remand matter without delay once the additional evidence becomes available.

The court shall hold a new remand hearing without delay and in any case no later than one week from the decision on remand. If the preconditions for remand laid down in chapter 2, section 11, subsection 1 do not exist, the remanded person shall be ordered to be released immediately.

Section 12
Procedure for the enforcement of a remand warrant

In cases where a court has issued a remand warrant concerning a suspect who was absent from the remand hearing, the competent court shall be notified without delay when the warrant has been enforced. The court shall hold a new remand hearing without delay and in any case no later than four days from the date on which the suspect was deprived of their liberty pursuant to the warrant. If the person was deprived of their liberty abroad, the time limit is calculated from the date on which the person arrived in Finland.

Section 13
Remand by a court other than the one hearing charges

If the request for remand and the charges are heard by two different courts, the party who made the request for remand shall inform the court considering the request for remand which court will hear the charges. The court that considered the request for remand shall immediately inform the court that will hear the charges of its decision on remand.

Section 14
Setting a time limit for the bringing of charges

When a court decides to remand a suspect who is present and no charges have yet been brought, the court shall set a time limit for the bringing of charges. The time limit shall not be longer than

what is essential for the completion of the criminal investigation and the preparation of the charges.

If it becomes evident that the time limit for the bringing of charges is too short, the court that will hear the charges may, upon request submitted by the prosecutor at least four days before the expiry of the time limit, extend the time limit. The court shall take up the matter for consideration without delay and decide it within the time limit. The remanded person and their counsel shall be given an opportunity to be heard on the request. The remanded person shall be heard in person if the person so wishes. The matter may be decided in the court office without holding a hearing, if the court deems this appropriate and the remanded person consents to the request concerning the manner of consideration. (452/2023)

If the court deems this appropriate, the technical means of communication referred to in section 6, subsection 4 may be used in the consideration of the extension of the time limit. If the court deems this necessary, the remanded person shall, however, be brought to the court.

Provisions on the time limits to be complied with in court proceedings for hearing charges against a remanded defendant are laid down in the Criminal Procedure Act (689/1997).

Section 15
New remand hearing

If a person suspected of an offence has been remanded, the court that will hear the charges shall, upon request of the remanded person and up to the time when the judgment is issued, take up the remand matter for reconsideration without delay and at the latest within four days of the date on which the request was submitted. Before charges are brought, a new remand hearing may also be held at the district court in whose judicial district the locality where the person is kept on remand is located. However, a new remand hearing need not be held before two weeks have elapsed since the previous remand hearing. If the main hearing has been postponed due to a mental examination of the defendant, the defendant's remand matter need not be taken up for reconsideration during the postponement of the main hearing. (452/2023)

The court shall, at the request of the remanded person, hold a new remand hearing even earlier than what is provided in subsection 1, if there are grounds for this due to a circumstance that has emerged after the previous hearing. A public official with the power of arrest shall immediately

notify the remanded person and their counsel of such a substantial change in the circumstances that gives rise to a new hearing, unless the public official decides to release the remanded person immediately under section 17, subsection 3. (1146/2013)

The remanded person, their counsel and the public official with the power of arrest in question shall be given an opportunity to be heard in the new remand hearing, unless the remanded person or the said public official declares that they need not be heard. The remanded person shall be heard in person if the person so wishes or if there otherwise is reason to hear the person to examine the matter.

If the court deems this appropriate, the technical means of communication referred to in section 6, subsection 4 may be used in the new remand hearing. If the court deems this necessary, the remanded person shall, however, be brought to the court.

Section 16
Decision to keep a person on remand in certain cases

If the court cancels or postpones a main hearing or orders a new main hearing to be held in a matter where the defendant is on remand, the court shall, at the same time, decide whether the preconditions referred to in chapter 2, section 11, subsection 1 for keeping the defendant on remand exist. (452/2023)

The court shall also decide whether to keep the defendant on remand in cases where the judgment is not pronounced immediately upon conclusion of the main hearing.

Section 17
Release of a remanded person

The court shall order that a remanded person be released immediately, if preconditions for keeping the person on remand no longer exist on the basis of a new remand hearing referred to in section 15 or a judgment or circumstances that have emerged during the main hearing.

If preconditions for keeping a person on remand no longer exist, the court shall, on the proposal of the appropriate public official with the power of arrest made in a session in connection with the remand hearing or main hearing, order that the remanded person be released immediately. The

release of the remanded person shall also be ordered if charges have not been brought within the time limit set for it and no decision on extending the time limit has been made within the time limit. The remanded person or their counsel need not be invited to the hearing.

The public official with the power of arrest shall order that a remanded person be released immediately if preconditions for keeping the person on remand no longer exist. Before this decision is made, the prosecutor shall be notified of this, and the prosecutor has the right to take up the question concerning the release for decision.

Section 18
Remand and house arrest in a reviewing court (101/2018)

Where the remand of a defendant or placing a defendant under house arrest instead of remand imprisonment is requested in a matter referred to a reviewing court by way of appeal, the defendant shall be given an opportunity to respond to the request, unless the request is ruled inadmissible or rejected immediately. No opportunity for providing a response needs to be given if the defendant is not in Finland or if their whereabouts are unknown. However, if a counsel authorised by the person whose remand or house arrest is requested is known, the counsel shall be given an opportunity to be heard. A notice of the right to provide a response may be sent by post to the most recent address indicated by the defendant. (101/2018)

If the defendant is arrested due to a matter referred to in subsection 1, a request for the remand of the person under arrest shall be submitted immediately to the reviewing court, and the court shall take up the request for consideration within the period referred to in section 5 in compliance with what is provided above regarding the remand hearing of a person under arrest.

Section 19
Request for review

No judicial review of a decision in a remand matter or in a matter concerning house arrest imposed instead of remand imprisonment may be requested separately by way of appeal. A person on remand or a person placed under house arrest may file a complaint against a decision by which the person has been remanded, ordered to be kept on remand or placed under house arrest. A public official with the power of arrest may file a complaint against a decision by which a request for remand has been rejected or by which a remanded person has been ordered to be released or

to be placed under house arrest. In addition, a remanded person may file a complaint concerning the time limit set for the bringing of charges. A person placed under house arrest and a public official with the power of arrest may file a complaint against a court decision in a matter concerning permission to deviate from an obligation set out in a decision on house arrest referred to in chapter 2, section 12h, subsection 1. (101/2018)

No specific time limit has been set for filing a complaint. The complaint shall be considered urgently. If the complaint is not ruled inadmissible or rejected as clearly unfounded, the appropriate public official with the power of arrest or the person whose remand has been requested shall be given an opportunity to provide a response in the manner deemed appropriate by the court of appeal, unless this is manifestly unnecessary.

A decision concerning the setting of a time limit for the bringing of charges and on extending the time limit is ineligible for review by appeal.

Section 20
Calculation of time limits

Section 5 of the Act on the Calculation of Statutory Time Limits (150/1930) does not apply to the calculation of the time limits referred to in section 4; section 5, subsection 1; section 11, subsection 2; section 12; section 14, subsection 2; and section 18, subsection 2.

Section 21 (772/2013)
Translation of a decision on remand

A suspect has the right to receive, within a reasonable period, a written translation of the decision on remand in the language used by the suspect referred to in chapter 4, section 12 of the Criminal Investigation Act (805/2011).

By derogation from subsection 1, the decision on remand or a summary of the decision may be translated orally for the suspect, unless the legal protection of the suspect requires that a written translation of the decision be provided.

The provisions of chapter 6a of the Criminal Procedure Act on the translation of documents also apply to the translation of a decision on remand.

Chapter 4
Restriction of communications

Section 1 (452/2023)
Preconditions for restriction of communications

When a criminal investigation is in progress, communications between an apprehended person, a person under arrest or a remand prisoner and a specific other person may be restricted if there is reason to suspect that such communications would endanger the purpose of the apprehension, arrest or remand imprisonment. Communications may also be restricted when the consideration of charges and judicial proceedings are in progress, if there are reasonable grounds to suspect that such communications would seriously endanger the purpose of the remand imprisonment.

On very serious grounds, communications with other persons in general may be restricted without naming the persons with whom communications are restricted. In this case, the communication restriction is in force for a maximum of 60 days from the beginning of the deprivation of liberty. The court may, upon request submitted by a public official with the power of arrest no later than one week before the expiry of the time limit, extend the time limit by a maximum of 30 days at a time. The court shall take up a matter concerning the extension of a time limit for consideration without delay and decide it within the time limit. The person subject to the communication restriction shall be given an opportunity to be heard on the request. The provisions of chapter 3, section 6, subsections 1 and 4 on the remand hearing shall be observed in the consideration of the matter, as appropriate.

Communications with an attorney-at-law, a public legal aid attorney or a licensed legal counsel referred to in chapter 15, section 2, subsection 1 or 5 of the Code of Judicial Procedure shall not be restricted. Nor shall communications with the personnel of the custody facility or prison, an authority supervising the activities of the personnel of the custody facility or prison, a body supervising the implementation of human rights with which a person deprived of their liberty has the right to file an appeal or a complaint under international treaties, or with another authority be restricted. Communications with a close relative or another close person and communications with a diplomatic or consular mission referred to in chapter 9, section 12 of the Remand Imprisonment Act may only be restricted if there are very serious grounds related to the investigation of the offence for this. Communications with a close relative may only be restricted to the extent that this is essential to secure the purpose of the apprehension, arrest or remand imprisonment.

Communications shall not be restricted any more or longer than what is essential.

Section 2 (452/2023)
Content of restriction of communications

An apprehended person, a person under arrest and a remand prisoner is prevented from being in correspondence, using the telephone, meeting and otherwise communicating and spending time with such persons with whom communications have been restricted. However, the court may decide that communications are permitted by one or more means of communication regardless of the communication restriction.

If a letter, another postal item or a message is not delivered to the recipient due to a communication restriction referred to in subsection 1, the sender shall be notified of this without delay, unless this would endanger the purpose of the communication restriction. In addition, the recipient shall be notified of the matter without delay, if the recipient is the person subject to the communication restriction and if this does not endanger the purpose of the restriction. A letter, another postal item or a message not delivered to the recipient shall be returned to the sender or given to the person deprived of their liberty once the communication restriction is no longer in force.

The provisions of chapters 8 and 9 of the Remand Imprisonment Act and chapters 6 and 7 of the Act on the Treatment of Persons in Police Custody on the monitoring of correspondence, telephone calls, electronic communications and meetings shall be observed in the monitoring of communications of apprehended persons, persons under arrest and remand prisoners.

Section 3
Validity of restriction of communications

The validity of a communication restriction ends when the apprehension, arrest or remand imprisonment ends. The validity of a temporary restriction ends if no proposal for a communication restriction is submitted to a court within the prescribed time limit.

Section 4 (452/2023)
Deciding on restriction of communications

During apprehension and arrest, a public official with the power of arrest decides on the restriction of communications. The court deciding on remand decides on the restriction of communications related to remand imprisonment and on extending the validity of such a restriction on the proposal of a public official with the power of arrest or the head of prison. Before the court makes the decision, the head of prison, on the proposal of a public official with the power of arrest or, if the remand prisoner has been placed in a police custody facility, a public official with the power of arrest may decide on a temporary communication restriction.

If the court, under chapter 3, section 9, postpones the remand hearing regarding a person under arrest, it shall decide on the continuation or amendment of a temporary communication restriction imposed on the said person. A communication restriction and its grounds shall be taken up for reconsideration in connection with the new remand hearing referred to in chapter 3, section 15.

A decision on the restriction of communications in situations referred to in chapter 2, section 11, subsection 3 is made by the court deciding on remand on the proposal of the prosecutor.

The public official referred to in subsection 1 deciding on the restriction of communications or entitled to propose a restriction shall, without delay, revoke the communication restriction in so far as preconditions for it no longer exist.

The Prison and Probation Service of Finland shall be notified of a decision concerning a communication restriction.

Section 5
Separate consideration in court

A remand prisoner who is subject to a communication restriction may refer the restriction to a court for consideration as a separate matter, in which case the provisions of chapter 3, section 15 on a new remand hearing shall be observed, as appropriate. The court shall revoke the communication restriction in so far as preconditions for it no longer exist.

If a proposal concerning the restriction of communications is considered separately from the remand matter, the provisions of chapter 3, section 4, section 5, subsection 1 and section 6, subsections 1, 2 and 4 on the remand hearing shall be observed, as appropriate.

Section 6
Request for review

A remand prisoner subject to a communication restriction and a public official with the power of arrest may file a complaint against a court decision on the restriction of communications. The provisions of chapter 3, section 19, subsections 1 and 2 shall be observed in the filing and consideration of a complaint, as appropriate.

Chapter 5
Travel ban

Section 1
Preconditions for a travel ban

A person who is suspected with probable cause of an offence may, instead of being arrested or remanded, be subjected to a travel ban, if the most severe punishment provided by law for the offence is imprisonment for at least one year and, due to the personal circumstances of the suspect or other circumstances, there is reason to suspect that the suspect will:

1) abscond or otherwise evade the criminal investigation, judicial proceedings or the enforcement of punishment;

2) hinder the investigation of the matter by destroying, damaging, altering or concealing evidence or by influencing a witness, an injured party, an expert or an accomplice; or

3) continue criminal activity.

A travel ban shall not be imposed on a person suspected of having committed a criminal act when under 15 years of age.

Section 1a (101/2018)
Preconditions for an intensified travel ban

If, when considering a request for remand or a matter concerning whether a person shall be kept on remand, the court considers that a travel ban is an insufficient coercive measure to avert a threat referred to in section 1, subsection 1, the court may, instead of remanding the person, impose an intensified travel ban that will be monitored by technical means as referred to in chapter 2, section 12d on a remand prisoner or a person whose remand is requested.

Furthermore, preconditions for imposing an intensified travel ban are that:

1) the most severe punishment provided by law for the offence is imprisonment for at least one year;

2) the person whose remand is requested or the remand prisoner consents to the enforcement of the intensified travel ban and commits to comply with the obligations to be set out in the travel ban decision;

3) it can be considered likely, based on the personal circumstances of the person whose remand is requested or the remand prisoner and other circumstances, that the person will comply with the obligations to be imposed on them.

When considering the imposition of an intensified travel ban, the court shall take into account the evidence presented in connection with a request for remand or in a new remand hearing on the following issues:

1) the personal circumstances of the person whose remand is requested or the remand prisoner and other equivalent circumstances;

2) the suitability of the person's residence or another place suitable for living for the enforcement of an intensified travel ban;

3) the need of the person to move outside the residence or another place suitable for living.

Section 2 (112/2018)
Content of a travel ban

In a travel ban decision, the person subject to a travel ban may be obliged to:

1) remain in the locality or area referred to in the decision;

2) stay away from or not to move in a given area specified in the decision;

3) be available at their residence or workplace at certain times;

4) report to the police or the Border Guard at certain times;

5) remain in an institution or hospital into which the person has already been admitted or will be admitted;

6) refrain from contacting a person referred to in section 1, subsection 1, paragraph 2; or

7) hand over their passport and identity card that is accepted as a travel document to the police or the Border Guard.

The travel ban decision may, however, permit leaving the locality or area specified in the decision for the purpose of going to work or for another comparable reason.

Section 2a (101/2018)
Obligation to remain at residence

A person subject to an intensified travel ban may be obliged to remain at their residence or another place suitable for living for at least 12 and at most 22 hours a day. As a rule, the person shall be obliged to remain at their residence between the hours of 21.00 and 6.00.

The number and timing of hours for which the person subject to a travel ban is obliged to remain at the residence may deviate from what is provided in subsection 1 for a reason related to the person’s work or studies or for another comparable essential reason.

Section 3 (667/2016)
Prohibition to issue a passport

A person subject to a travel ban shall not be issued with a passport or an identity card accepted as a travel document, if issuing such a document would endanger the purpose of the travel ban.

Section 4
Authority deciding on a travel ban and discretion concerning a travel ban (452/2023)

During the criminal investigation, a public official with the power of arrest decides on a travel ban. Before the decision is made, the prosecutor shall be notified of it, and the prosecutor has the right to take up the question for decision. After a matter has been transferred to the prosecutor upon conclusion of the criminal investigation, the prosecutor decides on a travel ban. The provisions of this subsection also apply if the court has, before charges were brought, rejected a request to revoke a travel ban submitted by the person subject to the travel ban.

After the bringing of charges, the court decides on a travel ban. The court may then impose a travel ban on the accused only at the request of the prosecutor.

When considering a request for remand and a matter concerning whether a person shall be kept on remand, the court shall consider whether the preconditions referred to in section 1 or 1a exist and whether a travel ban should be imposed on the person whose remand has been requested or who is on remand instead of remanding the person. In this case, the court decides on a travel ban also before charges are brought. In the case of a travel ban imposed as a consequence of a complaint filed against a decision on remand, however, the court that decided on remand shall decide on the travel ban. (101/2018)

However, a decision on an intensified travel ban is always made by a court. (101/2018)

Section 5 (101/2018)
Travel ban decision

A decision by which a travel ban is imposed shall specify:

1) the offence due to which the ban is imposed;

2) the grounds for the ban;

3) the content of the ban;

4) the sanctions for a violation of the ban;

5) the period of validity of the ban;

6) the right to refer the question of continuing the validity of the travel ban to a court for examination.

A decision on an intensified travel ban shall also specify the means of technical monitoring to be used. If the court has imposed an obligation to remain at the residence, the decision shall also indicate the number and timing of the hours for which the person is obliged to remain at their residence and the address of the residence or other place suitable for living.

