

Regulation
of the National Security Authority
of the 19th September 2013

on Industrial Security and the Entrepreneur's Security Project

The National Security Authority (hereinafter "Authority") stipulates under Article 6 (10) and Article 45 (12) of the Act No. 215/2004 on the protection of classified information and on the amendment and supplementing of certain acts, as amended by the Act No. 668/2007, (hereinafter "Act") the following:

Article 1

The Entrepreneur's Access to Classified Information

(1) Transmission of classified information is an operation through which an entrepreneur is acquainted with classified information and either

a) the classified information is not transmitted to the entrepreneur in a materialised form or an electronic form; or

b) the classified information is transmitted to the entrepreneur in a materialised form or an electronic form and the entrepreneur keeps the classified information in its services and premises.

(2) The generation of classified information is a process through which an entrepreneur creates classified information with or without the use of a technical device.

Article 2

Details Concerning the Entrepreneur Security Clearance

(1) The application for the certificate of entrepreneur's industrial security (hereinafter "industrial security certificate") shall be submitted on a prescribed application form to be published by the Authority on its website.

(2) The entrepreneur's security questionnaire shall be submitted in a form that is appropriate to be published by the Authority on its website.

(3) The attachment to the application for the industrial security certificate of an application for the security clearance of the statutory body for a "Confidential" or higher classification level shall not be required if the person concerned is a holder of a valid certificate of the appropriate level under Article 26 (1) of the Act, or is within the process of security clearance of the appropriate level; if the latter is the case, the number and date of issue of the certificate under Article 26 (1) or the name, surname and birth registration number of the individual being within the process of security clearance shall be provided.

(4) The classification level in the application for industrial security certificate shall be designated by indicating:

a) The classification level for the transmission of classified information within the meaning of Article 1 (1) (a) and (b);

b) The classification level for the generation of classified information.

(5) The classification level for the determination of the type of access pursuant to Article 4 for which the industrial security certificate is sought, shall be identified in the application for the industrial security certificate consistently with the substantiation of the entrepreneur's need to access classified information and with due regard to the risk analysis of risks threatening the protection of the classified information, which the entrepreneur seeks to access its services and premises.

(6) The classification level for the transmission of classified information under Article 1 (1) (a) must be the same or higher as the classification level for the transmission of classified information under Article 1 (1) (b) or the generation of classified information.

(7) The classification level to which the intended security clearance of the individual being the statutory body, or a member of the statutory body, of the entrepreneur relates shall be the same or higher as the classification level for the transmission of classified information under Article 1 (1) (a) indicated in the application for industrial security certificate.

(8) The application for the industrial security certificate shall not be accepted if the entrepreneur's previous security clearance has not yet been lawfully completed.

Article 3 The Entrepreneur's Security Project

(1) The entrepreneur's security project, as a set of statutory measures required by law to secure the personal and technical resources for the protection of classified information, shall be prepared on the basis of an analysis of risks threatening the protection of classified information in the entrepreneur's services and premises depending on the type of access to classified information involved. The risk analysis shall be performed with a particular regard to the classification level, type, form and amount of classified information, location, local threats, and criminal activities, including the risk of a threat to classified information, spying, sabotage and terrorism. The risk analysis shall also cover exceptional, emergency and crisis situations.

(2) Unless the paragraph 3 provides otherwise, the entrepreneur's security project shall be prepared in accordance with the model set out in Annex 1 and the entrepreneur shall specify in the entrepreneur's security project the following:

a) The foreseen classification level for which the industrial security certificate is sought, the type of entrepreneur's access to classified information and the place of their occurrence within the entrepreneur's business structure; where the generation of classified information is involved, the entrepreneur shall indicate whether or not the entrepreneur intends to use a technical device for such generation;

b) The implementation of a security policy in respect to personnel resources to ensure the protection of classified information, including the list of persons who may be acquainted with

classified information in the entrepreneur's services and premises, the classification level being sought, and a list of positions that are supposed to involve the access to classified information;

c) The implementation of a security policy in respect to technical resources for the protection of classified information in the areas of:

