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## **Private Security Services Act**

(282/2002; amendments up to 765/2003 included)

### Chapter 1

#### **General provisions**

##### Section 1

###### *Purpose and scope of application*

The purpose of this Act is to ensure the quality and reliability of private security services and to promote cooperation between them and the authorities.

##### Section 2

###### *Definitions*

For the purposes of this Act:

- 1) *private security services* means guarding services and security services;
- 2) *guarding services* means carrying out guarding assignments on the basis of client contracts for the purpose of earning income;
- 3) *guarding* means the guarding of property, protection of personal inviolability, uncovering of crimes concerning a person or object under guard or the client, and supervision of such assignments;
- 4) *store monitoring* means the guarding of property for sale in a sales outlet;

- 5) *personal guarding* means guarding with the purpose of protecting a person's inviolability;
- 6) *security transport* means the guarding of valuable property in transport;
- 7) *guarding services supplier* means a natural or legal person engaging in guarding services;
- 8) *manager* means a person employed by a guarding services supplier, responsible for ensuring that the business is managed in accordance with provisions applicable to guarding services suppliers;
- 9) *guard* means a person carrying out guarding assignments in the service of a guarding services supplier;
- 10) *place of business* means a building, structure, room or other facility that a guarding services supplier uses for customer service, alarm monitoring or internal administration of the business;
- 11) *main place of business* means a place of business in which a supplier's guarding services are primarily offered or meant to be offered;
- 12) *area under guard* means real estate, buildings, rooms, structures or other public or private place or area or any part thereof specified in a client contract;
- 13) *person or object under guard* means a person, object or other property covered by a client contract for guarding;
- 14) *forcible means equipment* means firearms referred to in section 2 of the Firearms Act (1/1998), gas sprays referred to in section 11 of the Firearms Act, handcuffs, and batons with a maximum length of 70 centimetres or telescopic batons;
- 15) *telescopic baton* means a baton with a minimum length of 45 centimetres and a maximum of 70 centimetres when expanded and which can be collapsed for transport;
- 16) *representative* means a person in the service of the owner or holder of an area under guard;

17) *security* means the planning, installation, repair or alteration of structural protection or of electronic monitoring systems, and the planning of other security arrangements;

18) *security requiring certification* means security involving access to information on a client's security arrangements that has been classified confidential and may be used to effect entry into or substantially facilitate effecting entry into a place controlled by the client and closed from outsiders;

19) *security services* means managing security on the basis of client contracts for the purpose of earning income;

20) *security services supplier* means a natural or legal person engaging in security services;

21) *security officer* means a person in the service of a security services supplier carrying out security requiring certification.

## Chapter 2

### **Guarding services**

#### *Guarding services licence provisions*

### Section 3

#### *Guarding services licences*

A natural or legal person, referred to in section 1(1) or 1(2) of the Act on the Right to Carry on a Trade (122/1919), who has been granted the relevant licence (*guarding services licence*) may provide guarding services.

A guarding services licence entitles the holder to carry out guarding anywhere in the country. The licence is valid indefinitely.

Conditions and restrictions concerning time, location and guarding arising from the extent of the guarding services, the number and location of places of business of the guarding services supplier and other similar matters may be incorporated into a guarding services licence.

The bankrupt's estate or deceased's estate of a licence holder is entitled to continue the guarding services for a maximum of one year from the beginning of bankruptcy or from the date of death. The trustee of a bankrupt's estate and party to a deceased's estate or other estate administrator shall notify the Ministry of the Interior of a licence holder's bankruptcy or death within 30 days of the beginning of the bankruptcy or date of death.

#### Section 4

##### *Issuing guarding services licences*

Guarding services licences may be granted to natural persons who:

- 1) have reached the age of 18 years;
- 2) are known to be honest and dependable and whose personal characteristics make them suitable for the job;
- 3) are not in a state of bankruptcy or whose capacity to act has not been restricted; and
- 4) have sufficient assets to manage the business well.

Licences may be granted to legal persons provided:

- 1) they have sufficient assets to manage the business well; and
- 2) the persons in the legal person's administrative bodies, its managing director, the partners in a general partnership and the general partners in a limited partnership meet the requirements laid down in subsection 1(1)-(3).

Guarding services licences are issued by the Ministry of the Interior.

## Section 5

### *Amending the conditions and restrictions in guarding services licences*

The conditions and restrictions in guarding services licences may be amended on account of changes in the extent of guarding services, the number and location of the places of business operated by the guarding services supplier and other similar matters.

Amendments to the conditions and restrictions in guarding services are made by the Ministry of the Interior.

## Section 6

### *Notifications*

The Ministry of the Interior shall give notification of the guarding services licences it issues and the amendments it makes to the conditions and restrictions in the licences to the local police department within whose area of jurisdiction the applicant or licence holder has given notification of intention to establish places of business.

## Section 7

### *Notifications of change*

Guarding services suppliers shall submit a written notification (*notification of change*) to the Ministry of the Interior concerning:

- 1) the establishment or discontinuation of places of business and changes of address;
- 2) changes concerning persons in the company's administrative bodies, managing director, partners in a general partnership and general partners in a limited partnership;

3) discontinuation of operations or interruption thereof for a period longer than one month.

