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## Security Act

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15.06.2009	RT I 2009, 39, 262	24.07.2009
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17.11.2010	RT I, 06.12.2010, 1	05.04.2011
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10.10.2012	RT I, 25.10.2012, 1	01.12.2012
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11.02.2015	RT I, 04.03.2015, 5	01.04.2015
18.02.2015	RT I, 23.03.2015, 5	01.07.2015

## Chapter 1 General Provisions

### § 1. Scope of application of Act

(1) This Act provides the conditions and the procedure for the activities of undertakings providing security services (hereinafter *security firms*), the rights and obligations of security guards, the guarantees for security guards, the conditions and the procedure for organising in-house guarding, the procedure for exercising supervision over the activities of security firms and in-house guarding units, and the liability for violations of this Act.

(2) This Act does not apply to authorities and units within the area of government of the Ministry of Defence, the Ministry of Justice or the Ministry of the Interior whose function is to guarantee and organise the guarding and protection of an object.

(3) This Act does not apply to the Defence League in respect of objects the guarding and protection of which the Commander of the Defence Forces has assigned to the Defence League.

(4) The provisions of the Administrative Procedure Act apply to administrative proceedings prescribed in this Act, taking account of the specifications provided for in this Act.

### § 2. Definitions

In this Act, the following definitions are used:

- 1) security – a state which is ensured by avoiding risk factors;
- 2) guarding – the monitoring of a guarded object and its surroundings in order to detect any threat of an attack or any attack and to eliminate any danger;
- 3) protection – the application of measures to ensure the inviolability of a guarded object;
- 4) guarded object – a person, property or an event which is being guarded and protected;
- 5) security task – an operation undertaken by a security guard or a guard of an in-house guarding unit which arises from a security service contract or is designated in the operating procedures of the in-house guarding unit.
- 6) [repealed – RT I 2008, 24, 156 – entry into force 01.09.2008]
- 7) [repealed – RT I 2008, 24, 156 – entry into force 01.09.2008]

### § 3. Special requirements for ensuring security

(1) [Repealed – RT I 2009, 39, 262 – entry into force 24.07.2009]

(2) [Repealed – RT I 2009, 39, 262 – entry into force 24.07.2009]

(3) The Government of the Republic shall establish the procedure for the transport of cash and securities.

## Chapter 2 Security Services

### § 4. Security services

(1) The following are security services:

- 1) security consulting;
- 2) guarding and protection of movable and real property, including a ship flying the national flag of Estonia entered into the ship registry maintained by Estonian court;  
[RT I, 04.03.2015, 5 - entry into force 01.04.2015]
- 3) personal protection;
- 4) maintaining order at an event or a guarded object;
- 5) operation of a monitoring centre;
- 6) planning, installation and maintenance of security equipment.

(2) [Repealed – RT I, 25.03.2011, 1 – entry into force 01.07.2014 (date of entry into force amended – RT I, 22.12.2013, 1)]

## **§ 5. Security service contract**

(1) A security firm may provide security services in a field specified in its activity licence on the basis of a written contract entered into with a customer.

(2) A security service contract shall set out the rights, obligations and liability of the security firm and the customer, and the conditions for guarding and protecting the object.

(3) If surveillance equipment is used in the provision of security services, the security service contract shall reflect the information on the equipment and the owner of the recording.  
[RT I 2008, 28, 181 - entry into force 04.10.2008]

## **§ 6. Security consulting**

For the purposes of this Act, security consulting is the process of identifying the risks arising from the characteristics or peculiarities of a guarded object and providing written recommendations for the prevention or reduction thereof. Recommendations shall be made in the form of a security plan.

## **§ 7. Guarding and protection of movable and real property**

(1) In order to guard and protect movable and real property, including a ship flying the national flag of Estonia entered into the ship registry maintained by Estonian court, manned or alarm guarding or both shall be installed.  
[RT I, 04.03.2015, 5 - entry into force 01.04.2015]

(2) For the purposes of this Act, manned guarding is the action taken by a person performing a security task to ensure the inviolability of a guarded object.

(3) For the purposes of this Act, alarm guarding is the remote monitoring of a guarded object with the aim of identifying any threat of attack or any attack through the use of alarm and surveillance equipment, and of reacting rapidly to any alert.

## **§ 8. Personal protection**

(1) For the purposes of this Act, personal protection is the application, at the request and with the written consent of a person, of measures to ensure the security of that person or another person. Personal protection is divided into bodyguarding and mobile protection.

(2) The protection of a person against attack or any other danger at his or her place of residence, work or stay is deemed to be bodyguarding.

(3) The protection of a person travelling in a vehicle is deemed to be mobile protection. Protection shall be ensured by selecting a vehicle and route which are safe and, if necessary, by using an escort vehicle.

## **§ 9. Maintaining order at events**

(1) For the purposes of this Act, an event is an occurrence organised at a public place within a designated or non-designated territory and at a specified time, where public order is ensured in order to protect the participants.