1. Physical security and building security, which shall identify the physical security and building security documentation to be prepared under Article 53 (4) of the Act;

2. Information security, which shall identify the proposed information security devices, the methods of their use and identification details of certificates of certified technical devices, and where the proposed information security devices have not yet been certified under Article 56 of the Act, a security project in respect of those technical devices under Article 58 of the Act or the documentation of devices for the cryptographic protection of information;

3. Administrative security, which shall comprise the entrepreneur's registry regulations prepared under the special law.¹⁾

(3) The entrepreneur's security project of an entrepreneur, who has applied for the entrepreneur's security clearance under Article 1 (1) (a) shall contain only a definition of the security policy for personnel security, as referred to in a subparagraph 2 (b), prepared in accordance with the model set in Annex 2, and the manner of implementation of the policy.

(4) If the entrepreneur changes the requested classification level(s) or the type(s) of access to classified information within the meaning of Article I in the course of the entrepreneur's security clearance, the entrepreneur shall proceed in accordance with the provisions of Article 45 (2) and (7) of the Act.

(5) If, in the course of assessment of the entrepreneur's security project, the Authority finds out that the set of measures to secure personnel and technical resources for the protection of classified information does not achieve the required standard of protection of classified information relative to the classification level sought by the entrepreneur and the type of access to classified information involved, the Authority shall request the applicant to modify or amend the measures to secure the personnel and technical resources for the protection of classified information within a designated time limit. If the applicant fails to make the modification or amendment within such time limit, the Authority shall proceed in accordance with Article 50 (2) of the Act.

¹⁾ Regulation of the National Security Office No. 453/2007 on administrative security, as amended by the Regulation No. 232/2013

Article 4

The Industrial Security Certificate

(1) The industrial security certificate shall include the following:

- a) Designation of the Authority;
 - b) Number of the industrial security certificate;
 - c) Entrepreneur's identification details including
 1. registered name and registered address;
 2. legal form;
 3. Registration Identification Number;
 - d) Specification of the entrepreneur's type of access to classified information within the meaning of Article 1, together with the classification level for which the industrial security certificate is issued;
 - e) Identification of the industrial security certificate being replaced, in case of procedures under Article 5;
 - f) Date of issue of the industrial security certificate;
 - g) Beginning and ending dates of the validity term of the industrial security certificate;
 - h) Signature of an authorised person and official stamp of the Authority, unless the industrial security certificate is being issued exclusively by electronic means under special laws²⁾.
- (2) Information in the industrial security certificate shall be in Slovak, English and French languages.

Article 5

Procedures for Loss or Theft or Damage or Change of Details of the Industrial Security Certificate

(1) If a valid industrial security certificate has been lost, stolen or damaged, or the entrepreneur's registered name changed without a change in its legal form, or the entrepreneur's registered address changed but the change does not affect the

²⁾ For example, the Act No. 215/2002 on electronic signature and on amendments to certain laws, as amended; the Act No. 275/2006 on public administration information systems and on amendments to certain laws, as amended.

implementation of the security policy in respect to technical resources for the protection of classified information in the areas of physical security and building security, or the

entrepreneur's details referred to in a paragraph (1) (c) point one have changed, the Authority shall issue at the entrepreneur's written request a new industrial security certificate with the same validity term in place of the former industrial security certificate; the new industrial security certificate must contain the identification of the industrial security certificate being replaced.

(2) When a new industrial security certificate is being issued to the same holder for the reason of new entrepreneur security clearance, the new industrial security certificate shall contain the identification of the industrial security certificate being replaced.

Article 6

The Contract on Entrepreneur's Access to Classified Information

(1) The specification of transmitted classified information for the purposes of Article 44 (2) of the Act shall include the specific classification level and the relevant item of the list of state authority's classified information.