A copy of the decision shall be given to the person subject to the travel ban. If the person subject to a travel ban is not present when the decision is issued or if a copy cannot otherwise be given to the person, the copy may be sent to the person by post to the address indicated by the person. If the person subject to an intensified travel ban is at liberty and not present when the decision on the intensified travel ban is issued, the court shall serve the decision on the person by using one of the methods of verifiable service specified in chapter 11 of the Code of Judicial Procedure. (509/2019)

The Prison and Probation Service of Finland and the police shall be notified of a decision on an intensified travel ban and its service without delay. (509/2019)

Section 5a (452/2023)
Attachment of devices used for monitoring an intensified travel ban

A court may order that a person subject to an intensified travel ban shall arrive at a prison, a probation office or another place suitable for the purpose in order for the technical devices to be used for monitoring the intensified travel ban referred to in chapter 2, section 12d to be attached on the person.

A court may order that a person subject to an intensified travel ban shall be apprehended or kept apprehended until the attachment referred to in subsection 1 has been carried out, if the devices can be attached on the person immediately after the intensified travel ban is imposed.

Section 6 (101/2018)
Permission to deviate from obligations

A public official with the power of arrest may, for justifiable reasons in an individual case, grant permission for a minor deviation from an obligation set out in the travel ban decision to a person subject to the travel ban. A public official with the power of arrest may, for justifiable reasons and after hearing the head of investigation to the extent possible, in an individual case grant permission for a minor deviation from an obligation set out in the decision on an intensified travel ban, if this decision is not a decision on an intensified travel ban referred to in the Act on the National Implementation of the Provisions of a Legislative Nature Contained in the Framework Decision on Supervision Measures as an Alternative to Provisional Detention and on the Application of the Framework Decision (620/2012). The Prison and Probation Service of Finland shall, without delay, be notified of permission to deviate from an obligation determined in a decision on an intensified travel ban. (452/2023)

A person subject to a travel ban may refer a matter concerning the granting of permission to deviate from an obligation set out in a travel ban decision to a court for consideration, if a public official with the power of arrest refuses to grant permission.

Section 7 (452/2023)
Amending the content of a travel ban decision

The content of a travel ban decision referred to in section 2 or 2a may be amended due to changed circumstances or for some other important reason. The provisions of section 4 on the authority deciding on a travel ban shall be observed when making an amendment. However, a public official with the power of arrest may always decide to relax the content of a travel ban decision if the person subject to the travel ban consents to this and the decision is not a decision on an intensified travel ban referred to in the Act on the National Implementation of the Provisions of a Legislative Nature Contained in the Framework Decision on Supervision Measures as an Alternative to Provisional Detention and on the Application of the Framework Decision (620/2012).

Section 8 (452/2023)
Validity and revocation of a travel ban

A travel ban imposed before charges are brought is in force until the main hearing, unless an earlier date has been determined for the expiry of the ban or unless the ban is separately revoked before this. A travel ban shall be revoked in full or in part immediately when preconditions for keeping it in force as such cease to exist. A public official with the power of arrest may decide on the revocation even if the travel ban was imposed by a court.

A person subject to a travel ban has the right, already before charges are brought, to refer the question of the validity of a travel ban imposed by a public official with the power of arrest to a court for examination. The request shall be taken up for consideration within a week of the date on which it arrived in court. The court shall revoke the ban in full or in part if it considers, after having given the public official with the power of arrest in question an opportunity to be heard, that preconditions for keeping the travel ban in force as such do not exist. The provisions of chapter 3, section 15, subsection 1 shall be observed in the reconsideration of a travel ban imposed by a court, as appropriate.

When a court cancels or postpones a main hearing in a matter where the defendant is subject to a travel ban, the court shall order whether the travel ban shall be kept in force.

When deciding on the charge, the court may impose a travel ban referred to in section 1 on the defendant or order that a travel ban imposed on the defendant shall be kept in force only if the defendant is sentenced to unconditional imprisonment. Such a travel ban may be imposed on a defendant who is at liberty only at the request of the prosecutor or an injured party who has requested punishment for the defendant. The court may, on its own initiative, impose a travel ban referred to above on a remanded person or a person whose remand is requested instead of remanding them. In such a case, the travel ban is in force until the enforcement of the punishment begins or a higher court orders otherwise.

Section 9 (452/2023)

Section 9 was repealed by Act 452/2023.

Section 10 (452/2023)
Sanctions for a violation of a travel ban

If a person subject to a travel ban violates the obligations set out in the travel ban decision, acts contrary to the court order referred to in section 5a, subsection 1 to arrive at a specific place for the purpose of attaching technical devices on the person, detaches or disables a technical device attached on the person or given into their possession for the purpose of monitoring an intensified travel ban, or absconds, begins to prepare for an abscond, hinders the investigation of the matter or continues criminal activity, the content of the travel ban decision referred to in section 2 or 2a may be amended or the person may be arrested or remanded instead of being subjected to a travel ban. If a sentence of unconditional imprisonment imposed on the person has already become enforceable, it may be enforced immediately.

Section 11 (101/2018)
Reference provisions

The provisions on the making and consideration of a request for remand laid down in chapter 3, sections 1, 3, 5–7 and 18 shall be observed in court proceedings for the consideration of a travel ban. The absence of a party shall not preclude a decision on the matter. Also in cases referred to in section 4, subsection 1 of this chapter, the person potentially to be subjected to a travel ban shall be given an opportunity to be heard.

The provisions of chapter 2, sections 12d and 12j apply to the technical monitoring of an intensified travel ban and to executive assistance. Unless otherwise separately provided in this chapter, the provisions of this chapter on a travel ban apply to an intensified travel ban.

Section 12
Request for review

No judicial review of a court decision in a matter concerning a travel ban may be requested separately by way of appeal.

A person subject to a travel ban and a public official with the power of arrest may file a complaint against a court decision on the travel ban. The provisions of chapter 3, section 19, subsections 1 and 2 apply to the complaint and its consideration, as appropriate.

Chapter 6
Sequestration

Section 1
Preconditions for sequestration

Sequestration of property may be ordered to secure the payment of damages or compensation based on an offence, a fine, or a monetary amount that may be ordered to be confiscated to the State. Preconditions for ordering sequestration are that the property belongs to a person whom there is reason to suspect of an offence, who may be ordered to pay damages or compensation due to an offence, or from whom a monetary amount may be ordered to be confiscated to the State, and that there is a risk that this person will try to evade the payment of the fine, damages, compensation or monetary amount by concealing or destroying their property or absconding or in another comparable manner. The maximum amount of property that can be subjected to sequestration is the amount that can be assumed to correspond to the fine, damages, compensation, or the monetary amount subject to confiscation.

Sequestration of property of a legal person may also be ordered if there is reason to suspect that someone will, on behalf of the legal person, try to evade the payment of a corporate fine by concealing or destroying property or in another comparable manner. The provisions of this chapter on sequestration of property belonging to a person suspected of an offence also apply to a legal person, as appropriate.

Section 2
Deciding on sequestration

A court decides o006E sequestration.

Before charges are brought, a public official with the power of arrest may make a request for sequestration of property. Before the request is made, the prosecutor shall, unless this is deemed manifestly unnecessary, be notified of it and the prosecutor has the right to take up the question of whether a request for sequestration is made for decision. After charges have been brought, the request may be made by the prosecutor and, to secure the payment of damages or compensation for themselves, also by an injured party. (452/2023)

The provisions on the making and consideration of a request for remand laid down in chapter 3, sections 1, 3, 5, 6 and 18 shall be observed in court proceedings for the consideration of a sequestration matter, as appropriate.

Section 3
Interim sequestration

A public official with the power of arrest may decide on interim sequestration if the matter cannot be delayed and it is evident that the preconditions laid down in section 1 exist. Before the enforcement of an interim sequestration order, the property subject to sequestration may, by decision of the said public official, be taken into the possession of the criminal investigation authority if this is necessary to secure the enforcement. (1146/2013)

Interim sequestration shall lapse if no request for a sequestration order is made to the court within one week of the date of issue of the interim order. A public official with the power of arrest shall submit a register notice referred to in chapter 4, section 33 of the Enforcement Code (705/2007) regarding the lapse and revocation of interim sequestration and regarding a decision by which the court has rejected a request for sequestration of the property that is subject to the interim sequestration.

A record shall, without undue delay, be drawn up of the interim sequestration, indicating in sufficient detail the purpose of sequestration, explaining the procedure that has resulted in the sequestration, and specifying the property subject to the measure. A copy of the record shall be delivered without delay to the person whose property is subject to the interim sequestration.

If a prosecutor's decision referred to in subsection 1 has been sent to another Member State of the European Union as a freezing order referred to in the Act on the Execution in the European Union of Orders Freezing Property or Evidence (540/2005) or in Regulation (EU) 2018/1805 of the European Parliament and of the Council on the mutual recognition of freezing orders and confiscation orders and in the Act on the Application of Regulation on the Mutual Recognition of Freezing Orders and Confiscation Orders in the European Union (895/2020), the measure shall, however, only lapse if the request for sequestration has not been submitted to a court within one week of the date on which the prosecutor was notified of the execution of the interim measure. The prosecutor shall, without delay, notify the authority of the other Member State to which the interim measure was sent for execution that the measure has lapsed. (899/2020)

Section 4 (452/2023)
Revocation of measure

The public official with the power of arrest shall revoke interim sequestration before court proceedings in the matter, and the court shall revoke sequestration when there is no longer reason to keep the precautionary measure in force. The public official with the power of arrest shall submit a request for the revocation of sequestration to the court, if preconditions for sequestration no longer exist. Interim sequestration and sequestration shall remain in force even if a security referred to in chapter 8, section 3 of the Enforcement Code is lodged to secure the payment of a fine, damages, compensation or monetary amount subject to confiscation.

The court shall also revoke sequestration if no charges are brought or no request for confiscation is made within four months of the date on which the sequestration order was issued. Upon request of a public official with the power of arrest, made two weeks before the expiry of the time limit at the latest, the court may extend the time limit by a maximum of four months at a time, if preconditions for sequestration still exist and keeping the sequestration in force is not unreasonable in view of the grounds for sequestration and the inconvenience caused by it. For special reasons related to the nature and investigation of the criminal matter in question, the time limit may be extended by a maximum of one year at a time or a decision may be made that the sequestration shall remain in force until further notice. The court shall take up a matter concerning the extension of a time limit for consideration without delay and decide it within the time limit. A person whose right, interest or obligation is affected by the matter shall be given an opportunity to be heard in connection with the consideration of the extension of the time limit. However, the matter may be decided without hearing the said person, if the person cannot be reached. The matter may be decided in the court office without holding a hearing, if the court deems this appropriate and the said person consents to the request concerning the manner of consideration.

Section 5
Reconsideration of sequestration

At the request of a person whose right, interest or obligation is affected by the matter, the court shall decide whether sequestration shall be kept in force. The request shall be taken up for consideration within one week of the date on which it arrived in court. However, sequestration need not be taken up for reconsideration before two months have elapsed since the previous consideration. (452/2023)

In connection with reconsideration of the matter, the public official with the power of arrest shall be given an opportunity to be heard.

Section 6
Separation of a matter of damages

If a court decides that a claim for damages is to be considered separately, it shall state, when deciding on the separation, whether sequestration shall be kept in force.

Section 7
Deciding on sequestration in connection with deciding on the principal matter

When a court imposes a fine, orders the payment of damages or compensation or issues a confiscation order, and sequestration has been ordered to secure the payment of any of these, the court shall decide whether the sequestration shall be kept in force until the fine, damages, compensation, or monetary amount subject to confiscation has been paid, attachment has been carried out for its payment or an order to the contrary is issued.

If the court, under subsection 1, decides that sequestration ordered for the purpose of securing the payment of damages or compensation shall be kept in force, the court may set a time limit, to be calculated from the date on which the decision becomes enforceable, within which enforcement shall be sought under threat that otherwise the sequestration will lapse.

The court may, when rejecting a charge, a claim for damages or compensation or a request for confiscation, order that sequestration shall be kept in force until the decision becomes final.

Section 8
Deciding on sequestration based on a request for legal assistance by a foreign state

If, by decision of a court of a foreign state in a criminal matter, confiscation of a monetary amount has been ordered in respect of a person, or if it can justifiably be assumed that confiscation of a monetary amount will, in a criminal matter being considered by an authority of a foreign state, be ordered in respect of a person, the person's property may be subjected to sequestration at the request of the authority of the foreign state in question. A request for sequestration may be made by a public official with the power of arrest.

In a case referred to in subsection 1, the decision on sequestration is made by the district court of the locality where the defendant has property that may be subjected to sequestration or where the matter may otherwise be appropriately considered. When the court decides on the sequestration of property, it shall, at the same time, set a time limit for the validity of the sequestration. The court may, upon request submitted by a public official with the power of arrest one week before the expiry of the time limit at the latest, extend the time limit. The court shall take up a matter concerning the extension of a time limit for consideration without delay and decide it within the time limit. The matter may be decided in the court office without holding a hearing, if the court deems this appropriate and the defendant consents to the request concerning the manner of consideration. (452/2023)

In other respects, the provisions of sections 1–3, section 4, subsection 1 and sections 9 and 10 as well as the provisions of the Act on International Legal Assistance in Criminal Matters (4/1994) apply to sequestration, as appropriate.

In the case of a request for execution of a freezing order that has arrived from a Member State of the European Union and that is referred to in the Act on the Execution in the European Union of Orders Freezing Property or Evidence and in the case of a freezing order referred to in Regulation (EU) 2018/1805 of the European Parliament and of the Council on the mutual recognition of freezing orders and confiscation orders and in the Act on the Application of Regulation on the Mutual Recognition of Freezing Orders and Confiscation Orders in the European Union, the provisions of the said Acts and the said Regulation shall be observed instead of subsections 1–3. (899/2020)

Section 9
Request for review

A judicial review of a court decision on sequestration may be requested separately by way of appeal. The appeal does not prevent property from being subjected to or kept under sequestration unless the court considering the appeal orders otherwise. When revoking sequestration or interim sequestration, the court may order that the sequestration shall be kept in force until the decision becomes final.

Section 10
Enforcement of measure

Enforcement authorities are responsible for enforcing a sequestration order and an interim sequestration order in accordance with the provisions on the enforcement of a decision on precautionary measures laid down in chapter 8 of the Enforcement Code, as appropriate. However, a security referred to in section 2 of the said chapter need not be lodged for the damage that the sequestration or interim sequestration may cause to the defendant, unless the court, for a special reason and at the time when it orders sequestration to secure the payment of future damages or compensation, orders the injured party to lodge a security. (1146/2013)

When ordering sequestration, the court may, at the same time, issue further instructions on its enforcement.

Section 11
Liability for damages and reimbursement of costs

The provisions of chapter 7, section 11 of the Code of Judicial Procedure shall be observed, as appropriate, in the payment of damages for damage caused by sequestration and interim sequestration and in the reimbursement of costs incurred in the matter.

Chapter 7
Seizure and copying of a document

Section 1
Preconditions for seizure

An item, property or document may be seized if there is reason to believe that:

1) it can be used as evidence in a criminal matter;

2) it has been taken from someone through an offence; or

3) it will be ordered to be confiscated.

The provisions of subsection 1 also apply to information that is contained in a technical device or in another corresponding information system or in its storage platform (*data*). The provisions of this chapter regarding a document also apply to a document that is in the form of data. (357/2016)

The provisions of this chapter regarding an item also apply to a substance. A part of an item may be detached for the purpose of using it as evidence, if an investigative measure cannot otherwise be performed without considerable difficulties.

Section 2
Copying of a document

Seizure of a document for the purpose of using it as evidence in accordance with section 1, subsection 1, paragraph 1 shall be replaced by copying the document, if a copy is sufficient from the perspective of the reliability of evidence.

A document shall be copied without undue delay after it has been taken into possession. After being copied, the document shall be returned to the person from whom it was taken into possession without delay.

If a document cannot be copied without delay because of the nature or extent of the document or documentation, the document shall be seized.

Section 3 (737/2015)
Prohibition of seizure and copying

A document or other object referred to in section 1 shall not be seized or copied if it contains information in respect of which a person has the obligation or right to refuse to testify under chapter 17, section 10–14, 16, 20 or 21 of the Code of Judicial Procedure.

If the non-disclosure obligation or right is based on chapter 17, section 11, subsection 2 or 3 or section 13, 14, 16 or 20 of the Code of Judicial Procedure, a precondition for the prohibition is, in addition to what is provided in subsection 1, that the object is in the possession of a person referred to in the said provision or in the possession of a person related to the first-mentioned

person as referred to in section 22, subsection 2 of the said chapter or in the possession of a person for whose benefit the non-disclosure obligation or right has been provided by law.

The prohibition of seizure or copying does not apply, however, if:

1) a person referred to in chapter 17, section 11, subsection 2 or 3; section 12, subsection 1 or 2; section 13, subsection 1 or 3; section 14, subsection 1; or section 16, subsection 1 of the Code of Judicial Procedure for whose benefit the non-disclosure obligation has been provided by law consents to seizure or copying;

2) a person referred to in chapter 17, section 20, subsection 1 of the Code of Judicial Procedure consents to seizure or copying;

3) the offence under investigation is one for which the most severe punishment provided by law is imprisonment for at least six years and the court could, in judicial proceedings concerning the offence under investigation, oblige a person to testify under chapter 17, section 12, subsection 3; section 13, subsection 2 or 3; section 14, subsection 2; or section 20, subsection 2 of the Code of Judicial Procedure;

4) the offence under investigation is one for which no one would have the right or obligation to refuse to testify in court under chapter 17, section 9, subsection 3 of the Code of Judicial Procedure, and the object to be seized or copied is not in the possession of a person referred to in section 20, subsection 1 of the said chapter.

