Prohibition on Money Laundering Regulations (Rules for Use of Information Transferred to the Israel Police Force and the General Security Service for Investigation of Other Offenses and for Transferring it to Another Authority), 5766 – 2006

Pursuant to my authority pursuant to sections 30(g) and (h) of the Prohibition on Money Laundering Law, 5760 - 2000¹ (hereinafter – the Law), upon consultation with the Minister of Internal Security and with the approval of the Knesset’s Constitution, Law and Justice Committee, I enact these Regulations:

Definitions

1. In these Regulations:

“the Police” means the Israel Police Force;

“the Authority” means the Money Laundering and Terror Financing Prohibition Authority;

“the GSS” means the General Security Service;

“information” means any piece of data received in the data base pursuant to the provisions of the Law and all processing thereof;

“additional offense” means any of the offenses delineated in section 7.

Appointment of competent person

2. (a) The Inspector General of the Police shall appoint in the Police and the head of the GSS shall appoint in the GSS persons as set forth in subsection (b) below (hereinafter – competent person), who may decide, in a particular case:

(1) on the use of the information received pursuant to the Law from the Authority, for purposes of investigation of other offenses and their prevention and for purposes of uncovering the criminals who committed the said offenses and prosecuting them (in these Regulations – the additional purposes);

(2) on transferring the information to an entity outside the Police or GSS, as set forth in sections 3 and 4.

(b) (1) In the Police, an officer holding the rank of commander or higher.

(2) In the GSS, the head of the Control Center in GSS headquarters or head of a department in the Control Center as stated, who is authorized for such purpose.

¹ Sefer Hachukkim 5760 [2000], p. 293; 5762 [2002], p. 386; 5765 [2005], p. 88.
Use of information and transferring it for the additional purposes

3. (a) Where the competent person finds that there is reasonable basis to assume that the information received pursuant to the Law from the Authority will materially advance, in a particular case, accomplishing the additional purposes regarding one of the additional offenses, he may permit use of the information for these purposes, including transferring it for such purpose, if he deems it necessary to do so, to an entity outside the Police or GSS that is set forth in Part 1 of the Third Schedule, which is authorized to carry out the investigation of the said offense.

(b) The decision of the competent person pursuant to subsection (a) shall be documented in accordance with the form in the First Schedule.

(c) No decision shall be made regarding the use, pursuant to this section, of information that was transferred pursuant to section 30(e) of the Law if more than two years have passed since the time that the information was received from the Authority.

Transfer of information for the principal purposes to another authority in Israel

4. (a) Where a competent person found that for the purposes of implementing the Law or the Prohibition on Terror Financing Law, to protect state security, or for purposes of the combating terror organizations, declared terror organizations and acts of terror (hereinafter – the principal purposes), the information received pursuant to the Law is to be transferred from the Authority to a person in Israel outside the Police or GSS who is authorized to act to accomplish the principal purposes, as set forth in Part 2 of the Third Schedule, he may decide to transfer the information as stated.

(b) The decisions of the competent person pursuant to subsection (a) shall be documented on the form in the Second Schedule.

Documentation of the decisions

5. (a) A centralized record of the decisions as stated in sections 3(b) and 4(b) shall be kept as set forth in subsection (b), and shall set forth all of the following:

(1) the date the decision was made;

(2) the additional offense for whose investigation or prevention the information is used;

(3) a summary of the information;

(4) the unit or body to which the information is transferred, if transferred.

(b) The record of the decisions as stated in sections 3(b) and 4(b) shall be kept –
(1) in the Police, by the head of the Coordination of Joint Operations Department in the Investigations and Intelligence Division of the Police or a person selected from within the said department;

(2) in the GSS, by the head of the Control Center in GSS headquarters or a person selected from among his subordinates.

Restriction on transfer of information and use of information

6. (a) Information from the data bank shall not be transferred to an entity in Israel outside the Police or GSS and use shall not be made of information transferred from the data bank for the additional purposes, except in accordance with the provisions of these Regulations or if set forth explicitly by another provision of law.

(b) Nothing in subsection (a) shall prevent –

(1) the Police or the GSS from providing the information to obtain an expert opinion, if needed for the purpose of the investigation, or to involve the authority in charge of investigation of the original offense in investigating an offense pursuant to the Law;

(2) the Police or the GSS or an entity to which the information was transferred pursuant to section 3 or section 4 from transferring information to the competent person for purposes of prosecution and the conduct of a legal proceeding.

The additional offenses


2 Sefer Hachukkim 5737, p. 226.
3 Sefer Hachukkim 5763, p. 502.
5 Official Gazette 24, 5708, First Schedule, p. 73.
7 Sefer Hachukkim 5714, p. 160.
(2) An original offense that is not set forth in paragraph (1), the punishment for which is at least three years’ imprisonment, provided that the investigation regarding it began as part of an investigation of an offense pursuant to sections 3 and 4 of the Law.

