

## **TERRORISM**

### **Exchange of Screening Information**

**Agreement Between  
the UNITED STATES OF AMERICA  
and SLOVENIA**

Signed at Washington February 8, 2011



NOTE BY THE DEPARTMENT OF STATE

Pursuant to Public Law 89—497, approved July 8, 1966  
(80 Stat. 271; 1 U.S.C. 113)—

“ . . . the Treaties and Other International Acts Series issued under the authority of the Secretary of State shall be competent evidence . . . of the treaties, international agreements other than treaties, and proclamations by the President of such treaties and international agreements other than treaties, as the case may be, therein contained, in all the courts of law and equity and of maritime jurisdiction, and in all the tribunals and public offices of the United States, and of the several States, without any further proof or authentication thereof.”

## **SLOVENIA**

### **Terrorism: Exchange of Screening Information**

*Agreement signed at Washington February 8, 2011;  
Entered into force November 24, 2011.*

**AGREEMENT  
BETWEEN  
THE UNITED STATES OF AMERICA  
AND  
THE REPUBLIC OF SLOVENIA  
FOR THE EXCHANGE OF  
TERRORISM SCREENING INFORMATION**

**Preamble**

**The United States of America and the Republic of Slovenia** (hereinafter referred to collectively as “the Parties”);

Having determined that their joint efforts to prevent and address international terrorism should include efficient cooperation in the timely identification of individuals known or suspected to be terrorists, and

Desiring to establish appropriate procedures for access to, and exchange of, terrorism screening information in order to strengthen the ability of the Parties to protect against acts of terrorism,

Have reached the following agreement to guide their efficient cooperation in the sharing and use of terrorism screening information derived from intelligence and law enforcement information:

**Article I**

**Definitions**

For purposes of this Agreement, the following definitions shall apply:

1. “Background information” means additional information, beyond terrorism screening information, about known or suspected terrorists, including data regarding circumstances of identification that are being collected and processed in accordance with the domestic law.
2. “Correcting information” means any information that is intended to correct a misidentification of a person as a known or suspected terrorist or any other error in data provided under this Agreement.

3. "Need to know" means that an authorized holder of information has concluded that a prospective recipient requires access to specific information in order to perform or assist in a lawful and authorized governmental function related to the purposes of this Agreement.

4. "Providing Party" means, with regard to information provided under this Agreement, either the United States of America (the United States) or the Republic of Slovenia (Slovenia), as the case may be.

5. "Receiving Party" means, with regard to information received under this Agreement, either the United States or the Republic of Slovenia as the case may be.

6. "Relevant Agency" means any law enforcement, intelligence, diplomatic, immigration, military, public security or other governmental agency of the respective Parties that may have officials who have access to information provided under this Agreement or that may be asked, in the event of an encounter as described in Article IV, to provide additional information or take other actions to assist in accomplishing the stated purposes of this Agreement as set forth in the Preamble. For the United States, such "relevant agency" may include any Federal, State, local, territorial or tribal governmental authority. For the Republic of Slovenia, "relevant agency" includes the Ministry of the Interior – the Police with its internal organizational units.

7. "Terrorism screening information" means identifying information about known or suspected terrorists.

8. "Known terrorist"

a) for the United States: An individual who:

1. has been convicted of a crime of terrorism in a U.S. or foreign court of competent jurisdiction; or
2. has been charged with or indicted for a crime of terrorism in a U.S. or foreign court of competent jurisdiction.

b) for the Republic of Slovenia: Persons who:

1. are on the Interpol watchlist; or
2. have been convicted by judgments of courts of the Republic Slovenia for criminal offences of terrorism.

9. "Suspected terrorist"

- a) for the United States: An individual who is reasonably suspected to be or to have been engaged in conduct constituting, in preparation for, in aid of, or related to terrorism and terrorist activities based on an articulable and reasonable suspicion.
- b) for the Republic of Slovenia: Persons who are being investigated or prosecuted under the rules of criminal procedure for reasonable suspicion of preparation or commission of criminal offences of terrorism.

## **Article II**

### **Purpose**

The purpose of this agreement is to exchange terrorism screening information for the timely identification of individuals who are known or suspected terrorists in order to provide for the protection of the population and the essential infrastructure of both Parties.

