

## General Security Service Law, 5762-2002\*

### Definitions

1. In this Law –

“Service employee” means a State employee in the General Security Service;

“Ministerial Committee” means the Ministerial Committee for General Security Service Affairs appointed under section 5;

“Knesset Service Affairs Committee” means the Sub-Committee for Intelligence and Secret Services of the Foreign Affairs and Defense Committee of the Knesset as stated in section 6;

“regulations” means regulations made by the Prime Minister with the approval of the Ministerial Committee and the Knesset Service Affairs Committee;

“rules” means written directives prescribed by the Prime Minister with the approval of the Ministerial Committee and the Knesset Service Affairs Committee;

“Service directives” means written internal guidelines and orders prescribed by the Head of the General Security Service with the approval of the Prime Minister;

“Service procedures” means written internal procedures prescribed by the Head of the General Security Service.

### General Security Service

2. (a) The State of Israel shall maintain a General Security Service whose mission, functions and powers shall be prescribed by Law; the General Security Service existing immediately prior to the commencement of this Law shall be the General Security Service of the State of Israel (in this Law referred to as “the Service”).

(b) The structure of the Service and its units and their functions shall be prescribed in Service directives or Service procedures, respectively.

(c) Notwithstanding the provisions of the State Service (Appointments) Law, 5719-1959<sup>1</sup>, the Prime Minister may, after consultation with the State Service Commissioner, prescribe, by regulations or rules, provisions other than those applying to the State service concerning the organization and administration of manpower in the Service, all subject to the provisions of

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<sup>1</sup> *Sefer Ha-Chukkim* of 5719, p. 86 – LSI, vol. XIII, p. 87.

the Budgetary Principles Law, 5745-1985<sup>2</sup> and the provisions of the annual budget law.

#### Head of the Service

3. (a) The Head of the General Security Service (referred to in this Law as “the Head of the Service”) shall be appointed by the Government upon the proposal of the Prime Minister; notice of the appointment shall be published in *Reshumot*.
- (b) The term of office of the Head of the Service shall be five years, unless the Government has prescribed a shorter term in its appointment resolution; the Government may, in special circumstances, extend the term of office of the Head of the Service for an additional term not exceeding one year.
- (c) The Government may terminate the office of the Head of the Service prior to the expiration of his term of office.
- (d) No person shall be appointed or continue in office as Head of the Service if he has been convicted of an offense which due to its nature, gravity or circumstances he is not fit to be appointed or continue in office as Head of the Service.
- (e) The Head of the Service shall be in charge of the administration and operation of the Service and the development of its capability, and in this regard shall prescribe the Service procedures and, with the approval of the Prime Minister, the Service directives.

#### Subjection of the Service

4. (a) The Service shall be subject to the authority of the Government; the Government shall approve objectives for the Service subject to the provisions of this Law.
- (b) The Prime Minister shall be in charge of the Service on behalf of the Government.
- (c) The Service shall operate in a stately manner; no mission shall be imposed on the Service for the promotion of party-political interests.
- (d) The Prime Minister may appoint a deputy from among the members of the Ministerial Committee, either generally or for a fixed term, to carry out all or part of his functions and powers under this Law in the event of his absence; notice of the appointment shall be delivered to the Government and the Knesset Service Affairs Committee.

#### Ministerial Committee

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<sup>2</sup> *Sefer Ha-Chukkim* of 5745, p. 60 – LSI, vol.XXXIX, p. 61.

5. (a) The Government shall appoint a Ministerial Committee for General Security Service Affairs which shall operate in its name in the matters prescribed by it.
- (b) The Ministerial Committee shall be composed of five members; the Prime Minister shall serve as chairman of the Committee, and its members shall include the Minister of Defense, the Minister of Justice and the Minister of Internal Security.