If possible, notifications of change shall be made before the changes take place and at the latest on the seventh day after the date of the change. Documents showing that a new replacement meets the requirements laid down in section 4(2) shall be appended to the notification referred to above in subsection 1(2).

The Ministry of the Interior shall report all notifications of change referred to in subsection 1(1) to the local police department within whose area of jurisdiction the main place of business of the guarding services supplier is located and to the local police department within whose jurisdiction the place of business referred to in the notification of change is located. Notifications of change referred to in subsection 1(2) shall be reported to the local police department under whose jurisdiction the company's main place of business is located. Notifications of change referred to in subsection 1(3) shall be reported to all the local police departments within whose areas of jurisdiction the company's places of business are located.

### *Good guarding practice*

#### Section 8

### *Client contract*

A written contract for the services provided (*client contract*) shall be drawn up before the supply of services begins, with the exception of services referred to in section 16(2). If, because of the urgent nature of the work, it has not been possible to draw up a contract before starting to supply the services, a contract shall be made at the latest on the second weekday after the commencement of the work.

Client contracts shall be kept for six years after the contract period has ended. If automatic data processing is used in recording the data, the information required for supervision shall be available in easily comprehensible form.

#### Section 9

*Prohibition on accepting contracts to maintain public order and security*

Guarding services suppliers may not accept contracts which include a commitment to maintain public order and security.

Guarding services suppliers may, however, accept contracts to perform the duties of security stewards referred to in the Security Stewards Act (533/1999).

Separate provisions are issued on security checks concerning air traffic and courts of law.

Section 10

*Relations with the authorities*

Guarding and guarding services must not impede the maintenance of public order and security, the prevention and investigation of a crime or the consideration of charges in the case of a crime.

On learning of a crime referred to in Chapter 15, section 10(1) of the Penal Code (39/1889) which has already been committed, a guard shall report it to the police without delay. The duty to report does not apply, however, if it would involve informing on any of the persons referred to in subsection 2 of the said section.

Section 11

*Prohibition on engaging in guarding services*

No person who is a member of the police force, the Frontier Guard or the Customs is allowed to engage in guarding services, to be a member of the administrative bodies of a guarding services supplier, to be managing director, partner, general partner or manager in a guarding services supplier, or to carry out guarding for the purpose of earning income.

Section 12

### *General principles to be observed in guarding*

Persons carrying out guarding assignments shall act properly and impartially, and promote a conciliatory spirit.

Guarding shall be carried out without causing more damage or harm than is necessary to do the job. In guarding, nobody's rights may be interfered with more than is necessary in order to do the job. Action taken in carrying out the job shall be justifiable in relation to the importance and urgency of the job and to the situation as a whole.

### Section 13

#### *Notifying the grounds for action*

In taking action when carrying out guarding assignments, the guard shall inform the person who is the target of the action or such a person's representative of the grounds for such action unless this is impossible on account of the person's condition or other circumstances.

If necessary, the person who was the target of the action or such a person's representative shall be directed to contact the manager in order to verify the correctness of the action. At the same time, the name and contact information of the manager shall be given for this purpose.

### Section 14

#### *Confidentiality*

Guarding services suppliers, managers and guards must not unjustifiably divulge or exploit for their own or another party's benefit or in order to harm another party anything they have learnt in the course of duty concerning the confidential security arrangements, business or professional secrets or privacy of any party to the contract. This obligation remains in force after the assignment is terminated.

## *Duties of the guarding services supplier*

### Section 15

#### *Manager*

Guarding services suppliers shall employ one or more managers with valid certification to act as managers of the guarding services supplier in question. The number of managers is decided by the Ministry of the Interior on the basis of the extent of the guarding services, the number and location of the places of business operated by the guarding services supplier and other similar matters. The Ministry of the Interior also decides on the areas of responsibility of the managers.

When submitting an application for a guarding services licence or immediately thereafter, applicants or holders of licences shall submit an application to the Ministry of the Interior for the certification of a manager. Guarding services must not begin before a manager has been certified for the guarding services supplier.

When a manager resigns or otherwise ceases to carry out the job, an application for the certification of a new manager shall be submitted within seven days of the termination of the previous manager's job.

One or more persons may be granted certification to act as deputy to a manager of a guarding services supplier when the manager is prevented from carrying out the duties.

### Section 16

#### *Carrying out guarding assignments*

Guarding services suppliers may only allow employees who have a valid guard certification to carry out guarding.

Notwithstanding the provisions of subsection 1, guarding services suppliers may subcontract part of the guarding to another guarding services supplier. The supplier that has made the client contract shall notify the client of such subcontracting before

the work is begun or at the latest on the second weekday after commencement of the work.

Guarding services suppliers may employ one temporary guard referred to in section 25(1) for every group of three guards, and one for any residual in excess of these groups of three, who have the training referred to in section 24(1)(2) and are carrying out guarding assignments.