Notwithstanding the provisions of this section above, a document or other object may be seized if there is reason to believe that it has been taken from someone through an offence or that its confiscation will be ordered. A document or other object may be kept under seizure or as a copy if it cannot be detached or separated from the rest of the object of seizure.

Section 4
Prohibition of seizure and copying related to telecommunications interception, traffic data monitoring and base station data

A document or data that contains information related to a message being transmitted referred to in chapter 10, section 3, subsection 1 of this Act, traffic data related to a message referred to in

section 6, subsection 1 of the said chapter or base station data referred to in section 10, subsection 1 of the said chapter shall not be seized or copied when they are in the possession of a communications provider referred to in section 3, paragraph 36 of the Act on Electronic Communications Services (917/2014). (452/2023)

Provisions on an exception to the prohibition of seizure referred to in subsection 1 are laid down in chapter 10, section 4, subsection 1.

Section 5
Seizure and copying of a delivery

A letter, package or other equivalent delivery intended for or sent by a person suspected of an offence may be seized or copied before it reaches its recipient, if the most severe punishment provided by law for the offence is imprisonment for at least one year and the delivery may, under this Act, be seized or copied when in the possession of the recipient.

If the recipient may, without hindering the investigation of the offence, be informed of the content of the seized or copied delivery in full or in part, the delivery or an account of its content shall be given to the recipient without delay.

Section 6
Interruption of a delivery for seizure or copying

If there is reason to believe that a letter, package or other equivalent delivery that may be seized or copied is arriving or has already arrived at a post office, at a rail traffic point or at the office of a party which transports deliveries on a professional basis in connection with transport or otherwise, a public official with the power of arrest may order that the delivery be kept at the post office, traffic point or office until the seizure or copying has been carried out.

An order referred to in subsection 1 may be issued for a fixed period not exceeding one month, beginning when the manager of the post office, traffic point or office has been notified of the order. The delivery shall not, without permission of the public official with the power of arrest, be given to anyone else than the said public official or a person designated by the public official.

The manager of the post office, traffic point or office shall immediately notify the person who issued the order of the arrival of the delivery. This person shall decide on the seizure or copying of the delivery without undue delay.

Section 7
Authority deciding on copying of a document and seizure

A public official with the power of arrest decides on copying of a document or seizure. The court may decide on these when hearing the charges.

Section 8
Taking into possession for copying of a document and seizure

In connection with apprehending a person suspected of an offence or conducting a search on such a person, a police officer may take possession of an item, property or document for the purposes of seizure or copying even without an order issued by a public official with the power of arrest. A police officer may also do so without an order in other cases, if the matter cannot be delayed.

A public official with the power of arrest shall without delay be notified of the taking into possession, and the public official shall without undue delay decide whether the item, property or document shall be seized or the document copied. The police officer may, without making a notification, immediately return the object taken into possession, if it has become evident that preconditions for seizure or copying do not exist.

Section 9
Notification of taking into possession

The person at whose place an item, property or document is taken into possession for the purposes of seizure or copying shall be notified of this without delay, if the person was not present when the item, property or document was taken into possession. If necessary, another person whose item, property or document the measure concerns shall also be notified of the taking into possession. The recipient and sender of a letter, package or other equivalent delivery shall also be notified of the taking into possession, if their addresses are known.

By decision of a public official with the power of arrest, the notification may be postponed by a maximum of one week from the date of taking into possession, if there is an important reason related to the criminal investigation for this. After this, the court may, at the request of the said public official, decide to postpone the notification by a maximum of two months at a time. The notification shall, however, be made upon conclusion of the criminal investigation without delay. A request for extending the time limit shall be submitted to the court one week before the expiry of the time limit at the latest. The court shall take up a matter concerning the extension of a time limit for consideration without delay and decide it within the time limit.

Section 10
Register notice

The authority that decided on the measure shall submit a register notice referred to in chapter 4, section 33 of the Enforcement Code regarding seizure and the revocation of seizure, if the object of seizure is an item or property referred to in the said section.

Section 11
Opening and examining certain documents

A sealed letter or other sealed private document that has been seized or taken into possession for the purposes of seizure may only be opened by the head of investigation, prosecutor or court or, upon order of the head of investigation, by a police officer.

If necessary and if the head of investigation so decides, an expert familiar with the information system or its storage platform that is the object of the measure may assist in opening a document that is in the form of data.

In addition to the persons referred to in subsection 1 and the court, an opened private document may only be examined by a person investigating the offence and, as assigned by the head of investigation, prosecutor or court, an expert or another person assisting in the investigation of the offence or otherwise being heard in the matter.

Section 12
Record

A record shall be drawn up of the seizure of an item, property and document and of the copying of a document without undue delay. The record shall in sufficient detail state the purpose of the seizure or copying, explain the procedure that has led to the seizure or copying, specify the object of seizure or the document copied, and mention the right to refer the seizure or copying to a court for examination.

A copy of the record shall without delay be delivered to the person whose item, property or document was seized or copied and, if necessary, to the person from whose possession the item, property or document was seized. A copy of the record is not delivered during the period for which the notification of the taking into possession has been postponed under section 9, subsection 2. (452/2023)

Section 13
Storage of the object of seizure

The person carrying out seizure shall take possession of the seized item, property or document, or store it in a secure place.

The object of seizure may be left with its holder, unless this endangers the purpose of the seizure. In such a case, the holder shall be prohibited from handing over, losing and destroying the object. If necessary, the object shall also be marked so that it is clear that it is subject to seizure. The holder may be prohibited from using the object.

The object of seizure shall be stored as such and it shall be managed with care. The chief of a police department or the chief of a national police unit may order that the object be sold immediately if it turns out that it spoils easily, dissipates or loses its value quickly or is very expensive to manage. Tests may be taken on an object seized for evidentiary purposes if these are necessary to investigate the offence.

Section 14 (452/2023)

Revocation of seizure and return of an item, property or document

Seizure shall be revoked as soon as it is no longer necessary, and the seized item, property or document shall without delay be returned to the person entitled to it, unless there is an impediment under section 18 or 23 or an impediment provided elsewhere by law to the return.

Seizure shall also be revoked if no charges are brought for the underlying offence or if no request for confiscation is filed within four months of the seizure of the item, property or document. A court may, at the request of a public official with the power of arrest, extend the time limit by a maximum of four months at a time, if preconditions for seizure continue to exist and, in view of the grounds for the seizure and any inconvenience caused by it, it is not unreasonable to keep the seizure in force. For special reasons related to the nature and investigation of the criminal matter in question, the time limit may be extended by a maximum of one year at a time or a decision that the seizure shall remain in force until further notice may be made. The seizure may also be ordered to remain in force until further notice if the possession of the item, property or document in question is prohibited.

A request referred to in subsection 2 shall be presented no later than two weeks before the expiry of the time limit. The court shall take up a matter concerning the extension of a time limit for consideration without delay and decide it within the time limit. A person whose right, interest or obligation is affected by the matter shall be given an opportunity to be heard. However, the matter may be decided without hearing the said person if the person cannot be reached or if a notification of taking into possession to be made to the said person has been postponed under section 9, subsection 2. The matter may be decided in the court office without holding a hearing, if the court deems this appropriate and the said person consents to the request concerning the manner of consideration.

Section 15 (452/2023)

Referral of seizure or copying to a court for consideration

At the request of a person whose right, interest or obligation is affected by the matter, the court shall decide whether seizure shall be kept in force or whether a copy of a document shall be retained for the purpose of being used as evidence. A precondition for keeping the seizure in force or for retaining a copy is that preconditions for seizure or copying continue to exist. In addition,

keeping the seizure in force shall not be unreasonable in view of the grounds for the seizure and any inconvenience caused by it. The court may, on request, also decide that a document shall be copied instead of being kept under seizure.

If a request referred to in subsection 1 has been made before it could be presented in an oral court hearing or written procedure concerning the charges or confiscation, the request shall be taken up for consideration within one week of its arrival at the court. The provisions of chapter 3, sections 1 and 3 on the consideration of a request for remand apply to the consideration of the said request, as appropriate. However, the seizure or the retention of a copy of a document need not be taken up for reconsideration before two months have elapsed from the previous consideration of the matter. A person whose right, interest or obligation is affected by the matter shall be given an opportunity to be heard. However, the matter may be decided even without hearing the said person, if the person cannot be reached.

Section 16
Destruction of a copy of a document

If a copy of a document made under section 2 proves to be unnecessary or if the court decides that it shall not be retained for the purpose of being used as evidence, the copy shall be destroyed. The destruction may be postponed until the court decision becomes final.

Section 17
Authority deciding on the revocation of seizure and on non-retention of a copy of a document

A public official with the power of arrest decides on the revocation of seizure and on the non-retention of a copy of a document for the purpose of being used as evidence. During the consideration of charges, such a decision may only be made by the prosecutor except if the question only concerns the return of a seized item, property or document to the person who is entitled to it.

A court decides on the revocation of seizure or on non-retention of a copy of a document, if it had decided on the seizure or the copying of the document or if a claim concerning the seized item, property or document has been presented in judicial proceedings.

Section 18
Postponement of the return of an item, property or document

When revoking seizure or ordering that seizure shall no longer be kept in force, a court may, at the request of a public official with the power of arrest, order that the seized item, property or document shall not be returned to the person who is entitled to it before the expiry of a time limit set by the court at the same time or before the court decision becomes final.

Section 19
Re-seizure or re-copying

If seizure has been revoked or if it has been decided that a copy of a document shall not be retained for the purpose of being used as evidence, the authority that made the decision may order that the item, property or document be re-seized or the authority may decide to amend the decision on the copying of the document. A precondition for this is that a new relevant circumstance has emerged after the previous decision.

The matter is considered by a court at the request of a public official with the power of arrest in compliance with section 15, subsection 2, as appropriate.

Section 20 (357/2016)
Deciding on the validity of seizure when deciding on the charge or request for confiscation

When deciding on the charge or a request for confiscation, the court shall also decide whether seizure shall be kept in force until the confiscation has been enforced or until an order to the contrary has been issued.

Section 21 (452/2023)
Deciding on seizure based on a request for legal assistance by a foreign state

An item, property, document or data may be seized at the request of an authority of a foreign state, if it may be used as evidence in a criminal matter being considered by the foreign authority or if it has been taken from someone through an offence. Instead of seizure, a document may be copied if a copy may be used as evidence in a criminal matter being considered by the authority of

the requesting state. An item, property or document may be seized if it has, by decision of a court of a foreign state, been ordered to be confiscated due to an offence or if it can justifiably be assumed that it will be ordered to be confiscated due to an offence in a matter being considered by an authority of the foreign state.

The authority that decided on seizure or copying shall, within one week of the date of the decision, refer the decision on seizure or copying for confirmation to the district court of the locality where the seizure or copying was carried out. However, in matters referred to in the Act on Surrender Procedures between Finland and Other Member States of the European Union (1286/2003), the decision may also be referred for confirmation to the district court where a matter referred to in section 66, subsection 2 of the said Act is considered, and in matters referred to in the Act on Extradition between Finland and Other Nordic Countries (1383/2007), the decision may be referred for confirmation to the district court where a matter referred to in section 63, subsection 2 of the said Act is considered. The court that decides on the confirmation shall, when making the decision, also set a period of validity for the seizure. The court may, upon request of the authority that decided on seizure submitted before the expiry of the period of validity of the seizure, extend the said period. The matter may be decided in the court office without holding a hearing, if the court deems this appropriate and the person whose right, interest or obligation is affected by the matter consents to the request concerning the manner of consideration. Where necessary, the prosecutor shall notify the authority that has previously considered the seizure matter of the decision on seizure or copying.

If an item, property or document has been seized or a document has been copied for the purpose of being used as evidence in a criminal matter being considered by an authority of a foreign state, the court may decide, at the request of the authority that had decided on the seizure or copying, that the object of seizure or the copy of the document may, if necessary, be handed over to the authority of the requesting foreign state subject to the requirement that the object shall be returned after it is no longer needed as evidence in the matter. The court may, however, order that the item, property or document need not be returned if returning it would be manifestly inappropriate.

In other respects, the provisions of sections 1–13, section 14, subsection 1, sections 15, 17 and 22, section 23, subsections 3 and 4, and section 25 of this chapter, the provisions of section 1, subsection 2 and sections 5 and 6 of chapter 3, and the provisions of the Act on International Legal Assistance in Criminal Matters apply to seizure referred to in this section. The provisions of

this chapter on copies of documents may be applied if this is possible according to the request for legal assistance or under the provisions on the granting of legal assistance.

In the case of a request for execution of a freezing order that has arrived from a Member State of the European Union and that is referred to in the Act on the Execution in the European Union of Orders Freezing Property or Evidence, in the case of a seizure order referred to in the Act on the Implementation of the Directive Regarding the European Investigation Order in Criminal Matters (430/2017), and in the case of a freezing order referred to in Regulation (EU) 2018/1805 of the European Parliament and of the Council on the mutual recognition of freezing orders and confiscation orders and in the Act on the Application of Regulation on the Mutual Recognition of Freezing Orders and Confiscation Orders in the European Union, the provisions of the said Acts and the said Regulation shall be observed instead of subsections 1–4.

Section 22
Request for review

A judicial review of a court decision on seizure or on copying of a document may be requested separately by way of appeal. The appeal does not prevent the seizure or the copying of the document.

A decision on the extension of the period of validity of seizure is ineligible for review by appeal.

Section 23
Specific provisions concerning the return of a seized item, property or document (452/2023)

If, in connection with the hearing of charges or a request for confiscation, several persons claim for themselves a seized item, property or document that is to be returned, the court shall order that the dispute over the rightful claim shall be considered separately in accordance with the provisions on the procedure for civil matters. At the same time, the court shall set a time limit within which an action shall be brought. The court may, however, consider the question concerning the rightful claim in connection with the hearing of charges or a request for confiscation, if this does not cause delay to the consideration of the matter. (357/2016)

If no charges are brought or no request for confiscation is filed and several persons claim for themselves a seized item, property or document that is to be returned, a public official with the power of arrest may set a time limit for the bringing of an action. After the court or a public official with the power of arrest has set the time limit, the property shall be kept in the possession of the police until a final decision has been made on the question of the rightful claim or until the possession has otherwise proved to be unnecessary before that. If no action is brought within the said time limit, the provisions of subsection 3 shall be observed. (357/2016)

If, after seizure has been revoked, the seized item, property or document is to be returned to its owner or to another person who is entitled to it, and this person fails to collect the object of seizure within three months of a notification by the police, the right of ownership to the item, property or document is transferred to the State or, if the object is lost property, the right of ownership is transferred to the finder in the manner provided in the Lost Property Act (778/1988).

If the owner of an item, property or document to be returned or another person who is entitled to it is not known by the police, the police shall investigate the matter to the extent possible. If necessary, a public notice shall be issued. If no one claims the object of seizure for themselves within six months of the issuing of the public notice, the item is transferred to the State or, if the object is lost property, to the finder in the manner provided in the Lost Property Act. Further regulations on the issuing of a public notice are issued by the National Police Board.

Section 24
Measure to be carried out instead of seizure

By decision of a public official with the power of arrest, an item of little value or an item the possession of which is punishable may, instead of seizure, be destroyed, taken into use by the State or sold, if it is evident that the item would be ordered to be confiscated to the State and it is not needed as evidence in judicial proceedings.

The prosecutor may order a measure referred to in subsection 1 to be carried out if, under chapter 1, section 7 or 8 of the Criminal Procedure Act or another equivalent provision, the prosecutor has made a decision to waive charges and it is evident that the item would be ordered to be confiscated to the State.

A measure referred to in subsection 1 shall be carried out in a verifiable manner, and the person from whom or at whose place the item was taken into possession shall be notified of this without delay, if the person was not present when the item was taken into possession.

The provisions of chapter 4 of the Act on the Enforcement of a Fine (672/2002) apply, as appropriate, to the measure referred to in subsection 1 and to the right of the person in question to compensation. A record shall be drawn up or an entry made in another document of the measure.

Section 25
Reference provision

In addition to the provisions of this chapter, separate provisions laid down by law on seizure and on destruction instead of seizure shall also be observed.

Chapter 8
Search

Search of premises

Section 1
Definitions

Searches of premises under this chapter are a house search, which may be a general or a special house search, and a search of a location.

General house search means a search conducted in a place covered by the right to domestic privacy referred to in chapter 24, section 11 of the Criminal Code.

Special house search means a search conducted in a space in which there is reason to believe that the search will reveal information in respect of which, under chapter 17, section 10–14, 16, 20 or 21 of the Code of Judicial Procedure, a person has an obligation or right to refuse to testify and which, under chapter 7, section 3 of this Act, shall not be seized or copied. (737/2015)

Search of a location means a search that is conducted in a place other than one referred to in subsection 2 or 3, even though there is no public access to it or public access has been restricted or prevented at the time when the search is conducted, or a search that is directed at a vehicle.

Section 2
Preconditions for a house search

A general or a special house search may be conducted in a place that is in the possession of a person suspected of an offence if:

1) there is reason to suspect that an offence has been committed for which the most severe punishment provided by law is imprisonment for at least six months, or if the matter being investigated involves circumstances connected with the imposition of a corporate fine; and

2) it can be assumed that the search will uncover any of the following related to the offence under investigation:

a) an item, property, document or information referred to in chapter 7, section 1, subsection 1 or 2 that shall be seized;

b) a document that shall be copied under chapter 7, section 2;

c) property that shall be subjected to sequestration; or

d) a circumstance that may be of significance in the investigation of the offence.