#### Knesset Service Affairs Committee

6. (a) The Sub-Committee for Intelligence and Secret Services of the Foreign Affairs and Defense Committee of the Knesset shall serve as the Knesset Service Affairs Committee for the purpose of this Law; the chairman of the Foreign Affairs and Defense Committee of the Knesset shall be the chairman of the Committee.
- (b) The meetings of the Knesset Service Affairs Committee shall be privileged and publication of statements made or presented therein is prohibited, unless the Committee resolves otherwise after hearing the position of the Head of the Service.

#### Mission and functions of the Service

7. (a) The Service shall be in charge of the protection of State security and the order and institutions of the democratic regime against threats of terrorism, sabotage, subversion, espionage and disclosure of State secrets, and the Service shall also act to safeguard and promote other State interests vital for national State security, all as prescribed by the Government and subject to every law.
- (b) For the purpose of subsection (a), the Service shall perform the following functions:
  - (1) foiling and preventing illegal activities aimed at harming State security, or the order or institutions of the democratic regime;
  - (2) protecting persons, information and places determined by the Government;
  - (3) determining directives on security classification for positions and offices in the public service and in other bodies, as determined by the Government, except for public appointees and judges, and determining the security suitability of a person for a position or office that holds a security classification, including by the use of polygraph tests, all as shall be prescribed by rules; in this paragraph, "judges" means any person holding judicial authority under the

Basic Law: Judicature<sup>3</sup>, except candidates for the judiciary and except a military judge under the Military Justice Law, 5715-1955<sup>4</sup>;

- (4) establishing protection practices for bodies determined by the Government;
- (5) conducting intelligence research and providing advice and position appraisals for the Government and other bodies determined by the Government;
- (6) activities in any other area determined by the Government, with the approval of the Knesset Service Affairs Committee, which is designed to safeguard and promote State interests vital to the national security of the State;
- (7) collection and receipt of information for safeguarding and promoting the interests set forth in this section.

#### General powers of the Service

8. (a) For the purpose of fulfilling its functions the Service shall be competent, through its employees –
  - (1) to receive and collect information;
  - (2) to pass on information to other bodies in accordance with rules to be prescribed and subject to the provisions of any law;
  - (3) to investigate suspects and suspicions in connection with the commission of offenses or to conduct investigations for the purpose of preventing offenses in the areas set forth in section 7(b)(1), as well as in the areas determined by the Government under section 7(b)(6);
  - (4) to enlist the assistance of any person who is not a Service employee for the carrying out of tasks in accordance with rules to be prescribed.
- (b) For the purpose of fulfilling the functions of the Service under section 7(b)(1), (2) or (6), Service officials shall have the powers of a police officer under the enactments in the Schedule, all as prescribed by regulations or rules, upon consultation with the Minister in charge of each enactment.
- (c) A Service employee who has been authorized for this purpose by the Head of the Service may, for the purpose of fulfilling the functions of the Service under section 7(b)(2), enter premises not being a closed private structure, in order to conduct inspections and to carry out protective and preventative actions, provided however that such entry into such premises for a period in excess of 12 hours shall require the consent of the occupier; where no such

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<sup>3</sup> *Sefer Ha-Chukkim* of 5744, p. 78 – LSI, vol. XXXVIII, p. 101.

<sup>4</sup> *Sefer Ha-Chukkim* of 5715, p. 171 – LSI vol. IX, p. 184.

consent has been given, entry into premises shall not be made except with the approval of and under the conditions determined by the court.

#### Search for intelligence purposes at border station

9. (a) For the purpose of fulfilling the functions of the Service under section 7(b)(1), (2) or (6), Service officials as designated in the Service directives may conduct a search, at an Israel border station, of any person's body, tools, luggage, vehicle or other goods in his possession, seize any object or gather information, all in the presence of the person in question.
- (b) Notwithstanding the provisions of subsection (a), where a Service official as stated in the said subsection has reasonable cause to believe that the tools, luggage, vehicle or other goods of a person at the Israel border station contain an article whose seizure is vital for the purpose of fulfilling the functions of the Service under section 7(b)(1), (2) or (6), he may conduct a search of the tools, luggage, vehicle or goods, seize the said article or gather information, even in the absence of the owner or possessor thereof and without their knowledge.
- (c) An article seized under subsections (a) or (b) may be examined and its contents copied, as the case may be, and shall be retained for the time required for the purpose of the seizure; where an article has been seized and not returned, it shall be dealt with as prescribed by regulations.
- (d) In this section, "border station" includes a check point at a passage between Israel and a region, within its meaning in the Implementation of the Interim Agreement on the West Bank and the Gaza Strip (Jurisdiction and Other Provisions) (Statutory Amendments) Law, 5756-1996<sup>5</sup>.

