

**LAW ENFORCEMENT**

**Cooperation**

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

Signed at Ljubljana September 13, 2012

*with*

Annex



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**

### **Law Enforcement: Cooperation**

*Agreement signed at Ljubljana*

*September 13, 2012;*

*Entered into force May 12, 2013,*

*with the exception of Articles 8 through 10.*

*In accordance with Article 25, Articles 8*

*through 10 may enter into force in the*

*future under conditions specified in Article 25.*

*With annex.*

**Agreement between  
the Government of the United States of America  
and  
the Government of the Republic of Slovenia  
On Enhancing Cooperation in  
Preventing and Combating Serious Crime**

The Government of the United States of America and the Government of the Republic of Slovenia (hereinafter “the Parties”),

Prompted by the desire to cooperate as partners to prevent and combat serious crime, particularly organized crime and terrorism, more effectively,

Recognizing that information sharing is an essential component in the fight against serious crime, particularly organized crime and terrorism,

Recognizing the importance of preventing and combating serious crime, particularly organized crime and terrorism, while respecting fundamental rights and freedoms under the applicable laws and international obligations of the respective parties, notably privacy and the protection of personal data and information,

Recognizing the interest of the United States and the European Union in negotiating an agreement on data protection in the law enforcement context, which might give rise to consultations regarding the potential impact of such an agreement on the provisions set forth below,

Recognizing the long history of cooperation between the Parties’ respective law enforcement agencies, and seeking to further enhance such mutual cooperation in the spirit of partnership,

Have agreed as follows:

**Article 1  
Definitions**

For the purposes of this Agreement,

1. “DNA profiles” (DNA identification patterns) shall mean a letter or numerical code representing a number of identifying features of the non-coding part of an analyzed human DNA sample, i.e. of the specific chemical form at the various DNA loci.
2. “Personal data” shall mean any information relating to an identified or identifiable natural person (the “data subject”). An identifiable person is one who can be identified directly or indirectly, in particular by reference to an identification number or to one or more factors specific to his or her physical, physiological, mental, economic, cultural, or social identity.

3. "Processing of personal data" shall mean any operation or set of operations which is performed upon personal data, whether or not by automated means, such as collection, recording, organization, storage, adaptation or alteration, sorting, retrieval, consultation, use, disclosure by supply, dissemination or otherwise making available, combination or alignment, blocking, or deletion through erasure or destruction of personal data. "Blocking" of personal data shall mean the marking of stored personal data with the aim of limiting their processing in the future.
4. "Reference data" shall mean a DNA profile and the related reference (DNA reference data) or fingerprinting data and the related reference (fingerprinting reference data). Reference data must not contain any data from which the data subject can be directly identified. Reference data not traceable to any individual (untraceables) must be recognizable as such.
5. "Serious crimes" shall mean, for purposes of implementing this Agreement, conduct constituting an offense punishable by a maximum deprivation of liberty of more than one year or a more serious penalty. To ensure compliance with the Parties' national laws, the Annex to this Agreement specifies applicable categories of serious crimes.

## **Article 2 Purpose of this Agreement**

1. The purpose of this Agreement is to enhance the cooperation between the United States and the Republic of Slovenia in preventing and combating serious crime.
2. The querying powers provided for under this Agreement shall be used only for the prevention, detection, investigation, and also prosecution and adjudication of a serious crime as defined in Article 1, paragraph 5, and only if particular and legally valid circumstances relating to a specific individual give reason to inquire whether that individual will commit or has committed such a serious crime.

## **Article 3 Fingerprinting data**

For the purpose of implementing this Agreement, the Parties shall ensure the availability of reference data from the file for the national automated fingerprint identification systems established for the prevention and investigation of criminal offenses. Reference data shall only include fingerprinting data and a reference code.

## **Article 4 Automated querying of fingerprint data**

1. For the prevention and investigation of serious crime referred to in Article 1, paragraph 5 of this Agreement, each Party shall allow the other Party's national contact points, as referred to in Article 7, access to the reference data in the automated fingerprint identification system, which it has established for that purpose, with the power to conduct

automated queries by comparing fingerprinting data. Queries may be conducted only in individual cases and in compliance with the querying Party's national law.

2. Comparison of fingerprinting data with reference data held by the Party in charge of the file shall be carried out by the querying national contact points by means of the automated supply of the reference data required for a clear match.
3. When needed to ensure accuracy, further analysis for the purpose of confirming a match of the fingerprinting data with reference data held by the Party in charge of the file may be carried out by the requested national contact points.

#### **Article 5**

##### **Alternative means to query using identifying data**

Until a secure electronic channel for the automated comparison of fingerprints becomes available to the Parties' points of contact, or in cases when such a channel is unavailable, queries may be conducted by alternative means that do not require the use of automated channels for the transmission of information between the Parties. Query powers shall be exercised in the same manner as provided in Article 4 and a clear match shall be treated the same as a firm match of fingerprinting data to allow for the supply of additional data as provided for in Article 6.

#### **Article 6**

##### **Supply of further personal and other data**

Should the procedure referred to in Article 4 show a match between fingerprinting data, or should the procedure utilized pursuant to Article 5 show a match, the supply of any available further personal data and other data relating to the reference data shall be governed by the national law of the requested Party and shall be supplied in accordance with Article 7.

#### **Article 7**

##### **National contact points and technical procedures for cooperation**

1. For the purpose of the supply of data as referred to in Articles 4 and 5, and the subsequent supply of further personal data as referred to in Article 6, each Party shall designate one or more national contact points. The contact point shall supply such data in accordance with the national law of the Party designating the contact point. Other available channels for assistance need not be used unless necessary, for instance to authenticate such data for purposes of its admissibility in judicial proceedings of the requesting Party.
2. The Parties shall agree on the technical procedures of cooperation consistent with each Party's domestic laws and regulations and international obligations.

**Article 8**  
**Automated querying of DNA profiles**

1. If permissible under the national law of both Parties, on the basis of reciprocity, and for the prevention and investigation of serious crime referred to in Article 1, paragraph 5 of this Agreement, each Party shall allow the other Party's national contact points, as referred to in Article 10, access to the DNA profile and reference code in the DNA analysis files, with the power to conduct automated queries by comparing DNA profiles. Queries may be conducted only in individual cases and in compliance with the querying Party's national law.
2. Should an automated query show that a DNA profile supplied matches a DNA profile entered in the other Party's file, the querying national contact point shall receive by automated notification the reference data for which a match has been found. If no match can be found, automated notification of this shall be given.
3. When needed to ensure accuracy, further analysis for the purpose of confirming a match of the DNA profiles may be carried out by the requested national contact points.

**Article 9**  
**Supply of further personal and other data**

Should the procedure referred to in Article 8 show a match between DNA profiles, the supply of any available further personal data and other data relating to the reference data shall be governed by the national law of the requested Party and shall be supplied in accordance with Article 10.

**Article 10**  
**National contact points and technical procedures for cooperation**

1. For the purposes of the supply of data as set forth in Article 8, and the subsequent supply of further personal data as referred to in Article 9, each Party shall designate a national contact point. The contact point shall supply such data in accordance with the national law of the Party designating the contact point. Other available channels for assistance need not be used unless necessary, for instance to authenticate such data for purposes of its admissibility in judicial proceedings of the requesting Party.
2. The Parties shall agree on the technical procedures of cooperation consistent with each Party's domestic laws and regulations and international obligations.