In a place that is not in the possession of a person suspected of an offence, a house search may be conducted subject to the preconditions provided in subsection 1, paragraph 1 only if the offence was committed there or the suspect was apprehended there, or if it can otherwise be assumed on very strong grounds that an item, property, document, information or circumstance referred to in subsection 1, paragraph 2 will be found in the search. (1146/2013)

Section 3
General house search in order to find a person

A general house search may be conducted in order to find a person to be brought to a criminal investigation, a person to be apprehended, arrested or remanded, a person to be brought to court or to be summoned to court as a defendant in a criminal matter, or a person to be taken to an intimate body search, if the search is conducted in a place that is in the possession of the person.

A general house search may be conducted elsewhere than in a place that is in the possession of the person being searched for only if there are very strong grounds to believe that the person is to be found there.

Section 4
Preconditions for a search of a location

A search of a location may be conducted in order to find an item, property, document, information or circumstance, subject to the preconditions provided in section 2, subsection 1, paragraph 2, and in order to find a person referred to in section 3, subsection 1.

Section 5
Presence during a house search

Where possible, a witness called by the person conducting a house search shall be present during the search.

The person at whose place a house search is conducted or, in their absence, a person residing, working or otherwise authorised to stay there shall be given an opportunity to be present during the search and to invite a witness. Such an opportunity need not be given if this would significantly delay the conduct of the search. If none of the persons mentioned above or a witness called by these persons was present during the house search, the person at whose place the search was conducted shall be notified without delay of the search and of their right to receive a copy of the decision on the search upon request in accordance with section 6, of their right to refer the search to a court for consideration in accordance with section 18, as well as of their right to receive a copy of the record in accordance with section 19. (1146/2013)

The person conducting the search may be assisted in a house search by the injured party, their representative, an expert or another person who can provide information that is essential for achieving the purpose of the search. However, the person conducting the search shall ensure that the person in question does not gain access to non-disclosable information and information on other circumstances any more than what is essential.

A special house search shall not be conducted in the absence of a search representative.

Section 6
Procedure for a house search

At the beginning of a house search, a person referred to in section 5, subsection 2 who is present shall be informed of the purpose of the search and given a copy of the decision on the search. If there is yet no written decision on the search, the person shall be notified of their right to receive a copy of the decision on request. In addition, the person shall be notified of their right to refer the house search to a court for consideration in accordance with section 18 and of their right to receive a copy of the record in accordance with section 19. (1146/2013)

The provisions of the decision on the search shall be observed in a house search. The search shall be conducted so that it does not cause any more harm or inconvenience than is necessary. The space subject to the search may be opened with force, if necessary. Opened spaces shall be closed in a suitable manner after the search has been concluded.

A person present at the place where a house search is conducted may be removed if they are obstructing the conduct of the search or endangering the achievement of its purpose through their behaviour. Their movement at the place where the search is conducted may also be restricted in order to prevent them from gaining access to information that is non-disclosable under law or in order to ensure the cordoning off of a site or object of investigation referred to in chapter 9, section 1. A precondition for removing a person or restricting their right to move is that this is essential in order to achieve the purpose of these measures. (1146/2013)

A house search shall not, without a special reason, be conducted between the hours of 22.00 and 7.00.

Section 7
Search representative

A search representative shall be appointed for a special house search to ensure that seizure or copying of a document is not directed at information referred to in section 1, subsection 3.

Section 8
Required qualifications for a search representative

An attorney-at-law, a public legal aid attorney or another person holding a master's degree who, on the basis of their expertise and practical experience and taking into consideration the object of the search, is suitable to serve as a search representative in the case in question shall be appointed as a search representative, if they consent to this. A person who is suspected of or charged with or has been sentenced for an offence that is conducive to reducing their reliability as a search representative shall not be appointed as a search representative.

The provisions of chapter 11, section 3 of the Criminal Investigation Act (805/2011) on the required qualifications for a counsel apply, as appropriate, to the qualifications for a search representative in an individual case.

A search representative shall not be substituted by anyone else without the permission of the authority who appointed them. The appointment may be withdrawn for a legitimate reason.

Section 9
Obligations of a search representative

A search representative shall carefully and without undue delay oversee that seizure or copying of a document is not directed at information referred to in section 1, subsection 3. The search representative shall be present when a special house search is conducted and monitor the performance of the search measures.

A search representative and a person who has been requested to serve as a search representative shall not unlawfully disclose what they have learned in the course of their duties or when being requested to assume such duties.

Section 10

Fee and compensation for a search representative

A search representative is paid a fee and compensation from state funds in compliance with the provisions of sections 17 and 18 of the Legal Aid Act (257/2002) on the fees and compensation payable to a counsel, as appropriate.

A decision on the payment of a fee or compensation to a search representative is eligible for review. The provisions on appeal against a decision of the court in question apply when requesting a review.

Section 11

Taking into account the views of a search representative

The person conducting a special house search shall take due account of the views of the search representative on whether the information is suitable for seizure or copying of a document. If, in connection with the search, documentation is seized, copied or otherwise taken into possession even if the search representative has objected to the seizure, copying or taking into possession, the said documentation shall not be examined any further and it shall be sealed. The contested documentation shall be delimited in a manner that is appropriate from the perspective of the court proceedings and sufficient from the perspective of the fulfilment of the obligation and right to remain silent.

Section 12

Court proceedings in a matter concerning sealed documentation

A public official with the power of arrest shall, without delay and at the latest within three days of the sealing referred to in section 11, refer to a court for decision the question of whether sealed documentation may be examined or used. The matter is instituted in a court with a written application, in which the matter is explained in sufficient detail and to which the sealed documentation and the record referred to in section 19 shall be appended.

A matter concerning sealed documentation is decided by the court that is competent to hear the charges. Before charges are brought, the matter may also be decided by the district court in

whose judicial district the object of the search is located. When considering the matter, the district court also constitutes a quorum in single-judge formation.

The court shall take up a matter concerning sealed documentation for consideration without delay and no later than seven days after its arrival at the court. The court shall give the search representative and the person whom the matter otherwise concerns an opportunity to be heard. The matter may, however, be decided without hearing the said persons if they cannot be reached.

The court shall decide whether the documentation or part of it may be seized or copied. A judicial review of a court decision on sealed documentation may be requested separately by way of appeal. If the court decision is appealed against, the documentation that is the subject of the appeal shall be kept sealed until a final decision has been made on the matter. The appeal shall be considered urgently.

Section 13
Opening and examining a private document

The provisions of chapter 7, section 11 apply to the opening and examination of a private document found in a house search. In a special house search, documents may, however, be examined only by the search representative.

Section 14
Provisions applicable to certain searches of a location (452/2023)

If the search of a location is directed at a place to which there is no public access or to which public access is restricted or prevented at the time when the search is conducted, the provisions of sections 5, 6, 13, 16 and 19 shall be observed in the search, as appropriate.

Section 15
Decision on a search of premises

A decision on a general house search and on a search of a location is made by a public official with the power of arrest. A decision on a special house search and on the appointment of a search representative is made by a court.

If, during a house search or a search of a location, it becomes evident that the search is directed at information that is referred to in section 1, subsection 3, or if it is essential to urgently conduct a special house search, a public official with the power of arrest decides on the conduct of the special house search and on the appointment of a search representative.

A police officer may, without a decision of a public official with the power of arrest, conduct a general house search or a search of a location in order to find a person or to seize such an item that has been followed or traced directly after an offence was committed. A police officer may also conduct a general house search or a search of a location without a decision of a public official with the power of arrest when it is essential to conduct the search immediately due to the urgency of the matter.

Section 16
Decision on a house search

A decision on a house search shall, to the extent possible and in sufficient detail, specify:

1) the premises subject to the search;

2) the circumstances on the basis of which the preconditions for a search are considered to exist;

3) what is sought in the search; and

4) any special restrictions on the search.

If required by the urgency of the matter, the decision of a public official with the power of arrest may be recorded after the search has been conducted.

Section 17
Court proceedings concerning a special house search

A decision on a special house search is made by the court that is competent to hear the charges. Before charges are brought, the decision on a search may also be made by the district court in whose judicial district the object of the search is located. When considering the matter, the district court also constitutes a quorum in single-judge formation.

A request for a special house search is submitted by a public official with the power of arrest. The request shall be taken up for consideration by the court without delay in the presence of the public official who made the request or a public official familiar with the matter and designated by the first-mentioned public official. The hearing may also be conducted using video conferencing or other suitable technical means of communication where the persons participating in the hearing are in voice and visual contact with each other. The matter is decided without hearing the person at whose place the special house search is to be conducted.

A court decision on a special house search is ineligible for review by appeal. A public official with the power of arrest may file a complaint against the decision without a time limit. The complaint shall be considered urgently.

Section 18
Referral of a house search or a search of a location to a court for examination (452/2023)

At the request of a person at whose place a house search has been conducted, the court shall determine whether the preconditions for the search had existed or whether the procedure provided in section 5 or 6 had been complied with in the house search. The request shall be made within 30 days of the conduct of the house search or from a later date on which the person who made the request had been informed of the conduct of the search.

The provisions of chapter 3, sections 1 and 3 on the consideration of a request for remand apply to the consideration of a request concerning a house search, as appropriate. The person making the request and the public official with the power of arrest shall be given an opportunity to be heard. The matter may be decided in the court office without holding a hearing if the court deems this appropriate. (1146/2013)

The court decision in a matter referred to in this section is subject to appeal.

The provisions of this section above also apply to a search of a location conducted at a place referred to in section 14 if the search, in terms of its effects and procedure, is equivalent to a house search. (452/2023)

Section 19
Record

A person conducting a house search shall, without undue delay, prepare a record of the search, describing the search procedure in sufficient detail. Any statements of the search representative shall be recorded in or appended to the record to the extent necessary.

On request, a copy of the record shall be given to the search representative and to the person at whose place the search was conducted. If necessary, a copy shall also be delivered to another person whom the matter concerns.

Search of data contained in a device

Section 20
Definition of a search of data contained in a device

A search of data contained in a device means a search of data that is contained in a computer, terminal equipment or another equivalent technical device or information system at the time of the search.

A search of data contained in a device shall not be directed at a confidential message that is governed by the provisions on telecommunications interception, traffic data monitoring and technical surveillance laid down in chapter 10. (1146/2013)

Section 21
Preconditions for a search of data contained in a device

A search of data contained in a device may be conducted if:

1) there is reason to suspect that an offence has been committed for which the most severe punishment provided by law is imprisonment for at least six months, or if the matter being investigated involves circumstances connected with the imposition of a corporate fine; and

2) it can be assumed that the search can uncover a document or information referred to in chapter 7, section 1, subsection 1 or 2 that is connected with the offence under investigation and that shall be seized or a document that shall be copied under chapter 7, section 2.

A search of data contained in a device may also be conducted in order to return the device to a person entitled to it, if there is reason to believe that it has been taken from someone through an offence.

A decision on the conduct of a search of premises may also be extended to cover a technical device or information system in the said premises, if the purpose of the search in question is not to find a person.

Section 22
Taking possession of a device

A police officer may take possession of a technical device to conduct a search of data contained in the device. After the search, the device shall be returned to the person from whose possession it was taken or who is otherwise entitled to it without undue delay.

If the search of data contained in a device cannot be conducted without delay, the device shall be seized.

Section 23 (452/2023)
Information system owner's obligation to provide information and to assist

The owner and administrator of an information system or another person are obliged to provide a criminal investigation authority, on request, with passwords and other equivalent information necessary for conducting a search of data contained in a device and to assist in using the information. The person in question shall, if they so wish, be provided with a written certificate of the request.

If a person refuses to provide the information referred to in subsection 1 or assist in using it in the manner referred to in the said subsection, the person may be heard in court in the manner provided in chapter 7, section 9 of the Criminal Investigation Act.

The provisions of subsection 1 do not apply to a person suspected of an offence or to a person referred to in chapter 7, section 3, subsection 1 or 2 who has the right or obligation to refuse to testify.

Section 24
Data retention order

If, before the conduct of a search of data contained in a device, there is reason to believe that data that may be of significance in solving an offence under investigation goes missing or is changed, a public official with the power of arrest may issue a data retention order. Such an order requires that a person in possession of or controlling the data maintain it unchanged; this does not, however, apply to a person suspected of the offence. The order may also concern data that can be assumed to be transmitted to the device or information system within one month of the issuing of the order. On request, a written certificate shall be given of the order, detailing the data that is covered by the order.

The provisions of subsection 1 also apply to data related to a message transmitted by an information system concerning the origin, destination, routing and size of the message as well as the time, duration, nature and other equivalent factors of the transmission (*traffic data*). (1146/2013)

A criminal investigation authority does not, on the basis of a retention order referred to in subsection 1, have the right of access to information on the content of a message, transmission information or other recorded information. If several service providers have participated in the transmission of a message referred to in subsection 2, a criminal investigation authority has the right of access to the transmission information necessary to identify the service providers. (1146/2013)

Section 25
Period of validity of a data retention order

A data retention order is issued for three months at a time. The order may be renewed if the investigation of the offence so requires. The order shall be rescinded as soon as it is no longer necessary.

Section 26
Non-disclosure of a data retention order

A person who has been issued with a data retention order is obliged not to disclose information on it.

A punishment for violating the non-disclosure obligation concerning a data retention order is imposed under chapter 38, section 1 or 2 of the Criminal Code, unless a more severe punishment for the act is provided elsewhere by law.

Section 27
Conducting a search of data contained in a device as a remote search

If the appropriate conduct of a criminal investigation or the urgency of the matter so requires, a search of data contained in a device may be conducted as a remote search in which the search of data is conducted without using the device that is in the premises or in the possession of the person who is the object of the search.

Section 28
Application of the provisions on a search of premises

When a search of data contained in a device is conducted in connection with a search of premises, the provisions on the conduct of a search of premises apply. In other cases, the provisions of sections 5–13 and 19 apply to the presence, the procedure, the search representative, the opening and examination of a document and the record, as appropriate.

Section 29
Decision on a search of data contained in a device

A decision on a search of data contained in a device is made by a public official with the power of arrest, and in urgent situations referred to in section 15, subsection 3 by a police officer in compliance with the provisions of section 16, as appropriate. If the matter concerns data referred to in section 1, subsection 3, the provisions of section 15, subsections 1 and 2 and section 17 on a special house search shall be observed, as appropriate.

Section 29a (452/2023)
Referral of a search of data contained in a device to a court for examination

If a search of data contained in a device has been conducted in connection with a house search or a search of a location referred to in section 18, subsection 4, or if there is reason to believe that information referred to in section 1, subsection 3 has been the object of the search, the court shall, at the request of the holder of the device or another person entitled to the device, determine whether the preconditions for conducting the search of data contained in a device had existed or whether the search had been conducted in the manner required under section 22 and in compliance with the provisions of sections 5 and 6, as appropriate.

The provisions of section 18 on the consideration of a request concerning a house search and a search of a location apply to the consideration of a request referred to in subsection 1.

Search of a person

Section 30
Types of searches of a person

A search of a person may be:

1) *a non-intimate body search* conducted in order to search the clothing of the person subject to the search and anything else they have on them or in their belongings; or

2) *an intimate body search*, which includes a search of body cavities, taking of a blood sample or other sample, or another examination of the body.

Section 31
Preconditions for a non-intimate body search

A non-intimate body search to find an item, property, document, data or circumstance may be conducted, subject to the preconditions provided in section 2, subsection 1, paragraph 2, on a person who is suspected of:

1) an offence for which the most severe punishment provided by law is imprisonment for at least six months;

2) petty assault;

3) petty theft, petty embezzlement, petty unauthorised use, petty theft of a motor vehicle for temporary use, possession of a burglary implement, petty alcohol offence;

4) petty criminal damage; or

5) petty fraud.

A person other than one suspected of an offence may only be searched if there are very strong grounds to believe that an item, property, document, data or circumstance referred to in section 2, subsection 1, paragraph 2 will be found in the search.

Section 32
Preconditions for an intimate body search

An intimate body search to find an item, property, document, data or circumstance may be conducted, subject to the preconditions provided in section 2, subsection 1, paragraph 2, on a person suspected of an offence if there is probable cause to suspect the person of an offence for which the most severe punishment provided by law is imprisonment for at least one year, or of driving while intoxicated or illegal use of a narcotic drug. If no probable cause exists to support a suspicion, an intimate body search may be conducted on a suspect only if there are very strong grounds to believe that an item, property, document, data or circumstance referred to in the said paragraph will be found.

If an offence has been committed for which the most severe punishment provided by law is imprisonment for at least four years, an intimate body search necessary for the determination of a DNA profile or the taking of a gun powder sample or another equivalent test may also be conducted on a person who is not suspected of the offence in question, even without their consent. A precondition for such an intimate body search is that the test is of particular importance to the investigation of the offence on the grounds that solving the offence would be impossible or essentially more difficult if means that intrude less on the rights of the person under investigation

were used. DNA profiles, other equivalent test results and any preserved samples shall be destroyed when a final decision has been made in the matter or the matter has been removed from the docket.

Section 33
Conducting a search of a person

A decision on a search of a person is made by a public official with the power of arrest. A police officer may, however, without a decision of a public official with the power of arrest, conduct a search the purpose of which is to seize such an item that has been followed or traced directly after an offence was committed, if the immediate conduct of the search is essential due to the urgency of the matter, or if the matter concerns an intimate body search referred to in chapter 9, section 2, subsection 1. In other respects, the provisions of sections 6, 13 and 19 of this chapter apply to the search, as appropriate.