#### Undercover search of vehicles and premises for intelligence purposes

10. (a) The Prime Minister may in writing permit Service officials designated in the Service directives to enter vehicles or premises and conduct a search therein and gather information in the absence of the owner or possessor thereof and without their knowledge, if he is convinced that the vehicle or premises in question contain vital information for fulfilling the functions of the Service under section 7(b)(1), (2) or (6) and that the object of the search cannot be reasonably accomplished by any other means (hereinafter referred to as an "undercover search").
- (b) Notwithstanding the provisions of subsection (a), the Head of the Service may permit in writing to conduct an undercover search if he is convinced that the search is essential and cannot be delayed and that a permit under subsection (a) cannot be received in time; where the Head of the Service has given a permit for an undercover search under this subsection, he shall report thereon to the Prime Minister as promptly as possible and no later than 72 hours after the time the permit was given.

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<sup>5</sup> *Sefer Ha-Chukkim* of 5756, p. 34.

- (c) A permit under this section shall specify the vehicles or premises in respect of which the permit is given and the information sought to be gathered, if known in advance, as well as the period for which the permit will remain in force.
- (d) The Head of the Service shall submit a report to the Attorney General every 30 days on the permits given under this section.

#### Communication Data

##### 11. (a) In this section –

“license holder” has the meaning as defined in section 13 of the Communications (Telecommunications and Broadcasts) Law, 5742-1982<sup>6</sup> (hereinafter referred to as “the Communications Law”);

“information” includes communication data and excludes the contents of any conversation, within the meaning in the Secret Monitoring Law, 5739-1979<sup>7</sup>.

- (b) The Prime Minister may prescribe by rules that categories of information found in the databases of a license holder as specified in the rules are required by the Service for the purpose of fulfilling its functions under this Law and that the license holder must transmit information of these categories to the Service.
- (c) Use of information found in a database as stated in subsection (b) shall be made under a permit from the Head of the Service, after he has been convinced that this was required by the Service to fulfill its functions under this Law; the license shall specify particulars, wherever possible, about the information required, the purpose for which it is required and the particulars of the database in which it is found; the permit shall be for the period fixed in it which shall not be in excess of six months, although the Head of the Service may renew it under the provisions of this subsection.
- (d) The Head of the Service shall submit to the Prime Minister and the Attorney General every three months and to the Knesset Service Affairs Committee every year, a report on permits given under this section and on the mode of use of information under this section; particulars of the report shall be prescribed by rules.
- (e) The Prime Minister shall prescribe by rules provisions in regard to safeguarding the categories of information as stated in subsection (b) in the hands of a license holder for the period he shall prescribe, and with regard to the mode of transfer of the categories of information to the Service; the Prime Minister, with the consent of the Minister of Justice, shall also prescribe by rules provisions with regard to the mode of retaining and safeguarding information transferred to the Service under this section and

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<sup>6</sup> Sefer Ha-Chukkim of 5742, p. 218 – LSI vol. XXXVI, p. 229; *Sefer Ha-Chukkim* of 5761, p. 530.

<sup>7</sup> *Sefer Ha-Chukkim* of 5739, p. 118 – LSI vol. XXXIII, p. 141.

provisions with regard to erasing or destroying information which no longer requires safeguarding.

- (f) In carrying out any provision under this section the provisions of section 13(e) of the Communications Law shall apply.