## **Article III**

### **Scope of Information Exchange**

- 1. The Parties agree to provide each other access to terrorism screening information in English relating to known or suspected terrorists in accordance with the purposes and provisions of this Agreement, subject to each Party's domestic laws and regulations.
- 2. Terrorism screening information provided under this Agreement shall, at a minimum, include the individual's full name and date(s) of birth. Passport or other identity document number(s), and current and former nationality/citizenship also shall be provided, if known. Additional information provided may include specific biometric data if the country providing the information has determined such sharing to be legally permissible.
- 3. No classified information, as defined by each Party in accordance with its domestic law, shall be required to be exchanged under this Agreement.

The Parties may, through their Relevant Agencies, exchange such information pursuant to existing authorities, agreements, or arrangements.

4. Nothing in this Agreement shall restrict either Party or its Relevant Agencies from requesting or exchanging information or data through existing agreements or arrangements.

## **Article IV**

### **Information Exchange Procedures**

1. For purposes of implementing this Agreement, the points of contact shall be, for the United States, an official of the U.S. Terrorist Screening Center (TSC) and for the Republic of Slovenia, an official of the Criminal Police Directorate, International Police Cooperation Division. Each Party shall provide the exact identity and contact information for these points of contact and for other individuals responsible for handling encounter, technical, and redress matters arising under this Agreement within 30 days of the entry into force of this agreement. Each Party shall notify the other regarding any change of points of contact in writing.

2. Each Party shall provide its terrorism screening information to the other Party not later than 90 days after this Agreement enters into force. Each Providing Party shall update that information on a regular basis.

3. Each Party shall make regular updates including correcting information to its terrorism screening information pursuant to paragraph 2 of this Article as soon as practicable.

## **Article V**

### **Technical Procedures of Cooperation**

1. The Ministry of the Interior and the TSC shall agree on the technical procedures of cooperation consistent with each Party's domestic laws and regulations and international obligations, within 90 days of entry into force of this agreement.

2. English shall be the working language for cooperation under this agreement, except where otherwise agreed between the Parties.

## **Article VI**

### **Use and Protection of Information**

#### **Accuracy of Information**

1. Each Party shall use the most current terrorism screening information it receives from the other Party under this Agreement to conduct terrorism-related screening. The Receiving Party shall expeditiously update its records (i.e., correct, modify or delete) once it receives correcting information from the other Party or otherwise becomes aware that a correction, modification, or deletion is needed. The Receiving Party agrees not to use or rely upon information received under this Agreement when it has been superseded by new information, or if this Agreement is terminated, except as provided in paragraph 9 of this Article.

#### **Protection from Disclosure**

2. The Receiving Party shall limit access to information it receives from the Providing Party under this Agreement solely to its personnel and personnel of Relevant Agencies on a need-to-know basis. Unless the Providing Party provides written consent, any disclosure of information received under this Agreement shall be prohibited, including but not limited to:

- a) use in any legal or administrative proceeding or process, any judicial or judicial-like process, or in any process that could result in public disclosure;
- b) disclosure to a third-party foreign government;
- c) disclosure to an international organization;
- d) disclosure to private parties, including the subject of terrorism screening information; and



e) disclosure of any information regarding whether or not an individual is the subject of terrorism screening information provided under this Agreement.

3. Any reproduction, dissemination, or communication of any information provided by the United States to the Republic of Slovenia under this Agreement, other than name, date of birth, passport number, passport country of origin, or current and former citizenship/nationality, must be accompanied by a statement describing the use and disclosure restrictions set forth in paragraph 2 of this Article.

4. Requests for consent to a disclosure that is otherwise prohibited under this Agreement shall be made under the following procedures: if the Receiving Party is interested in disclosing any terrorism screening information provided under this Agreement, including in any legal or administrative proceeding or process, any judicial or judicial-like process, and/or in any process that could result in public disclosure, the Receiving Party shall first contact the Providing Party through its point of contact, which will endeavor to obtain permission from the Relevant Agency that originated the information.

5. Any ambiguity or question relating to the disclosure of information exchanged under this Agreement shall be the subject of consultations between the Parties as described in Article IX.

#### Security of Information

6. Each Party shall use appropriate electronic and physical security measures to control access to information obtained under this Agreement and, at all times, shall store such information in a secure storage system in accordance with its domestic law.