## Section 17

### *Action reports*

In order to safeguard official supervision by the police and the legal protection of persons that the action is taken against as well as the clients' right of access to information, guards shall without delay draw up a written report of any incidents observed during guarding that have led to action (*action report*). Action reports shall detail the guard's observations and the action related to the incident in question. The surname, forenames, personal identity code and address data of the persons against whom action has been taken may be recorded in the report.

Guarding services suppliers shall keep action reports for five years after the date of preparation, after which they shall be destroyed. The stored reports shall be arranged in such a manner that all reports related to each contract can be produced without delay. If automatic data processing is used in storing the reports, the data required for supervision purposes shall be available in easily comprehensible form.

The client and the supervisory authority referred to in section 42 are entitled to receive copies of all action reports.

## Section 18

### *Personnel and work shift files*

In order to safeguard official supervision by the police, guarding services suppliers shall keep a file of managers and guards (*personnel file*) with the following information immediately available:

- 1) the surnames, forenames and personal identity codes of managers and guards;
- 2) the authorities that granted certification to the managers and guards and the duration of the certification period granted to the guards;
- 3) the training referred to in section 20(1)(2) given to the managers and training referred to in sections 24(1)(2), 25(1), 29(2) and 31(2) given to the guards;
- 4) information concerning guards' licences to possess firearms and gas sprays;
- 5) the dates of commencement and termination of the employment periods of managers and guards and the reasons for termination.

In order to safeguard official supervision by the authorities, the guarding services supplier shall organize work shift records in such a way that the supplier's documents show each guard's working hours and areas, and persons and objects under guard (*work shift file*). The surnames and forenames of the guards may be included in work shift files.

The information in the personnel files shall be destroyed five years after the termination of an employment contract and the information in the work shift files at the end of the second calendar year after drawing up the document. If automatic data processing is used in storing the information, the data required for supervision purposes shall be available in easily comprehensible form.

## Section 19

### *Work instructions*

Guarding services suppliers shall have general written instructions for guards to carry out guarding correctly and safely (*work instructions*). If the circumstances concerning the area, person or object under guard so require, guarding services suppliers shall also have separate work instructions for the individual areas, persons or objects under guard.

Guarding services suppliers shall display the work instructions in all their places of business and, if necessary, ensure that guards have the opportunity to view them in the areas under guard and near the persons and objects under guard.

### *Certification as manager and as guard*

#### Section 20

##### *Manager certification*

Manager certification can be granted to guarding services suppliers or persons employed by guarding services suppliers who:

- 1) have reached the age of 18 years;
- 2) have satisfactorily completed such sections of the vocational qualification for a security supervisor or of a corresponding specialist vocational qualification under the Act on Vocational Adult Education (631/1998) as meet the requirements laid down by the Ministry of the Interior and include at least instruction related to guarding services and criminal and process law (*manager training*); and
- 3) are known to be honest and dependable and have personal characteristics that make them suitable for the job of manager.

Manager certification is in force indefinitely. Its validity ceases, however, once the person gives up the duties of manager.

If there is special reason, conditions and restrictions concerning time, location and guarding arising from training, personal characteristics and other similar matters may be incorporated into the manager certification.

Manager certification is granted by the Ministry of the Interior.

#### Section 21

##### *Temporary manager certification*

A person who has not undergone manager training may, provided the requirements laid down in section 20(1)(1) and 20(1)(3) are met, be certified as manager for a maximum period of one year (*temporary manager*) if the manager should die or fall ill or need to be replaced for some other unexpected reason.

If there is special reason, the conditions and restrictions referred to in section 20(3) may be incorporated into the temporary manager certification.

Temporary manager certification is granted by the Ministry of the Interior.

## Section 22

### *Amending the conditions and restrictions in manager certification*

Conditions and restrictions incorporated into manager certification may be amended on the basis of changes in the manager's training, personal characteristics or other similar matters.

Conditions and restrictions incorporated into the manager certification are amended by the Ministry of the Interior.

## Section 23

### *Notifications*

The Ministry of the Interior shall give notification of manager certification and of amendments to the conditions and restrictions in the manager certification to the local police department within whose area of jurisdiction the places of business that the manager is responsible for are located.

## Section 24

### *Guard certification*

Guard certification can be granted to persons who:

- 1) have reached the age of 18 years but not yet 65 years;
- 2) have satisfactorily completed such sections of the vocational guard's qualification or of a corresponding vocational qualification under the Act on Vocational Adult Education as meet the requirements laid down by the Ministry of the Interior and include at least instruction related to guarding, guarding services, the rights and obligations of guards and guarding duties (*basic guard training*); and
- 3) are known to be honest and dependable and have personal characteristics that make them suitable for the job of guard.

Guard certification remains in force for five years. Its validity ceases, however, once the person reaches the age of 65 years.

If there is special reason, conditions and restrictions concerning time, location and guarding arising from training, personal characteristics and other similar matters may be incorporated into the guard certification.

Notwithstanding the provisions of subsection 1(2), persons who have completed previous training equivalent to basic guard training may be granted renewed certification if they apply for guard certification within three months of the termination of the previous certification.