(2) Before entering into a security service contract, a security firm shall present the security plan to the customer, on the basis of which the following facts shall be set out in the contract:

- 1) the boundaries of the guarded object (the information shall be presented in the form of a description or a plan);
- 2) the organisation of parking for vehicles;
- 3) the expected number of participants;
- 4) the number of security guards, the personnel, their duty roster and official duties, and the need for them to be provided with training;
- 5) the organisation of co-operation with the police and other relevant authorities;
- 6) other relevant information.

(3) At least one-half of the employees of a security firm who are to be involved in maintaining order at an event must have the qualifications of a security guard.

## **§ 10. Operation of monitoring centre**

(1) A monitoring centre is a unit for the remote monitoring of information transmitted by security equipment, and the duties of the employees at a monitoring centre are to determine any change to the guarded object or any potential threat to the object in due time, to inform the security guards promptly of any such change or threat, to co-ordinate the activities of the security guards and to apply relevant measures.

(2) A security firm which operates a monitoring centre shall meet the following requirements:

- 1) the firm must own or possess suitably equipped premises which are protected against attack for receiving and processing alerts;
- 2) the firm must have entered into a contract with a telecommunications undertaking for the use of a fixed public telephone network if alerts are to be transmitted through such a network;
- 3) the firm must have a permit for the use of a radio frequency if alerts are to be received through radio transmission equipment;
- 4) if necessary, the firm must provide twenty-four hour manned service for the guarded object;
- 5) the firm must ensure that there is a sufficient number of employees for the performance of duties in the monitoring centre.

[RT I, 29.06.2014, 1 - entry into force 01.07.2014]

(3) A monitoring centre may also be operated by a security firm which still ensures that alerts will be received, processed, transmitted and protected but in a manner other than those set out in subsection (2) of this section.

## **§ 11. Security equipment**

(1) For the purposes of this Act, security equipment is alarm or surveillance equipment which is intended to detect an intrusion, any other attack or any potential threat to a guarded object.

(2) For the purposes of this Act, alarm equipment is a set of equipment which is intended to detect any potential threat to a person or property or any attack made against a person or property and to transmit an alert.

(3) For the purposes of this Act, surveillance equipment is a set of equipment which transmits or records a picture or an electronic signal and which is intended to keep guard of a territory, person, item or process or to determine the location of a territory, person or item or the place at which a process is occurring.

(4) A surveillance equipment recording shall be preserved for at least one month as of the day the recording was made, but for no longer than one year.

[RT I 2008, 28, 181 - entry into force 04.10.2008]

## **§ 12. Planning, installation and maintenance of security equipment**

(1) The procedure for the planning, installation and maintenance of security equipment shall be established by the Government of the Republic.

(2) The requirements for the qualifications of planners, installers and maintainers of security equipment shall be established, qualifications shall be awarded and qualification certificates shall be issued pursuant to the procedure prescribed in the Professions Act.

# **Chapter 3 Security Firms**

## **§ 13. Security firms**

(1) [Repealed – RT I, 25.03.2011, 1 – entry into force 01.07.2014 (date of entry into force amended – RT I, 22.12.2013, 1)]

(2) The provisions of legislation regulating enterprise apply to security firms, taking account of the specifications arising from this Act.

(3) When providing a service, security firms may only use staff employees.

## **§ 14. Principal functions of security firms**

The principal functions of security firms are:

- 1) to ensure the safety and inviolability of the guarded object;
- 2) to prevent any offence from being committed against the guarded object or from endangering the guarded object, or to hinder any such offence in order to ensure the inviolability of the guarded object;
- 3) to identify any factors which reduce security and to use technical resources and know-how to lessen their effects.

## **§ 15. Obligations of security firms**

Security firms shall perform the following obligations:

1) each month, the firm shall provide the Police and Border Guard Board with written information concerning objects newly placed under manned guard and objects under manned guard where the service contract has been terminated. The notice shall set out the address and name of the object, the name of the person with whom the security service contract was entered into, the date on which the contract was entered into, the period of validity of the contract, and a list of the security tasks to be performed;

[RT I, 29.12.2011, 1 - entry into force 01.01.2012]

1<sup>1</sup>) if the guarded or protected object is a ship flying the national flag of Estonia entered into the ship registry maintained by Estonian court, the Police and Border Guard Board shall be provided with the name of the guarded or protected ship, the official number of the ship, the name, personal identification code or registry code of the owner of the ship or, in the absence of the personal identification code, the date of birth and address of the owner of the ship instead of the address and name of the object provided for in subsection (1) of this section;

[RT I, 04.03.2015, 5 - entry into force 01.04.2015]

2) the firm shall promptly inform the Police and Border Guard Board of any attack made against the guarded object.

[RT I, 29.12.2011, 1 - entry into force 01.01.2012]

## **§ 16. Restrictions on activities of security firms**

(1) It is prohibited for security firms to:

- 1) manufacture or sell explosives, weapons, essential components of firearms, laser sights or ammunition;
- 2) convert or repair weapons;
- 3) provide private detective services;
- 4) perform police or national defence functions, except in cases where this is permitted by other Acts.