If a search of a person is thorough, it shall be conducted in separate premises reserved for this purpose. If the search is conducted by a person other than a healthcare professional, a witness called by the public official who made the decision on the search shall be present, where possible. An examination requiring medical expertise may only be conducted by a healthcare professional.

An intimate body search shall not be conducted by a member of the opposite sex, with the exception of a healthcare professional. The same applies to a non-intimate body search in which the body of the person being searched is touched with the hand, or in which the person's physical integrity is interfered with in another equivalent manner. A member of the opposite sex who is not a healthcare professional may, however, conduct an intimate body search that only consists of the taking of a saliva sample or a breath test. With the exception of the taking of a blood sample, saliva sample, clinical test for intoxication and breath test, no member of the opposite sex may be present at an intimate body search.

An intimate body search shall not cause significant health-related harm to the person subject to the search.

Application of other legislation

Section 34
Reference provision

In addition to the provisions of this chapter, separate provisions laid down by law on a search shall be observed.

Chapter 9
Coercive measures related to special investigative means

Section 1
Cordoning off a site or object of investigation

To secure the investigation of an offence:

1) a building or room may be closed;

2) entry into a certain area or into the vicinity of a certain object being investigated, the removal of an item, or another equivalent measure may be prohibited.

The provisions of chapter 7 on seizure apply to the cordoning off a site or object of investigation, as appropriate.

Section 2
Test to determine consumption of alcohol or other intoxicating substance

A police officer may order a driver of a motor vehicle or another person performing a duty referred to in chapter 23 of the Criminal Code to take a test to determine whether they have consumed alcohol or another intoxicating substance. An intimate body search may be conducted without a decision of a public official with the power of arrest, if the person refuses to take the test or if the search is necessary to secure the taking of the test or a reliable test result. The test shall be taken in such a manner and using such a method that it does not cause undue or unreasonable inconvenience to the person being tested.

A customs officer, a border guard and a public official assigned by the Finnish Transport Safety Agency to traffic control duties have the same powers as a police officer under subsection 1 in the performance of their duties.

Section 3
Taking of personal identifying characteristics

A police officer has the right to take fingerprints, handprints and footprints, handwriting, voice and odour samples, and facial images and photographs regarding a person suspected of an offence and record a description of their appearance (*personal identifying characteristics*) for the purposes of identification, investigation of an offence, use of another coercive measure referred to in this Act and the registering of offenders. (452/2023)

If there are serious reasons related to a criminal investigation for this, a police officer may also take personal identifying characteristics for the purpose of identification and investigation of an offence regarding a person other than one suspected of an offence, if the matter concerns an offence for which the most severe punishment provided by law is imprisonment for at least one year. Such personal identifying characteristics shall not be used for the investigation of any other offence than the one being investigated nor may they be retained or registered for any other purpose.

In cases referred to in subsections 1 and 2, personal identifying characteristics may also be taken by a public official trained for this task who is serving in a police unit and has been assigned to the task by the head of the unit.

Section 3a (75/2023)
Taking of fingerprints for the purpose laid down in Regulation (EU) 2019/816 of the European Parliament and of the Council establishing a centralised system for the identification of Member States holding conviction information on third-country nationals and stateless persons (ECRIS-TCN) to supplement the European Criminal Records Information System and amending Regulation (EU) 2018/1726

The fingerprints of a person who is not a citizen of a Member State of the European Union or who is a stateless person or a person whose nationality is unknown shall be taken for the purpose laid down in Regulation (EU) 2019/816 of the European Parliament and of the Council establishing a

centralised system for the identification of Member States holding conviction information on third-country nationals and stateless persons (ECRIS-TCN) to supplement the European Criminal Records Information System and amending Regulation (EU) 2018/1726 if the person has been sentenced by final judgment to imprisonment for at least six months, unless their fingerprints have already been taken during the criminal investigation.

Fingerprints may be taken by a police officer or a public official referred to in section 3, subsection 3.

A person referred to in subsection 1 is obliged, upon invitation, to arrive at the nearest unit suitable for the purpose as proposed by the police officer who issued the invitation. The invitation shall state the grounds for issuing it.

If a person referred to in subsection 1 fails to comply with the invitation without a valid reason, the person may be brought to the unit.

The decision on the bringing in is made by a commanding police officer. A written order on the bringing in shall be issued to the person ordered to be brought in. If the order is not issued in writing due to the urgency of the matter, the order and the grounds for it shall be stated to the person to be brought in when the person is apprehended.

Fingerprints may also be taken when a person referred to in subsection 1 is serving a sentence imposed for an offence in prison or is being treated in a psychiatric hospital as their punishment has been waived due to their mental condition.

Fingerprints shall, for the performance of duties specified in section 1, subsection 1 of the Police Act, be recorded in the filing system of the police. Provisions on the erasure of fingerprints from the filing system are laid down in the Act on the Processing of Personal Data by the Police (616/2019).

Section 4
Determination and recording of DNA profiles

A person suspected of an offence may be subjected to an intimate body search that is necessary for the determination of a DNA profile, if the most severe punishment provided by law for the offence is imprisonment for at least six months.

A person who, by final judgment, has been found guilty of an offence for which the most severe punishment provided by law is imprisonment for at least three years may be subjected to an intimate body search that is necessary for the determination of a DNA profile while this person is serving a sentence for the said offence in prison or is being treated in a psychiatric hospital as their punishment has been waived due to their mental condition, unless a DNA profile has already been determined during the criminal investigation.

A DNA profile may, for the performance of the duties laid down in section 1, subsection 1 of the Police Act, be recorded in the filing system of the police. However, a DNA profile that contains data on personal characteristics other than the gender of the person in question shall not be recorded. Provisions on the erasure of DNA profiles from the filing system are laid down in the Act on the Processing of Personal Data by the Police (616/2019). (624/2019)

Chapter 10
Secret coercive measures

General provisions

Section 1 (628/2015)
Scope of application

Telecommunications interception, collecting data other than through telecommunications interception, traffic data monitoring, collecting base station data, extended surveillance, covert intelligence collection, technical surveillance (on-site interception, technical observation, technical tracking and technical surveillance of a device), collecting data identifying a network address or terminal equipment, undercover activities, pseudo purchases, the use of covert human intelligence sources, and controlled deliveries may be used in criminal investigation without the knowledge of their targets. Provisions on the use of these measures to prevent and detect an offence are laid

down in the Police Act, the Act on Crime Prevention by Customs (623/2015) and the Act on Crime Prevention by the Border Guard (108/2018). (112/2018)

With the exception of undercover activities, pseudo purchases and the controlled use of covert human intelligence sources, the provisions of this chapter on the right of a criminal investigation authority or criminal investigation official to use coercive measures apply not only to the police but also to border guard, customs and military authorities as separately provided by law. Provisions on the right of Customs to use undercover activities, pseudo purchases and the controlled use of covert human intelligence sources in the criminal investigation of a customs offence are laid down in the Act on Crime Prevention by Customs. Undercover activities and pseudo purchases undertaken in the criminal investigation of a customs offence are carried out by the police at the request of Customs. However, by decision of the director of the National Bureau of Investigation, undercover activities and pseudo purchases carried out solely in an information network may also be carried out by a customs crime prevention officer specially trained in secret intelligence collection.

Section 2
Preconditions for the use of secret coercive measures

The general precondition for the use of secret coercive measures is that their use can be assumed to result in gaining information necessary for investigating an offence.

In addition to the provisions below on the special preconditions for the use of secret coercive measures, telecommunications interception, collecting data other than through telecommunications interception, extended surveillance, on-site interception, technical observation, technical tracking of a person, technical surveillance of a device, undercover activities, pseudo purchases, the controlled use of covert human intelligence sources, and controlled deliveries may be used only if they can be assumed to be of particular importance to investigating an offence. A further precondition for the use of undercover activities, pseudo purchases and on-site interception in domestic premises is that this is essential for investigating an offence.

The use of a secret coercive measure shall be discontinued before the time limit specified in the decision if the purpose of its use has been achieved or if the preconditions for its use no longer exist.

Coercive telecommunications measures

Section 3
Telecommunications interception and the preconditions for it

Telecommunications interception means the audio monitoring, recording or other handling of messages that are received by or sent from a network address or terminal equipment and that are transmitted in a public communications network referred to in section 3, paragraph 43 of the Act on Electronic Communications Services or a communications network connected to it, for the purpose of establishing the content of the message and the related traffic data referred to in section 6 of this chapter. Telecommunications interception may only target messages from or intended for a person suspected of an offence. (452/2023)

A criminal investigation authority may be authorised to target telecommunications interception at a network address or terminal equipment in the possession of a person suspected of an offence or otherwise presumably used by that person if there is reason to suspect the person of:

1) genocide, preparation of genocide, crime against humanity, aggravated crime against humanity, crime of aggression, preparation of a crime of aggression, war crime, aggravated war crime, torture, violation of the prohibition of chemical weapons, violation of the prohibition of biological weapons, or violation of the prohibition of anti-personnel mines;

2) compromising the sovereignty of Finland, incitement to war, treason, aggravated treason, espionage, aggravated espionage, disclosure of a national secret, or unauthorised intelligence activities;

3) high treason, aggravated high treason, or preparation of high treason;

4) aggravated distribution of an image depicting a child in a sexual manner;

5) rape of a child, aggravated rape of a child, sexual assault of a child, aggravated sexual assault of a child, or sexual abuse of a child;

6) manslaughter, murder, killing, aggravated assault, or preparation of an aggravated offence against life or health referred to in chapter 21, section 6a of the Criminal Code, when the offence prepared for is one referred to in section 1, 2 or 3 of the said chapter;

7) aggravated facilitation of illegal entry, aggravated criminal deprivation of liberty, trafficking in human beings, aggravated trafficking in human beings, hostage taking, or preparation of hostage taking;

8) aggravated robbery, preparation of aggravated robbery, or aggravated extortion;

9) aggravated receiving offence, professional receiving offence, or aggravated money laundering;

10) criminal mischief, criminal traffic mischief, aggravated criminal mischief, aggravated endangerment of health, nuclear device offence, or hijacking;

11) an offence committed with terrorist intent referred to in chapter 34a, section 1, subsection 1, paragraphs 2–8 or subsection 2, an offence committed with a terrorist intent relating to a radiological weapon, preparation of an offence to be committed with a terrorist intent, directing a terrorist group, contributing to the activities of a terrorist group, providing training for the purpose of committing a terrorist offence, receiving training for the purpose of committing a terrorist offence if the seriousness of the act would require that imprisonment be imposed as punishment, recruitment for the purpose of committing a terrorist offence, financing a terrorist offence, financing a terrorist, financing a terrorist group, or travelling for the purpose of committing a terrorist offence if the seriousness of the act would require that imprisonment be imposed as punishment;

12) aggravated criminal damage or aggravated criminal damage to data;

13) aggravated fraud or aggravated usury;

14) aggravated counterfeiting;

15) aggravated interference with communications or aggravated interference with an information system;

16) aggravated firearms offence;

17) aggravated degradation of the environment; or

18) aggravated narcotics offence.
(452/2023)

An authorisation for telecommunications interception may also be granted if there is reason to suspect a person of the following in connection with business or professional activities:

1) aggravated giving of a bribe;

2) aggravated embezzlement;

3) aggravated tax fraud, aggravated subsidy fraud;

4) aggravated forgery;

5) aggravated dishonesty by a debtor, aggravated fraud by a debtor;

6) aggravated acceptance of a bribe, aggravated abuse of public office, or aggravated misappropriation of funds of the European Union; (182/2024)

7) aggravated regulation offence;

8) aggravated abuse of inside information, aggravated market price distortion; or (1180/2014)

9) aggravated customs clearance offence.

A further precondition for the granting of an authorisation referred to in subsection 3 is that the offence was committed in order to seek particularly great benefit and in a particularly premeditated manner.

An authorisation for telecommunications interception may also be granted when there is reason to suspect a person of aggravated pandering in which particularly great benefit was sought and the

offence was committed in a particularly premeditated manner or the offence is one referred to in chapter 20, section 11, subsection 1, paragraph 3 of the Criminal Code. (732/2022)

Section 4
Collecting data other than through telecommunications interception

If it is likely that a message referred to in section 3 and the related traffic data can no longer be collected through telecommunications interception, the criminal investigation authority may be authorised, notwithstanding the prohibition in chapter 7, section 4, to seize or copy them when they are in the possession of a communications provider, subject to the preconditions laid down in section 3 of this chapter. (452/2023)

If, to establish the content of a message, the collecting of data is targeted at a personal technical device suitable for sending and receiving a message that is in direct connection with terminal equipment or at the connection between this personal technical device and terminal equipment, the criminal investigation authority may be authorised to collect data other than through telecommunications interception, provided that the preconditions laid down in section 3 are met.

Section 5 (452/2023)
Decision on telecommunications interception and other equivalent intelligence collection

A decision on telecommunications interception and on the collecting of data referred to in section 4 is made by a court at the request of a public official with the power of arrest.

An authorisation for telecommunications interception and for the collecting of data referred to in section 4, subsection 2 may be granted for up to one month at a time from the date the authorisation was granted.

The request and decision concerning telecommunications interception and the collecting of data other than through telecommunications interception shall specify:

1) the suspected offence and the time of its commission;

2) the person suspected of the offence or, if the suspect is unknown, the network address or terminal equipment targeted by the action;

3) the facts based on which the person is suspected of an offence and on which the preconditions for telecommunications interception or the collecting of data other than through telecommunications interception exist;

4) the validity period of the authorisation concerning telecommunications interception or the collecting of data referred to in section 4, subsection 2, including the precise time;

5) the public official with the power of arrest who will be directing and supervising the telecommunications interception or the collecting of data other than through telecommunications interception;

6) any restrictions on and conditions for the telecommunications interception or the collecting of data other than through telecommunications interception.

A public official with the power of arrest decides on the network addresses or terminal equipment targeted by the action, with the exception of situations where the suspect is unknown. The decision shall specify the grounds for choosing the network addresses or terminal equipment targeted by the action.

Section 6
Traffic data monitoring and the preconditions for it

Traffic data monitoring means that traffic data that is in the possession of a communications provider referred to in section 3, paragraph 36 of the Act on Electronic Communications Services is collected from messages that have been sent from a network address or terminal equipment connected to a communications network referred to in section 3 of this chapter or that have been received by such an address or equipment, and that the location data of a network address or terminal equipment is collected or the use of the address or equipment is temporarily prevented. In this Act, *traffic data* means data which is processed in communications networks for the purpose of transmitting, distributing or providing messages and which concerns messages that can be associated with a user referred to in section 3, paragraph 7 or a subscriber referred to in paragraph 30 of the said section of the Act on Electronic Communications Services. (452/2023)

A criminal investigation authority may be authorised to conduct traffic data monitoring of a network address or terminal equipment in the possession of a person suspected of an offence or otherwise presumably used by that person if there is reason to suspect the person of:

1) an offence for which the most severe punishment provided by law is imprisonment for at least four years;

2) an offence committed using a network address or terminal equipment for which the most severe punishment provided by law is imprisonment for at least two years;

3) unauthorised use directed at an automatic data processing system using a network address or terminal equipment;

4) abuse of a person subject to sex trade, solicitation of a child for sexual purposes, or pandering;

5) a narcotics offence;

6) preparation of an offence to be committed with a terrorist intent, receiving training for the purpose of committing a terrorist offence, travelling for the purpose of committing a terrorist offence, facilitation of travelling for the purpose of committing a terrorist offence, or public exhortation related to terrorist offences;

7) an aggravated customs clearance offence;

8) aggravated concealment of illegal quarry;

9) preparation of hostage taking; or

10) preparation of aggravated robbery.
(1268/2021)

Provisions on disclosing identification data of an online message are laid down in section 17 of the Act on the Exercise of Freedom of Expression in Mass Media (460/2003).

Section 7

Traffic data monitoring with the consent of the owner of the network address or terminal equipment

A criminal investigation authority may, with the consent of the person suspected of an offence, an injured party, a witness or another person, conduct traffic data monitoring of a network address or terminal equipment in the possession of such person when there is reason to suspect:

1) an offence for which the most severe punishment provided by law is imprisonment for at least two years;

2) an offence that results in a network address or terminal equipment being unlawfully in the possession of another person;

3) a violation of a restraining order, criminal disturbance referred to in chapter 17, section 13, paragraph 2 of the Criminal Code or harassing communications referred to in chapter 24, section 1a of the Criminal Code, committed using a network address or terminal equipment;

4) an offence other than one referred to in paragraph 3, committed using a network address or terminal equipment;

5) facilitation of travelling for the purpose of committing a terrorist offence; or

6) abuse of a person subject to sex trade.
(875/2018)

If the criminal investigation concerns an offence as a result of which a person has been killed, traffic data monitoring directed at a network address or terminal equipment that had been in the person’s possession does not require the consent of the legal successors of the person. (452/2023)

If the criminal investigation concerns an offence referred to in section 6, subsection 2 and a person's state of health has deteriorated so that they are manifestly unable to give the consent referred to in subsection 1, the criminal investigation authority may target traffic data monitoring at a network address or terminal equipment in the possession of the person without their consent.

A further precondition is that this is deemed essential in view of the urgency of the matter and other circumstances affecting the matter. (452/2023)

Section 8
Collecting location data in order to locate a suspect or sentenced person

In order to locate a person suspected of an offence, a criminal investigation authority may be authorised to collect location data of a network address or terminal equipment in the possession of or otherwise presumably used by that person, when there is reason to suspect the person of an offence referred to in section 6, subsection 2, and in addition there is reason to suspect that the person is hiding or otherwise evading the criminal investigation or judicial proceedings. In addition, a criminal investigation authority may be authorised to collect the location data referred to above in order to locate a person sentenced to unconditional imprisonment, if there is reason to suspect that the person is hiding or otherwise evading the enforcement of punishment, and if it can be assumed that obtaining the location data can be of particular importance to locating the person.