### Reporting

12. (a) The Head of the Service shall report to the Ministerial Committee, from time to time and no less than every three months, on the activity of the Service, and there shall also be submitted to the Committee special reports, at its request, all pursuant to rules prescribed.
- (b) The Head of the Service shall report to the Knesset Service Affairs Committee from time to time, and no less than every three months, on the activity of the Service, and there shall also be submitted to the Committee special reports, at its request, all pursuant to rules prescribed.

### Service Comptroller

13. (a) The Prime Minister shall appoint, in consultation with the Head of the Service, a Service Comptroller having the appropriate background and experience.
- (b) The Service Comptroller shall be appointed for one term of office of five years and upon the expiration of his term of office he shall not serve in any other position in the Service.
- (c) The Service Comptroller shall conduct internal auditing of the Service pursuant to the provisions of the Internal Auditing Law, 5752-1992<sup>8</sup> (in this section referred to as “the Auditing Law”), and shall assist the Government and the Ministerial Committee in fulfilling their functions; the Prime Minister may for this purpose impose other functions on the Comptroller pursuant to rules to be prescribed.
- (d) The Head of the Service, with the approval of the Prime Minister, may also charge the Service Comptroller with the handling of complaints of Service employees and the handling of complaints against the Service, any Service employee or any person acting on its behalf, excluding matters under the care of the Investigation of Police Officers Department of the Ministry of Justice under the provisions of Chapter Four: 2 of the Police Ordinance [New Version], 5731-1971<sup>9</sup>, and excluding complaints of persons under investigation; where the Comptroller has not been charged with the handling of such complaints, the Prime Minister shall appoint another person to fulfill this function.

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<sup>8</sup> *Sefer Ha-Chukkim* of 5752, p. 198.

<sup>9</sup> *Dinei Medinat Yisrael (Nusach Chadash)* No. 17, p. 390 – *NV*, vol. II, p. 158; *Sefer Ha-Chukkim* of 5752, p. 156.

- (e) The provisions of the Auditing Law shall apply to the Comptroller in performing his function, with the following modifications:
- (1) the Prime Minister shall be the direct superior of the Service Comptroller, although the Head of the Service may impose additional tasks of internal auditing on the Comptroller, as stated in section 7(b) of the Auditing Law;
  - (2) the Comptroller shall not be denied access to any document, information or place on grounds of privilege or secrecy;
  - (3) suspension of the Service Comptroller for the purposes of section 12 of the Auditing Law shall only be made with the approval of the Ministerial Committee; where such suspension has been decided upon, notification thereof shall be delivered to the Knesset Service Affairs Committee;
  - (4) regulations under the Auditing Law shall apply to the Service Comptroller, with the consent of the Prime Minister;
  - (5) the Service Comptroller shall submit an annual report on his findings, and any periodic report made by him, to the Head of the Service, the Ministerial Committee and the Knesset Service Affairs Committee; the Prime Minister may order the Service Comptroller to deliver a report to additional authorities and officials.

#### Discipline

14. Without derogating from the provisions of section 75A of the State Service (Discipline) Law, 5723-1963<sup>10</sup>, the Head of the Service may prescribe by Service directives additional provisions on conduct and discipline to apply in the Service.

#### Security suitability

15. (a) The employment of a person in a position or office in respect of which a security classification as stated in section 7(b)(3) has been determined, shall be pursuant to the classification requirements as prescribed by rules.
- (b) (1) A person who considers himself aggrieved by a decision regarding security unsuitability for a position or office that has been given a security classification may object to the decision before a committee of three - whose chairman shall be a retired District Court judge - to be appointed by the Prime Minister in consultation with the Minister of Justice; in an objection of a soldier, as defined in section 1 of the Military Justice Law, 5715-1955<sup>11</sup>, the committee shall include a member to be appointed by the Minister of Defense, in consultation with the Minister of Justice.

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<sup>10</sup> *Sefer Ha-Chukkim* of 5723, p. 98.

<sup>11</sup> *Sefer Ha-Chukkim* of 5715, p. 171 – LSI, vol. IX, p. 54.