(2) The Government of the Republic may establish restrictions on the amount of capital belonging to citizens or legal persons of states which are not members of the European Economic Area in the composition of the assets of security firms.

## **§ 17. Preparation and storage of documents related to provision of security services**

(1) Documents related to the provision of security services are:

- 1) a file on any occurrence which has happened at a guarded object;
- 2) the security service contract;
- 3) the personal file of a security agent;
- 4) the electronic recording of an alert or the book for the registration of alerts.

(2) The documents specified in clauses (1) 1) through 3) of this section shall be preserved on site by the security firm or the authority with an in-house guarding unit for five years. Electronic recordings of alerts and books for the registration of alerts shall be preserved for one year as of the last recording or entry being made.

(3) A file shall be prepared concerning occurrences which have endangered a guarded object while it has been under guard and protection, into which reports and additional materials shall be placed. The following information and additional materials shall be presented in the file:

- 1) the time and place of the preparation of the report;
  - 2) the name of the security firm or of the authority with an in-house guarding unit for which the report is prepared;
  - 3) the position and name of the person who prepared the report;
  - 4) the time and place of the occurrence which endangered the guarded object;
  - 5) a description of the occurrence;
  - 6) the name of the person who committed the unlawful act or who is suspected of having committed the unlawful act, and his or her passport number or the number of any of his or her other identity documents;
  - 7) the given names, surnames, dates of birth or personal identification codes, addresses, places of work and telephone numbers of any witnesses and victims, and their passport numbers or the number of any of their other identity documents;
  - 8) an explanation from the person who committed the unlawful act;
  - 9) information concerning the detention of the person who committed the unlawful act, verification of his or her identity and the removal and return of his or her belongings and documents;
  - 10) the time at which and the place where the person was handed over to the police;
- [RT I, 29.12.2011, 1 - entry into force 01.01.2012]
- 11) explanations from witnesses and victims;
  - 12) other information necessary for the resolution of the matter.

(4) Alerts shall be saved on the computer or on audio tape or registered in the book for the registration of alerts. An alert shall contain the following information:

- 1) the method in and the time at which the alert was received;

- 2) the name of the guarded object from which the alert was transmitted;
- 3) the place of the occurrence specified in the alert and a description of the occurrence;
- 4) information concerning the processing of the alert (procedural acts, orders, and information obtained from security guards).

(5) Any other documents related to the provision of security services or the performance of security tasks shall be prepared and preserved pursuant to the general records management procedure of the security firm.

(6) Documents specified in subsection (1) of this section shall be stored and destroyed pursuant to the procedure established by the Archives Act.

## **Chapter 4**

### **In-house Guarding Units**

#### **§ 18. In-house guarding units**

(1) For the purposes of this Act, an in-house guarding unit is a unit of an undertaking, state authority or local government authority which guards the property owned or possessed by the undertaking, state authority or local government authority. An in-house guarding unit may guard property belonging to another person or authority free of charge if this arises from the areas of activity set out in the articles of association or statutes of the undertaking, state authority or local government authority. This provision does not apply to the lease or rental of premises or the organisation of parking in an enclosed guarded territory.

(2) It is prohibited for an in-house guarding unit to provide security services.

#### **§ 19. Obligations of in-house guarding units**

(1) An in-house guarding unit shall be registered by the Police and Border Guard Board on the basis of a corresponding application. An application for registration shall contain the following information:

[RT I, 29.12.2011, 1 - entry into force 01.01.2012]

- 1) the location of the in-house guarding unit;
- 2) the location and number of guarded objects;
- 3) the name and contact details of the person responsible for the in-house guarding unit (hereinafter *the head of the in-house guarding unit*);
- 4) a statement confirming that the head of the in-house guarding unit meets the requirements of this Act;
- 5) the number of guards of the in-house guarding unit;
- 6) the names of the weapons used for guarding and the number of such weapons.

(2) If an in-house guarding unit is liquidated, the head of the undertaking, state authority or local government authority shall inform the Police and Border Guard Board thereof within two weeks as of the unit being liquidated. If the head of an in-house guarding unit is released from office, the Police and Border Guard Board shall be informed thereof within one week as of the person being released from office.

[RT I, 29.12.2011, 1 - entry into force 01.01.2012]

(3) The file on a guard of an in-house guarding unit and any information submitted on an occurrence at a guarded object shall be preserved by the undertaking, state authority or local government authority for five years pursuant to the procedure provided for in section 17 of this Act.

(4) Chapter 8 of this Act applies to the acquisition, ownership, possession, carrying and storage of weapons and ammunition or special equipment and to granting the use thereof to a guard of an in-house guarding unit.

#### **§ 20. Guards of in-house guarding units**

(1) Responsibility for the activities of an in-house guarding unit shall be held by the head of the in-house guarding unit, who shall have the qualifications of a security officer. The head of an in-house guarding unit shall not be a contracted employee of a security firm and shall not provide security services.

(2) The liability, obligations and social guarantees of a guard of an in-house guarding unit shall be determined in the contract entered into with the undertaking, state authority or local government authority.