Section 9 (452/2023)
Decision on traffic data monitoring and collecting location data

A decision on traffic data monitoring referred to in section 6, section 7, subsection 1, paragraphs 1 and 4–6 and section 7, subsections 2 and 3 and on the collecting of location data referred to in section 8 is made by a court at the request of a public official with the power of arrest. If the matter cannot be delayed, a public official with the power of arrest may decide on traffic data monitoring and on the collecting of location data until the court has made a decision on the request to grant authorisation. The matter shall be referred to a court for decision as soon as possible, but no later than 24 hours after the use of the coercive measure was started.

A decision on traffic data monitoring referred to in section 7, subsection 1, paragraphs 2 and 3 is made by a public official with the power of arrest.

An authorisation may be granted and a decision made for up to one month at a time from the date the authorisation was granted or the decision was made, and the authorisation or decision may also apply to a fixed period preceding the granting of the authorisation or making the decision. This period may be longer than one month.

The request and decision concerning traffic data monitoring shall specify:

1) the suspected offence and the time of its commission;

2) the person suspected of the offence or, if the suspect is unknown, the network address or terminal equipment targeted by the action;

3) the facts based on which the person is suspected of an offence and on which the preconditions for traffic data monitoring exist;

4) the consent of the suspect, an injured party, a witness or another person, if this is a precondition for the use of traffic data monitoring;

5) the validity period of the authorisation, including the precise time;

6) the public official with the power of arrest who will be directing and supervising the traffic data monitoring;

7) any restrictions on and conditions for the traffic data monitoring.

A public official with the power of arrest decides on the network addresses or terminal equipment targeted by the action, with the exception of situations where the suspect is unknown. The decision shall specify the grounds for choosing the network addresses or terminal equipment targeted by the action.

Section 10
Collecting base station data and the preconditions for it

Collecting base station data means collection of data on network addresses and terminal equipment that are or are to be logged in the telecommunications system via a particular base station.

A criminal investigation authority may be authorised to collect data from a base station located near the assumed place of commission of an offence at the assumed time of commission of the offence, when there is reason to suspect an offence referred to in section 6, subsection 2. The

authorisation may, for a special reason, also be granted in respect of another time or place that is relevant to the investigation of the offence.

Section 11
Decision on collecting base station data

A decision on collecting base station data is made by a court at the request of a public official with the power of arrest. If the matter cannot be delayed, a public official with the power of arrest may decide on collecting base station data until the court has made a decision on the request to grant authorisation. The matter shall be referred to a court for decision as soon as possible, but no later than 24 hours after the use of the coercive measure was started.

The request and decision concerning collecting base station data shall specify:

1) the suspected offence and the time of its commission;

2) the facts on which the preconditions for collecting base station data are based;

3) the time period covered by the decision;

4) the base station covered by the decision;

5) the public official with the power of arrest who will be directing and supervising the collecting of base station data;

6) any restrictions on and conditions for the collecting of base station data.

Extended surveillance, covert intelligence collection and technical surveillance

Section 12
Extended surveillance and the preconditions for it

Surveillance means making covert observations of a certain person for the purpose of collecting intelligence. Notwithstanding chapter 24, section 6 of the Criminal Code, surveillance may involve the use of a camera or other such technical device for making or recording visual observations.

Extended surveillance means other than short-term surveillance of a person suspected of an offence.

A criminal investigation authority may conduct extended surveillance of a person suspected of an offence if there is reason to suspect the person of an offence for which the most severe punishment provided by law is imprisonment for at least two years, or of theft, a receiving offence or facilitation of travelling for the purpose of committing a terrorist offence. (875/2018)

Surveillance referred to in this section shall not be targeted at premises used for permanent residence. A technical device shall not be used in surveillance or extended surveillance of places covered by the right to domestic privacy as referred to in chapter 24, section 11 of the Criminal Code.

Section 13
Decision on extended surveillance

A decision on extended surveillance is made by a public official with the power of arrest.

A decision on extended surveillance may be made for up to six months at a time.

A decision on extended surveillance shall be made in writing. The decision shall specify:

1) the suspected offence and the time of its commission;

2) the person suspected of the offence;

3) the facts based on which the person is suspected of an offence and on which the preconditions for extended surveillance exist;

4) the validity period of the authorisation;

5) the public official with the power of arrest who will be directing and supervising the extended surveillance;

6) any restrictions on and conditions for the extended surveillance.

Section 14 (452/2023)

Covert intelligence collection and the preconditions for it

Covert intelligence collection means intelligence collection on a certain person during a brief interaction, in which false, misleading or disguised information is used to conceal the tasks of a police officer, customs crime prevention officer or a border guard.

The police may use covert intelligence collection if there is reason to believe that the action can provide evidence in respect of:

1) an offence for which the most severe punishment provided by law is imprisonment for at least four years;

2) abuse of a person subject to sex trade, or pandering;

3) a narcotics offence;

4) preparation of an offence to be committed with a terrorist intent, receiving training for the purpose of committing a terrorist offence or travelling for the purpose of committing a terrorist offence if the seriousness of the act would require that imprisonment be imposed as punishment;

5) an aggravated customs clearance offence;

6) theft or a receiving offence connected with systematic, organised, professional, continuous or repeated criminal activity;

7) preparation of hostage taking; or

8) preparation of aggravated robbery.

Customs may use covert intelligence collection if there is reason to believe that the action can provide evidence in respect of:

1) an offence for which the most severe punishment provided by law is imprisonment for at least four years;

2) a narcotics offence that is considered a customs offence;

3) smuggling; or

4) an aggravated customs clearance offence.

The police, Customs and the Border Guard may target covert intelligence collection at a suspect in an information network if there is reason to suspect the person of an offence for which the most severe punishment provided by law is imprisonment for at least two years.

Covert intelligence collection is not permitted in a place of residence even with the cooperation of the occupant.

Section 15
Decision on covert intelligence collection

A decision on covert intelligence collection is made by the director of the National Bureau of Investigation, the chief of a police department or an assigned public official with the power of arrest who is specially trained in secret intelligence collection. A decision on covert intelligence collection for the purpose of investigating a customs offence is made by the head of customs crime prevention or by an assigned customs officer with the power of arrest who is specially trained in secret intelligence collection. (452/2023)

A decision on covert intelligence collection shall be made in writing. The decision shall specify:

1) the action and its purpose in sufficient detail;

2) the unit carrying out the covert intelligence collection and the police officer or customs crime prevention officer in charge of it; (628/2015)

3) the suspected offence;

4) the person who is the object of the covert intelligence collection;

5) the facts on which the suspicion of an offence is based;

6) the planned time for carrying out the action;

7) any restrictions on and conditions for the covert intelligence collection.

The decision shall be reviewed where necessary if circumstances change.

If the investigation concerns an offence investigated by the Border Guard, the provisions of section 59 of the Act on Crime Prevention by the Border Guard apply to decision-making on covert intelligence collection in an information network. (452/2023)

Section 16
On-site interception and the preconditions for it

On-site interception means audio monitoring, recording and other handling of a conversation or a message of a person suspected of an offence that is not intended for the knowledge of outsiders and where the listener does not participate in the discussion, conducted notwithstanding chapter 24, section 5 of the Criminal Code, using a technical device, process or software for the purpose of investigating the content of the conversation or message, or the activities of the participants or the suspect.

A criminal investigation authority may engage in on-site interception of a person who is suspected of an offence and is not inside premises used for permanent residence, and of a suspect who has been deprived of their liberty as a result of an offence and is in the premises of the public authorities. Interception may be carried out by arranging it at the premises or other location where the suspect can be assumed likely to stay or visit. A criminal investigation authority may engage in on-site interception that is targeted solely at a technical device regardless of its location. (452/2023)

A further precondition for on-site interception is that there is reason to suspect the person subjected to the interception of:

1) an offence for which the most severe punishment provided by law is imprisonment for at least four years;

2) a narcotics offence;

3) preparation of an offence to be committed with a terrorist intent, or, if the seriousness of the act would require that imprisonment be imposed as punishment, receiving training for the purpose of committing a terrorist offence, travelling for the purpose of committing a terrorist offence or public exhortation related to terrorist offences;

4) an aggravated customs clearance offence;

5) preparation of hostage taking; or

6) preparation of aggravated robbery.
(1268/2021)

Section 17 (1268/2021)
On-site interception in domestic premises and the preconditions for it

A criminal investigation authority may be authorised to engage in on-site interception at premises used for permanent residence where a person suspected of an offence is likely to stay (*on-site interception in domestic premises*). A further precondition is that there is reason to suspect the person of:

1) genocide, preparation of genocide, crime against humanity, aggravated crime against humanity, crime of aggression, preparation of a crime of aggression, war crime, aggravated war crime, torture, violation of the prohibition of chemical weapons, violation of the prohibition of biological weapons, or violation of the prohibition of anti-personnel mines;

2) compromising the sovereignty of Finland, incitement to war, treason, aggravated treason, espionage, or aggravated espionage;

3) high treason or aggravated high treason;

4) rape of a child, aggravated rape of a child, or aggravated sexual assault of a child; (732/2022)

5) manslaughter, murder or killing;

6) aggravated trafficking in human beings;

7) aggravated robbery;

8) aggravated criminal mischief, aggravated endangerment of health, a nuclear device offence, or hijacking;

9) an offence committed with a terrorist intent referred to in chapter 34a, section 1, subsection 1, paragraphs 2–8 or subsection 2, an offence committed with a terrorist intent relating to a radiological weapon, preparation of an offence to be committed with a terrorist intent, directing a terrorist group, participating in the activities of a terrorist group, providing training for the purpose of committing a terrorist offence, recruitment for the purpose of committing a terrorist offence, financing a terrorist offence, financing a terrorist, or financing a terrorist group; or

10) aggravated narcotics offence.

Section 18
Decision on on-site interception

A decision on on-site interception in domestic premises and on on-site interception of a person who has been deprived of their liberty as a result of an offence is made by a court at the request of a public official with the power of arrest.

A decision on on-site interception other than one referred to in subsection 1 is made by a public official with the power of arrest.

An authorisation may be granted and a decision made for up to one month at a time.

The request and decision concerning on-site interception shall specify:

1) the suspected offence and the time of its commission;

2) the person suspected of the offence;

3) the facts based on which the person is suspected of an offence and on which the preconditions for on-site interception exist;

4) the validity period of the authorisation, including the precise time;

5) the premises or other location at which the on-site interception is to be arranged;

6) the public official with the power of arrest who will be directing and supervising the on-site interception;

7) any restrictions on and conditions for the on-site interception.

Section 19
Technical observation and the preconditions for it

Technical observation means surveillance or recording of a person suspected of an offence or premises or other location, conducted notwithstanding chapter 24, section 6 of the Criminal Code, using a camera or other technical device, process or software located at the place.

Technical observation shall not be targeted at premises used for permanent residence.

A criminal investigation authority may engage in technical observation of a person who is suspected of an offence and who is not inside premises used for permanent residence, and of a suspect who has been deprived of their liberty as a result of an offence and is in the premises of the public authorities. Observation may be conducted by targeting it at premises or other location where the suspect can be assumed likely to stay or visit.

A precondition for the technical observation of places covered by the right to domestic privacy as referred to in chapter 24, section 11 of the Criminal Code and for the technical observation of a suspect who has been deprived of their liberty as a result of an offence is that there is reason to suspect an offence referred to in section 16, subsection 3 of this chapter. A precondition for other technical observation is that there is reason to suspect the person of an offence for which the most severe punishment provided by law is imprisonment for at least one year.

Section 20

Decision on technical observation

A decision on technical observation is made by a court at the request of a public official with the power of arrest when the observation targets a place covered by the right to domestic privacy as referred to in chapter 24, section 11 of the Criminal Code or a suspect who has been deprived of their liberty as a result of an offence.

A decision on technical observation other than that referred to in subsection 1 is made by a public official with the power of arrest.

An authorisation may be granted and a decision made for up to one month at a time.

The request and decision concerning technical observation shall specify:

1) the suspected offence and the time of its commission;

2) the person suspected of the offence;

3) the facts based on which the person is suspected of an offence and on which the preconditions for technical observation exist;

4) the validity period of the authorisation, including the precise time;

5) the premises or other location at which the observation is to be arranged;

6) the public official with the power of arrest who will be directing and supervising the technical observation;

7) any restrictions on and conditions for the technical observation.

Section 21
Technical tracking and the preconditions for it

Technical tracking means tracking of the movements of an item, substance or property using a radio transmitter separately placed inside it or already inside it, or using other such technical device, process or software.

A criminal investigation authority may arrange technical tracking of an item, substance or property that is the object of an offence or presumably in the possession or use of a suspect, when there is reason to suspect the person of an offence for which the most severe punishment provided by law is imprisonment for at least one year.

If the purpose of technical tracking is to track the movements of a person suspected of an offence by placing a tracking device in the clothes that the person is wearing or in an item that the person is carrying (*technical tracking of a person*), the action may be performed only if there is reason to suspect the person of an offence referred to in section 16, subsection 3.

Section 22
Decision on technical tracking

A decision on technical tracking of a person is made by a court at the request of a public official with the power of arrest. If the matter cannot be delayed, a public official with the power of arrest may decide on technical tracking of a person until the court has made a decision on the request to grant authorisation. The matter shall be referred to a court for decision as soon as possible, but no later than 24 hours after the use of the coercive measure was started.

A decision on technical tracking other than technical tracking of a person are made by a public official with the power of arrest.

An authorisation may be granted and a decision made for up to six months at a time.

The request and decision concerning technical tracking shall specify:

1) the suspected offence and the time of its commission;

2) the person suspected of the offence;

3) the facts based on which the person is suspected of an offence and on which the preconditions for the technical tracking exist;

4) the validity period of the authorisation, including the precise time;

5) the item, substance or property targeted by the action;

6) the public official with the power of arrest who will be directing and supervising the technical tracking;

7) any restrictions on and conditions for the technical tracking.

Section 23
Technical surveillance of a device and the preconditions for it

Technical surveillance of a device means other than purely sensory surveillance, recording or other handling of information or of identification data that is contained in a computer, other equivalent technical device or in software, or of their operation, for the purpose of examining a matter that is important for investigating an offence.

Technical surveillance of a device shall not be targeted at a confidential message that is governed by the provisions on telecommunications interception, traffic data monitoring and technical surveillance other than technical surveillance of a device laid down in this chapter. (452/2023)

A criminal investigation authority may engage in technical surveillance of a computer or other equivalent technical device, or its software, referred to in subsection 1 that is likely to be used by a person suspected of an offence, when there is reason to suspect the person of an offence referred to in section 16, subsection 3.

Section 24

Decision on technical surveillance of a device

A decision on technical surveillance of a device is made by a court at the request of a public official with the power of arrest. If the matter cannot be delayed, a public official with the power of arrest may decide on technical surveillance of a device until the court has made a decision on the request to grant authorisation. The matter shall be referred to a court for decision as soon as possible, but no later than 24 hours after the use of the coercive measure was started.

An authorisation may be granted for up to one month at a time.

The request and decision concerning technical surveillance of a device shall specify:

1) the suspected offence and the time of its commission;

2) the person suspected of the offence;

3) the facts based on which the person is suspected of an offence and on which the preconditions for the technical surveillance of a device exist;

4) the validity period of the authorisation, including the precise time;

5) the technical device or software targeted by the action;

6) the public official with the power of arrest who will be directing and supervising the technical surveillance of a device;

7) any restrictions on and conditions for the technical surveillance of a device.

Section 25

Collecting data identifying a network address or terminal equipment

A criminal investigation authority may use a technical device to collect the data identifying a network address or terminal equipment if there is reason to suspect an offence for which the most severe punishment provided by law is imprisonment for at least one year.

In order to collect the data referred to in subsection 1, a criminal investigation authority may only use a technical device that can be deployed solely for identifying a network address or terminal equipment. The Finnish Transport and Communications Agency inspects the technical device to ensure that it meets the requirements provided in this section and that the technical device, due to its properties, does not cause any harmful interference with the devices or services of a public communications network. (452/2023)

A decision on collecting data identifying a network address or terminal equipment is made by a public official with the power of arrest.

Section 26
Installation and removal of a device, process or software

A criminal investigation official has the right to install a device, process or software used for technical surveillance in an item, substance, property, premises or other location or information system targeted by the action if this is necessary to conduct the surveillance. To install, start using or remove a device, process or software, the criminal investigation official has in this case the right to secretly go to the said premises, other location or information system and to circumvent, dismantle or in some other equivalent way temporarily bypass the protection of the targets or information system or to impede it. Separate provisions are issued on a house search.

A device, process or software used for technical surveillance may be installed in premises used for permanent residence only if a court has granted authorisation for this at the request of a public official with the power of arrest.

Undercover activities and pseudo purchases

Section 27
Undercover activities and the preconditions for them

Undercover activities means extended intelligence collection on certain persons or their activities by means of infiltration in which false, misleading or disguised information or register entries are used or false documents are produced or used to gain trust required for intelligence collection or to avoid revealing the intelligence collection.