Guard certification is granted by the local police department of the applicant's municipality of residence. Guard certification cancels out any previous certification still in force.

## Section 25

### *Temporary guard certification*

Persons who have not undergone basic guard training may, if the requirements laid down in section 24(1)(1) and 24(1)(3) are met, be certified as guards for a maximum period of four months during one calendar year (*temporary guard*) provided they have satisfactorily completed such sections of the vocational guard's qualification or of a

corresponding vocational qualification under the Act on Vocational Adult Education as meet the requirements laid down by the Ministry of the Interior and include at least the basics of the instruction referred to in section 24(1)(2) (*temporary guard training*).

If there is special reason, the conditions and restrictions referred to in section 24(3) may be incorporated into the temporary guard certification.

Temporary guard certification is granted by the local police department of the applicant's municipality of residence.

## Section 26

### *Amending the conditions and restrictions in guard certification*

The conditions and restrictions incorporated into guard certification may be amended on the basis of changes in the guard's training, personal characteristics or other similar matters.

The conditions and restrictions incorporated into guard certification are amended by the local police department within whose area of jurisdiction the guard's municipality of residence is located.

## Section 27

### *Application for guard certification*

Applications for guard certification shall be submitted in person. Applications can also be submitted to a local police department other than the one in the applicant's municipality of residence.

### *Rights and obligations of guards*

## Section 28

### *Rights of guards*

Guards have the right to remove a person from the area under guard if the person to be removed refuses to obey a request to leave made by the owner or holder of the area under guard or by the owner's or holder's representative or if it is obvious that the person to be removed has no right to be in the area under guard and the guard has requested the person in question to leave.

In carrying out guarding assignments, guards have the right to apprehend an offender caught in the act of committing an offence or in the process of escape if the offence may result in imprisonment or is a petty assault, petty theft, petty embezzlement, petty unauthorized use, petty stealing of a motor vehicle for temporary use, petty criminal damage or petty fraud. Guards may also apprehend persons for whom a warrant for arrest or detention has been issued by the authorities. Persons apprehended shall be surrendered to the police without delay. (616/2002)

In exercising their right of apprehension, guards are entitled to frisk persons apprehended and any goods they are carrying, in order to ensure that they are not carrying any objects or substances that they might use to pose a danger to themselves or others. Guards have the right to remove any dangerous objects or substances found in such a search. All objects or substances thus removed shall be surrendered to the police without delay.

If a person to be removed, apprehended or searched for security reasons resists such removal, apprehension or security check in order to avoid it, guards have the right to resort to such forcible means as are necessary to remove, apprehend or search such a person and can be considered justifiable in view of the person's behaviour and other circumstances. Provisions on the excessive use of forcible means are laid down in Chapter 4, sections 6(3) and 7 of the Penal Code. (540/2003)

## Section 29

### *Carrying forcible means equipment*

Guards carrying out guarding assignments must not carry forcible means equipment unnecessarily. Firearms may be carried only in personal guarding or security transport and when guarding a person or object that is significant in terms of the public interest and the circumstances of the assignment render it necessary to carry firearms.

Firearms, gas sprays and telescopic batons may only be carried by guards who have undergone special forcible means training meeting the requirements approved by the Ministry of the Interior and have annually demonstrated evidence of sufficient skill in handling and shooting firearms. Temporary guards are not allowed to carry firearms.

Decisions concerning the carrying of firearms and gas sprays are made by managers separately for each contract. If guards make use of a firearm when carrying out guarding assignments, the guarding services supplier shall inform the local police of the place of use without delay.

Guarding services suppliers whose guards carry forcible means equipment when carrying out guarding assignments shall provide training for their guards at least once a year, in which the content of provisions on the use of forcible means is repeated and the use of forcible means equipment practised.

## Section 30

### *Manner of carrying forcible means equipment*

Guards shall carry their forcible means equipment under their uniform so that it cannot be seen by others.

If it is not possible to carry forcible means equipment under the guard's uniform, it can, with the exception of firearms, be carried in a closed case attached to the belt. Batons may, however, be carried in a visible place if their size renders it impossible to carry them under the uniform or in closed cases. Firearms may be carried in a way that is visible to others only if the assignment or the dangerous nature of the situation exceptionally calls for it.

If uniforms other than guard uniforms are used in guarding, all forcible means equipment shall be carried under the clothing so that it cannot be seen by others.

## Section 31

### *Being accompanied by a dog*

Guards may not unnecessarily be accompanied by dogs when carrying out guarding assignments.

If it is necessary to be accompanied by a dog when guarding, a guard may be accompanied by one dog:

- 1) which has passed an obedience test meeting the requirements approved by the Ministry of the Interior;
- 2) whose handler in the obedience test was the guard in question;
- 3) which is at least two but not more than 10 years old;
- 4) which has been registered and identity-marked so that it can be reliably identified;
- 5) which the guard can control; and
- 6) which has not displayed characteristics unsuitable for a dog accompanying a guard on duty.

A guard may be accompanied on duty by a dog meeting the requirements of subsection 2 for two years after passing the test referred to in paragraph 1.