## **Chapter 5**

### **Security Guards**

#### **§ 21. Definition of security guard**

(1) For the purposes of this Act, a security guard is:

- 1) a sole proprietor who provides security services;
- 2) an employee of a security firm who has the qualifications of a security officer and who works as a security officer (hereinafter *security officer*);

3) an employee of a security firm who directly guards and protects a guarded object.  
[RT I, 29.06.2014, 1 - entry into force 01.07.2014]

(2) A guard is a person who has completed the initial training and who performs the duties of a security guard on the basis of an employment contract entered into for a specific period of time with a probationary period of up to four months, who is an Estonian citizen or a person holding a long-term residence permit or permanent right of residence in Estonia, who is at least 19 years of age and has completed basic education, who is proficient in Estonian at the level established by law or by legislation issued on the basis thereof, who is capable of performing the duties of a security guard in terms of his or her personal characteristics, moral standards, physical condition and health, and to whom the restrictions specified in subsection 23 (1) of this Act apply. If the person wishes to work as a security guard following his or her probationary period, he or she is required to complete the basic training for security guards during the probationary period and acquire the qualifications of a security guard. A security guard's recurring employment contract may not be entered into with a person who has failed to complete the basic training for security guards during his or her initial employment contract.  
[RT I 2008, 28, 181 - entry into force 04.10.2008]

(3) An employee of a security firm who provides the services specified in clause 4 (1) 6) of this Act or an employee of a security firm who provides the services specified in clauses 4 (1) 2) and 5) of this Act, if he or she guards a guarded object by using technical resources, is not deemed to be a security guard.  
[RT I, 29.06.2014, 1 - entry into force 01.07.2014]

### **§ 21<sup>1</sup>. Restriction on working time of security guards**

(1) Division 3 of Chapter 3 of the Employment Contracts Act is applied in calculating the working time of security guards, taking into account the specification provided for in this Act.

(2) The recording period for the working time of security guards is up to six months.  
[RT I 2009, 5, 35 - entry into force 01.07.2009]

### **§ 22. Requirements for security guards**

(1) An Estonian citizen or a person who has been granted a permanent right of residence in Estonia or a long-term residence permit in Estonia, who is at least 19 years of age, who has completed basic education and who holds the qualifications of a security guard, who is proficient in Estonian at the level established by law or by legislation issued on the basis thereof, and who is capable of performing the duties of a security guard in terms of his or her personal characteristics, moral standards, physical condition and health may work as a security guard. A security guard who maintains order at an event held at a public place, and provides personal protection or is engaged in the transport of cash and securities must be at least 21 years of age.

(2) Sole proprietors who provide security services, security officers and heads of in-house guarding units must be Estonian citizens of at least 21 years of age who have completed secondary education, hold the qualifications of a security officer and are capable of performing the duties of a security guard in terms of their personal characteristics, moral standards, physical condition and health.

(3) The professional suitability of security guards, the requirements for their physical condition and health and the procedure for verifying that the health requirements are met shall be established by the minister responsible for the area.  
[RT I 2006, 26, 191 - entry into force 01.08.2006]

### **§ 23. Prohibition on working as security guard**

(1) It is prohibited for a person to work as a security guard if he or she:

- 1) has restricted active legal capacity;
- 2) is serving a sentence for a crime or if information concerning a punishment for a crime committed by him or her has not been expunged from the punishment register;
- 3) is a private detective;
- 4) [repealed – RT I, 06.12.2010, 1 – entry into force 05.04.2011]
- 5) does not meet the requirements of this Act.

(2) A security firm shall seek clarification regarding the restrictive circumstances set out in subsection (1) of this section before entering into an employment contract.

### **§ 24. Qualifications of security guards**

(1) The requirements for the qualifications of security guards shall be established, qualifications shall be awarded and qualification certificates shall be issued pursuant to the procedure prescribed in the Professions Act.

(2) The levels of qualifications of security guards are as follows:

- 1) security guard;
- 2) security officer.

#### **§ 25. Security guard's uniform**

(1) When performing their official duties, security guards shall wear a uniform.

(2) Security guards providing personal protection services need not wear a uniform.

(3) The uniform of a security guard shall not be misleadingly similar to the uniform of another security firm, a member of the Defence Forces, a member of the Defence League, a police officer, an official of the rescue service, a customs officer or a prison officer.

[RT I, 29.12.2011, 1 - entry into force 01.01.2012]

(4) The uniform shall include an emblem with the business name of the security firm or its registered trade mark in the form of a logo, and a certificate of employment or a name tag containing the word "*turvatöötaja*" (security guard) or "*valvetöötaja*" (guard) and the given name and surname of the security guard or the guard.

(5) Approval for the description of the uniform and emblem shall be sought from the Police and Border Guard Board. The procedure for wearing the uniform shall be established by the security firm.

[RT I 2009, 62, 405 - entry into force 01.01.2010]

#### **§ 26. Certificate of employment of security guard**

(1) A security guard performing his or her official duties shall carry a certificate of employment bearing a photograph and his or her personal identification code and the business name of the security firm.