7. Each Party shall use its best efforts to ensure that all personnel with access to information obtained under this Agreement are trained in the measures required to protect the information. Each Party shall keep a record of the individuals who are permitted access to the other Party's information and shall report to the other Party any attempts to gain inappropriate access to or inappropriately use or disclose information provided by the other.

8. Each Party shall keep an audit record regarding when information obtained under this Agreement was received, how long such information was held, and how it was used, and shall make such information available to the Providing Party, if requested.

9. In the event that either Party terminates this Agreement, each Party shall destroy all information obtained under this Agreement, to the extent practicable, unless otherwise agreed in writing or unless such destruction would be contrary to a Party's record retention requirements. Nothing in this paragraph shall prohibit the Receiving Party or Relevant Agencies thereof from retaining records of any encounters of individuals identified in terrorism screening information provided by the Providing Party. Each Party shall use the most stringent procedures that are in place for the disposal of sensitive personal and/or national security information.

## **Article VII**

### **Oversight and Monitoring**

1. Each Party shall monitor its respective compliance with the provisions of this Agreement pertaining to the protection of information and shall communicate with the other Party, as appropriate, regarding protection and security issues.

2. With regard to terrorism screening information provided by Slovenia under Article II of this Agreement, the appropriate monitoring bodies or other competent organizations established in accordance with the domestic law of Slovenia may perform monitoring concerning the legality of Slovenia's processing of that terrorism screening information. If in a specific case, following a complaint by a presumptive data subject, such monitoring by the appropriate monitoring bodies or other competent organizations establishes that Slovenia was responsible for unlawful processing, inaccuracies or other irregularities, the appropriate monitoring body or other competent organizations may only inform the complainant that the body has conducted the monitoring and that the body can neither confirm nor deny that the complainant's information was processed in order to be transmitted to the other Party to this Agreement. The appropriate monitoring body or other competent organization may take any other administrative or correcting measures in accordance with the domestic law

of Slovenia that do not interfere with the provisions of this Agreement. The measures taken shall remain confidential for a period of 5 years; however, any release of terrorism screening information provided by the United States must be in accordance with Article VI, paragraphs 2 and 4.

3. The monitoring bodies may exchange information or views concerning the implementation of their monitoring powers under this Agreement."

## **Article VIII**

### **Additional Provisions**

1. A Party that encounters a potential match should, to the extent practicable, notify the other Party through the designated contact points for encounters. The designated contacts for encounters are expected, to the extent practicable, to be available 24 hours a day, seven days a week. The Parties understand, however, that such notice may not be feasible in some limited cases.

2. All complaints related to screening shall be transmitted from one Party to the other Party's designated point of contact, accompanied by a copy of an identity document such as a passport or other government-issued photo identification that contains the individual's full name, date of birth and country of citizenship, if available, and as permitted by the domestic law of each Party. Where appropriate, corrections shall be made to information provided under this Agreement by the Party that provided the information.

3. The Receiving Party and its Relevant Agencies are not to disclose to the individual or, except as provided under Article VII, paragraph 2, to any other person or entity, whether or not an individual is the subject of terrorism screening information obtained under this Agreement, except to officials of the Receiving Party's Relevant Agencies on a need-to-know basis.

4. The Receiving Party and its Relevant Agencies are free to take whatever action is deemed legally permissible in the event of an encounter with an individual who matches the terrorism screening information from

the Providing Party. During and following an encounter, each Party should consider any background information provided by the other Party as well as any requests from the Party or its Relevant Agencies to take or refrain from taking specific action with respect to the encountered individual.

## **Article IX**

### **Consultation**

1. The Parties shall consult regularly through their points of contact to promote the most effective implementation of this Agreement and to settle disputes, as necessary.
2. Disputes that may arise relating to the interpretation, application, or implementation of this Agreement that cannot be settled through consultations between the points of contact shall be settled through diplomatic channels.

## **Article X**

### **Relationship to Other Arrangements**

1. The terms of this Agreement shall be subject to each Party's domestic laws and regulations and international obligations and shall not prejudice or restrict any other agreement or arrangement between the Parties, including agreements or arrangements related to law enforcement, exchange of information, or counterterrorism efforts.
2. Nothing in this Agreement shall affect the obligations of the Republic of Slovenia arising from its membership in the European Union.
3. Nothing in this Agreement shall provide a private right of action.