The police may engage in undercover activities directed at a person suspected of an offence if there is reason to suspect the person of an offence referred to in section 3 other than aggravated facilitation of illegal entry or an aggravated customs clearance offence, or if there is reason to suspect the person of an offence referred to in chapter 20, section 19 of the Criminal Code. A further precondition in respect of offences other than manslaughter, murder or killing is that the intelligence collection is deemed necessary because of the planned, organised or professional nature of the criminal activity or the likelihood that it will continue or be repeated. (452/2023)

The police may engage in undercover activities directed at a suspect in an information network if there is reason to suspect the person of an offence for which the most severe punishment provided by law is imprisonment for at least two years. (732/2022)

Undercover activities in a place of residence are permitted only if the entry or stay takes place with the active assistance of the person using the residence. Separate provisions are issued on a house search.

Section 28
Prohibition against committing an offence

A police officer engaged in undercover activities shall not commit an offence or propose that an offence be committed.

Notwithstanding the provisions of subsection 1, a police officer engaged in undercover activities may commit a public order violation or other comparable offence for which the punishment provided by law is a fixed fine, or a traffic violation, if the act is essential for achieving the purpose of the undercover activities or preventing the intelligence collection from being revealed. (452/2023)

Section 29
Participating in the activities of an organised criminal group and in controlled deliveries

Notwithstanding the provisions of section 28, subsection 1, a police officer engaged in undercover activities may, when participating in the activities of an organised criminal group, acquire premises or vehicles or other such equipment, transport persons, items or substances, manage financial

matters, or assist the criminal group in other comparable ways if there are very strong grounds to believe that:

1) the action would be taken even without the police officer's contribution;

2) the police officer's activities do not cause danger or damage to anyone's life, health or liberty or significant danger or damage to property; and

3) the assistance significantly furthers the achievement of the purpose of the undercover activities. (452/2023)

A police officer engaged in undercover activities may participate in the execution of a controlled delivery referred to in section 41 if the participation significantly furthers the achievement of the purpose of the delivery.

Section 30
Proposal and plan for undercover activities

A proposal for undercover activities shall specify:

1) who is proposing the action;

2) the person who is the object of the intelligence collection, in sufficient detail;

3) the offence to be investigated, in sufficient detail;

4) the purpose of the undercover activities;

5) the necessity of the undercover activities;

6) other information needed for assessing the preconditions for the undercover activities.

A written plan shall be drawn up on how the undercover activities are to be carried out, and this shall include essential and sufficiently detailed information for decision-making on the undercover

activities and for performing the undercover activities. The plan shall be reviewed where necessary if circumstances change.

Section 31
Decision on undercover activities

A decision on undercover activities is made by the director of the National Bureau of Investigation. A decision on undercover activities carried out solely in an information network is made by the director of the National Bureau of Investigation, the chief of a police department or an assigned public official with the power of arrest who is specially trained in secret intelligence collection. (452/2023)

A decision on undercover activities may be issued for up to six months at a time.

A decision on undercover activities shall be made in writing. The decision shall specify:

1) who is proposing the action;

2) the police unit carrying out the undercover activities and the police officer in charge of conducting the undercover activities;

3) identification information on the police officers engaging in the undercover activities;

4) the suspected offence;

5) the person suspected of the offence who is the object of the undercover activities;

6) the facts on which the suspicion of an offence and the preconditions for the undercover activities are based;

7) the purpose and execution plan for the undercover activities;

8) the validity period of the decision;

9) whether the undercover activities may include actions referred to in section 29, and the facts on which the actions are based and any restrictions on and conditions for the undercover activities.

The decision shall be reviewed where necessary if circumstances change. A decision to cease undercover activities shall be made in writing.

Section 32
Decision on the preconditions for undercover activities

The police officer who made the decision on the undercover activities shall refer to a court for decision the question of whether the preconditions for undercover activities referred to in section 27, subsection 2 exist.

Section 33
Expanding undercover activities

If it becomes evident during undercover activities that there is reason to suspect that the person who is the object of the undercover activities has, in addition to the offence on which the use of the undercover activities is based, also committed another offence referred to in section 27, subsection 2 that is directly connected to the first-mentioned offence and for the investigation of which undercover activities would have to be carried out immediately, the police officer engaged in the undercover activities may expand these activities to include the investigation of this other offence as well. The expansion of the undercover activities shall, however, be referred to the police officer who made the decision on the undercover activities for decision without undue delay and no later than three days after the intelligence collection was started.

If it becomes evident during undercover activities that there is reason to suspect that someone other than the person who is the object of the undercover activities has committed an offence referred to in section 27, subsection 2 for the investigation of which undercover activities would have to be directed at the person immediately, the police officer engaged in the undercover activities may expand these activities to target the said person as well. However, the expansion of the undercover activities shall, without undue delay and no later than three days after the intelligence collection was started, be referred to a court for consideration in order to decide whether the preconditions for the undercover activities referred to in the said subsection exist. The expansion of the undercover activities carried out solely in an information network shall, however,

be referred to the police officer who made the decision on the undercover activities for decision without undue delay and no later than three days after the intelligence collection was started.

Section 34
Pseudo purchases and the preconditions for it

Pseudo purchase means a purchase offer for or purchase of an item, substance, property or service made by the police with the aim that the police will take possession of or find evidence in a criminal matter, proceeds of crime, or an item, substance or property that has been taken from someone through an offence or that may be ordered to be confiscated by a court or that can otherwise be of assistance in the investigation of a criminal matter. A precondition for purchasing anything other than a sample is that the purchase is essential for carrying out the pseudo purchase.

A pseudo purchase may be carried out if there is reason to suspect an offence for which the most severe punishment provided by law is imprisonment for at least two years, or theft or a receiving offence, and it is likely that one of the aims mentioned in subsection 1 will be achieved through the pseudo purchase.

The person carrying out a pseudo purchase may only conduct intelligence collection that is essential for the purchase. The pseudo purchase shall be carried out in such a way that it does not induce the target person or anyone else to commit an offence that they would not otherwise commit.

A pseudo purchase in a place of residence is permitted only if the entry or stay takes place with the active assistance of the person using the residence. Separate provisions are issued on a house search.

Section 35
Decision on a pseudo purchase

A decision on a pseudo purchase is made by the director of the National Bureau of Investigation. A decision on a pseudo purchase concerning a sales offer exclusively to the public may also be made by an assigned public official with the power of arrest who is specially trained in secret intelligence collection. (452/2023)

A decision on a pseudo purchase may be issued for up to two months at a time.

A decision on a pseudo purchase shall be made in writing. The decision shall specify:

1) the suspected offence;

2) the suspect or other person who is the object of the pseudo purchase;

3) the facts on which the suspicion of an offence and the preconditions for the pseudo purchase are based;

4) the item, substance, property or service targeted by the pseudo purchase;

5) the purpose of the pseudo purchase;

6) the validity period of the authorisation;

7) the public official with the power of arrest who will be directing and supervising the pseudo purchase;

8) any restrictions on and conditions for the pseudo purchase.

Section 36
Plan for carrying out a pseudo purchase

A written plan for carrying out a pseudo purchase shall be drawn up if this is necessary because of the extent of the operation or for some other equivalent reason.

The plan for carrying out a pseudo purchase shall be reviewed where necessary if circumstances change.

Section 37
Decision to carry out a pseudo purchase

A decision to carry out a pseudo purchase shall be made in writing. The decision is made by a public official with the power of arrest who is specially trained in secret intelligence collection and who will be in charge of carrying out the pseudo purchase.

The decision shall specify:

1) the police officer who made the decision on the pseudo purchase as well as the date of issue and content of the decision;

2) the police unit carrying out the pseudo purchase;

3) identification information on the police officers carrying out the pseudo purchase;

4) an account of the steps taken to ensure that the pseudo purchase will not induce the target person or anyone else to commit an offence that they would not otherwise commit;

5) any restrictions on and conditions for the pseudo purchase.
(1146/2013)

If the action cannot be delayed, the decision referred to in subsection 2 will not have to be drawn up in writing before the pseudo purchase. The decision shall, however, be drawn up in writing without delay after the pseudo purchase.

The decision to carry out the pseudo purchase shall be reviewed where necessary if circumstances change.

Section 38

Protecting police officers in covert intelligence collection, undercover activities and pseudo purchases

A public official with the power of arrest may decide that a police officer carrying out covert intelligence collection, undercover activities or a pseudo purchase will be equipped with a technical device that enables audio and visual monitoring if this is justified to ensure the officer's safety.

The audio and visual monitoring may be recorded. The recordings shall be destroyed as soon as they are no longer needed to protect the police officer. If, however, there is a need to keep them for reasons related to the legal protection of a party to the matter, the recordings may be stored and used for this purpose. In that case, the recordings shall be destroyed when a final decision has been made in the matter or the matter has been removed from the docket.

If the case concerns covert intelligence collection in an information network in connection with an investigation of an offence that is conducted by the Border Guard, the provisions of section 60 of the Act on Crime Prevention by the Border Guard apply to the protection of a border guard in covert intelligence collection in an information network. (452/2023)

Use of covert human intelligence sources, and controlled deliveries

Section 39

Use of covert human intelligence sources and preconditions for the controlled use of covert human intelligence sources

Use of covert human intelligence sources means other than occasional, confidential receipt of information that is significant for investigating an offence from a person outside the police and other public authorities (*covert human intelligence source*). (452/2023)

The police or Customs may request a covert human intelligence source who is approved for the purpose, has suitable personal attributes, is registered and consents to the intelligence collection to gather information referred to in subsection 1 (*controlled use of covert human intelligence sources*). (628/2015)

In the controlled use of covert human intelligence sources, a request to collect information shall not be made if collection would require the use of powers vested in a public authority or endanger the life or health of the covert human intelligence source or another person. Before the controlled use of a covert human intelligence source, the source shall be made aware of their rights and obligations and especially of the activities that are permitted and prohibited for them under law. The safety of covert human intelligence sources shall be ensured as necessary during and after the intelligence collection.

Provisions on recording information on covert human intelligence sources in a filing system are laid down in the Police Act, the Act on Crime Prevention by Customs and the Act on Crime Prevention by the Border Guard. Provisions on the payment of fees are laid down in the Police Act and the Act on Crime Prevention by Customs. (112/2018)

Section 40
Decision on the controlled use of covert human intelligence sources

A decision on the controlled use of covert human intelligence sources is made by the director of the National Bureau of Investigation, the chief of a police department or an assigned public official with the power of arrest who is specially trained in secret intelligence collection. A decision on the controlled use of covert human intelligence sources for the purpose of solving a customs offence investigated by Customs is made by the head of customs crime prevention or by an assigned customs officer with the power of arrest who is specially trained in secret intelligence collection. (452/2023)

A decision on the controlled use of covert human intelligence sources may be issued for up to six months at a time. (1146/2013)

A decision on the controlled use of covert human intelligence sources shall be made in writing. The decision shall specify:

1) who is proposing the action;

2) the unit carrying out the intelligence collection and the public official in charge of its implementation; (628/2015)

3) identification information on the covert human intelligence source;

4) the suspected offence;

5) the purpose and execution plan for the intelligence collection;

6) the validity period of the decision;

7) any restrictions on and conditions for the controlled use of covert human intelligence sources.

The decision shall be reviewed where necessary if circumstances change. A decision to cease the controlled use of covert human intelligence sources shall be made in writing.

Section 41
Controlled delivery and the preconditions for it

A criminal investigation authority may refrain from intervening in the transport or other delivery of an item, substance or property or delay such intervention if this is necessary to identify persons participating in the commission of an offence in progress or to investigate a more serious offence or a larger series of offences than the offence in progress (*controlled delivery*).

A criminal investigation authority may use controlled delivery if there is reason to suspect an offence for which the most severe punishment provided by law is imprisonment for at least four years. A further precondition is that the controlled delivery can be monitored and intervention used if necessary. Furthermore, the action shall not pose a significant danger to anyone's life, health or liberty, or a significant danger of substantial damage to the environment, property or assets.

What is separately laid down by law on international controlled deliveries under international treaties or other international obligations binding on Finland also applies.

Section 42
Decision on a controlled delivery

A decision on a controlled delivery carried out by the police is made by the director of the National Bureau of Investigation, the chief of a police department or an assigned public official with the

power of arrest who is specially trained in secret intelligence collection. Separate provisions are issued on decision-making of other public authorities concerning controlled deliveries. (452/2023)

A decision on a controlled delivery may be issued for up to one month at a time.

The decision concerning a controlled delivery shall specify:

1) the suspected offence and the time of its commission;

2) the person suspected of the offence;

3) the facts based on which the person is suspected of an offence;

4) the purpose and execution plan for the intelligence collection;

5) the transport or other delivery targeted by the action;

6) the validity period of the authorisation;

7) any restrictions on and conditions for the controlled delivery.

Provisions on the notification of a decision referred to in this section to the PCB criminal intelligence unit referred to in section 5 of the Act on Cooperation between the Police, Customs and the Border Guard (687/2009) are laid down by government decree.

Consideration of matters concerning authorisation in court

Section 43
Procedure in court

The provisions of chapter 3, sections 1, 3, 8 and 10 on a remand hearing shall be observed, as appropriate, in the consideration of and decisions on matters of authorisation concerning a secret coercive measure. Matters concerning undercover activities are considered by the Helsinki District Court.

A request concerning a secret coercive measure shall be taken up for consideration by a court without delay in the presence of the public official who made the request or a public official designated by that official who is familiar with the matter. The matter shall be decided urgently. The court hearing may also be conducted using video conferencing or other suitable technical means of communication where the persons participating in the hearing are in voice and visual contact with each other.

If the suspect is unknown in accordance with section 5, subsection 3, paragraph 2 or section 9, subsection 4, paragraph 2 and the court has granted an authorisation for telecommunications interception or traffic data monitoring, the court may examine and decide a matter concerning the granting of an authorisation for another network address or terminal equipment in the absence of the public official who made the request or a public official designated by that official, if less than one month has elapsed since the oral hearing in the matter concerning the granting of an authorisation for the same suspected offence. The matter may also be considered in the absence of the said public official if the use of the coercive measure has been discontinued. (452/2023)

The matter may be decided without hearing the suspect of the offence, the owner of the network address or terminal equipment, or the occupant of the premises where the audio or visual monitoring is taking place. When considering a matter referred to in section 7, the owner of the network address or terminal equipment shall, however, be given an opportunity to be heard, unless this is precluded for reasons connected with the investigation of an offence. When considering a matter concerning on-site interception or technical observation of a person who has been deprived of their liberty, a representative of the facility where the suspect is being held shall be given an opportunity to be heard, unless this is unnecessary in view of their previous hearing.

No judicial review may be requested by way of appeal in respect of a decision issued in a matter concerning an authorisation. A complaint may be filed against the decision without a time limit. The complaint shall be considered urgently. However, the party making the request may not file a complaint against a decision concerning undercover activities.

In matters concerning undercover activities, only the information essential for the consideration of the matter shall be submitted to the court. In the consideration of the matter, special attention shall be paid to ensuring that the non-disclosure obligation is observed and that the information contained in documents and information systems is protected with the necessary procedures and data security arrangements.

Section 44
Public attorney

The court shall appoint a public attorney for the consideration of a request for on-site interception in domestic premises to safeguard the interests of a person suspected of an offence and other persons possibly subjected to the on-site interception.

The public attorney shall diligently attend to their duties in accordance with the code of proper professional conduct for attorneys-at-law.

The public attorney and a person requested to assume such duties shall not unlawfully disclose what they have learned in the course of their duties or when being requested to assume such duties.

Section 45
Required qualifications for a public attorney

An attorney-at-law or a public legal aid attorney who consents to the appointment shall be appointed as public attorney.

The provisions of chapter 11, section 3, subsection 2 of the Criminal Investigation Act on the required qualifications for a counsel apply, as appropriate, to the qualifications for a public attorney in an individual case.

A public attorney shall not be substituted by anyone else without a court's permission. Their appointment may be revoked for a legitimate reason.

Section 46
Fee and compensation payable to a public attorney

A public attorney is paid a fee and compensation from state funds in compliance with the provisions of sections 17 and 18 of the Legal Aid Act on the fees and compensation payable to a counsel, as appropriate.

A decision on the payment of a fee or compensation to a public attorney is eligible for review. The provisions on appeal against a decision of the court in question shall be observed when requesting a review.

Common provisions

Section 47
Protection of the use of a secret coercive measure

When using a secret coercive measure, a criminal investigation authority may delay intervention in an offence other than the one that serves as the basis for the coercive measure, if this delay does not pose a significant danger to anyone's life, health or liberty, or a significant danger of substantial damage to the environment, property or assets. A further precondition is that delaying the intervention is essential to avoid revealing the use of the coercive measure or to secure the objective of the operation.

The police, Customs and the Border Guard may use false, misleading or disguised information, make and use false, misleading or disguised register entries as well as produce and use false documents when this is essential for protecting a secret coercive measure that has already been completed, is ongoing or is to be used in the future. (112/2018)

The register entries referred to in subsection 2 shall be corrected after the preconditions referred to in the subsection no longer exist.

Section 48 (112/2018)
Decision on protection

A decision on making register entries and producing documents referred to in section 47, subsection 2 is made by the director of the National Bureau of Investigation. If the matter concerns the prevention of a customs offence investigated by Customs, a decision on the matter is made by the head of customs crime prevention. If the matter concerns the prevention of an offence investigated by the Border Guard, a decision on the matter is made by the chief or deputy chief of the Legal Division of the Border Guard Headquarters. (452/2023)

A decision on the protection of intelligence collection other than that referred to in subsection 1 is made by a public official with the power of arrest who is specially trained in secret intelligence collection, and at the Border Guard, a border guard with the power of arrest who is separately appointed to the task and specially trained in secret intelligence collection.

The public authority that decided on the making of register entries and the production of documents shall keep a record of the entries and documents, oversee their use and ensure that the entries are corrected.