- (2) Provisions in respect of notice to an employer regarding the security classification requirements for his employees, in respect of notice to a person regarding security unsuitability, as well as in respect of modes of application to the committee, its powers and its procedures, shall be prescribed by regulations.

#### Protection of information

16. A person in possession of information in respect of which a security classification has been determined under section 7(b), shall handle such information according to instructions prescribed by rules.

#### Internal debriefing

17. (a) Matters voiced in an internal debriefing and a report prepared following upon an internal debriefing, including minutes, findings, conclusions and recommendations (hereinafter referred to as “material from an internal debriefing”) shall not be admitted as evidence in a trial, except in disciplinary proceedings and in a criminal trial for delivery of false information or knowingly concealing an important particular in debriefing.

- (b) Material from an internal debriefing shall not be delivered except in one of the following situations:

- (1) the Head of the Service approved its delivery to a public servant, where the material or any part thereof is required by him for the purpose of fulfilling his function or is required by any person involved in the matter;

- (2) to the Attorney General or any person authorized by him for this purpose, at their request, and after hearing the position of the Head of the Service on the matter;

- (3) the Knesset Service Affairs Committee, at its request.

- (c) In this section, “internal debriefing” means an investigation conducted in the Service, under Service directives, in connection with the activity of the Service, including an internal check and an operational debriefing.

#### Restriction of liability

18. A Service employee or a person acting on behalf of the Service shall not bear criminal or civil responsibility for any act or omission performed in good faith and reasonably by him within the scope and in performance of his function; however, the provisions of this section shall not derogate from disciplinary responsibility under the provisions of any law.

#### Secrecy and penalties

19. (a) (1) Rules, Service directives, Service procedures and the identity of past and present Service employees and of persons acting on its behalf and other particulars in respect of the Service to be prescribed by regulations are privileged and the disclosure or publication thereof is prohibited.
- (2) A past or present Service employee or person acting on behalf of the Service shall not deliver information which has reached him by virtue of his function or within the scope of his activities in the Service to a person who is unauthorized to receive it, unless he is lawfully required to do so or has received a written permit in respect thereof pursuant to the Service directives.
- (3) The Prime Minister may permit the publication of information whose publication is prohibited under this section, and he may prescribe by regulations provisions regarding the grant of a permit for publication.
- (b) (1) A person disclosing or publishing information privileged under this Law without a permit shall be liable to imprisonment for a term of three years; a person negligently bringing about such disclosure or publication shall be liable to imprisonment for a term of one year.
- (2) A past or present Service employee or person acting on behalf of the Service who discloses or publishes confidential information without a permit under this section shall be liable to imprisonment for a term of five years; where such disclosure or publication has been committed negligently, he shall be liable to imprisonment for a term of three years.
- (c) (1) Nothing in this section shall derogate from the authority of a Minister under sections 44 and 45 of the Evidence Ordinance (New Version), 5731-1971<sup>12</sup>, or the powers of the Censor under the Defense (Emergency) Regulations, 1945<sup>13</sup>, or from any other authority to prevent publication under the provisions of any law.
- (2) Nothing in the provisions of this section shall derogate from the application of the provisions of Chapter Seven in Part Two of the Penal Law, 5737-1977<sup>14</sup>.

#### Restrictions on Service employees

20. (a) The Prime Minister may prescribe by regulations restrictions on Service employees during and after their employment in the Service, to the extent necessary for the fulfillment of the functions of the Service, to ensure the integrity of the Service, or to protect the personal safety of present and past Service employees.
- (b) A Service employee shall not be a member of an employees' organization and shall not participate in activities for the establishment, maintenance or

<sup>12</sup> *Dinei Medinat Yisrael (Nusach Chadash)*, no. 18, p. 421 – NV, vol. II, p. 198.

<sup>13</sup> *PG 1945*, Suppl. no. 2, p. 855 (Hebrew), 1055 (English).