## **Article XI**

### **Amendments of the Agreement**

The Parties shall agree in writing to any amendments of this Agreement.

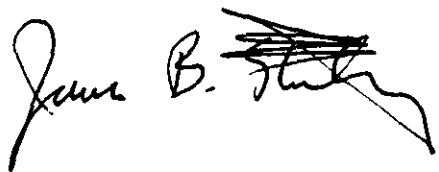
## Article XII

### Entry into Force and Termination

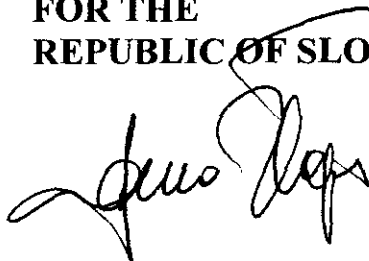
1. This Agreement, and any amendments thereto, shall enter into force in 30 days from the date of the last written notification by which the Parties have notified each other through diplomatic channels that all their internal legal requirements for its entry into force have been fulfilled. On the same day that the aforementioned last written notification is sent, the sending Party shall also notify the designated point of contact of the other Party that the written notification has been sent.
2. This Agreement is concluded for an indefinite period of time. Either Party may terminate this Agreement by written notification through diplomatic channels. The termination shall take effect 30 days following the receipt of such notification. All responsibilities and understandings with respect to the use and disclosure of all information received under this Agreement prior to the termination of this Agreement shall remain effective after such termination.

Done, in duplicate, at Washington, this eighth day of <sup>February</sup> 2011, in the English and Slovene languages, both texts being equally authentic.

**FOR THE  
UNITED STATES OF AMERICA:**

A handwritten signature in black ink, appearing to read "James B. Stewart", with a horizontal line drawn through the middle of the signature.

**FOR THE  
REPUBLIC OF SLOVENIA:**

A handwritten signature in black ink, appearing to read "Janez Jansa", written in a cursive style.

**SPORAZUM  
MED  
ZDRUŽENIMI DRŽAVAMI AMERIKE  
IN  
REPUBLIKO SLOVENIJO  
O IZMENJAVI PODATKOV O SPREMLJANJU TERORIZMA**

**Preambula**

**Združene države Amerike in Republika Slovenija** (v nadaljnjem besedilu: pogodbenici) sta

ob ugotovitvi, da naj njuna skupna prizadevanja za preprečevanje mednarodnega terorizma in boj proti njemu vključujejo učinkovito sodelovanje pri pravočasni identifikaciji oseb, ki so znani ali osumljeni teroristi, in

v želji, da določita ustrezne postopke za dostop do podatkov o spremljanju terorizma in njihovo izmenjavo za krepitev svojih zmožnosti za zaščito pred dejanji terorizma,

sklenili naslednji sporazum, ki usmerja njuno učinkovito sodelovanje pri izmenjavi in uporabi podatkov o spremljanju terorizma, ki izhajajo iz obveščevalnih informacij in policijskih informacij:

**I. člen  
Opredelitve**

V tem sporazumu se uporabljajo naslednje opredelitve:

1. "povezani podatki" so dodatni podatki o znanih ali osumljenih teroristih, ki so na voljo poleg podatkov o spremljanju terorizma, vključno s podatki o okoliščinah identifikacije, ki se zbirajo in obdelujejo v skladu z notranjim pravom;
2. "popravek podatka" je vsak podatek, katerega namen je popraviti napačno identifikacijo osebe kot znanega ali osumljenega terorista ali katero koli drugo napako v podatkih, ki se pošiljajo po tem sporazumu;
3. "potreba po seznanitvi s podatki" je ugotovitev pooblaščenega imetnika podatkov, da morebitni prejemnik potrebuje dostop do določenih

podatkov za izvajanje dejanj, določenih z zakonom in po pooblastilu državnih organov, povezanih z nameni tega sporazuma, ali za sodelovanje pri njih;

4. "pogodbenica pošiljateljica" – glede na podatke, ki se pošiljajo po tem sporazumu – pomeni bodisi Združene države Amerike (Združene države) bodisi Republiko Slovenijo (Slovenijo), odvisno od primera;

5. "pogodbenica prejemnica" – glede na podatke, ki se prejemajo po tem sporazumu – pomeni bodisi Združene države bodisi Republiko Slovenijo, odvisno od primera;