**Article 11**  
**Alternative means to query DNA files**

Until such a time that the laws of both Parties permit the type of automated DNA queries referred to in Article 8, or in cases when such a channel is unavailable, each Party will conduct a

search of its own DNA database (s) at the request of other Party, in accordance with the law and technical requirements of the requested Party.

### **Article 12**

#### **Supply of personal and other data in order to prevent serious crime, particularly organized crime and terrorism**

1. For the prevention of serious crime, particularly organized crime and terrorism, the Parties may, in compliance with their respective national law, in individual cases, even without being requested to do so, supply the other Party's relevant national contact point, as referred to in paragraph 4, with the personal data specified in paragraph 2, in so far as there exists a reasonable basis to believe that data subject(s):
  - a) will commit or has committed terrorist or terrorism related offenses, or offenses related to a terrorist group or association, as those offenses are defined under the supplying Party's national law; or
  - b) is undergoing or has undergone training to commit the offenses referred to in subparagraph a; or
  - c) will commit or has committed a serious criminal offense, or participates in an organized criminal group or association.
2. The personal data to be supplied may include, if available, surname, first names, former names, other names, aliases, alternative spelling of names, sex, date and place of birth, current and former nationalities/citizenships, passport number, numbers from other identity documents, and fingerprinting data, as well as criminal history or of the circumstances giving rise to the belief referred to in paragraph 1.
3. In addition to or in the absence of the personal data referred to in paragraph 2, the Parties may provide each other with non-personal data related to the offenses set forth in paragraph 1.
4. Each Party shall designate one or more national contact points for the exchange of personal and other data under this Article with the other Party's contact points. The powers of the national contact points shall be governed by the national law applicable.

### **Article 13**

#### **Privacy and Data Protection**

1. The Parties recognize that the handling and processing of personal data that they acquire from each other is of critical importance to preserving confidence in the implementation of this Agreement.
2. The Parties commit themselves to:



- a) processing personal data fairly, in accordance with their respective laws;
  - b) ensuring that the personal data provided are accurate, up-to-date, relevant and not excessive in relation to the specific purpose of the transfer;
  - c) protecting personal data on an equal basis and without unlawful discrimination;
  - d) retaining personal data only so long as necessary for the specific purpose for which the data were provided or further processed in accordance with this Agreement; and
  - e) bringing possibly inaccurate personal data to the attention of the receiving Party on a timely basis in order that appropriate corrective action is taken; corrective action may include also their blocking or deletion.
3. The supplying Party may, in compliance with its national law and international obligations, impose conditions on the use that may be made of such data by the receiving Party. If the receiving Party accepts such data, it shall be bound by any such conditions.
  4. Generic restrictions with respect to the legal standards of the receiving Party for processing personal data may not be imposed by the transmitting Party as a condition under paragraph 3 to providing data.
  5. Nothing in this Agreement shall provide a private right of action. Rights of individuals existing independently of this Agreement, including any rights under domestic law concerning access to and correction, blockage, and deletion of data are not affected.

#### **Article 14**

##### **Additional protection for transmission of sensitive personal data**

1. Personal data revealing racial or ethnic origin, political opinions or religious or other beliefs, trade union membership or concerning health and sexual life shall be considered “sensitive personal data” for purposes of this Agreement, and may only be provided in accordance with the provisions of this Article.
2. Sensitive personal data may be provided on a case-by-case basis if it is clearly relevant to the specific purposes of this Agreement.
3. The Parties, recognizing the special sensitivity of the sensitive personal data, shall take suitable safeguards, in particular appropriate security measures, in order to protect such data.

**Article 15**  
**Limitation on processing to protect personal and other data**

1. Without prejudice to Article 13, paragraph 3, each Party may process data obtained under this Agreement:
  - a) for the purposes listed in Article 2;
  - b) for preventing a serious threat to its public security;
  - c) in its non-criminal judicial or administrative proceedings directly related to criminal investigations undertaken in compliance with subparagraph (a);
  - d) for any other purpose consistent with this Agreement; or, with the prior consent of the Party which has transmitted the data.
2. The Parties shall not communicate data provided under this Agreement to any third State, international body or private entity without the consent of the Party that provided the data and without the appropriate safeguards.
3. A Party may conduct an automated query of the other Party's fingerprint or DNA files under Articles 4 or 8, and process data received in response to such a query, including the communication whether or not a hit exists, solely in order to:
  - a) establish whether the compared DNA profiles or fingerprint data match;
  - b) prepare and submit a follow-up request for assistance in compliance with national law, including the legal assistance rules, if those data match; or
  - c) conduct record-keeping, as required or permitted by its national law.
4. The Party administering the file may process the data supplied to it by the querying Party during the course of an automated query in accordance with Articles 4 and 8 solely where this is necessary for the purposes of comparison, providing automated replies to the query or record-keeping pursuant to Article 17. The data supplied for comparison shall be deleted immediately following data comparison or automated replies to queries unless further processing is necessary for the purposes mentioned under this Article, paragraph 3, subparagraphs (b) or (c).

**Article 16**  
**Correction, blockage and deletion of data**

1. At the request of the supplying Party, the receiving Party shall be obliged to correct, block, or delete, consistent with its national law, data received under this Agreement that

are incorrect or incomplete or if their collection or further processing contravenes this Agreement or the rules applicable to the supplying Party.

2. Where a Party becomes aware that data it has received from the other Party under this Agreement are not accurate, it shall take all appropriate measures to safeguard against erroneous reliance on such data, which shall include in particular supplementation, deletion, or correction of such data.
3. Each Party shall notify the other if it becomes aware that relevant material data it has transmitted to the other Party or received from the other Party under this Agreement are inaccurate or unreliable or are subject to significant doubt.

### **Article 17**

#### **Documentation on transmissions and processing of personal data**

1. Each Party shall log every supply and every receipt of personal data by the body administering the file and the searching body for the purpose of verifying whether the supply is consistent with this Agreement. Logging shall contain the following:
  - a) the reason for the supply;
  - b) information on the data supplied;
  - c) the date of the supply; and
  - d) the name or reference of the searching body and the body administering the file.
2. The following shall apply to automated queries for data based on Articles 4 and 8:
  - a) Only specially authorized officers of the national contact point may carry out automated queries. Each Party shall maintain records that allow it to identify the individuals initiating or carrying out such queries.
  - b) Each Party shall ensure that each supply and receipt of personal data by the body administering the file and the searching body is recorded, including communication of whether or not a hit exists. Recording shall include the following:
    - i) information on the data supplied;
    - ii) the date and time of the supply;
    - iii) the name or reference of the searching body and the body administering the file;
    - iv) the recipient of the data in case the data are supplied to other entities; and
    - v) the reason for the query.

3. The data recorded pursuant to paragraphs 1 and 2 shall be protected with suitable measures against inappropriate use and other forms of improper use and shall be kept for two years. After the end of such preservation period, the recorded data shall be deleted immediately, unless this is inconsistent with national law, including applicable data protection or privacy legislation, procedural rights legislation, and retention rules.