Temporary guards may not be accompanied by a dog.

The manager decides separately for each contract whether a guard may be accompanied by a dog.

## Section 32

### *Using a guard uniform*

Guards shall wear guard uniforms when carrying out guarding assignments. A guarding services supplier's guards who perform similar duties shall all be dressed in a similar manner.

If an assignment so requires, guards may wear uniforms other than guard uniforms in store monitoring and other similar duties related to uncovering crimes, personal guarding and security transport. Decisions on using uniforms other than guard uniforms are made by the manager separately for each contract.

Guard uniforms can only be worn by guards carrying out guarding assignments. Uniforms shall be taken care of so that none of the uniform's accessories fall into the hands of unauthorized parties.

### Section 33

#### *Guard uniform*

Guard uniforms must be well-kept and appropriate. A guard shall be identifiable as a guard. The uniform shall display the name of the guarding services supplier employing the guard.

Guard uniforms and any insignia or text attached to them shall be easily distinguished from the uniforms and military uniforms of the police, the Frontier Guard, the Customs, the Prison Administration and rescue services and the official insignia or text attached to them.

The Ministry of the Interior may ban the use of a uniform, insignia or text if it does not accord with this Act or a Government decree issued under this Act.

### Section 34

#### *Guard identity card*

Persons certified as a guard are issued with a guard identity card by the local police department of their municipality of residence. Guards shall carry the card with them when performing guarding assignments and show it on request.

Guards shall apply without delay to the local police department of their municipality of residence for a duplicate copy of their guard identity card if their personal data has changed, if they have for the first time satisfactorily completed the training laid down

in section 29(2) or section 31(2) and such data has not been entered in the guard identity card, if the validity period of the data concerning the completion of training laid down in section 29(2) or section 31(2) has expired, or if the card has been lost or damaged.

The guard identity card shall be surrendered to the police immediately if the guard certification is cancelled or if a guard is issued with a new guard identity card during the period of validity of the certification entered on the previous card.

## Chapter 3

### **Security services**

#### Section 35

##### *Managing security*

Security services suppliers may assign security requiring certification only to employees who have valid security officer certification.

Notwithstanding the provisions of subsection 1, a security services supplier may subcontract security requiring certification to another security services supplier. The security services supplier subcontracting such security shall notify the client of such a subcontract before the work begins or at the latest on the second weekday after the beginning of the work.

#### Section 36

##### *Service certificate*

If a separate written client contract is not drawn up on security requiring certification, the client or the client's representative shall be given a written certificate (*service certificate*).

#### Section 37

### *Security officer certification*

Security officer certification may be granted to persons who:

- 1) have reached the age of 18 years;
- 2) are known to be honest and dependable and whose personal characteristics make them suitable for the job; and
- 3) are carrying out security assignments or have enrolled in security training.

Security officer certification remains in force for a maximum of five years.

If there is special reason, conditions and restrictions concerning time, location and security arising from training, personal characteristics and other similar matters may be incorporated into security officer certification.

Security officer certification is granted by the local police department in the applicant's municipality of residence. When certification is granted, any previous certification still in force is cancelled.

### Section 38

#### *Amending the conditions and restrictions in security officer certification*

The conditions and restrictions incorporated into security officer certification can be amended on the basis of changes in the security officer's training, personal characteristics or other similar matters.

The conditions and restrictions incorporated into security officer certification are amended by the local police department within whose area of jurisdiction the security officer's municipality of residence is located.

### Section 39

### *Application for security officer certification*

Applications for security officer certification shall be submitted in person. Applications can also be submitted to a police department other than the local police department of the applicant's municipality of residence.

### Section 40

#### *Security officer identity card*

A person certified as a security officer is issued with a security officer identity card by the local police department of the security officer's municipality of residence. Security officers shall carry the card with them when performing guarding assignments and show it on request.

Security officers shall apply without delay to the local police department of their municipality of residence for a duplicate copy of their security officer identity card if their personal data has changed or if the card has been lost or damaged.

The security officer identity card shall be surrendered to the police immediately if the security officer certification is cancelled or if the security officer is issued with a new security officer identity card during the period of validity of the certification entered on the previous card.

### Section 41

#### *Confidentiality*

Security services suppliers or security officers must not unjustifiably divulge or exploit for their own or another party's benefit or in order to harm another party anything they have learnt in the course of duty concerning the confidential security arrangements, business or professional secrets or privacy of any party to the contract. This obligation remains in force after the work is terminated.

### Chapter 4

## **Supervision of private security services**

### Section 42

#### *Supervision*

The Ministry of the Interior is responsible for general guidance and supervision concerning private security services.

The Provincial Police Command and the District Police are responsible for supervision of the operations of private security services, managers, guards and security officers within their area of jurisdiction.

The local police department shall inspect the guarding services supplier's places of business within its area of jurisdiction at least every second year. The minutes drawn up on the inspection shall be submitted to the Ministry of the Interior.