(2) A sole proprietor who is a security firm performing a security task shall carry a notarised copy of his or her activity licence or a transcript certified by the Police and Border Guard Board, and an identity document.

[RT I 2009, 62, 405 - entry into force 01.01.2010]

(3) When addressing a person, security guards shall identify themselves and present their certificate of employment.

[RT I 2006, 21, 162 - entry into force 01.06.2006]

## **Chapter 6 Security Guard Training**

#### **§ 27. Security guard training**

(1) Security guard training consists of the following components:

- 1) initial training;
- 2) basic training;
- 3) training for security officers;
- 4) in-service training.

[RT I, 23.03.2015, 5 - entry into force 01.07.2015]

(2) During initial training, elementary knowledge and skills which are necessary for security work are acquired. Before beginning the performance of security tasks for a security firm, a person must have completed initial training of at least 16 hours.

(3) In order to obtain the qualifications of a security guard, a guard shall complete basic training during his or her four-month probationary period. The duration of the basic training shall be at least 50 hours.

[RT I 2008, 28, 181 - entry into force 13.07.2008]

(3<sup>1</sup>) A person who has failed to acquire the qualifications of a security guard within the probationary period specified in subsection (3) of this section may acquire it before commencing work as a security guard by completing basic training of at least 50 hours.

[RT I 2008, 28, 181 - entry into force 13.07.2008]

(4) In order to obtain the qualifications of a security officer, a security guard shall complete training for security officers of at least 80 hours.

(5) At least 16 hours of in-service training annually is prescribed for security guards.

[RT I, 23.03.2015, 5 - entry into force 01.07.2015]

(6) The provisions of the Adult Education Act concerning in-service training apply to security guard training.

[RT I, 23.03.2015, 5 - entry into force 01.07.2015]



## **§ 28. Authorisation obligation of organiser of security guard training**

(1) An undertaking is required to hold an activity licence for operation in the following areas of activity:

- 1) organisation of basic training for security guards;
- 2) organisation of training and in-service training for security officers.

[RT I, 23.03.2015, 5 - entry into force 01.07.2015]

(2) It is prohibited for an undertaking organising training to engage in the activities specified in subsection 16 (1) of this Act.

[RT I, 25.03.2011, 1 - entry into force 01.07.2014 (date of entry into force amended – RT I, 22.12.2013, 1)]

## **§ 28<sup>1</sup>. Restrictions on organiser of initial training and of physical conditioning of security guards**

(1) Initial training may be organised by a security firm or an undertaking who has been granted an activity licence for the organisation of security guard training. Teachers providing initial training must have acquired the qualifications of a security officer.

(2) The physical conditioning of security guards may be organised by the security firm.

[RT I, 25.03.2011, 1 - entry into force 01.07.2014 (date of entry into force amended – RT I, 22.12.2013, 1)]

## **§ 29. Study programme**

The study programme for security guards shall be established by the educational institution of a legal person which organises training and in-service training for security guards, in compliance with a professional standard established on the basis of the Professions Act.

[RT I, 23.03.2015, 5 - entry into force 01.07.2015]

## **§ 30. Applying for activity licence of organiser of security guard training**

(1) An application for an activity licence is adjudicated by the Ministry of Education and Research. The compliance with the requirements included in the subject of review of an activity licence is established by the Police and Border Guard Board by a preliminary administrative act on the basis of the documents specified in subsection (2) of this section.

[RT I, 23.03.2015, 5 - entry into force 01.07.2015]

(2) In addition to the information provided for in the General Part of the Economic Activities Code Act, an undertaking shall set out in an application for an activity licence:

- 1) the study programme;

[RT I, 23.03.2015, 5 - entry into force 01.07.2015]

- 2) a list of persons who will organise the security guard training.

[RT I, 25.03.2011, 1 - entry into force 01.07.2014 (date of entry into force amended – RT I, 22.12.2013, 1)]

(3) The Ministry of Education and Research shall review an application for an activity licence within three months as of the submission of the information and documents specified in subsection (2) of this section. The deadline for adjudicating an application starts from the submission of all the required information and documents.

[RT I, 23.03.2015, 5 - entry into force 01.07.2015]

(4) The deadline specified in subsection (3) of this section is suspended when the Police and Border Guard Board gives the applicant a deadline for rectifying deficiencies. The deadline shall resume after the arrival of the deadline for rectifying deficiencies.

[RT I, 23.03.2015, 5 - entry into force 01.07.2015]

## **§ 30<sup>1</sup>. Subject of review of activity licence of organiser of security guard training**

An undertaking shall be issued an activity licence if the subjects to be taught, the teachers and the study programme allow compliance with the requirements for the qualifications of a security guard.