**Article 18**  
**Data security**

1. The Parties shall ensure that the necessary technical measures and organizational arrangements are utilized to protect personal data against accidental or unlawful destruction, accidental loss or unauthorized disclosure, alteration, access or any unauthorized form of processing. The Parties in particular shall reasonably take measures to ensure that only those authorized to access personal data can have access to such data.
2. The technical procedures for cooperation that govern the automated querying of fingerprint and DNA files pursuant to Articles 4 and 8 shall provide:
  - a) that appropriate use is made of modern technology to ensure data protection, security, confidentiality and integrity;
  - b) that encryption and authorization procedures recognized by the competent authorities are used when having recourse to generally accessible networks; and
  - c) for a mechanism to ensure that only permissible queries are conducted.

**Article 19**  
**Transparency in providing information to the data subjects**

1. Nothing in this Agreement shall be interpreted to interfere with the Parties' legal obligations, as set forth by their respective laws, to provide data subjects with information as to the purposes of the processing and the identity of the data controller, the recipients or categories of recipients, the existence of the right of access to and the right to rectify the data concerning him or her and any further information such as the legal basis of the processing operation for which the data are intended, the time limits for storing the data and the right of recourse, in so far as such further information is necessary, having regard for the purposes and the specific circumstances in which the data are processed, to guarantee fair processing with respect to data subjects.
2. Such information may be denied in accordance with the respective laws of the Parties, including if providing this information may jeopardize:
  - a) the purposes of the processing;

- b) investigations, prosecutions, or criminal proceedings conducted by the competent authorities in the United States or by the competent authorities in Slovenia; or
- c) the rights and freedoms of third parties.

**Article 20**  
**Oversight and monitoring**

1. Each Party monitors its respective compliance with the provisions of this Agreement pertaining to the protection of personal data and shall communicate with the other Party, as necessary and appropriate, regarding protection and security issues.
2. With regard to personal data provided by the Republic of Slovenia under this Agreement, the appropriate monitoring bodies or other competent organizations established in accordance with the domestic law of the Republic of Slovenia may perform monitoring concerning the legality of Slovenia's processing of that personal data. If in a specific case, following a complaint by a presumptive data subject or other information (ex officio monitoring), such monitoring by the appropriate monitoring bodies or other competent organizations establishes that the Republic of 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 personal data 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 the Republic of Slovenia that do not interfere with the provisions of this Agreement. The measures taken shall remain confidential for a period of 2 years.
3. The monitoring bodies of both Parties may exchange information or views concerning the implementation of their monitoring powers under this Agreement.

**Article 21**  
**Information**

Upon request, the receiving Party shall inform the supplying Party of the processing of supplied data and the result obtained. The receiving Party shall ensure that its answer is communicated to the supplying Party within a reasonable timeframe.

**Article 22**  
**Relation to other Agreements**

The provisions of this Agreement shall be implemented in accordance with each Party's domestic laws and regulations, and shall not prejudice or restrict the application of any other

treaty, agreement or arrangement allowing for information sharing between the Republic of Slovenia and the United States.

**Article 23**  
**Consultations**

1. The Parties shall consult each other regularly on the implementation of the provisions of this Agreement and, without prejudice to Article 25, on any relevant developments between the European Union and the United States of America concerning the protection of personal data in the law enforcement context.
2. In the event of any dispute regarding the interpretation or application of this Agreement, the Parties shall consult each other in order to facilitate its resolution.

**Article 24**  
**Expenses**

Each Party shall bear the expenses incurred by its authorities in implementing this Agreement. In special cases, the Parties may agree on different arrangements.

**Article 25**  
**Final provisions**

1. This Agreement shall enter into force 30 days after the date of the later note completing an exchange of diplomatic notes between the Parties indicating that each has fulfilled its internal legal requirements for its entry into force. Articles 8 through 10 shall not be effective until the date of the later note completing an exchange of diplomatic notes between the Parties indicating that each Party is able to implement those Articles on a reciprocal basis. This exchange shall occur if the laws of both Parties permit the type of DNA screening contemplated by Articles 8 through 10.
2. This Agreement may be amended at any time by the written consent of both Parties. Such amendments shall enter into force in accordance with Paragraph 1 of this Article.
3. This Agreement may be terminated by either Party with three months' notice in writing to the other Party. The provisions of this Agreement shall continue to apply to data supplied prior to such termination.

Done at Ljubljana, this 13<sup>th</sup> day of September 2012, in duplicate, in the English and Slovenian languages, both texts being equally authentic.

FOR THE GOVERNMENT OF  
THE UNITED STATES OF AMERICA:

FOR THE GOVERNMENT OF  
THE REPUBLIC OF SLOVENIA:

The image shows three handwritten signatures in black ink. The first signature on the left is a cursive signature, likely representing the United States. The second signature in the middle is a stylized, somewhat abstract signature. The third signature on the right is another cursive signature, likely representing the Republic of Slovenia.

Annex

**Categories of offenses included within the scope of the bilateral Preventing and Combating Serious Crime (PCSC) Agreement**

armed robbery	rop
arson	požig
assault with a deadly weapon	– ogrožanje z nevarnim orodjem pri pretepu ali prepiru – lahka telesna poškodba prizadeta z orožjem, nevarnim orodjem ali drugim sredstvom
burglary	kršitev nedotakljivosti stanovanja
computer related crime	– napad na informacijski sistem – zloraba informacijskega sistema
conspiracy or organized crime for offenses on this list	hudodelsko združevanje za dejanja s tega seznama, če se lahko izreče kazen več kot 3 leta zapora ali dosmrtnega zapora
corruption	– nedovoljeno sprejemanje daril – nedovoljeno dajanje daril – jemanje podkupnine – dajanje podkupnine – sprejemanje koristi za nezakonito posredovanje – dajanje daril za nezakonito posredovanje
counterfeiting and piracy of products	– preslepitev kupcev – neupravičena uporaba tuje oznake ali modela, tihotapstvo
counterfeiting currency	ponarejanje denarja
environmental crime, including illicit trafficking in endangered animal species and endangered plant species and varieties	– obremenjevanje ali uničenje okolja – onesnaževanje morja in voda s plovili – onesnaževanje pitne vode – uničenje nasadov s škodljivo snovjo – uničevanje gozdov – nezakonito ravnanje z zaščitnimi živalmi in rastlinami