### Section 43

#### *Right to access information*

The Ministry of the Interior, the Provincial police command and the local police department have the right to obtain from guarding and security services suppliers information required for supervision purposes concerning the supplier's activities, personnel, financial status and other similar matters, notwithstanding the business confidentiality binding on corporate members, auditors, managing directors, members of the board of directors or employees.

### Section 44

#### *Security sector supervision information (765/2003)*

The police maintain information on guarding services suppliers, the persons and managers referred to in section 4(2)(2), guards, security officers, security stewards referred to in section 1 of the Security Stewards Act, and providers of the forcible

means training referred to in section 29(2) of this Act (*security sector supervision information*). Further provisions on security sector supervision information are given in the Act on the Processing of Personal Data by the Police (761/2003) and the Government Decree on the Processing of Personal Data by the Police.

## Section 45

### *Annual report*

Guarding services suppliers shall submit a written report on each calendar year to the Ministry of the Interior by the end of the following January comprising:

- 1) the number of contracts;
- 2) the number of places of business and personnel;
- 3) information on the persons who have acted as managers and guards during the calendar year;
- 4) information on the guarding services suppliers' and guards' licences to possess firearms and gas sprays, on the contracts under which guards have carried firearms or been accompanied by a dog or worn uniforms, other than guard uniforms, and on situations in which a guard has used a firearm, gas spray or dog as forcible means equipment.

The Ministry of the Interior shall provide information on the annual reports to the local police department within whose area of jurisdiction the guarding services suppliers' places of business are located.

## Section 46

### *Cancellation of guarding services licence*

The Ministry of the Interior shall cancel a guarding services licence if:

- 1) the licence holder so requests;

- 2) the guarding services have been discontinued; or
- 3) the licence holder no longer meets the requirements laid down in section 1(1) or 1(2) of the Act on the Right to Carry on a Trade.

A guarding services licence can be cancelled altogether or for a fixed period if:

- 1) the guarding services are interrupted for longer than three months;
- 2) the licence holder, as a result of significant changes in circumstances, no longer meets the requirements laid down in sections 4(1)(2), 4(1)(3), 4(1)(4) or 4(2) and has not corrected the deficiency within the fixed period that may have been set for it;
- 3) the guarding services supplier or a person referred to in section 4(2)(2) has been sentenced under a legally final judgement for a crime that shows the person to be unsuitable for the job, or if such a person has intentionally acted wrongly to a significant degree in guarding services; or
- 4) the licence holder has substantially violated essential conditions or restrictions in the guarding licence.

In cases referred to in subsection 2, the Ministry of the Interior may, instead of cancelling the licence, issue an admonition to the licence holder if cancellation of the licence would be unreasonable under the circumstances.

The Ministry of the Interior shall notify the local police departments within whose area of jurisdiction a guarding services supplier has places of business of any guarding services licence cancellation or any warning issued. (765/2003)

## Section 47

### *Cancellation of manager certification*

The Ministry of the Interior shall cancel manager certification if so requested by the guarding services supplier or the manager.

Manager certification can be cancelled altogether or for a fixed period if:

- 1) on account of essential changes in circumstances, the person certified as manager no longer meets the requirements laid down in section 20(1)(3);
- 2) the manager has been sentenced under a legally final judgement for a crime that shows the person to be unsuitable for the job, or if such a person has intentionally acted wrongly to a significant degree as manager; or
- 3) the manager has substantially violated essential conditions or restrictions in the manager certification.

In cases referred to in subsection 2, the Ministry of the Interior may, instead of cancelling the certification, issue a warning to the manager if cancellation of the manager certification would be unreasonable under the circumstances. (765/2003)

The Ministry of the Interior shall notify the guarding services supplier in whose service the manager is employed of any cancellation of the manager certification or any warning issued. (765/2003)

## Section 48

### *Cancellation of guard and security officer certification*

The local police department within whose area of jurisdiction the guard's or security officer's municipality of residence is located shall cancel the guard or security officer certification if so requested by the guard or security officer.

Guard or security officer certification can be cancelled altogether or for a fixed period if:

- 1) on account of essential changes in circumstances, the guard or security officer no longer meets the requirements laid down in section 24(1)(3) or section 37(1)(2);
- 2) the guard or security officer has been sentenced under a legally final judgement for a crime that shows this person to be unsuitable for the job, or if such a person has intentionally acted wrongly to a significant degree as a guard or security officer; or

3) the guard or security officer has substantially violated essential conditions or restrictions in the guard or security officer certification.

In cases referred to in subsection 2, the local police department may, instead of cancelling the certification, issue a warning to the guard or security officer if cancellation of the certification would be unreasonable under the circumstances. (765/2003)

The local police department shall notify the guarding or security services supplier in whose service the guard or security officer is employed of any cancellation of the guard or security officer certification or any warning issued. (765/2003)

#### Section 49

##### *Temporary cancellation of guarding services licence and manager certification*

The Ministry of the Interior may temporarily cancel a guarding services licence or manager certification if the police learn of facts that are likely to lead to full cancellation of the guarding services licence or manager certification.