6. "pristojni organ" je vsak policijski, obveščevalni, diplomatski, priseljski, vojaški organ, organ javne varnosti ali drug vladni organ posamezne pogodbenice, katerega uradniki imajo dostop do podatkov, ki se pošiljajo po tem sporazumu, ali ki se ga v primeru zadetka iz 4. člena lahko zaprosi, da pošlje dodatne podatke ali opravi druga dejanja ter s tem pomaga dosegati namene tega sporazuma iz preambule. Za Združene države je "pristojni organ" lahko kateri koli zvezni, državni, lokalni, teritorialni ali plemenski organ. Za Republiko Slovenijo je "pristojni organ" Ministrstvo za notranje zadeve – Policija s svojimi notranjimi organizacijskimi enotami;

7. "podatki o spremljanju terorizma" so podatki, s katerimi se identificirajo znani ali osumljeni teroristi;

8. "znani terorist" pomeni

a) za Združene države: osebo, ki

1. je bila obsojena zaradi kaznivega dejanja terorizma na sodišču Združenih držav ali na tujem sodišču z ustrezno pristojnostjo ali
2. je bila obdolžena ali obtožena kaznivega dejanja terorizma na sodišču Združenih držav ali na tujem sodišču z ustrezno pristojnostjo;

b) za Republiko Slovenijo: osebe, ki

1. so na Interpolovem seznamu iskanih oseb ali
2. so bile obsojene s sodbo sodišč Republike Slovenije zaradi kaznivih dejanj terorizma;

9. "osumljeni terorist" pomeni

a) za Združene države: osebo, ki je utemeljeno osumljena, da izvaja ali je izvajala ravnanja, ki predstavljajo terorizem ali teroristično delovanje ali pripravo nanje ali pomoč pri njih ali so povezana z njimi, na podlagi jasno opredeljivega in utemeljenega suma;

b) za Republiko Slovenijo: osebe, ki se preiskujejo ali preganjajo po pravilih kazenskega postopka zaradi utemeljenega suma priprave na kazniva dejanja terorizma ali njihove storitve.

## **II. člen**

### **Namen**

Namen tega sporazuma je izmenjavati podatke o spremljanju terorizma za pravočasno identifikacijo oseb, ki so znani ali osumljeni teroristi, da se zagotovi zaščita prebivalstva in pomembne infrastrukture obeh pogodbenic.

## **III. člen**

### **Obseg izmenjave podatkov**

1. Pogodbenici soglašata, da si zagotavljata dostop do podatkov o spremljanju terorizma v angleškem jeziku, povezanih z znanimi ali osumljenimi teroristi, skladno z nameni in določbami tega sporazuma ter ob upoštevanju njunih notranjih zakonov in predpisov.

2. Podatki o spremljanju terorizma, ki se pošiljajo po tem sporazumu, vsebujejo vsaj osebno ime osebe in datum/datume rojstva. Pošljejo se tudi podatki o številki/številkah potnega lista ali drugega identifikacijskega dokumenta ter o sedanjem in prejšnjem državljanstvu, če so znani. Dodatni podatki lahko vsebujejo določene biometrične podatke, če je država, ki podatke pošilja, presodila, da je taka izmenjava pravno dopustna.

3. Za tajne podatke, ki jih je kot take opredelila vsaka pogodbenica v skladu s svojim notranjim pravom, ne velja zahteva, da se izmenjujejo po tem sporazumu. Take podatke lahko pogodbenici izmenjujeta preko svojih pristojnih organov in v skladu z obstoječimi pooblastili, sporazumi ali dogovori.

4. Ta sporazum v ničemer ne omejuje pogodbenic ali njunih pristojnih organov pri zaprosilih za informacije ali podatke ali pri njihovi izmenjavi po obstoječih sporazumih ali dogovorih.

## **IV. člen**

### **Postopki izmenjave podatkov**

1. Za namene izvajanja tega sporazuma je oseba za stike za Združene države uradnik iz Centra Združenih držav za spremljanje teroristov, za Republiko Slovenijo pa uradnik iz Uprave kriminalistične policije, Sektorja za mednarodno



policijsko sodelovanje. Vsaka pogodbenica pošlje natančne podatke in naslov osebe za stike ter drugih oseb, ki so zadolžene za obdelavo zadetkov, tehnične zadeve in popravilo stanja po tem sporazumu, v 30 dneh od začetka veljavnosti tega sporazuma. Vsaka pogodbenica pisno obvesti drugo pogodbenico o vseh spremembah glede oseb za stike.