extortion	izsiljevanje
facilitation of unauthorized entry and residence	prepovedano prehajanje meje ali ozemlja države
forgery of administrative documents and trafficking therein	– ponarejanje listin – posebni primeri ponarejanja listin
forgery of means of payment	– ponarejanje in uporaba ponarejenih vrednotnic ali vrednostnih papirjev – uporaba ponarejenega negotovinskega plačilnega sredstva
fraud	– goljufija – poslovna goljufija – goljufija na škodo Evropske unije
genocide	genocid
identity theft	prevzem identitete druge osebe z zlorabo osebnih podatkov
illicit trade in human organs and tissue	trgovina z ljudmi
illicit trafficking in cultural goods, including antiques and works of art	nedovoljen izvoz in uvoz stvari, ki so posebnega kulturnega pomena, ali naravne vrednote; poškodovanje ali uničenje stvari, ki so posebnega kulturnega pomena ali naravne vrednote
illicit trafficking in narcotic drugs and psychotropic substances, including illicit trafficking in hormonal substances and other growth promoters	neupravičena proizvodnja in promet s prepovedanimi drogami, nedovoljenimi snovmi v športu in predhodnimi sestavinami za izdelavo prepovedanih drog
illicit trafficking in nuclear or radioactive materials	protipravno ravnanje z jedrskimi ali drugimi nevarnimi radioaktivnimi snovmi
illicit trafficking in weapons, munitions and explosives	nedovoljena proizvodnja in promet orožja ali eksploziva
kidnapping, illegal restraint and hostage-taking	– ugrabitev – protipraven odvzem prostosti – jemanje talcev (vojna hudodelstva)
laundering of the proceeds of crime	pranje denarja
mayhem	posebno huda telesna poškodba
murder, grievous bodily harm	– umor –huda telesna poškodba

organized crime	hudodelsko združevanje
perjury	kriva izpovedba
racketeering and extortion	izsiljevanje
rape and other serious sexual assault	– posilstvo – spolno nasilje – spolna zloraba slabotne osebe
sabotage	sabotaža
sexual exploitation of children and child pornography	– spolni napad na osebo, mlajšo od petnajst let – prikazovanje, izdelava, posest in posredovanje pornografskega gradiva – zloraba prostitucije (mladoletna oseba) – spolna zloraba slabotne osebe
tax offences	davčna zatajitev
terrorism	terorizem
terrorism - related offenses (e.g. material support for terrorism)	– financiranje terorizma – ščuvanje in javno povelečevanje terorističnih dejanj – novačenje in usposabljanje za terorizem
trafficking and smuggling of human beings	– trgovina z ljudmi – spravljanje v suženjsko razmerje
theft, and theft-related offenses, including trafficking in stolen vehicles	– tatvina – velika tatvina – prikrivanje motornih vozil (prikrivanje)
unlawful seizure of aircraft or ships	ugrabitev zrakoplova ali plovila – piratstvo
war crimes	vojna hudodelstva

**Sporazum med  
Vlado Združenih držav Amerike  
in  
Vlado Republike Slovenije  
o krepitvi sodelovanja pri  
preprečevanju hudih kaznivih dejanj in v boju proti njim**

Vlada Združenih držav Amerike in Vlada Republike Slovenije (v nadaljnjem besedilu: pogodbenici) sta se,

ker ju je spodbudila želja, da kot partnerici sodelujeta pri učinkovitejšem preprečevanju hudih kaznivih dejanj, zlasti organiziranega kriminala in terorizma, in v boju proti njim,

ob zavedanju, da je izmenjava podatkov bistvena sestavina boja proti hudim kaznivim dejanjem, zlasti organiziranemu kriminalu in terorizmu,

ob priznavanju pomena preprečevanja hudih kaznivih dejanj, zlasti organiziranega kriminala in terorizma, in boja proti njim ter ob spoštovanju temeljnih pravic in svoboščin v skladu z veljavno zakonodajo in mednarodnimi obveznostmi obeh pogodbenic, predvsem zasebnosti ter varstva osebnih podatkov in informacij,

ob upoštevanju interesa Združenih držav in Evropske unije, da s pogajanjem uskladiata sporazum o varstvu podatkov v okviru odkrivanja in pregona kaznivih dejanj, ki bi bil lahko povod za posvetovanja o morebitnem vplivu takšnega sporazuma na spodnje določbe,

ob upoštevanju dolgoletnega sodelovanja med policijskimi organi pogodbenic in v prizadevanju za nadaljnjo krepitev vzajemnega sodelovanja v duhu partnerstva,

dogovorili:

**1. člen  
Opredelitve**

V tem sporazumu:

1. "profili DNK" (vzorci prepoznavanja DNK) pomenijo črkovno ali številčno kodo, ki predstavlja niz razločevalnih značilnosti nekodirajočega dela analiziranega vzorca človeške DNK, tj. posebno kemično obliko različnih lokusov DNK;
2. "osebni podatki" pomenijo vse podatke, ki se nanašajo na določeno ali določljivo fizično osebo ("posameznik, na katerega se podatki nanašajo"). Določljiva oseba je oseba, ki jo je mogoče neposredno ali posredno določiti, zlasti s sklicevanjem na identifikacijsko številko ali na enega ali več dejavnikov, značilnih za njeno fizično, fiziološko, psihološko, ekonomsko, kulturno ali socialno identiteto;
3. "obdelava osebnih podatkov" pomeni kakršen koli postopek ali niz postopkov, ki se izvajajo z osebnimi podatki, z avtomatiziranimi sredstvi ali brez njih, kot so zbiranje,

evidentiranje, urejanje, shranjevanje, prilagajanje ali spreminjanje, razvrščanje, priklic, vpogled, uporaba, razkritje s pošiljanjem, razširjanjem ali drugačno omogočanje dostopa, kombiniranje ali usklajevanje, blokiranje ali črtanje z izbrisom ali uničenje osebnih podatkov. "Blokiranje" osebnih podatkov pomeni označevanje shranjenih osebnih podatkov zaradi omejevanja njihove obdelave v prihodnosti;

4. "podatkovni zapis" pomeni profil DNK in nanj vezan sklic (podatkovni zapis o DNK) ali podatke o prstnih odtisih in nanje vezan sklic (podatkovni zapis o prstnih odtisih). Podatkovni zapisi ne smejo vsebovati podatkov, ki omogočajo neposredno identifikacijo posameznika, na katerega se nanašajo. Podatkovni zapisi, ki jih ni mogoče pripisati nobenemu posamezniku (nesledljivi podatki), morajo biti razpoznavni kot takšni;
5. "huda kazniva dejanja" pomenijo, za namene izvajanja tega sporazuma, kazniva dejanja, ki se kaznujejo z odvzemom prostosti za več kot eno leto ali strožjo kaznijo. Za zagotovitev skladnosti z notranjim pravom pogodbenic so veljavne kategorije hudih kaznivih dejanj navedene v prilogi tega sporazuma.

## **2. člen**

### **Namen sporazuma**

1. Namen tega sporazuma je krepitev sodelovanja med Republiko Slovenijo in Združenimi državami pri preprečevanju hudih kaznivih dejanj in v boju proti njim.
2. Pooblastila za poizvedovanje, ki jih določa ta sporazum, se uporabljajo le za preprečevanje, odkrivanje in preiskovanje hudih kaznivih dejanj, opredeljenih v petem odstavku 1. člena, pa tudi za njihov pregon in razsojanje o njih, ter le, če zaradi posameznih in pravno veljavnih okoliščin, povezanih z določeno osebo, obstaja razlog za poizvedovanje, ali bo ta oseba storila oziroma je storila tako hudo kaznivo dejanje.