Decisions to temporarily cancel a guarding services licence or manager certification remain in force for a maximum of three months. The Ministry of the Interior may extend the validity period of the decision by a maximum of six months at a time if the guarding services supplier, manager or persons referred to in section 4(2)(2) are suspected of a crime that is likely to lead to cancellation of a guarding services licence or manager certification.

The Ministry of the Interior shall notify the local police departments within whose area of jurisdiction the guarding services supplier has places of business of any temporary cancellation of a guarding services licence, and the guarding services suppliers in whose service the manager is employed of any temporary cancellation of manager certification. (765/2003)

#### Section 50

##### *Temporary cancellation of guard and security officer certification*

A commanding police officer may temporarily cancel guard or security officer certification if the police learn of facts that are likely to lead to full cancellation of the guard or security officer certification.

If guard or security officer certification has been cancelled or if grounds exist for temporary cancellation of guard or security officer certification, a police officer may take possession of the guard or security officer identity card in order to surrender it to a commanding police officer, who shall within 14 days decide whether guard or security officer certification should be cancelled temporarily. A police officer may also take possession of a guard or security officer identity card when guard or security officer certification has been cancelled. To effect this, a frisk may be carried out, notwithstanding the provisions of Chapter 5, section 10 of the Coercive Measures Act (450/1987).

Temporary cancellation of guard or security officer certification shall be reported without delay to the local police department of the guard's or security officer's municipality of residence. Decisions temporarily cancelling guard or security officer certification remain in force for a maximum of three months. The local police department within whose area of jurisdiction the guard's or security officer's municipality of residence is located may extend the validity period of the decision by six months at a time if the guard or security officer is suspected of a crime that is likely to lead to cancellation of guard or security officer certification.

The local police department shall notify the guarding or security services supplier in whose service the guard or security officer is employed of any temporary cancellation of guard or security officer certification or taking possession of a guard or security officer identity card. (765/2003)

## Chapter 5

### **Advisory Board on the Security Sector**

#### Section 51

## *Advisory Board*

The Ministry of the Interior is aided by an Advisory Board on the Security Sector.

The Ministry of the Interior nominates the members of the Advisory Board. The Board shall include representatives from administrative sectors important to the security sector and from the business world, employers, employees and consumers.

### Section 52

#### *Duties of the Advisory Board*

The duties of the Advisory Board on the Security Sector are:

- 1) to further cooperation between the authorities and private security services;
- 2) to define general guidelines for the security sector;
- 3) to monitor and promote international cooperation in the security sector;
- 4) to monitor developments in the security sector, security training and research, and guidelines and information concerning the security sector;
- 5) to devise initiatives on the security sector;
- 6) to issue statements concerning the security sector when so requested by the Ministry of the Interior.

## Chapter 6

### **Penal provisions**

#### Section 53

##### *Secrecy offence and secrecy violation*

Punishment for violating the confidentiality provisions laid down in sections 14 and 41 is determined according to Chapter 38, sections 1 and 2 of the Penal Code.

#### Section 54

##### *Resisting persons maintaining public order*

Punishment for resisting a guard is determined according to Chapter 17, section 6 of the Penal Code.

#### Section 55

##### *Guarding services offence*

Punishment for a guarding services offence is determined according to Chapter 17, section 6a of the Penal Code.

#### Section 56

##### *Guarding services violation*

A guarding services supplier who intentionally or through negligence

- 1) neglects the duty to prepare, draw up, display or store a notification of change provided in section 7, a client contract provided in section 8, an action report provided in section 17, a personnel or work shift file provided in section 18, or work instructions provided in section 19,
- 2) neglects to report an assignment provided in section 16(2) or to report the use of firearms provided in section 29(3),
- 3) violates the prohibition of section 10(1) on impeding the work of the police,
- 4) engages in guarding services without a manager in violation of section 15,

5) violates the prohibition on subcontracting guarding assignments or keeping temporary guards as laid down in section 16, or

6) provides guards with uniforms in violation of section 33,

shall be sentenced to a fine for a *guarding services violation* unless a more severe penalty is laid down elsewhere in legislation.

A manager who intentionally makes a decision on carrying forcible means equipment or being accompanied by a dog or wearing a guard uniform in violation of the provisions of sections 29, 31 or 32 will be sentenced for a guarding services violation.

A guard will also be sentenced for a guarding services violation if the guard intentionally or through negligence

1) neglects the duty to prepare an action report as provided in section 17,

2) violates the prohibition of section 10(1) on impeding the work of the police,

3) neglects the duty to report provided in section 10 or providing information provided in section 13,

4) violates the prohibition of sections 29 or 31 on carrying forcible means equipment or being accompanied by a dog or provisions of section 30 concerning the manner of carrying forcible means equipment,

5) does not wear a guard uniform or uses a guard uniform in violation of the provisions of section 32 or wears a guard uniform that violates section 33, or

6) neglects the duty to carry, show or surrender to the police the guard identity card provided in section 34.

Persons in the police force, Frontier Guard or the Customs who intentionally participate in guarding services or act as managers or carry out guarding assignments for the purpose or earning income in violation of section 11 and persons who wear a guard uniform without justification will also be sentenced for a guarding services violation.

