

# COLLECTION (national emblem of the Slovak Republic) OF LAWS OF THE SLOVAK REPUBLIC

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The content of the document is legally binding.

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## DECREE

**of the National Security Authority**

of 13 February 2019,

### **laying down Details of Administrative Security of Classified Information**

The National Security Authority (hereinafter referred to as the “Authority”) pursuant to Article 6(10) of Act No. 215/2004 Coll. on the Protection of Classified Information and on Amending and Supplementing certain Acts (hereinafter referred to as the “Act”) lays down:

#### **Article 1**

##### **Scope of Application**

(1) This Decree regulates

- a) Administrative security of classified information, which means
  - 1. official record<sup>1)</sup> containing classified information in electronic form (hereinafter referred to as “electronic classified official record”) or official record containing classified information in paper form (hereinafter referred to as “non-electronic classified official record”);
  - 2. a portable storage medium with a record of information pursuant to Article 2 c) item one of the Act (hereinafter referred to as “classified portable storage medium”);
  - 3. classified information pursuant to Article 2(c) item two and three of the Act, if its nature allows it to be treated as a document (hereinafter referred to as “classified material”);
- b) measures for the electronic registry management information system<sup>2)</sup>, if it is also used for the management of classified information under (a) (hereinafter referred to as “management system”).

(2) Administrative security measures under this Decree do not apply to

- a) classified information pursuant to paragraph 1(a) item one if encrypted using a certified and approved system or a cryptographic information protection device according to the Act;
- b) classified information handled by technical devices according to the Act and not recorded by the originator<sup>3)</sup> as official records;
- c) handling of classified information provided and received in the framework of international cooperation located within the communication and information systems of a foreign power;
- d) handling of systems and cryptographic information protection devices.<sup>4)</sup>

(3) If a legally binding act of the European Union, an international agreement binding Slovak Republic, a decision of an international organisation or a transnational organisation in which

Slovak Republic is a member<sup>5)</sup> contains provisions aimed at a higher level of protection of classified information than provided for in this Decree, in the protection of the classified information provided and received in the framework of the international cooperation, decisions of the international organisation or the transnational organisation in which Slovak Republic is a member and whose list is published on the Authority's website, shall apply.

## **Article 2** **Handling**

(1) Handling, which for the purposes of this Decree shall mean, in particular, recording, marking, originating, receiving, storing, accessing, transferring, reproducing, transforming, destroying and other handling of classified information shall be provided in a manner that enables all actions to be tracked, including getting acquainted with the classified information, identifying the person who carried them out and determining the date of carrying them out. Article 15 shall apply to getting acquainted with classified information.

(2) Unless otherwise specified in this Decree, the handling of a classified official record, which for the purposes of this Decree shall mean an electronic classified official record and a non-electronic classified official record and the file, shall be subject to special regulations.<sup>6)</sup>

(3) Handling shall be provided mainly by means of administrative instruments, which include in particular:

- a) file registry which records all received and originated classified official records and which includes at least record serial number, classification level, date of receipt or origination, number of the received classified official record, number of sheets, number of copies, subject and file number in which the classified official record is further registered; in the intelligence services<sup>7)</sup> a file registry in which only non-electronic classified records can be kept together with the logbook if it also contains the particulars of the previous sentence and if it is maintained in a non-electronic form;
- b) special records intended for recording of classified information at the level of RESTREINT UE/EU RESTRICTED and NATO RESTRICTED (hereinafter referred to as “special records”);
- c) notebook for making excerpts and for work with classified information designated for the relevant level of classification (hereinafter referred to as “notebook”);
- d) records of files requiring long-term classification; such records are also records of security files pursuant to Article 33 of the Act;
- e) records in which classified materials and classified portable storage media are recorded.

(4) Protection of classified information during handling is ensured by an authorised person, in particular by not allowing access to such classified information to an unauthorised person, unless specified otherwise below.

(5) Administrative instruments are recorded in the book of administrative instruments. The individual sheets of the book of administrative instruments and the sheets of the administrative instruments shall be numbered. The book of administrative instruments and an administrative instrument consists of a cover, which is an integral part thereof and which contains at least the name of the state body, the legal entity or the individual who is an entrepreneur under Article 6(8) of the Act (hereinafter referred to as “entrepreneur”) or another legal entity or their organisational unit, title of the book of administrative instruments or the administrative instrument and the registration number; if the administrative instrument is kept in electronic form (hereinafter referred to as “electronic administrative instrument”), the cover shall not be produced and the electronic administrative instrument shall demonstrably record these data.