## **3. člen**

### **Podatki o prstnih odtisih**

Za izvajanje tega sporazuma pogodbenici zagotovita razpoložljivost podatkovnih zapisov iz zbirke za nacionalne sisteme za avtomatsko prepoznavo prstnih odtisov, vzpostavljene za preprečevanje in preiskovanje kaznivih dejanj. Ti podatkovni zapisi vsebujejo zgolj podatke o prstnih odtisih in številko sklica.

## **4. člen**

### **Avtomatizirano iskanje podatkov o prstnih odtisih**

1. Za preprečevanje in preiskovanje hudih kaznivih dejanj iz petega odstavka 1. člena tega sporazuma vsaka pogodbenica nacionalnim točkam za stike druge pogodbenice iz 7. člena dovoli dostop do podatkovnih zapisov v svojem sistemu za avtomatsko prepoznavo prstnih odtisov, ki ga je vzpostavila v ta namen, s pooblastilom, da opravijo avtomatizirano primerjavo podatkov o prstnih odtisih. Iskanje se lahko izvede le v posameznih primerih in v skladu z notranjim pravom pogodbenice, ki ga izvaja.

2. Primerjavo podatkov o prstnih odtisih s podatkovnimi zapisi iz zbirke, ki jo upravlja pogodbenica, opravijo nacionalne točke za stike, ki izvajajo iskanje, na podlagi avtomatsko poslanih podatkovnih zapisov, ki so potrebni za nedvoumno potrditev ujemanja.
3. Zaprošene nacionalne točke za stike lahko izvedejo nadaljnjo analizo za potrditev ujemanja podatkov o prstnih odtisih s podatkovnimi zapisi iz zbirke, ki jo upravlja pogodbenica, če je to potrebno za zagotovitev točnosti.

#### **5. člen**

#### **Alternativni postopki iskanja z uporabo identifikacijskih podatkov**

Dokler točki za stike pogodbenic nimata varne elektronske poti za avtomatizirano primerjavo prstnih odtisov ali v primerih, ko taka pot ni na voljo, se iskanje lahko izvede na alternativni način, pri katerem uporaba avtomatiziranih poti za prenos podatkov med pogodbenicama ni potrebna. Pooblastila za iskanje se izvajajo na enak način, kot določa 4. člen, nedvoumna potrditev ujemanja pa se obravnava enako kot trdno ujemanje podatkov o prstnih odtisih, ki omogoča pridobitev dodatnih podatkov iz 6. člena.

#### **6. člen**

#### **Pošiljanje nadaljnjih osebnih in drugih podatkov**

Če se v postopku iz 4. člena ugotovi ujemanje podatkov o prstnih odtisih ali če se ujemanje ugotovi v postopku iz 5. člena, pošiljanje nadaljnjih osebnih in drugih podatkov, povezanih s podatkovnimi zapisi, ureja notranje pravo zaprošene pogodbenice in se izvede v skladu s 7. členom.

#### **7. člen**

#### **Nacionalne točke za stike in tehnični postopki sodelovanja**

1. Za pošiljanje podatkov iz 4. in 5. člena in naknadno pošiljanje nadaljnjih osebnih podatkov iz 6. člena vsaka pogodbenica imenuje eno ali več nacionalnih točk za stike. Točka za stike take podatke pošlje v skladu z notranjim pravom pogodbenice, ki jo je imenovala. Druge razpoložljive poti za pomoč se uporabijo le, če je to potrebno, na primer za potrditev pristnosti teh podatkov zaradi njihove dopustnosti v sodnih postopkih pogodbenice prosilke.
2. Pogodbenici se dogovorita o tehničnih postopkih sodelovanja skladno z njunimi notranjimi zakoni in drugimi predpisi ter mednarodnimi obveznostmi.

#### **8. člen**

#### **Avtomatizirano iskanje profilov DNK**

1. Če to dovoljuje notranje pravo obeh pogodbenic, na podlagi vzajemnosti in za preprečevanje in preiskovanje hudih kaznivih dejanj iz petega odstavka 1. člena tega sporazuma, vsaka pogodbenica nacionalnim točkam za stike druge pogodbenice iz 10.

člena dovoli dostop do profila DNK in številke sklica v zbirkah podatkov o analizah DNK, s pooblastilom za izvajanje avtomatizirane primerjave profilov DNK. Iskanje se lahko izvede le v posameznih primerih in v skladu z notranjim pravom pogodbenice, ki ga izvaja.

2. Če se med avtomatiziranim iskanjem pokaže ujemanje med poslanim profilom DNK in profilom DNK iz zbirke druge pogodbenice, nacionalna točka za stike, ki izvaja iskanje, z avtomatskim obvestilom prejme podatkovni zapis, s katerim je bilo ugotovljeno ujemanje. Tudi v primeru neujemanja se o tem pošlje avtomatsko obvestilo.
3. Zaprošene nacionalne točke za stike lahko izvedejo nadaljnjo analizo za potrditev ujemanja podatkov o profilih DNK, če je to potrebno za zagotovitev točnosti.

### **9. člen**

#### **Pošiljanje nadaljnjih osebnih in drugih podatkov**

Če se v postopku iz 8. člena ugotovi ujemanje podatkov o profilih DNK, pošiljanje nadaljnjih osebnih in drugih podatkov, povezanih s podatkovnimi zapisi, ureja notranje pravo zaprošene pogodbenice in se izvede v skladu z 10. členom.

### **10. člen**

#### **Nacionalne točke za stike in tehnični postopki sodelovanja**

1. Za pošiljanje podatkov iz 8. člena in naknadno pošiljanje nadaljnjih osebnih podatkov iz 9. člena vsaka pogodbenica imenuje nacionalno točko za stike. Točka za stike pošlje podatke v skladu z notranjim pravom pogodbenice, ki jo je imenovala. Druge razpoložljive poti za pomoč se uporabijo le, če je to potrebno, na primer za potrditev pristnosti teh podatkov zaradi njihove dopustnosti v sodnih postopkih pogodbenice prosilke.
2. Pogodbenici se dogovorita o tehničnih postopkih sodelovanja skladno z njunim notranjimi zakoni in drugimi predpisi ter mednarodnimi obveznostmi.

### **11. člen**

#### **Alternativni postopki iskanja v zbirkah DNK**

Dokler zakoni pogodbenic ne dopuščajo avtomatiziranega iskanja v zbirkah DNK iz 8. člena ali v primerih, ko taka pot ni na voljo, vsaka pogodbenica opravi iskanje v svoji zbirki (zbirkah) podatkov o DNK na zaprosilo druge pogodbenice ter v skladu z zakoni in tehničnimi pogoji zaprošene pogodbenice.