[RT I, 11.07.2013, 1 - entry into force 01.07.2014 (date of entry into force amended – RT I, 22.12.2013, 1)]

## **§ 31. Bases for suspension and revocation of education licence**

[Repealed – RT I, 25.03.2011, 1 – entry into force 01.07.2014 (date of entry into force amended – RT I, 22.12.2013, 1)]

# **Chapter 7**

# **Rights and Obligations of Security Guards and Guarantees for Security Guards**

## **§ 32. Rights of security guards**

(1) Security guards have the right:

- 1) to prevent access to a guarded object by any person who attempts to enter the object without appropriate permission or without other legal grounds;
- 2) to apprehend any person at the guarded object if that person is suspected of having committed an offence;
- 3) to apprehend any person who enters or has entered a guarded object, stays there without appropriate permission or without other legal grounds, endangers the guarded object or other persons at the guarded object, or hinders the security guard from performing his or her duties. An apprehended person shall be handed over to the police promptly;
- 4) when apprehending a person, to carry out a security check of the person and the items carried by him or her in order to verify that the apprehended person is not in possession of items or substances with which he or she could endanger himself or herself or others. A security guard has the right to seize dangerous items and substances. Seized items and substances shall be handed over to the police promptly.

(2) Taking into consideration the behaviour of a person apprehended at an object, the actual level of danger or the nature of an act committed, a security guard has the right:

- 1) to remove a person from the object;
- 2) to identify a person on site;
- 3) to escort a person suspected of having committed an offence to the police;  
[RT I, 29.12.2011, 1 - entry into force 01.01.2012]
- 4) to escort a person to a medical institution or the police if the person shows signs of being intoxicated and may endanger himself or herself or other persons through his or her behaviour.  
[RT I, 29.12.2011, 1 - entry into force 01.01.2012]

## **§ 33. Obligations of security guards**

(1) Security guards are required:

- 1) to refuse to perform duties which are in conflict with the law;
- 2) to maintain the confidentiality of information obtained from the customer;
- 3) to inform the monitoring centre promptly of any offence which has been committed, is being committed or is planned against a guarded object;
- 4) to perform their duties without interfering with the legal activities of state authorities, local government authorities, supervisory authorities, pre-trial investigation authorities, courts, bailiffs or other persons;
- 5) when performing their official duties, to comply with the constitutional rights of persons while using audio, photographic, film, video, communications and guarding equipment and information technology resources or other technical resources;
- 6) to inform the security firm promptly if any of the circumstances specified in subsection 23 (1) of this Act arise.

(2) In guarding and protecting a ship flying the national flag of Estonia entered into the ship registry maintained by Estonian court, the obligations provided for in §§ 14–15 of the Seafarers Employment Act are applied to security guards.

[RT I, 04.03.2015, 5 - entry into force 01.04.2015]

## **§ 34. Guarantees for security guards**

(1) If a security guard performs a security task which causes him or her to become permanently incapacitated for work, his or her employer shall pay him or her the following as a single allowance:

- 1) in the event of total incapacity for work, three years' wages;
- 2) in the event of partial incapacity for work, one year's wages.

(2) In the case of a security guard who dies while performing his or her official duties for a security firm, the employer shall pay the security guard's five years' wages as a single allowance to the security guard's spouse or persons in respect of whom the security guard fulfilled the maintenance obligation arising from the Family Law Act.

(3) The single allowance shall be calculated on the basis of the average wages of the security guard who became permanently incapacitated for work or died.

(4) Payment of the single allowance does not release the employer from obligations provided in other Acts to compensate an employee who is permanently incapacitated for work.

### **§ 35. Applying for allowance**

(1) In order to obtain an allowance, a security guard who is permanently incapacitated for work shall submit a written application and a certificate from the medical assessment committee concerning the degree of permanent incapacity for work which has been determined.

(2) In order to obtain an allowance, a member of the family of a deceased security guard or a person who was maintained by that security guard shall submit a written application to which the following are annexed:

- 1) documents which certify that the person submitting the application is a member of the family of the deceased or was maintained by the deceased;
- 2) the death certificate of the deceased.

(3) An application for an allowance shall be submitted to the employer within one year as of the degree of permanent incapacity for work of the security guard being determined or within one year as of his or her death.

### **§ 36. Grant and payment of allowance**

(1) The employer shall review the application and other documents submitted by a security guard who is permanently incapacitated for work and make a decision within one month as of the submission thereof.

(2) The employer shall review the application and other documents submitted by a member of the family of a deceased security guard or a person who was maintained by that security guard and make a decision within one month as of the submission thereof.

(3) If several persons who have the right to obtain a single allowance submit justified applications for an allowance, the employer shall grant them an equal proportion of the allowance.

(4) The employer shall notify the applicant for an allowance in writing of the decision to grant or to refuse to grant an allowance within seven days as of making the decision. If the decision is one of refusal, the employer shall specify the reason for the refusal, explain the procedure for the contestation of the decision and return the documents which were annexed to the application. The employer only has the right to refuse to pay an allowance if the incapacity for work has arisen at the fault of the security guard himself or herself.

(5) The single allowance shall be paid by the employer within one month as of the allowance being granted. If the parties so agree, the employer may pay the allowance in instalments.

