

REGULATION
of the National Security Authority
of the 23rd March 2016
on Personnel Security

The National Security Authority (hereinafter “Authority”) stipulates under Article 65 (10) of the Act No. 215/2004 on the protection of classified information and on the amendment and supplementing of certain acts (hereinafter “Act”) the following:

Article 1
Details of Level I Security Clearance Procedures

(1) If any shortcomings are found in the background material referred to in Article 16 (1) (a) points one to four of the Act, the person nominated for acquaintance with classified information (hereinafter “nominee”) shall be notified accordingly and requested to eliminate the shortcomings within a designated time limit.

(2) The evaluation outcome of a level I security clearance shall include, without any limitation, the following:

a) The name and registered office of the public authority or legal entity concerned, or name and place of business of the business natural person concerned;

b) Identifications details of the nominee, including

1. Name and Surname;

2. Birth Registration Number;

c) Position or Title within the meaning of Article 8 (2) (d) of the Act;

d) Matters relevant to the authorisation to acquaint with classified information under Article 10 (1) of the Act;

e) A conclusion as to whether or not the requirements for the authorisation to acquaint with classified information under Article 10 (1) of the Act have been satisfied;

f) The Name, Surname and Signature of the evaluator.

(3) A model personnel questionnaire for persons referred to in Annex 1 to the Act and a model written approval for the authorisation to acquaint with classified information and for security clearance under Article 16 (1) (a) point four of the Act shall be published on the Authority’s website.

Article 2
Details of Level II, Level III and Level IV Security Clearance Procedures

(1) The elimination of shortcomings in the background material and evaluation of the background material under Article 16 (1) (a) points one to five of the Act shall follow, *mutatis mutandis*, the provisions of Articles 1 (1) and (2).

(2) If the applicant is an entrepreneur within the meaning of the special law¹⁾ (hereinafter “entrepreneur”), an application for the level II, level III or level IV security clearance of a nominee (hereinafter “application”) shall not be accepted, unless the applicant has concurrently filed an application for the security clearance of the business entity under Article 45 (2) of the Act or is a holder of a valid industrial security certificate under Article 50 (1) of the Act.

(3) An application shall not be accepted if the Authority has already initiated the level II, level III or level IV security clearance of the nominee and such security clearance has not yet been lawfully completed or suspended.

(4) A model security questionnaire for persons referred to in Annex 3 to the Act and a model application shall be published on the Authority’s website.

Article 3
Designation to Acquaint with Classified Information and Lapse of Designation

(1) If the record of lapse of the designation to acquaint with classified information (hereinafter “designation lapse record”) has not been signed, this fact and the reasons therefore shall be noted in, or enclosed with, the designation lapse record.

(2) The designation lapse record shall be enclosed with the document under which the employment or similar labour relationship, including a public service relationship, was constituted or modified.

(3) A model record of the designation to acquaint with classified information (hereinafter “designation record“), a model designation lapse record and a model declaration of secrecy shall be published on the Authority’s website.

Article 4
The Authorisation Certificate

(1) A certificate of authorisation to acquaint with classified information issued by the Authority (hereinafter “authorisation certificate”) shall indicate the following:

- a) Authority’s Name and Address;
- b) Authorisation Certificate Number;
- c) Nominee’s Identification Details including
 - 1. Name and Surname;

2. Birth Registration Number;

d) The highest classification level of classified information with which the authorisation certificate holder may acquaint himself or herself;

e) Identification details of the authorisation certificate being replaced in case of procedures under paragraph 3 hereof;

f) Date of Issue of the authorisation certificate;

g) Beginning and ending dates of the validity term of the authorisation certificate;

h) Signature of an authorised person and official stamp of the Authority, unless the authorisation certificate is being issued exclusively by electronic means under special laws²⁾.

(2) Information in the authorisation certificate shall be in Slovak, English and French languages.

(3) If the valid authorisation certificate has been lost, stolen or damaged, or its details referred to in paragraph (1) (c) point one have changed, the Authority shall issue at the written request of the holder a new authorisation certificate with the same validity term in place of the former authorisation certificate. If the former authorisation certificate to which the application for a new authorisation certificate refers has been damaged or its details referred to in a paragraph (1) (c) point one have changed, the damaged or non-current authorisation certificate shall be enclosed with the application.

(4) The issuance of an authorisation certificate under paragraph 3 shall promptly be reported to the statutory body of the government authority, or mayor of the municipality, or chairman of the higher territorial unit, or statutory body of the other legal entity, as appropriate (hereinafter “Head”).

(5) At the request of the Head, the Authority shall verify the validity of the authorisation certificate.