### **12. člen**

#### **Pošiljanje osebnih in drugih podatkov za preprečevanje hudih kaznivih dejanj, zlasti organiziranega kriminala in terorizma**

1. Za preprečevanje hudih kaznivih dejanj, zlasti organiziranega kriminala in terorizma, lahko pogodbenici v posameznih primerih, v skladu z njunim notranjim pravom,

nacionalni točki za stike druge pogodbenice iz četrtega odstavka pošljeta osebne podatke iz drugega odstavka, tudi če zanje nista zaproseni, če zaradi določenih okoliščin obstajajo utemeljeni razlogi za verjetnost, da posameznik, na katerega se podatki nanašajo:

- a) bo ali je storil kaznivo dejanje terorizma ali z njim povezano kaznivo dejanje ali kaznivo dejanje, povezano s teroristično skupino ali združbo, kakor so taka kazniva dejanja opredeljena v notranjem pravu pogodbenice pošiljateljice, ali
  - b) se usposablja ali se je usposabljal za izvrševanje kaznivih dejanj iz točke a) ali
  - c) bo ali je storil hudo kaznivo dejanje ali sodeluje v organizirani kriminalni skupini ali združbi.
2. Osebni podatki, ki se pošljejo, lahko – če so znani – vsebujejo, priimek, imena, prejšnja imena, druga imena, psevdonime, drugače črkovana imena, spol, datum in kraj rojstva, trenutno in prejšnje državljanstvo, številko potnega lista, številke drugih identifikacijskih dokumentov in podatke o prstnih odtisih ter tudi podatke o predhodnih obravnava storilca ali opis okoliščin, zaradi katerih obstaja verjetnost iz prvega odstavka.
  3. Poleg osebnih podatkov iz drugega odstavka ali kadar ti niso na voljo si lahko pogodbenici zagotovita druge podatke, povezane s kaznivimi dejanji iz prvega odstavka.
  4. Vsaka pogodbenica določi eno ali več nacionalnih točk za stike za izmenjavo osebnih in drugih podatkov iz tega člena s točkami za stike druge pogodbenice. Pooblastila nacionalnih točk za stike ureja veljavno notranje pravo.

### **13. člen**

#### **Zasebnost in varstvo podatkov**

1. Pogodbenici se zavedata, da sta ravnanje z osebnimi podatki, ki jih pridobita druga od druge, in njihova obdelava, odločilnega pomena za ohranitev zaupanja pri izvajanju tega sporazuma.
2. Pogodbenici se zavezujeta, da bosta:
  - a) osebne podatke obdelovali pošteno, v skladu z njuno zakonodajo;
  - b) zagotavljali, da so poslani osebni podatki točni, posodobljeni, ustrezni in ne pretirani glede na konkretni namen pošiljanja;
  - c) varovali osebne podatke na podlagi enakopravnosti in brez nezakonite diskriminacije;
  - d) hranili osebne podatke le tako dolgo, kolikor je potrebno za konkretni namen njihovega pošiljanja ali nadaljnje obdelave po tem sporazumu;
  - e) pogodbenico prejemnico pravočasno opozorili na morebitne netočne podatke, da se sprejmejo ustrezni ukrepi za odpravljanje nepravilnosti; ti lahko vključujejo tudi blokiranje ali izbris podatkov.

3. Pogodbenica pošiljateljica lahko v skladu s svojim notranjim pravom in mednarodnimi obveznostmi pogodbenici prejemnici določi pogoje uporabe podatkov. Če pogodbenica prejemnica take podatke sprejme, jo ti pogoji zavezujejo.
4. Pogodbenica pošiljateljica kot pogoj za pošiljanje podatkov po tretjem odstavku pogodbenici prejemnici ne sme določiti splošnih omejitev glede pravnih standardov obdelave osebnih podatkov.
5. Ta sporazum ne omogoča zasebne pravice do tožbe. Sporazum ne vpliva na pravice posameznikov, ki obstajajo neodvisno od tega sporazuma, vključno s pravicami, ki jih notranje pravo določa glede dostopa do podatkov ter popravkov, blokiranja in izbrisa podatkov.

#### **14. člen**

##### **Dodatna zaščita pri pošiljanju občutljivih osebnih podatkov**

1. V tem sporazumu osebni podatki, ki razkrivajo rasno ali etnično poreklo, politično, versko ali drugo prepričanje, članstvo v sindikatu ali ki se nanašajo na zdravje in spolno življenje, pomenijo "občutljive osebne podatke", ki se lahko pošljejo le v skladu z določbami tega člena.
2. Občutljivi osebni podatki se lahko pošljejo v posameznih primerih, če je jasno razvidno, da so ti pomembni za konkretne namene tega sporazuma.
3. Pogodbenici se zavedata posebne občutljivosti občutljivih osebnih podatkov in jih zaradi njihove zaščite primerno zavarujeta, zlasti z ustreznimi varnostnimi ukrepi.

#### **15. člen**

##### **Omejitve pri obdelavi podatkov zaradi varstva osebnih in drugih podatkov**

1. Ne glede na tretji odstavek 13. člena lahko vsaka pogodbenica obdeluje podatke, ki jih dobi po tem sporazumu:
  - a) za namene, navedene v 2. členu;
  - b) za preprečevanje resnega ogrožanja njene javne varnosti;
  - c) v svojih nekazenskih sodnih ali upravnih postopkih, ki se neposredno navezujejo na preiskovanje kaznivih dejanj, ki se izvajajo skladno s točko a);
  - d) za kateri koli drug namen po tem sporazumu ali ob predhodnem soglasju pogodbenice, ki je podatke poslala.
2. Pogodbenici podatkov, ki sta jih dobili po tem sporazumu, ne sporočata tretjim državam, mednarodnim organom ali zasebnim subjektom brez dovoljenja pogodbenice, ki je podatke poslala, in brez ustreznih jamstev.



3. Pogodbenica lahko izvede avtomatizirano iskanje v zbirkah prstnih odtisov ali zbirkah podatkov o DNK druge pogodbenice iz 4. ali 8. člena in obdeluje podatke, ki jih prejme kot odgovor na iskanje, vključno z obvestilom o obstoju ali neobstoju zadetka, le za:
  - a) ugotavljanje, ali se primerjani profili DNK ali podatki o prstnih odtisih ujemajo;
  - b) pripravo in predložitev nadaljnjega zaprosila za pomoč v skladu z notranjim pravom, vključno s pravili pravne pomoči, če se ti podatki ujemajo, ali
  - c) vodenje evidenc, kakor zahteva ali dovoljuje njeno notranje pravo.
4. Pogodbenica, ki upravlja zbirko podatkov, sme obdelovati podatke, ki jih je prejela od pogodbenice, ki je izvedla avtomatizirano iskanje v skladu s 4. in 8. členom, le, če je to potrebno za primerjavo, zagotavljanje avtomatskih odgovorov na iskanje ali vodenje evidence na podlagi 17. člena. Po končani primerjavi podatkov ali avtomatskih odgovorih na iskanje se podatki, poslani za primerjavo, izbrišejo takoj, razen če je nadaljnja obdelava potrebna za namene, navedene v točkah b) in c) tretjega odstavka tega člena.

## **16. člen**

### **Popravek, blokiranje in izbris podatkov**

1. Na zahtevo pogodbenice pošiljateljice mora pogodbenica prejemnica skladno s svojim notranjim pravom popraviti, blokirati ali izbrisati podatke, prejete po tem sporazumu, če so nepravilni ali nepopolni ali če se z njihovim zbiranjem ali nadaljnjo obdelavo krši ta sporazum ali pravila, ki jih uporablja pogodbenica pošiljateljica.
2. Če pogodbenica ugotovi, da podatki, ki jih je prejela od druge pogodbenice po tem sporazumu, niso točni, sprejme vse ustrezne ukrepe za zavarovanje pred zmotnim zaupanjem v te podatke, kar vključuje zlasti dopolnitev, izbris ali popravek teh podatkov.
3. Vsaka pogodbenica obvesti drugo pogodbenico, če ugotovi, da so vsebinsko pomembni podatki, ki jih je poslala drugi pogodbenici ali jih je od nje prejela po tem sporazumu, netočni ali nezanesljivi ali da v zvezi z njimi obstaja znaten dvom.