Section 49
Disclosure prohibition concerning the use of secret coercive measures

For an important investigative reason, a public official with the power of arrest may prohibit a third party from disclosing facts about the use of a secret coercive measure that the party has become aware of. A further precondition is that the said third party, due to their task or position, has assisted or been asked to assist in the use of the coercive measure.

The disclosure prohibition is issued for up to one year at a time. The prohibition shall be served on the recipient in writing and in a verifiable manner. It shall specify the facts that are subject to the prohibition, state the validity period of the prohibition and indicate the threat of punishment for violating the prohibition.

The punishment for violating the disclosure prohibition is imposed under chapter 38, section 1 or 2 of the Criminal Code, unless a more severe punishment for the act is provided elsewhere by law.

Section 50
Obligation to provide information, and data retention order

The provisions of chapter 8, sections 23–26 on the obligation of the owner of an information system to provide information and on the data retention order shall be observed in the use of secret coercive measures.

Section 51
Calculation of time limits

The Act on the Calculation of Statutory Time Limits does not apply to the calculation of time limits referred to in this chapter.

A period that is specified in months ends on the day of the closing month that corresponds to the stated date in question. If there is no such corresponding date in the closing month, the period ends on the last day of that month.

Section 52 (452/2023)
Prohibitions concerning audio and visual monitoring

Telecommunications interception, collecting data other than through telecommunications interception, on-site interception, technical observation and technical surveillance of a device shall not be targeted at:

1) a message between a person suspected of an offence and their legal counsel referred to in chapter 17, section 13, subsection 1 or 3 of the Code of Judicial Procedure or an interpreter referred to in subsection 1 of the said section or a person related to the said counsel as referred to in section 22, subsection 2 of the said chapter;

2) a message between a person suspected of an offence and a priest referred to in chapter 17, section 16 of the Code of Judicial Procedure or other person in an equivalent position; or

3) a message between a suspect who has been deprived of their liberty due to an offence and a physician, nurse, psychologist or social worker.

Unless the offence under investigation is one for which the most severe punishment provided by law is imprisonment for at least six years, telecommunications interception, collecting data other than through telecommunications interception, on-site interception, technical observation and technical surveillance of a device shall likewise not be targeted at:

1) a message between a person suspected of an offence and a person close to them referred to in chapter 17, section 17, subsection 1 of the Code of Judicial Procedure;

2) a message between a person suspected of an offence and a physician or other healthcare professional referred to in chapter 17, section 14, subsection 1 of the Code of Judicial Procedure or a person related to the physician or healthcare professional as referred to in section 22, subsection 2 of the said chapter; or

3) a message between a person suspected of an offence and the originator, publisher or broadcaster of a message provided to the public as referred to in chapter 17, section 20, subsection 1 of the Code of Judicial Procedure or a person related to the originator, publisher or broadcaster as referred to in section 22, subsection 2 of the said chapter.

If it becomes evident during telecommunications interception, collecting data other than through telecommunications interception, on-site interception, technical observation, technical surveillance of a device or otherwise that the message concerned is one in respect of which audio and visual monitoring are prohibited, the action shall be interrupted and the recordings obtained through the action and the notes on the information obtained shall be destroyed immediately.

The prohibitions concerning audio and visual monitoring referred to in this section do not, however, apply to cases where the person referred to in subsection 1 or 2 is suspected of the same offence or an offence directly connected with it as the suspect, and a decision on telecommunications interception, collecting data other than through telecommunications interception, on-site interception, technical observation or technical surveillance of a device has also been made in respect of the said person.

Section 53
Inspection of recordings and documents

The recordings and documents collected during the use of a secret coercive measure shall be inspected without undue delay by a public official with the power of arrest or a public official designated by the official.

Section 54
Examination of recordings

Recordings collected during the use of a secret coercive measure may be examined only by a court, a public official with the power of arrest and a person investigating the offence. By order of

a public official with the power of arrest or in accordance with the instruction of the court, recordings may also be examined by an expert or other person assisting in the investigation of the offence.

Section 55
Surplus information

Surplus information means information obtained through telecommunications interception, traffic data monitoring, collecting base station data and technical surveillance that is not related to an offence or that concerns an offence other than the one for the investigation of which the authorisation has been granted or the decision made.

Section 56 (1146/2013)
Use of surplus information

Surplus information may be used in the investigation of an offence if the information concerns an offence in the investigation of which it would have been possible to use the coercive measure through which the information was obtained.

Surplus information may also be used if its use can be assumed to be of particular importance to the investigation of an offence and the most severe punishment provided by law for the offence is imprisonment for at least three years or the offence in question is one of the following:

1) giving of a bribe;

2) participation in the activities of an organised criminal group,

3) assault, negligent homicide, grossly negligent infliction of bodily injury, engaging in a fight, causing danger, or abandonment;

4) aggravated violation of domestic privacy;

5) criminal deprivation of liberty, child abduction, illegal threat, or coercion;

6) giving of a bribe in business or acceptance of a bribe in business;

7) extortion;

8) preparation of endangerment;

9) acceptance of a bribe, breach of official secrecy, abuse of public office, or misappropriation of funds of the European Union; or (182/2024)

10) narcotics offence.
(452/2023)

The use of surplus information as evidence is decided by a court in connection with the main hearing. Provisions on recording the use of surplus information in a criminal investigation record are laid down in chapter 9, section 6, subsection 2 of the Criminal Investigation Act, and provisions on notifying the use of surplus information in an application for a summons are laid down in chapter 5, section 3, subsection 1, paragraph 8 of the Criminal Procedure Act.

In addition, surplus information may always be used to prevent an offence, to direct the operations of police, Customs and the Border Guard and as evidence in support of innocence. (112/2018)

Surplus information may also be used to prevent a significant danger to life, health or liberty, or significant damage to the environment, property or assets.

Provisions on the use of surplus information obtained by virtue of the Police Act, the Act on Crime Prevention by Customs and the Act on Crime Prevention by the Border Guard for the investigation of an offence are laid down in chapter 5, section 54 of the Police Act, chapter 3, section 53 of the Act on Crime Prevention by Customs and section 48 of the Act on Crime Prevention by the Border Guard. (112/2018)

Section 57 (452/2023)
Destruction of information

Surplus information shall be destroyed after a final decision has been made in the matter or the matter has been removed from the docket. Surplus information may, however, be retained and stored in accordance with the Act on the Processing of Personal Data by the Police, the Act on the

Processing of Personal Data by Customs (650/2019) and the Act on the Processing of Personal Data by the Border Guard (639/2019) if the information concerns an offence referred to in section 56, subsection 1 or 2 of this chapter or if the information is necessary to prevent an offence referred to in chapter 15, section 10 of the Criminal Code. Information that shall not be destroyed shall be retained for five years after a final decision on the matter has been made or the matter has been removed from the docket.

However, if the case concerns surplus information that is not related to an offence or the content of which cannot be ascertained, the information may, with the suspect's consent, be destroyed even before the date referred to in subsection 1.

The base station data referred to in section 10 shall be destroyed when a final decision has been made in the matter or the matter has been removed from the docket.

Section 58 (452/2023)
Interruption of telecommunications interception, traffic data monitoring, on-site interception and technical surveillance of a device

If it becomes evident that telecommunications interception or traffic data monitoring is directed at messages other than those to or from the person suspected of an offence referred to in the authorisation or that the suspect who is the object of on-site interception is not staying at the premises or other location where the interception is being conducted, the use of the coercive measure shall be interrupted in respect of this as soon as possible, and the recordings obtained by audio monitoring, the information obtained through traffic data monitoring and the notes on the information obtained through these coercive measures shall be destroyed immediately.

The obligation to interrupt the measure and to destroy recordings and notes also applies to technical surveillance of a device if it becomes evident that the surveillance is targeted at a confidential message that is governed by the provisions on telecommunications interception, traffic data monitoring and technical surveillance other than surveillance of a device laid down in this chapter, or that the device targeted by the surveillance is not used by the suspect.

Section 59
Destruction of information obtained urgently

If a public official with the power of arrest has, in an urgent situation referred to in section 9, subsection 1, section 11, subsection 1, section 22, subsection 1 or section 24, subsection 1, decided to start traffic data monitoring, collecting base station data, technical tracking of a person or technical surveillance of a device, but a court considers that preconditions for the measure did not exist, the use of the coercive measure shall be discontinued and the material obtained by the measure and the notes on the information obtained shall be destroyed immediately. However, the use of information obtained in this way is permitted under the same conditions that apply to the use of surplus information under section 56.

Section 60 (1146/2013)
Notification of the use of secret coercive measures

A suspect shall be notified in writing, without delay, of telecommunications interception, collecting data other than through telecommunications interception, traffic data monitoring, collecting location data to locate the suspect, extended surveillance, covert intelligence collection, technical surveillance and controlled deliveries targeted at the suspect after the matter has been referred to the prosecutor for consideration, or the criminal investigation has otherwise been concluded or interrupted. The suspect shall, however, be notified of the use of a coercive measure no later than one year after the use of the measure was discontinued. A notification concerning telecommunications interception or traffic data monitoring directed at a suspect shall specify the network addresses and terminal equipment targeted by the action. (452/2023)

A suspect shall be notified in writing, without undue delay, of undercover activities, pseudo purchases and controlled use of covert human intelligence sources directed at the suspect after the matter has been referred to the prosecutor for consideration.

A court may decide, at the request of a public official with the power of arrest, that the notification referred to in subsections 1 and 2 to the suspect may be postponed for up to two years at a time if this is justified for safeguarding the ongoing or future intelligence collection, safeguarding the security of the State or protecting life or health. By decision of the court, a notification need not be made at all if this is essential to safeguard the security of the State or to protect life or health.

If the identity of the suspect is not known by the end of the time limit referred to in subsection 1 or the postponement referred to in subsection 3, the suspect shall be notified of the coercive measure in writing without undue delay as soon as their identity is established.

The court that granted the authorisation and, in respect of undercover activities, the court referred to in section 32 shall simultaneously be informed in writing of the fact that the suspect has been notified.

When considering postponing the notification or not making one in cases referred to in subsection 3, the assessment shall also take into account the right of the party to a proper defence or otherwise to safeguard their rights in an appropriate manner in judicial proceedings.

In the consideration of a matter concerning a notification in court, the provisions of section 43 shall be observed, as appropriate. Matters concerning a notification of pseudo purchases and controlled use of covert human intelligence sources are considered by the Helsinki District Court in compliance with subsection 6 of the said section, as appropriate.

Section 61
Record

A record shall be drawn up of the use of a secret coercive measure other than surveillance without undue delay after discontinuing the use of the measure.

Section 62
Restriction on parties' right of access in certain cases

By derogation from the provisions of section 11 of the Act on the Openness of Government Activities (621/1999), a person whose right or obligation is affected by the matter has no right of access to information on the use of a coercive measure referred to in this chapter until a notification referred to in section 60 has been made. Neither do they have the right of access of the data subject referred to in the Act on the Processing of Personal Data in Criminal Matters and in Connection with Maintaining National Security (1054/2018). (624/2019)

Once a notification referred to in section 60 has been made, a person referred to in subsection 1 has the right of access to information about documents or recordings concerning the use of a

secret coercive measure, unless withholding the information is essential to safeguard the security of the State or to protect life, health or privacy, or secret tactical and technical methods. When considering withholding a document, a recording or information, the assessment shall also take into account the right of a person referred to in subsection 1 to a proper defence or otherwise to safeguard their rights in an appropriate manner in judicial proceedings.

Information on an audio and visual recording may only be given by making it available for listening or viewing at the premises of a criminal investigation authority if, in view of the content of the recording, there is reason to believe that providing the information in any other way could lead to a violation of the protection of privacy of a person appearing in the recording.

Section 63 (452/2023)
Communications providers' obligation to assist, and access to certain premises

Communications providers shall, without undue delay, make the telecommunications network connections required for telecommunications interception and traffic data monitoring and make available to a criminal investigation authority the information, equipment and personnel necessary for carrying out telecommunications interception. The same applies in situations where telecommunications interception or traffic data monitoring is performed by a criminal investigation authority using a technical device. Communications providers shall also make available to the head of investigation the information in their possession that is necessary for carrying out technical tracking.

The criminal investigation authority, the person carrying out the action and the personnel providing assistance also have the right, in order to make the connections necessary for telecommunications interception, to access premises other than those in the possession of the communications provider, but not premises used for permanent residence. The decision on the action is made by a public official with the power of arrest. Separate provisions are issued on a house search.

Section 64 (913/2015)
Compensation for telecommunications operators

Telecommunications operators have the right to receive compensation from state funds for the direct costs incurred in assisting the public authorities and disclosing information pursuant to this

chapter as provided in section 299 of the Information Society Code (917/2014). The decision on the payment of compensation is made by the unit of the criminal investigation authority that conducted the investigation.

An administrative review may be requested of the decision. Provisions on requesting an administrative review are laid down in the Administrative Procedure Act (434/2003). Provisions on requesting a judicial review by an administrative court are laid down in the Administrative Judicial Procedure Act (808/2019). The administrative court shall give the Finnish Transport and Communications Agency an opportunity to be heard. (860/2020)

Subsection 3 was repealed by Act 860/2020.

Section 65 (628/2015)
Oversight of the use of secret coercive measures

The use of secret coercive measures by the police is overseen by the heads of the units using the measures and the National Police Board in respect of the units subordinate to it. The use of secret coercive measures in crime prevention by Customs is overseen by Customs and the heads of its units using secret coercive measures. The use of secret coercive measures by the Border Guard is overseen by the Border Guard Headquarters and by the administrative units of the Border Guard using secret coercive measures. (452/2023)

The Ministry of the Interior and the Ministry of Finance shall issue an annual report on the use and oversight of secret coercive measures and on their protection to the Parliamentary Ombudsman.

Provisions on the reports to be submitted to the Ombudsman concerning secret intelligence collection used for preventing or detecting an offence are laid down in the Police Act and the Act on Crime Prevention by Customs.

Section 66
Further provisions

Further provisions on the arrangement and oversight of the use of secret coercive measures referred to in this chapter, on the recording of actions and on the reports to be submitted for oversight purposes may be issued by government decree.

Chapter 11
Miscellaneous provisions

Section 1
Effect of the application of a reduced penal scale

The use of a coercive measure referred to in this Act is not affected by the fact that a reduced penal scale would be applied to the determination of a sentence under chapter 6, section 8 of the Criminal Code.

Section 1a (1146/2013)
Transfer of a matter to another court

At the request of a public official with the power of arrest or another person who has referred a matter concerning a coercive measure to a court, the court where the matter is pending may, if special reasons so require, transfer the matter to another competent court. The decisions and other measures of the transferring court related to the matter remain in force until the court to which the matter has been transferred orders otherwise. However, the matter shall not be transferred back, unless new special reasons so require.

A decision ordering the transfer of a matter or rejecting a proposal for transfer is ineligible for review.

Section 1b (452/2023)
Use of coercive measures due to a suspicion of a criminal act

Due to a suspicion that a criminal act referred to in chapter 3, section 5 of the Criminal Investigation Act has been committed by a person under 15 years of age, the suspect may be apprehended or a coercive measure referred to in chapter 4 or 6–10 of this Act may be used if the preconditions for the use of the coercive measure in question are met.

Section 2
Notifications regarding soldiers

When a soldier is apprehended, arrested, remanded or released, the head of the administrative unit in which the soldier is serving shall immediately be notified of this.

Section 2a (452/2023)
Obligation of the criminal investigation authority to notify the prosecutor of the use of coercive measures

In addition to what is provided elsewhere in this Act, the criminal investigation authority shall, where necessary, notify the prosecutor of the use of a coercive measure in the manner required by the nature of the matter and the coercive measure in question.

Section 3
International cooperation

In addition to the provisions of chapter 6, section 8 and chapter 7, section 21 on legal assistance and executive assistance that a criminal investigation authority receives from or gives to a criminal investigation authority of a foreign state in connection with the use of coercive measures and on the right of a criminal investigation authority of a foreign state to use the powers of a Finnish criminal investigation authority related to coercive measures, what is separately provided by law or agreed on these matters in an international treaty binding on Finland applies.

Section 4 (101/2018)
Further provisions and regulations

Further provisions may be issued by government decree on:

1) recording of the use of coercive measures;

2) cooperation between authorities in remand matters;

3) drawing up and processing of documents related to a travel ban and an intensified travel ban, the content of such documents and the notification of measures related to such a ban;

4) content of an account referred to in chapter 2, section 12a, subsection 3;

5) content of a decision referred to in chapter 2, section 12c;

6) drawing up and processing of documents related to house arrest imposed instead of remand imprisonment, the contents of such documents and the notification of measures related to house arrest; (509/2019)

7) investigation and recording of a breach of obligations by a person subject to house arrest;

8) content of the notification referred to in chapter 2, section 12i, subsection 2 to be made to the prosecutor regarding information on the serving of house arrest that is necessary for court proceedings. (452/2023)

Paragraph 9 was repealed by Act 509/2019.

The Prison and Probation Service of Finland issues further regulations on:

1) monitoring of house arrest;

2) permission to deviate from obligations referred to in chapter 2, section 12h;

3) calculating and recording the term of house arrest.
(232/2022)

Section 5
Entry into force

This Act enters into force on 1 January 2014.

This Act repeals the Coercive Measures Act (450/1987).

Section 6
Transitional provisions

The provisions of this Act apply to coercive measures in force upon the entry into force of this Act. The provisions of this Act on sequestration apply, as appropriate, to a restraint on alienation.

If a time limit related to a coercive measure in force upon the entry into force of this Act is already running in applying this Act when this Act enters into force, the measure may be carried out in accordance with the provisions in force upon the entry into force of this Act.