## Section 57

### *Security violation*

A security services supplier who intentionally or through negligence violates the prohibition of section 35(1) on subcontracting security shall be sentenced to a fine for a *security violation* unless a more severe penalty is laid down elsewhere in legislation.

A security officer who intentionally or through negligence neglects the duty to carry a security officer's identity card provided in section 40 or to show it or surrender it to the police, will also be sentenced for a security violation.

Persons who intentionally carry out security work without the requirements of section 35(1) being met, will also be sentenced for a security violation.

## Chapter 7

### **Miscellaneous provisions**

## Section 58

### *Foreign certificates of competence*

Authorities referred to above in sections 4(3), 20(4), 21(3), 24(5), 25(3) and 37(4) may, in connection with issuing a licence or certification, decide that fulfilment of the requirements referred to in sections 4(1), 4(2), 20(1), 21(1), 24(1), 25(1), 29(2), 31(2) or 37(1) can also be verified by a certificate of competence or similar document issued abroad. The precondition in such cases is that the requirements set in the country in question correspond to the requirements in force in Finland and that the provisions concerning private security services correspond in all essential respects to the provisions in force in Finland.

## Section 59

### *Opinions*

Providers of training for managers and guards are entitled to receive from the local police department within whose area of jurisdiction the municipality of residence of the person enrolling for training is located, an opinion on the suitability of the person as a manager or guard. Providers of training are also entitled to receive an opinion on the suitability of persons applying as instructors from the local police department within whose area of jurisdiction the municipality of residence of the person applying for a position as instructor is located.

## Section 60

### *Appeals*

Appeals against decisions issued under this Act are submitted to an Administrative Court as provided in the Administrative Judicial Procedure Act (586/1996).

Decisions on cancellation of a licence or certification referred to in this Act will be implemented in spite of any appeals, unless the appeals authority forbids it.

## Section 61

### *Further provisions*

Further provisions may be given by Government decree on:

- 1) the procedure for applying for licences and certifications, the contents of applications, explanations necessary for settling issues, and the contents of licence and certification decisions;
- 2) the contents of notifications of change, client contracts, action reports, personnel files, work shift files, work instructions, annual reports and service certificates;
- 3) insignia and texts on guard uniforms;
- 4) the Advisory Board on the Security Sector.

Further provisions may be given by a Decree of the Ministry of the Interior on:

- 1) the contents of training given to managers and guards and providers of such training;
- 2) the properties of forcible means equipment and carrying such equipment, and the training referred to in section 29(2) and providers of such training;
- 3) arranging obedience tests for dogs accompanying guards and the requirements that need to be met and the registration and identity-marking of the dog.

The forms used for the procedures referred to in this Act and the forms for the guard and security officer identity cards are also subject to the approval of the Ministry of the Interior.

## Section 62

### *Provisions applicable to deputy managers, temporary managers and temporary guards*

The provisions of this Act on managers apply, as appropriate, to deputy managers and temporary managers.

The provisions of this Act on guards apply, as appropriate, to temporary guards.

## Chapter 8

### **Entry into force and transitional provisions**

## Section 63

### *Entry into force*

This Act comes into force on 1 October 2002.

Section 35 of this Act will not be applied before 1 January 2003.

This Act repeals the Security Companies Act (237/1983) of 4 March 1983, as amended, and the Decree (112/1944) on Private Detectives of 11 February 1944.

Measures necessary for the implementation of this Act may be undertaken before the Act's entry into force.

## Section 64

### *Transitional provisions concerning guarding services*

When this Act comes into force, previously issued guarding services licences and manager certifications will remain in force, including their conditions and restrictions.

When this Act comes into force, previous guard certification will remain in force, including its conditions and restrictions, for as long as the guard's identity card is valid.

Provisions that are in effect when this Act comes into force will be applied to such issues concerning guarding services licences and manager and guard certification as have been initiated before the Act comes into force.

## Section 65

### *Transitional provisions concerning private detective activities*

Anyone who, when this Act comes into force, is engaging in private detective activities as provided in section 1 of the Decree on Private Detectives may, within six months of the entry into force of this Act, apply for a guarding services licence entitling them to engage in uncovering crimes concerning a person or object under guard or a client. The head of a private detective operation is thus certified as a manager of a guarding services supplier. If a private detective operation has no head, a natural person acting in the capacity of a self-employed person is certified as manager.

Anyone who engages in private detective activities referred to in subsection 1, acts as head of the operation or carries out private detective work in the service of a private detective services provider may, within six months of the entry into force of this Act, apply for certification as a guard, entitling them to engage in uncovering crimes concerning a person or object under guard or a client in the service of a guarding services supplier.

The licences and certifications referred to in this section are granted free of charge and the requirements for licence or certification laid down in sections 4(1), 4(2), 20(1) or 24(1) do not apply to them.

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Entry into force and application of amendments:

(616/2002) This Act comes into force on 1 October 2002.

(540/2003) This Act comes into force 1 January 2004.

(765/2003) This Act comes into force on 1 October 2003.