## **17. člen**

### **Dokumentacija o pošiljanju in obdelavi osebnih podatkov**

1. Vsaka pogodbenica evidentira vsako pošiljanje in vsak prejem osebnih podatkov s strani organa, ki upravlja zbirko podatkov, in organa, ki izvaja iskanje, zaradi preverjanja, ali je pošiljanje skladno s tem sporazumom. Evidentirajo se:
  - a) razlog za pošiljanje,
  - b) informacije o poslanih podatkih,
  - c) datum pošiljanja in
  - d) ime ali sklic na organ, ki izvaja iskanje, in na organ, ki upravlja zbirko podatkov.

2. Za avtomatizirano iskanje podatkov na podlagi 4. in 8. člena velja:
  - a) avtomatizirano iskanje smejo opravljati le posebej pooblaščenim uradnikom nacionalne točke za stike. Vsaka pogodbenica vodi evidenco, ki ji omogoča, da ugotovi, katere osebe so sprožile ali izvedle iskanje;
  - b) vsaka pogodbenica zagotovi, da se evidentira vsako pošiljanje in prejem osebnih podatkov s strani organa, ki upravlja zbirko podatkov, in organa, ki izvaja iskanje, vključno z obvestilom, ali zadetek obstaja ali ne. Evidentirajo se:
    - i) informacije o poslanih podatkih,
    - ii) datum in čas pošiljanja,
    - iii) ime ali sklic na organ, ki izvaja iskanje, in na organ, ki upravlja zbirko podatkov,
    - iv) prejemnik podatkov, če so podatki poslani drugim stranem, in
    - v) razlog za iskanje.
3. Podatki, evidentirani v skladu s prvim in drugim odstavkom, se varujejo z ustreznimi ukrepi proti neprimerni uporabi in drugim oblikam neustrezne uporabe ter se hranijo dve leti. Po poteku tega roka hrambe se evidentirani podatki nemudoma izbrišejo, razen če to ni v skladu z notranjim pravom, vključujoč veljavno zakonodajo o varstvu podatkov ali zasebnosti, zakone, ki določajo postopkovne pravice, in pravila o hrambi.

## **18. člen**

### **Varnost podatkov**

1. Pogodbenici zagotovita izvajanje potrebnih tehničnih in organizacijskih ukrepov za varstvo osebnih podatkov pred nenamernim ali nezakonitim uničenjem, nenamerno izgubo ali nepooblaščenim razkritjem, spremembo, dostopom ali katero koli nepooblaščenno obliko obdelave. Pogodbenici zlasti v razumni meri izvajata ukrepe, s katerimi zagotovita, da imajo dostop do osebnih podatkov le pooblaščen osebe.
2. Tehnični postopki sodelovanja, ki urejajo avtomatizirano iskanje v zbirkah prstnih odtisov in zbirkah DNK v skladu s 4. in 8. členom, določajo:
  - a) da se ustrezno uporablja sodobna tehnologija za zagotavljanje varstva in zaščite podatkov ter njihove zaupnosti in celovitosti;
  - b) da se pri uporabi javno dostopnih omrežij uporabljajo postopki kodiranja in izdaje dovoljenj, ki jih potrdijo za to pristojni organi, in
  - c) da se uporabi mehanizem, ki zagotavlja, da se izvaja le dopustno iskanje.

## **19. člen**

### **Preglednost pri zagotavljanju informacij posameznikom, na katere se podatki nanašajo**

1. Nobena določba tega sporazuma se ne razlaga kot poseganje v pravne obveznosti pogodbenic, določene z njunimi zakoni, da posameznikom, na katere se podatki nanašajo, zagotovijo informacije o namenu obdelave podatkov, identiteti upravljavca podatkov,

prejemnikih ali kategorijah prejemnikov, obstoju pravice dostopa do podatkov in pravice do popravka podatkov, ki se nanašajo nanje, in o vsakršnih nadaljnjih informacijah, kot so pravna podlaga postopka obdelave, za katerega so podatki namenjeni, roki za hrambo podatkov in pravica do ugovora, če so take nadaljnje informacije potrebne za zagotovitev poštene obdelave podatkov v zvezi s posamezniki, na katere se ti nanašajo, upoštevajoč namene in konkretne okoliščine, v katerih se podatki obdelujejo.

2. Pošiljanje takih informacij se lahko zavrne v skladu z zakoni pogodbenic, vključno s primeri, v katerih njihovo pošiljanje lahko ogrozi:
  - a) namene obdelave,
  - b) preiskave, pregone ali kazenske postopke, ki jih izvajajo pristojni organi v Sloveniji ali Združenih državah, ali
  - c) pravice in svoboščine tretjih oseb.

## **20. člen**

### **Pregled in nadzor**

1. Vsaka pogodbenica pregleduje izpolnjevanje svojih obveznosti o varstvu podatkov po določbah tega sporazuma in se po potrebi in če je to primerno z drugo pogodbenico dogovarja o vprašanih varstva in zaščite.
2. Ustrezni nadzorni organi ali druge pristojne organizacije, ustanovljene v skladu z notranjim pravom Republike Slovenije, lahko glede osebnih podatkov, ki jih zagotavlja Republika Slovenija po tem sporazumu, izvajajo nadzor nad zakonitostjo obdelave teh osebnih podatkov s strani Slovenije. Če ustrezni nadzorni organi ali druge pristojne organizacije v določenem primeru, po pritožbi posameznika, na katerega se podatki domnevno nanašajo, ali glede na druge informacije (nadzor po uradni dolžnosti) ugotovijo, da je Republika Slovenija odgovorna za nezakonito obdelavo, netočnosti ali druge nepravilnosti, smejo ustrezni nadzorni organi ali druge pristojne organizacije le obvestiti pritožnika, da je bil opravljen nadzor in da ne morejo niti potrditi niti zanikati, da so bili pritožnikovi osebni podatki obdelani z namenom, da se pošljejo drugi pogodbenici tega sporazuma. Ustrezni nadzorni organ ali druga pristojna organizacija lahko sprejme druge upravne ukrepe ali ukrepe za odpravljanje nepravilnosti v skladu z notranjim pravom Republike Slovenije, ki ne posegajo v določbe tega sporazuma. Izvedeni ukrepi ostanejo zaupni 2 leti.
3. Nadzorni organi obeh pogodbenic lahko izmenjujejo informacije ali stališča o izvajanju svojih nadzornih pooblastil po tem sporazumu.

## **21. člen**

### **Informacije**

Pogodbenica prejemnica na zaprosilo obvesti pogodbenico pošiljateljico o obdelavi poslanih podatkov in dobljenem rezultatu. Pogodbenica prejemnica zagotovi, da se odgovor pogodbenici pošiljateljici sporoči v razumnem roku.