<sup>14</sup> *Sefer Ha-Chukkim of 5737*, p. 226 – *LSI Special Volume*.

management of an employees' organization; an offense against the provision of this section shall be deemed a disciplinary offense; of this subsection "employees' organization" means any organization or representation, either permanent or temporary, whose objects or activities include the handling of the organization and administration of the Service, conduct and discipline and conditions of service of Service employees, or representation of a Service employee in these matters.

#### Implementation, regulations, rules, Service directives and Service procedures

21. (a) The Prime Minister is charged with the implementation of this Law and he may, with the approval of the Ministerial Committee and the Knesset Service Affairs Committee and subject to the provisions of this Law, make regulations and rules, as the case may be, as to any matter relating to such implementation.
- (b) The Head of the Service may, with the approval of the Prime Minister and subject to the provisions of this Law and the regulations and rules made thereunder, prescribe Service directives as to any matter relating to the fulfillment of the functions of the Service.
- (c) The Head of the Service may, subject to the provisions of this Law, the regulations, rules and Service directives made thereunder, prescribe Service procedures as to any matter relating to the administration of the Service, its operation and fulfillment of its function.

#### Publication, secrecy and liability

22. (a) Regulations under this Law shall be published in *Reshumot*; rules, Service directives and Service procedures under this Law need not be published in *Reshumot* or any other public publication.
- (b) The manner of safeguarding rules, Service directives and Service procedures, including the defining of their classification and distribution, shall be prescribed in the rules, Service directives and Service procedures, respectively.
- (c) No person shall bear criminal or disciplinary liability under any unpublished rules or Service directives unless they were brought to his attention by other means as determined by the Head of the Service or the Prime Minister.

#### Modification of Schedule

23. The Prime Minister, with the approval of the Ministerial Committee and the Knesset Service Affairs Committee, may modify the Schedule.

#### Saving of laws

24. Nothing in the provisions of this Law shall derogate from any authority granted under any law.

## Commencement and transitional provisions

25. (a) This Law shall come into effect sixty days after the date of its publication, but section 15(b) shall come into effect on the date of commencement of regulations to be enacted thereunder, and no later than the expiration of six months after the date of commencement of this Law.
- (b) Government resolutions, procedures and other arrangements in force immediately prior to the commencement of this Law in matters dealt with in this Law shall remain in force until the regulations, Service directives and Government resolutions required for the matter in question under this Law are prescribed, and no later than the expiration of 18 months after the date of commencement of this Law.

### **Schedule** (section 8(b))

Criminal Procedure (Evidence) Ordinance<sup>15</sup>  
Criminal Procedure (Arrest and Searches) Ordinance [New Version], 5729-1969<sup>16</sup>  
Powers of Search (Emergency) (Temporary Provision) Law, 5729-1969<sup>17</sup>  
Air Navigation (Security in Civil Aviation) Law, 5737-1977<sup>18</sup>  
Criminal Procedure Law [Consolidated Version], 5742-1982<sup>19</sup>  
Criminal Procedure (Enforcement Powers – Bodily Search of Suspect) Law, 5756-1996<sup>20</sup>  
Criminal Procedure (Enforcement Powers – Arrests) Law, 5756-1996<sup>21</sup>

Moshe Katsav  
President of the State

Ariel Sharon  
Prime Minister

Avraham Burg  
Speaker of the Knesset

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<sup>15</sup> *Laws of Palestine*, ch. 34, vol. 1, p. 439 (Hebrew), p. 467 (English).

<sup>16</sup> *Dinei Medinat Yisrael (Nusach Chadash)*, 12, p. 284 – NV, vol. II, p. 30.

<sup>17</sup> *Sefer Ha-Chukkim* of 5729, p. 226 – LSI, vol. XXIII, p. 246.

<sup>18</sup> *Sefer Ha-Chukkim* of 5737, p. 126 – LSI, vol. XXXI, p. 145.

<sup>19</sup> *Sefer Ha-Chukkim* of 5742, p. 43 – LSI, vol. XXXVI, p. 35.

<sup>20</sup> *Sefer Ha-Chukkim* of 5756, p. 136.

<sup>21</sup> *Sefer Ha-Chukkim* of 5756, p. 338.