(6) An electronic administrative instrument shall be secured against unauthorized encroachment on the kept records and shall record in a demonstrable manner any changes in the kept records, including the recording of the person who has received the classified information, if this administrative instrument is also used for the receipt. If the receipt of classified information is confirmed in an electronic administrative instrument, it shall be secured by the function designated for that purpose, including the date of receipt, the identifier of the recipient and the classified information number in accordance with Article 6 together with the establishment of a logical link between the recipient person and the classified information received.

(7) The cover of the file registry shall indicate the classification levels of the classified official records for which it is intended; this shall also apply accordingly to an electronic administrative instrument.

(8) The notebook is marked with the highest classification level for which the notebook can be used, and it shall be handled according to its content, so as to prevent unauthorised handling.

(9) A notebook shall be issued to the persons under Article 35(2) and (3) of the Act, persons according to a special regulation<sup>8)</sup> or according to a decision of the head by the state body that discloses the classified information to them. The notebook shall be stored solely with the state body that issued it. After the cessation of the need to get acquainted with the classified information, the notebook shall be returned to the state body.

(10) The records of files requiring long-term classification shall not be closed at the end of the calendar year. The records referred to in the previous sentence shall be further subject to the provisions as in case of the logbook.

(11) All entries in the book of administrative instruments, administrative instruments, the notebook excluding, shall be carried out at least to the extent required by this Decree in chronological and numerical order. Entries in the book of administrative instruments kept in paper form and administrative instruments kept in paper form shall be made in such a way that the permanence of the writing is ensured.

(12) Unless otherwise specified in Article 24, the head, which in the state body is the statutory body, the mayor in a municipality, the chairman in a higher territorial self-governing unit and the statutory body in other legal entity, shall further regulate in reference to the handling of classified information the details of

- a) handling classified information;
- b) handling classified information received and provided in the framework of international cooperation, if such classified information is received or provided;
- c) handling classified information at the classification level RESTREINT UE/EU RESTRICTED and NATO RESTRICTED according to Article 34, if such classified information is received or provided;
- d) requirements and the manner of using administrative instruments;
- e) securing classified information upon termination or change of a person's authority to get acquainted with classified information and in case of replacement of the head;
- f) manner of recording of getting acquainted with classified information;
- g) manner of recording of getting acquainted with classified material and classified portable storage media;

- h) handling classified information in an extraordinary situation<sup>9)</sup> and a crisis situation<sup>10)</sup> in order to prevent their disclosure to an unauthorised person or a foreign power, in particular to ensure
1. records of classified official records pursuant to a special regulation<sup>11)</sup> and the records of classified materials and the records of classified portable storage media;
  2. manner of their destruction; and
  3. manner of their protection.
- (13) If stipulated by a special regulation,<sup>12)</sup> the head shall regulate the details pursuant to paragraph 12 in the same manner.

### **Article 3**

#### **Marking of Classification Level**

(1) Each piece of classified information is marked by a classification level already upon its origination.

(2) The classification level shall be marked on the classified official record in the manner specified in Article 3(2) of the Act in red colour with the words Top Secret, Secret, Confidential or Restricted on each page of the classified official record and its attachments at the top and the bottom. Marking of the classification level shall be carried out in an electronic official record so that it can be clearly identified without the need to get acquainted with the content of the electronic classified official record.

(3) If classified information consists of parts of various classification levels, it shall be marked by the highest classification level of all of them. The classification level of a part of classified information is marked at the beginning and at the end of such part by the acronym of the classification level according to Article 3(2) of the Act in square brackets "[TS]", "[S]", "[C]" or "[R]"; the unclassified part is marked by the word "non-classified" in square brackets or by the abbreviation "N" in square brackets.

(4) On a classified material and a classified portable storage medium, the classification level shall be indicated on the descriptive label or on the packaging.

### **Article 4**

#### **Specific Handling Requirements or Restrictions**

(1) The originator of classified information may decide on specific requirements or restrictions on handling, in particular on the period of classification under Article 8(2) a) of the Act and the extent and manner of distribution.

(2) Specific requirements or restrictions on handling shall be indicated on the first page of the classified official record as a rule under the classification level marking and on the classified material and the classified portable storage medium on the descriptive label or on the packaging; with the classification period, for example, the words "Classify until....." shall be used and the exact date in the form of "day, month, year" shall be indicated or the verbal expression of a particular event, such as "Until house search", with the manner of distribution for example with the words "Return to the originator after use", "Distribute only in paper form", "Do not transform into electronic form".