2. Vsaka pogodbenica zagotovi dostop do svojih podatkov o spremljanju terorizma drugi pogodbenici najpozneje v 90 dneh od začetka veljavnosti tega sporazuma. Vsaka pogodbenica pošiljateljica redno posodablja te podatke.

3. Vsaka pogodbenica v skladu z drugim odstavkom tega člena redno posodablja podatke o spremljanju terorizma, vključno s popravki, in sicer takoj, ko je izvedljivo.

#### **V. člen**

##### **Tehnični postopki sodelovanja**

1. Center za spremljanje teroristov in Ministrstvo za notranje zadeve se v 90 dneh od začetka veljavnosti tega sporazuma dogovorita o tehničnih postopkih sodelovanja, skladnih z notranjimi zakoni in predpisi ter mednarodnimi obveznostmi vsake pogodbenice.

2. Delovni jezik sodelovanja po tem sporazumu je angleščina, če se pogodbenici ne dogovorita drugače.

#### **VI. člen**

##### **Uporaba in varstvo podatkov**

##### **Točnost podatkov**

1. Vsaka pogodbenica uporabi najnovejše podatke o spremljanju terorizma, ki jih po tem sporazumu prejme od druge pogodbenice za izvajanje spremljanja, povezanega s terorizmom. Pogodbenica prejemnica svoje evidence posodobi (tj. popravi, spremeni ali izbriše) čim prej po prejemu popravkov druge pogodbenice ali ko na drug način ugotovi, da je podatke treba popraviti, spremeniti ali izbrisati. Pogodbenica prejemnica soglaša, da podatkov, ki jih je prejela po tem sporazumu, ne bo uporabila ali se nanje sklicevala, če so jih nadomestili novi podatki ali če ta sporazum preneha veljati, razen v primerih iz 9. odstavka tega člena.

## Varstvo pred razkritjem

2. Pogodbenica prejemnica omeji dostop do podatkov, ki jih je prejela od pogodbenice pošiljateljice po tem sporazumu, le na svoje osebe in osebe pristojnih organov v skladu s potrebo po seznanitvi s podatki. Če pogodbenica pošiljateljica ne da pisnega soglasja, je vsako razkritje podatkov, prejetih po tem sporazumu, prepovedano, kar vključuje, a ni omejeno na:

- a. uporabo v katerem koli pravnem ali upravnem postopanju ali postopku, sodnem postopku ali postopku, podobnemu sodnemu postopku, ali v postopku, katerega posledica bi lahko bila javno razkritje;
- b. razkritje tuji vladi kot tretji strani;
- c. razkritje mednarodni organizaciji;
- d. razkritje zasebnim strankam, vključno osebi, na katero se nanašajo podatki o spremljanju terorizma in
- e. razkritje kakršnega koli podatka, da oseba je ali ni vključena v podatke o spremljanju terorizma, ki se pošiljajo po tem sporazumu.

3. Ob vsakem razmnoževanju, razširjanju ali sporočanju podatkov, ki jih Združene države pošljejo Republiki Sloveniji po tem sporazumu, razen imena, datuma rojstva, številke potnega lista, države izdaje potnega lista ali sedanjega in prejšnjega državljanstva, je treba priložiti izjavo o omejitvah uporabe in razkritja iz drugega odstavka tega člena.

4. Zaposila za soglasje k razkritju, ki je sicer po tem sporazumu prepovedano, se dajo po naslednjem postopku: če ima pogodbenica prejemnica interes, da se razkrijejo podatki o spremljanju terorizma, poslani po tem sporazumu, kar vključuje katero koli pravno ali upravno postopanje ali postopek, sodni postopek ali postopek, podoben sodnemu postopku, in/ali kakršen koli postopek, katerega posledica bi lahko bila javno razkritje, pogodbenica prejemnica najprej vzpostavi stik s pogodbenico pošiljateljico preko osebe za stike, ki od pristojnega organa, iz katerega podatek izvira, poskusi dobiti dovoljenje.