## **Chapter 8 Weapons, Ammunition and Special Equipment**

### **§ 37. Weapons**

(1) The Weapons Act and the procedure provided for in legislation issued on the basis thereof applies to security firms and in-house guarding units in respect of the acquisition, ownership, possession, storage and carrying of weapons and ammunition and in respect of granting the use thereof to employees, taking account of the specifications provided for in this Act.

(2) A security firm may only use weapons that belong to the security firm when providing security services. If an undertaking, state authority or local government authority has an in-house guarding unit, a guard of the unit may use a weapon which belongs to the undertaking or authority while he or she is on duty.

(3) A security guard performing a security task and a guard of an in-house guarding unit performing an in-house guarding task may only use a weapon in cases where the life or health of a person is in danger and where it is not possible to eliminate the danger in any other way and the nature of the danger justifies the use of the weapon.

(4) Records on cases where weapons are used shall be maintained by the person who is responsible for weapons and ammunition at the security firm or at an authority with an in-house guarding unit.

(5) It is prohibited to use a weapon against a child, an elderly person, a person who is clearly disabled or a woman who is clearly pregnant. This prohibition does not apply if it is necessary to use a weapon against such a person to counter or obstruct an attack or a group attack if the attack puts the life or health of the security guard or another person in danger.

### **§ 38. Use of rubber truncheon**

(1) While at work, a security guard who is wearing a uniform may carry a rubber truncheon either in a closed holder attached to his or her duty belt or openly on his or her duty belt.

(2) A rubber truncheon may be used in protecting a guarded object to counter an attack against the security guard or another person or to obstruct a group attack if the attack puts the life or health of the security guard or the other person in danger.

### **§ 39. Special equipment**

(1) Security firms or in-house guarding units may use the following special equipment to guard and protect an object:

- 1) special purpose marking and colouring equipment;
- 2) handcuffs;
- 3) service dogs.

(2) Special equipment shall be stored in a locked room adapted for such purposes or in a weapons storage room but separately from weapons and ammunition. The first sentence of this subsection does not apply to service dogs.

(3) It is prohibited to use handcuffs or service dogs in the case of a child, an elderly person, a person who is clearly disabled or a woman who is clearly pregnant. This prohibition does not apply if it is necessary to use handcuffs or a service dog against such a person to counter an attack if the attack puts the life or health of the security guard or another person in danger.

### **§ 40. Handcuffs**

(1) In order to obtain authorisation to acquire handcuffs, security firms or authorities with an in-house guarding unit shall submit to the Police and Border Guard Board an application stating the number of handcuffs and giving a description of the conditions for the storage of special equipment.  
[RT I, 29.12.2011, 1 - entry into force 01.01.2012]

(2) The Police and Border Guard Board shall review the application and decide to grant or to refuse to grant authorisation within one month as of receiving the application. Authorisation is valid for three months.  
[RT I, 29.12.2011, 1 - entry into force 01.01.2012]

(3) In assessing the justification for the application specified in subsection (1) of this section, the Police and Border Guard Board shall proceed from the nature of the guarded object, the size of the risk, the number of security guards or guards of the in-house guarding unit, and the conditions for the storage of special equipment.  
[RT I, 29.12.2011, 1 - entry into force 01.01.2012]

(4) It is permitted to use handcuffs when apprehending a person if there is reason to believe that he or she may escape, attack the security guard or the guard of the in-house guarding unit or put other persons or himself or herself in danger.

### **§ 41. Service dogs**

(1) Security firms or in-house guarding units may use a service dog to guard and protect an object if the dog has undergone at least basic training and if it obeys the orders of its handler. It is permitted to be accompanied at a guarded object by a service dog which is not wearing a muzzle if the dog is kept on a lead or if the territory is surrounded by a fence and there are signs indicating that a service dog is being used. It is prohibited to leave a service dog unsupervised at a guarded object.

(2) The Animal Protection Act, veterinary requirements, and the rules for keeping animals as established by the relevant local government apply to the keeping of a service dog.

### **§ 42. Obligation to inform the police**

[RT I, 29.12.2011, 1 - entry into force 01.01.2012]

(1) If the use of a weapon or special equipment in the provision of security services or the performance of a security task or an in-house guarding task causes physical harm to or the death of a person, the security firm or the in-house guarding unit is required to promptly inform the police thereof orally and to submit a written notice within twenty-four hours of the occurrence.

[RT I, 29.12.2011, 1 - entry into force 01.01.2012]

(2) The notice shall set out the time and place of the occurrence, the circumstances of the occurrence, the name of the person who used the weapon or special equipment, the name of the person against whom the weapon or special equipment was used, and a description of the consequences arising from the use of the weapon or special equipment.

## **Chapter 9**

# Activity Licence

## § 43. Authorisation obligation of security firms

(1) A firm is required to hold an activity licence for the provision of the security services specified in clauses 4 (1) 1) through 5) of this Act.