(2) The period during which classified information shall be transmitted within the meaning of Article 44 (2) of the Act shall be the period during which the entrepreneur has access to the classified information. The period shall be defined in the contract referred to in Article 44 (1) of the Act ("contract") as commencing on the date when the contract was signed by all parties and ending on the lapse date of the industrial security certificate valid at the time the contract was signed, as specified in the industrial security certificate.

(3) The register of persons and the scopes of their authorisations to acquaint with classified information for the purposes of Article 44 (2) of the Act shall be a list of persons being the entrepreneur's statutory body and entrepreneur's employees allowed to access classified information under the contract, which list shall contain the following details:

a) Person's identification details including the name and surname;

b) The number of the certificate referred to in Article 26 (1) of the Act or the date, and a reference to the result, of the evaluation of background materials referred to in Article 20 of the Act;

c) The classification level of classified information that the person concerned is allowed to access under the contract;

d) References to the specific points of the specification of transmitted classified information, together with the specific classification levels which the person concerned is allowed to access under the contract.

(4) The specification of the scope of activities involving classified information for the purposes of Article 44 (2) of the Act shall be the specification of the entrepreneur's type of access to classified information, which must not be inconsistent with the type of access (Article 1) specified in the industrial security certificate, including the details of the handling of classified information in the entrepreneur's services and premises.

(5) The specification of the range of measures for the purposes of Article 44 (2) of the Act shall be the definition of the entrepreneur's control measures implemented for the protection of classified information to which the entrepreneur has access, and of the state authority's control measures within the meaning of Article 44 (3) of the Act.

(6) The specification of the transmission of classified information to a different entrepreneur for the purposes of Article 44 (2) of the Act shall be the definition of rights and obligations of the parties to the contract for the contingency that other entrepreneurs need to access the classified information, including without any limitation the determination whether or not such transmission of classified information is possible and the specification of the state authority's conditions for such transmission.

(7) The specification of the obligation to notify the extinction of the entrepreneur or changes influencing the protection of the classified information for the purposes of Article 44 (2) of the Act shall be the definition of rights and obligations of the parties to the contract for the contingency that changes arise that have a bearing on the protection of classified information. The entrepreneur shall notify its extinction, and the parties shall notify changes influencing the protection of classified information, in a manner ensuring that

a) such notification is demonstrable;

b) such notification is made without undue delay;

c) the protection of classified information under entrepreneur's control is secured.

(8) The specification of the entrepreneur's obligation upon lapse of the industrial security certificate for the purposes of Article 44 (2) shall be the definition of rights and obligations of the parties to the contract for the contingency that the entrepreneur's industrial security certificate or the contract has lapsed.

Article 7 Transitional Provisions

(1) An industrial security certificate issued before or on the 31st October 2013 shall be deemed during the validity term for which it was issued an industrial security certificate issued under this Regulation.

(2) A contract made before or on the 31st October 2013 shall be deemed during the validity term for which it was made a contract made under this Regulation.

Article 8 Repealing Provision

The Regulation of the National Security Authority No. 325/2004 on industrial security shall be repealed.

Article 9 Coming into Force

This Regulation shall come into force on the 1st November 2013.

Jozef Magala, *m.p.*

(MODEL)
ENTREPRENEUR'S SECURITY PROJECT

(Page one)

Registered name and legal form:

Registered address:

Registration Identification Number:

The classification level for which the entrepreneur industrial security certificate is sought for

- The acquaintance with classified information without the transmission of classified information in a materialised or electronic form as follows:
- The acquaintance with classified information and the transmission of classified information in a materialised or electronic form and the storage of classified information in the entrepreneur's services and premises as follows:
- The generation of classified information as follows:

Date at.....on.....