Article 5

Details of the Security Clearance Certification Procedures

(1) A certificate of individual’s security clearance under Article 60 (7) of the Act (hereinafter “security clearance certificate”) shall include the following:

a) Designation of the Authority;

b) Certificate Number;

c) Identification details of the individual concerned including

1. Name and Surname;

2. Date of Birth;

3. Place of Birth;

4. Nationality;

d) The highest classification level of classified information of the European Union, the North Atlantic Treaty Organisation or a foreign power which the certificate holder may access, and the applicable laws of the European Union, the North Atlantic Treaty Organisation or the foreign power under which the access to classified information is granted to the individual concerned;

e) Identification details of the security clearance certificate being replaced in case of procedures under paragraph 3 hereof;

f) Date of issue of the security clearance certificate;

g) Beginning and ending dates of the validity term of the security clearance certificate;

h) Signature of an authorised person and official stamp of the Authority, unless the security clearance certificate is being issued exclusively by electronic means under special laws²⁾.

(2) Information in the security clearance certificate shall be in Slovak, English and French languages.

(3) The issuance of a new security clearance certificate in place of a security clearance certificate that has been lost, stolen or damaged, or whose details referred to in paragraph (1) (c) point one have changed, shall follow, *mutatis mutandis*, the provisions of Article 4 (3).

(4) Unless the international treaty by which the Slovak Republic is bound stipulates otherwise,

a) The validity term of the security clearance certificate shall not exceed that of the authorisation certificate;

b) The Head shall ensure that before the individual proceeds to acquainting himself or herself with classified information, the individual has been instructed on the classified information protection obligations arising from the laws of the European Union, the North Atlantic Treaty Organisation or the foreign power.

(5) A model application for security clearance certificate shall be published on the Authority's website.

(6) The provisions of paragraphs 1 to 5 shall apply, *mutatis mutandis*, to an entrepreneur's industrial security certificate.

Article 6

Reporting of Changes by Authorised Person

When reporting changes under Article 38 (d) of the Act, a public document that evidences the changes being reported shall be submitted for consultation.

Article 7 Records and Lists

(1) A list of positions for the purposes of Article 8 (2) (d) of the Act shall indicate, without limitation, the following:

- a) Position;
- b) Classification Level.

(2) Records of authorised persons cleared for the Restricted classification level and of persons whose authorisation has lapsed, as referred to in Article 42 (2) of the Act, shall include the following:

- a) The background material referred to in Article 16 (1) (a) points one to four of the Act;
- b) The evaluation outcome of the level I security clearance if the person concerned does not hold a valid authorisation certificate;
- c) A copy of the designation record and a copy of the declaration of secrecy;
- d) A copy of the designation lapse record;
- e) Other matters reported under the Act.

(3) A list of authorised persons cleared for the Top Secret, Secret and Confidential classification levels, as referred to in Article 42 (2) of the Act, and a list of persons whose authorisation has lapsed shall indicate the following:

- a) Authorised person's basic identification details including
 - 1. Name and Surname;
 - 2. Birth Registration Number;
 - 3. Nationality;
- b) Position or title within the meaning of Article 8 (2) (d) of the Act;
- c) Date of Issue, Number and Classification Level of the security clearance certificate;
- d) Date of Designation;
- e) Expiry Date of the Designation.

(4) The records and lists referred to in paragraphs 1 to 3 must be kept up-to-date.

Article 8 Common Provisions

Where Article 2 (3), the introductory sentence and subparagraphs (a) and (h) of Article 4 (1) and Article 4 (3) refer to the Authority, the reference shall be understood as referring to the Slovak Intelligence Service, the Military Intelligence Service or the Police Force, where appropriate, in respect to individuals, who are subject to the security clearance under Articles 18 (1) to (4) of the Act.

Article 9 Transitional Provisions

(1) A security clearance certificate issued before or on the 31st March 2016 shall be deemed a security clearance certificate issued under this Regulation.

(2) An authorisation certificate issued before or on the 31st March 2016 shall be deemed an authorisation certificate issued under this Regulation.

(3) A designation record and a declaration of secrecy made before or on the 31st March 2016 shall be deemed a designation record and a declaration of secrecy made under this Regulation.

(4) A designation lapse record made before or on the 31st March 2016 shall be deemed a designation lapse record made under this Regulation.

(5) Records and lists kept under former legislation must be brought in compliance with the provisions of this Regulation no later than the 31st December 2016.

Article 10 Repealing Provision

The Regulation of the National Security Authority No. 331/2004 on personnel security and on the examination of security employees shall be repealed.

Article 11 Coming into Force

This Regulation shall come into force on the 1st April 2016.

Jozef Magala, *m.p.*

¹⁾ Article 2 of the Commercial Code, as amended.

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.