5. Pogodbenici se o vseh nejasnostih ali vprašanjih o razkritju podatkov, ki se izmenjujejo po tem sporazumu, posvetujeta kot je navedeno v 9. členu.

## **Varovanje podatkov**

6. Vsaka pogodbenica uporabi ustrezne elektronske in fizične varnostne ukrepe za nadzor dostopa do podatkov, prejetih po tem sporazumu, in te podatke ves čas hrani v varnem sistemu hrambe v skladu z notranjim pravom.

7. Vsaka pogodbenica si čim bolj prizadeva zagotoviti usposobljenost osebja, ki ima dostop do podatkov, pridobljenih po tem sporazumu, za izvajanje ukrepov, potrebnih za varovanje podatkov. Vsaka pogodbenica vodi evidenco oseb, ki jim je dovoljen dostop do podatkov druge pogodbenice, in drugo pogodbenico obvesti o vsakem poskusu nedovoljenega dostopa do teh podatkov ali njihove neprimerne uporabe ali razkritja.

8. Vsaka pogodbenica vodi evidenco sledljivosti o času prejema podatkov po tem sporazumu, obdobju hrambe podatkov in načinu njihove uporabe ter na zaprosilo pogodbenici pošiljateljici te podatke da na voljo.

9. Če katera koli pogodbenica ta sporazum odpove, pogodbenici, če je to izvedljivo, uničita vse podatke, ki sta jih dobili po tem sporazumu, razen če se pisno ne dogovorita drugače ali če je tako uničenje v nasprotju s predpisi pogodbenice o hrambi evidenc. Ne glede na določbe tega odstavka pogodbenici prejemnici ali njenim pristojnim organom ni prepovedano hraniti evidenc o zadetkih oseb, ki so bile identificirane na podlagi podatkov o spremljanju terorizma, ki jih je poslala pogodbenica pošiljateljica. Vsaka pogodbenica izvaja najstrožje razpoložljive ukrepe za uničenje občutljivih osebnih podatkov in/ali podatkov o nacionalni varnosti.

## **VII. člen Pregled in nadzor**

1. Vsaka pogodbenica pregleduje izpolnjevanje svojih obveznosti o varstvu podatkov po določbah tega sporazuma in se po potrebi z drugo pogodbenico dogovarja o vprašanih varstva in zaščite.

2. Ustrezni nadzorni organi ali druge pristojne organizacije, ustanovljene v skladu z notranjim pravom Slovenije, lahko glede podatkov o spremljanju terorizma, ki jih zagotavlja Slovenija po 2. členu tega sporazuma izvajajo nadzor nad zakonitostjo obdelave teh podatkov s strani Slovenije. Če ustrezni nadzorni organi ali druge pristojne organizacije v določenem primeru, po pritožbi osebe, na katero se podatki domnevno nanašajo, ugotovijo, da je Slovenija odgovorna za nezakonito obdelavo, netočnosti ali druge nepravilnosti, lahko ustrezni nadzorni organi ali druge pristojne organizacije le obvestijo pritožnika, da je bil

opravljen nadzor in da ne morejo niti potrditi niti zanikati, da so bili pritožnikovi podatki obdelani z namenom, da se pošljejo drugi pogodbenici tega sporazuma. Ustrezni nadzorni organi ali druge pristojne organizacije lahko sprejmejo druge upravne ukrepe ali ukrepe za odpravljanje nepravilnosti v skladu z notranjim pravom Slovenije, ki ne posegajo v določbe tega sporazuma. Izvedeni ukrepi ostanejo zaupni 5 let, vendar mora biti vsako razkritje podatkov o spremljanju terorizma, ki jih zagotovijo Združene države, skladno z določbami drugega in četrtega odstavka 6. člena.

3. Nadzorni organi lahko izmenjujejo informacije ali stališča o izvajanju svojih nadzornih pooblastil po tem sporazumu.

### **VIII. člen** **Dodatne določbe**

1. Pogodbenica, ki ugotovi morebitno ujemanje, naj o tem, če je izvedljivo, uradno obvesti drugo pogodbenico preko imenovanih oseb za stike, ki obravnavajo zadetke. Pričakuje se, da bodo te osebe, če je izvedljivo, na voljo 24 ur na dan, sedem dni v tednu. Pogodbenici se zavedata, da utegne biti tako obveščanje v nekaterih omejenih primerih neizvedljivo.