Approved by:

.....
(Name and surname and signature of the statutory body)

Security Project Structure

I. Entrepreneur's Security Policy

1. Entrepreneur's objectives in the field of classified information
2. Foreseen classified information and its specification in line with business objectives
3. Structure, scope of activities and powers of the entrepreneur's security management

II. Entrepreneur's Security Project

a) Classified information

1. The foreseen classification level for which the entrepreneur industrial security certificate is sought;
2. The entrepreneur's foreseen type of access to classified information; where the generation of classified information is involved, specify whether or not the generation of classified information using a technical device is foreseen;
3. The point within the entrepreneur's structure where classified information is foreseen to arise.

b) Subsystems to secure the protection of classified information

1. The implementation of a security policy in respect to personnel resources to ensure the protection of classified information, including
 - 1.1 a list of persons who may be acquainted with classified information in the entrepreneur's services and premises and the classification level sought;
 - 1.2 a list of technical devices on which the access to classified information is foreseen.
2. The implementation of a security policy in respect to technical resources for the protection of classified information in the areas of physical security and building security (proposed physical security and building security means and the methods of their use; physical security and building security documentation referred to in Article 53 (4) of the Act), including the identification of possible risks threatening classified information within the meaning of Article 3 (1) of the Regulation 301/2013 on industrial security and on entrepreneur's security project (hereinafter "Regulation") in terms of physical security and building security.
3. The implementation of a security policy in respect to technical resources for the protection of classified information in the areas of information security or cryptographic protection of information (proposed information security devices and the methods of their use, identification details of the certificates of certified technical devices, and where the proposed information security devices have not yet been certified under Article 56 of the Act, a security project for the technical devices pursuant to Article 58 of the Act, or the documentation of devices for the cryptographic protection of information), including the identification of possible risks threatening classified information within the meaning of Article 3 (1) of the Regulation in terms of technical devices and cryptographic protection of information employed.
4. The implementation of a security policy in respect to technical resources for the protection of classified information in the area of administrative security (proposed administrative security measures, including a draft of entrepreneur's registry regulations prepared in conformity with the special law and the identification of possible risks threatening classified information within the meaning of Article 3 (1) of the Regulation in terms of administrative security).

(MODEL)
ENTREPRENEUR'S SECURITY PROJECT

Enclosure: *)

Registered name and legal form:

Registered address:

Registration Identification Number:

The head for the purposes of Article 8 (1) of the Act No. 215/2004 on the protection of classified information and on the amendment and supplementing of certain acts (hereinafter "Act") is: (name, surname, title).

The classification level for which the entrepreneur industrial security certificate for the acquaintance with classified information is sought:

Pursuant to Article (a) of the Act, the entrepreneur's head shall proceed in respect to entrepreneur's employees and security clearances of level I in accordance with Article 15 (2) (a), Article 31, 32 (1) and Article 41 of the Act, and Article 2 and Article 3 of the Regulation of the National Security Authority No. 331/2004 on personnel security and on the examination of security employees (hereinafter "Regulation No. 331/2004").

Pursuant to Article 17 (b) of the Act, the entrepreneur's head shall proceed in respect to entrepreneur's employees and security clearances of levels II to IV in accordance with Article 8 (2) (f), Article 15 (2) Subparagraphs (b) to (d), Article 31, 32 and Article 41 of the Act, and Article 2 and Article 3 of the Regulation No. 331/2004.

The head shall

- in respect to the nomination of employees for the acquaintance with classified information follow the procedures laid down in Article 31, 32 and Article 41 of the Act, and Article 2 and Article 3 of the Regulation No. 331/2004;
- in connection with the instruction of employees on their rights and obligations under the Act and its implementing regulations particularly instruct employees on the obligations of authorised persons laid down in Article 38 of the Act;
- in respect to the fulfilment of duties under Article 8 (2) (j) of the Act follow the provisions of Article 42 (2), (5) and (7) of the Act and Article 6 of the Regulation No. 331/2004.

Dated at on.....

.....
(Name and surname and signature of the statutory body)

*) The enclosure shall contain a list of persons who shall be acquainted with classified information in the entrepreneur's services and premises together with the respective classification levels sought, and a list of positions where the access of classified information is foreseen.