**22. člen**  
**Razmerje do drugih sporazumov**

Določbe tega sporazuma se izvajajo v skladu z notranjimi zakoni in drugimi predpisi pogodbenic in ne posegajo v uporabo drugih pogodb, sporazumov ali dogovorov, ki omogočajo izmenjavo podatkov med Republiko Slovenijo in Združenimi državami, niti je ne omejujejo.

**23. člen**  
**Posvetovanje**

1. Pogodbenici se redno posvetujeta o izvajanju določb tega sporazuma in, brez vpliva na 25. člen, o katerem koli pomembnem razvoju dogodkov med Evropsko unijo in Združenimi državami Amerike na področju varstva osebnih podatkov v okviru odkrivanja in pregona kaznivih dejanj.
2. V primeru spora zaradi razlage ali uporabe tega sporazuma se pogodbenici posvetujeta, da bi olajšali njegovo reševanje.

**24. člen**  
**Stroški**

Vsaka pogodbenica krije stroške svojih organov, ki nastanejo pri izvajanju tega sporazuma. V posebnih primerih se lahko pogodbenici dogovorita drugače.

**25. člen**  
**Končne določbe**

1. Ta sporazum začne veljati 30 dni po datumu zadnjega uradnega obvestila, s katerim se pogodbenici po diplomatski poti obvestita o izpolnitvi notranjepravnih zahtev za začetek njegove veljavnosti. 8., 9. in 10. člen se začnejo uporabljati po datumu zadnjega uradnega obvestila, s katerim se pogodbenici po diplomatski poti obvestita, da sta obe zmožni izvajati te člene na podlagi vzajemnosti. Ti obvestili se izmenjata, ko zakoni obeh pogodbenic dopuščajo obdelavo DNK, predvideno v 8., 9. in 10. členu.
2. Ta sporazum se lahko kadar koli spremeni s pisnim soglasjem obeh pogodbenic. Spremembe začnejo veljati v skladu s prvim odstavkom tega člena.
3. Vsaka pogodbenica lahko kadar koli pisno odpove ta sporazum ob upoštevanju trimesečnega odpovednega roka. Določbe tega sporazuma se še naprej uporabljajo za podatke, prejete pred prenehanjem njegove veljavnosti.

Sestavljeno v Ljubljani, dne 13. septembra 2012, v dveh izvornikih, v angleškem in slovenskem jeziku, pri čemer sta obe besedili enako verodostojni.

ZA VLADO

ZDRUŽENIH DRŽAV AMERIKE:

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke at the end.

ZA VLADO

REPUBLIKE SLOVENIJE:

A handwritten signature in black ink, featuring a large, stylized initial 'S' followed by a few more strokes.

Priloga

**Kategorije kaznivih dejanj, vključene v obseg dvostranskega sporazuma o preprečevanju hujših kaznivih dejanj in boju proti njim (PCSC)**

rop	armed robbery
požig	arson
– ogrožanje z nevarnim orodjem pri pretepu ali prepiru – lahka telesna poškodba prizadeta z orožjem, nevarnim orodjem ali drugim sredstvom	assault with a deadly weapon
kršitev nedotakljivosti stanovanja	burglary
– napad na informacijski sistem – zloraba informacijskega sistema	computer related crime
hudodelsko združevanje za dejanja s tega seznama, če se lahko izreče kazen več kot 3 leta zapora ali dosmrtnega zapora	conspiracy or organized crime for offenses on this list
– nedovoljeno sprejemanje daril – nedovoljeno dajanje daril – jemanje podkupnine – dajanje podkupnine – sprejemanje koristi za nezakonito posredovanje – dajanje daril za nezakonito posredovanje	corruption
– preslepitev kupcev – neupravičena uporaba tuje oznake ali modela, tihotapstvo	counterfeiting and piracy of products
ponarejanje denarja	counterfeiting currency
– obremenjevanje ali uničenje okolja – onesnaževanje morja in voda s plovili – onesnaževanje pitne vode – uničenje nasadov s škodljivo snovjo – uničevanje gozdov – nezakonito ravnanje z zaščitnimi živalmi in rastlinami	environmental crime, including illicit trafficking in endangered animal species and endangered plant species and varieties
izsiljevanje	extortion
prepovedano prehajanje meje ali ozemlja države	facilitation of unauthorized entry and residence
– ponarejanje listin – posebni primeri ponarejanja listin	forgery of administrative documents and trafficking therein
– ponarejanje in uporaba ponarejenih vrednotnic ali vrednostnih papirjev – uporaba ponarejenega negotovinskega plačilnega sredstva	forgery of means of payment
– goljufija – poslovna goljufija – goljufija na škodo Evropske unije	fraud

genocid	genocide
prevzem identitete druge osebe z zlorabo osebnih podatkov	identity theft
trgovina z ljudmi	illicit trade in human organs and tissue
nedovoljen izvoz in uvoz stvari, ki so posebnega kulturnega pomena, ali naravne vrednote; poškodovanje ali uničenje stvari, ki so posebnega kulturnega pomena ali naravne vrednote	illicit trafficking in cultural goods, including antiques and works of art
neupravičena proizvodnja in promet s prepovedanimi drogami, nedovoljenimi snovmi v športu in predhodnimi sestavinami za izdelavo prepovedanih drog	illicit trafficking in narcotic drugs and psychotropic substances, including illicit trafficking in hormonal substances and other growth promoters
protipravno ravnanje z jedrskimi ali drugimi nevarnimi radioaktivnimi snovmi	illicit trafficking in nuclear or radioactive materials
nedovoljena proizvodnja in promet orožja ali eksploziva	illicit trafficking in weapons, munitions and explosives
– ugrabitev – protipraven odvzem prostosti – jemanje talcev (vojna hudodelstva)	kidnapping, illegal restraint and hostage-taking
pranje denarja	laundering of the proceeds of crime
posebno huda telesna poškodba	mayhem
– umor –huda telesna poškodba	murder, grievous bodily harm
hudodelsko združevanje	organized crime
kriva izpovedba	perjury
izsiljevanje	racketeering and extortion
– posilstvo – spolno nasilje – spolna zloraba slabotne osebe	rape and other serious sexual assault
sabotaža	sabotage
– spolni napad na osebo, mlajšo od petnajst let – prikazovanje, izdelava, posest in posredovanje pornografskega gradiva – zloraba prostitucije (mladoletna oseba) – spolna zloraba slabotne osebe	sexual exploitation of children and child pornography
davčna zatajitev	tax offences
terorizem	terrorism
– financiranje terorizma – ščuvanje in javno povečevanje terorističnih dejanj – novačenje in usposabljanje za terorizem	terrorism - related offenses (e.g. material support for terrorism)
– trgovina z ljudmi – spravljanje v suženjsko razmerje	trafficking and smuggling of human beings
– tatvina – velika tatvina	theft, and theft-related offenses, including trafficking in stolen vehicles

– prikrievanje motornih vozil (prikrievanje)	
ugrabitev zrakoplova ali plovila – piratstvo	unlawful seizure of aircraft or ships
vojna hudodelstva	war crimes