(2) An activity licence specified in subsection (1) of this section is also required of a person who holds an activity licence issued by another European Economic Area Member State.  
[RT I, 29.06.2014, 1 - entry into force 01.07.2014]

## § 44. Applying for activity licence of security firms

(1) An application for an activity licence is adjudicated by the Police and Border Guard Board.  
[RT I, 29.12.2011, 1 - entry into force 01.07.2014 (date of entry into force amended – RT I, 22.12.2013, 1)]

(2) In addition to the information provided for in the General Part of the Economic Activities Code Act, a firm shall set out in an application for an activity licence information concerning a weapons permit if it owns a weapon and a list of those shareholders of the security company who hold over five per cent of the share capital, setting out the full name, address and registry code of every legal person.  
[RT I, 25.03.2011, 1 - entry into force 01.07.2014 (date of entry into force amended – RT I, 22.12.2013, 1)]

## § 45. Subject of review of activity licence of security firms

A firm is issued an activity licence if:

- 1) it is not engaged in the area of activity specified in subsection 16 (1) of this Act;
  - 2) the security officer of the firm meets the requirements provided for in subsection 22 (2) of this Act and the conditions specified in subsection 23 (1) of this Act do not arise for him or her;
  - 3) the security firm or persons related to the security firm have not been punished for an intentional crime against the state, the person or property or for criminal offences provided for in sections 372 and 384 of the Penal Code;
  - 4) the firm meets the requirements of subsection 10 (2) or (3) of this Act if the firm has a monitoring centre.
- [RT I, 29.06.2014, 1 - entry into force 01.07.2014]

## § 46. Acts performed by police prefecture

[Repealed – RT I, 29.12.2011, 1 – entry into force 01.01.2012]

## § 46<sup>1</sup>. Collection of information through surveillance activities and making enquiry to communications undertaking

(1) The police may, with the written consent of an applicant for an activity licence, collect personal data concerning the applicant through surveillance activities specified in subsection 126<sup>3</sup>(1) of the Code of Criminal Procedure and by an enquiry to an electronic communications undertaking with respect to information provided for in subsections 111<sup>1</sup>(2) and (3) of the Electronic Communications Act if it is necessary in order to decide on the grant of an activity licence which covers the object specified in subsection 41 (2) of the Emergency Act.

(2) A person shall be notified of the activity prescribed in subsection (1) of this section conducted with respect to the person after making of a decision and he or she shall be introduced, at his or her request, information collected by the activity.  
[RT I, 29.06.2012, 2 - entry into force 01.01.2013]

§ 47.–§ 55.[Repealed – RT I, 29.06.2012, 2 – entry into force 01.07.2014 (date of entry into force amended – RT I, 22.12.2013, 1)]

# Chapter 10 State Supervision

## § 56. State supervision

State supervision over the activities of security firms, security guards performing security tasks, in-house guarding units and guards of in-house guarding units shall be exercised by the Police and Border Guard Board.  
[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

## **§ 56<sup>1</sup>. Special state supervision measures**

In order to exercise the state supervision provided by this Act, the Police and Border Guard Board may apply the special state supervision measures provided for in sections 30, 31, 32, 50, 51 and 52 of the Law Enforcement Act on the bases of and pursuant to the procedure provided by the Law Enforcement Act.  
[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

## **§ 57. Specifications of state supervision**

[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

Officials exercising state supervision shall prepare a supervision report on an on-site inspection.  
[RT I, 04.03.2015, 5 - entry into force 01.04.2015]

## **§ 58. Precepts**

In the event of a failure to comply with a precept, the upper limit for a penalty payment applicable pursuant to the procedure provided for in the Substitutive Enforcement and Penalty Payment Act is 640 euros.  
[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

## **§ 59. Contestation of precept or act of police officer**

[Repealed – RT I, 13.03.2014, 4 – entry into force 01.07.2014]

# **Chapter 11 Liability**

[Repealed -RT I, 12.07.2014, 1 - entry into force 01.01.2015]

**§ 60.-§ 60<sup>2</sup>.** [Repealed -RT I, 12.07.2014, 1 - entry into force 01.01.2015]

# **Chapter 12 Special Provisions**

## **§ 61. Foreign security firms**

An undertaking which or a person who does not hold the activity licence set out in this Act may provide security services covered in this Act to protect a citizen of a foreign state or his or her property on the basis of a one-off licence granted by the Police and Border Guard Board. Such a licence shall be granted at the request of the Ministry of Foreign Affairs, the Ministry of Defence or the Ministry of the Interior.  
[RT I 2009, 62, 405 - entry into force 01.01.2010]

# **Chapter 13 Implementing Provisions**

## **§ 62. Amendment of State Fees Act**

[Omitted from this text.]

## **§ 63. Transitional provisions**

(1) A violation of the Security Services Act is also a basis for refusal to grant or extend an activity licence to provide security services if the violation was committed during the two years prior to applying for the activity licence or the extension thereof.

(2) An activity licence for the provision of security services which was granted prior to the entry into force of this Act remains valid until the expiry date indicated in the licence.

(3) [Repealed – RT I 2008, 28, 181 – entry into force 13.07.2008]

## **§ 64. Repeal of Security Services Act**

[Omitted from this text.]

## **§ 65. Entry into force of Act**

The Security Act enters into force on 1 May 2004.