2. Vse pritožbe v zvezi s spremljanjem pogodbenica pošlje imenovani osebi za stike druge pogodbenice. Če je na voljo, jim priloži kopijo identifikacijskega dokumenta, na primer potnega lista ali drugega uradnega dokumenta s fotografijo, ki vsebuje osebno ime osebe, datum rojstva in državljanstvo, skladno z notranjim pravom vsake pogodbenice. Pogodbenica po potrebi popravi podatke, ki jih je zagotovila po tem sporazumu.

3. Pogodbenica prejemnica in njeni pristojni organi posamezniku ali drugi osebi ali subjektu – ob upoštevanju izjem iz drugega odstavka 7. člena – ne smejo razkriti, ali je ta posameznik vključen v podatke o spremljanju terorizma, pridobljene po tem sporazumu, lahko pa te podatke razkrijejo uradnikom pristojnega organa pogodbenice prejemnice v skladu s potrebo po seznanitvi s podatki.

4. Pogodbenica prejemnica in njeni pristojni organi lahko v primeru zadetka, ki je povezan z osebo, ki se ujema s podatki o spremljanju terorizma pogodbenice pošiljateljice, sprejmejo kakršne koli zakonsko dopustne ukrepe. Med zadetkom in po njem mora vsaka pogodbenica upoštevati povezane podatke, ki jih je poslala druga pogodbenica, ter morebitna zaprosila druge pogodbenice ali njenih pristojnih organov, da v zvezi z osebo, ki je pomenila zadek, sprejme posebne ukrepe ali jih opusti.

## **IX. člen**

### **Posvetovanje**

1. Pogodbenici se redno posvetujeta preko oseb za stike in s tem pospešujeta učinkovito izvajanje tega sporazuma ter po potrebi rešujeta spore.
2. Morebitni spori zaradi razlage, uporabe ali izvajanja tega sporazuma, ki jih ni mogoče rešiti s posvetovanjem med osebami za stike, se rešujejo po diplomatski poti.

## **X. člen**

### **Razmerje do drugih dogovorov**

1. Določbe tega sporazuma so v skladu z notranjimi zakoni in predpisi ter mednarodnimi obveznostmi pogodbenic in ne posegajo v druge sporazume ali dogovore, sklenjene med pogodbenicama, ali jih omejujejo, kar vključuje sporazume ali dogovore o policijskem sodelovanju, izmenjavi podatkov ali boju proti terorizmu.
2. Ta sporazum ne vpliva na obveznosti Republike Slovenije, ki izhajajo iz njenega članstva v Evropski uniji.
3. Ta sporazum ne omogoča zasebne pravice do tožbe.

## **XI. člen**

### **Spremembe sporazuma**

Pogodbenici se pisno dogovorita o spremembah tega sporazuma.

## **XII. člen**

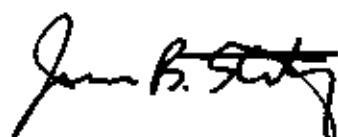
### **Veljavnost in prenehanje**

1. Ta sporazum in njegove spremembe začnejo veljati 30 dni od datuma zadnjega pisnega uradnega obvestila, s katerim se pogodbenici po diplomatski poti obvestita o izpolnitvi notranjepravnih zahtev za začetek veljavnosti. Na dan pošiljanja omenjenega zadnjega pisnega uradnega obvestila pogodbenica, ki ga je poslala, uradno obvesti imenovano osebo za stike druge pogodbenice, da je bilo pisno uradno obvestilo poslano.

2. Ta sporazum se sklene za nedoločen čas. Vsaka pogodbenica ga lahko kadar koli odpove s pisnim uradnim obvestilom po diplomatski poti. Odpoved začne veljati 30 dni po prejemu uradnega obvestila. Vse obveznosti in dogovori v zvezi z uporabo in razkritjem podatkov, prejetih po tem sporazumu pred prenehanjem njegove veljavnosti, veljajo tudi po prenehanju veljavnosti sporazuma.

Sestavljeno v dveh izvirnikih, v *Washington* dne *February 8*, 2011, v angleškem in slovenskem jeziku, pri čemer sta obe besedili enako verodostojni.

**ZA ZDRUŽENE  
DRŽAVE AMERIKE:**



**ZA REPUBLIKO  
SLOVENIJO:**