**Reporting**

8. (a) The Inspector General of the Police shall report to the Minister of Internal Security and the head of the GSS shall report to the Prime Minister, in writing, every year, as to all of the following:

(1) the number of decisions on the use of information for the additional purposes, breaking them down according to information requested by the Authority and information transferred upon the initiative of the Authority;

(2) the number of decisions on the transfer of information to entities outside the Police or the GSS pursuant to section 3 and section 4, broken down according to the entities to which the information was transferred;

(3) the offenses for whose investigation or prevention the information pursuant to section 3 was used, and the number of cases in relation to each offense;

(4) the time that passed from the time that the information was transferred from the Money Laundering Prohibition Authority to the time decision was made to use the information for investigation or prevention of additional offenses.

---

8 *Sefer Hachukkim* 5715, p. 171.

9 *Sefer Hachukkim* 5728, p. 234.

10 Laws of the State of Israel 6, 5721, p. 120.

11 *Sefer Hachukkim* 5723, p. 156.

12 *Sefer Hachukkim* 5736, p. 52.

13 *Sefer Hachukkim* 5754, p. 308.

14 *Sefer Hachukkim* 5741, p. 232.

15 *Sefer Hachukkim* 5748, p. 128.
(b) A copy of the report shall be forwarded to the Minister of Justice and to the Knesset’s Constitution, Law and Justice Committee.

Commencement

9. These Regulations shall enter into force thirty days following their publication.

First Schedule

(Section 3)

Decision on use of information and transferring it to another authority for the additional purposes

Pursuant to my authority under section 3 of the Prohibition on Money Laundering Regulations (Rules for Use of Information Transferred to the Israel Police Force and the General Security Service for Investigation of Other Offenses and for Transferring it to Another Authority), 5766 – 2006 (hereinafter – the Regulations), I permit the use of the information in the attached document, reference number …., that was transferred from the Money Laundering and Terror Financing Prohibition Authority, this for the purpose of investigation / prevention (delete the inapplicable) additional offense, as defined in the Regulations, of the following kind: ____ _____ (details of the section of the offense)

(To be completed if the decision is to transfer information to an entity outside the Police or the GSS)

Also, pursuant to my authority under section 3 of the Regulations, I decided to transfer the said information to ________________ (name of the investigating body / investigating authority), for the purpose mentioned above.

_____________  __________________________
Date           Name of the Competent Person
Second Schedule
(Section 4)

Decision on Transfer of Information to Another Authority for the Principal Purposes

Pursuant to my authority under section 4 of the Prohibition on Money Laundering Regulations (Rules for Use of Information Transferred to the Israel Police Force and the General Security Service for Investigation of Other Offenses and for Transferring it to Another Authority), 5766 – 2006 (hereinafter – the Regulations), I decided to transfer the information in the attached document, reference number …., that was transferred from the Money Laundering and Terror Financing Prohibition Authority, this for the purpose of implementing the Prohibition on Money Laundering Law / implement the Prohibition on Terror Financing Law / to protect state security / to combat terror organizations, declared terror organizations and acts of terror (delete the inapplicable)
to ________________ (name of the body / authority), for the purpose mentioned above.

____________________  ______________________________
Date                      Name of the Competent Person

Third Schedule
(Sections 3 and 4)

Part 1 – Authorities to which Information may be Transferred pursuant to Section 3 for the Additional Purposes

Police;
General Security Service;
Military Police Investigations;
Military Police Internal Investigations Unit;
Department for the Investigation of Police, Ministry of Justice;
Securities Authority;
Antitrust Authority;
Israel Taxes Authority
Part 2 – Authorities to which Information may be Transferred pursuant to Section 4 for the Principal Purposes

Police – for the principal purposes;

General Security Service – for the principal purposes;

Military Police Investigations – for the principal purposes;

Military Police Internal Investigations Unit – for the principal purposes;

Department for the Investigation of Police, Ministry of Justice – for the principal purposes;

IDF Intelligence Division – for the principal purposes;

Institute [Mossad] for Intelligence and Special Functions – for the principal purposes;

Minister of Defense – for the principal purposes;

Prisons Service – for the principal purposes;

Customs officer – for exercising powers pursuant to sections 26 and 27 of the Law;

The supervisor pursuant to section 12 of the Law and the inspector appointed pursuant to section 11N of the Law – for inspecting the implementation of the provisions of the Law and for imposing financial sanctions pursuant to the provisions of the Law;

Committee for imposing monetary compensation established pursuant to section 13 of the Law – for imposing financial sanctions pursuant to the provisions of the Law.

_____ 5766                      Haim Ramon
(_____,2006)                  Minister of Justice