(3) Only the originator of classified information may decide on changing or revoking specific handling requirements or restrictions.

(4) Any change or revocation of specific requirements or restrictions on handling shall be notified promptly and demonstrably to all recipients.

(5) Specific requirements or restrictions on handling, as well as any change or cancellation thereof, shall be binding to every person having access to the classified information.

### **Article 5** **Change and Revocation of Classification Level**

(1) The classification level is changed or revoked

- a) upon expiration of the specified period of classification or
- b) on the basis of the decision of the originator of the classified information on changing or revoking the classification; the originator of the classified information may also decide to change or revoke the classification of a part of the classified information.

(2) If the originator of classified information determines the period of classification according to Article 4(2) by verbal expression of a particular event, the expiry of this period shall be immediately and demonstrably notified to all the addressees to whom it is delivered.

(3) The change or revocation of the classification level according to paragraph 1 b) shall be demonstrably announced by the originator of the classified information to all addressees to whom it is delivered. The notification of the originator of classified information about the change or revocation of the classification level shall be stored together with the classified information.

(4) If the period of classification expires or the classification level is changed or revoked, it shall be marked immediately in the logbook, file, records pursuant to Article 2(3) e) and, at the same time, on the classified information so that the original classification level is obvious. If the classification level is changed, a new classification level shall be marked in the logbook, file, records pursuant to Article 2(3) e) as well as on the classified information. The change or revocation of the classification level of the file shall be indicated in the logbook.

### **Article 6** **Classified Information Number**

(1) Each classified information shall be marked with a classified information number unique to the state body, the entrepreneur, or any other legal entity or their organisational unit.

(2) The number of the classified official record shall be formed by the file number pursuant to special regulation<sup>13)</sup> supplemented by at least the serial number of the classified official record within the file and the acronym of the classification level.

(3) The number of the classified material and the number of the classified portable storage medium shall consist of at least the year in which the classified material or classified portable storage medium is registered, the marking of the state body, the entrepreneur, other legal entity or their organisational unit and the record number allotted from the relevant records of classified information pursuant to Article 2(3) e).

## **Article 7**

### **Formal Requirements**

(1) Unless specified otherwise, the first page of a classified official record shall specify the requirements under special regulation,<sup>14)</sup> with the exception of the surname which shall not be mentioned in intelligence services,<sup>7)</sup> supplemented with at least the following elements:

- a) number according to Article 6(2) specified on each page; this shall apply to attachments as well;
- b) classification level indicated on each page; this shall apply to attachments as well;
- c) copy number;
- d) specific handling requirements or restrictions, if the originator of the classified information so decides;
- e) number of sheets;
- f) number of attachments, slash the number of sheets of the attachments, if it includes such attachments;
- g) number of classified materials and classified portable storage media, if they form an attachment to a non-electronic classified official record, stating the classified material and the classified portable storage medium attached.

(2) On the classified official record itself, which shall remain with the state body, the entrepreneur or with other legal entity or in their organisational unit in which it is originated, shall be indicated the number of copies produced and their addressees (hereinafter referred to as the “distribution list”).

(3) The classified official record itself, according to paragraph 2, shall indicate on the first page next to the classification level marking a particular item from the proper list of classified information of the legal entity,<sup>15)</sup> which in terms of its content corresponds to the originated classified official record (for example, “ZUS15”).

(4) The sheets of the non-electronic classified official record and the sheets of its attachments shall be firmly bound together to prevent the possibility of sheet exchange.

(5) If a classified official record has an attachment, the first page of the attachment shall indicate the number of sheets and identify it as an attachment. On the detachment of the attachment from the non-electronic classified official record a record shall be made and it shall be further handled according to its classification level. If a cover letter for the detached attachment is created with another number of the classified official record pursuant to Article 6(2), the first page of the attachment shall include a record indicating which cover letter this annex belongs to.

## **Article 8**

### **Receipt**

(1) The receipt is taking over of classified information. If the receipt is confirmed in paper form, the recipient shall demonstrably confirm the receipt by the name of the state body, the entrepreneur or other legal entity, or the recipient's organisational unit, date, name, surname and signature; the receipt within one organisational unit is demonstrably confirmed by the recipient through date, name, surname and signature. If the receipt is confirmed in electronic form, a demonstrable confirmation containing the date of the receipt and the identifier of the person of recipient shall be provided by establishing a logical link between the recipient and the received classified information. The confirmation of receipt shall be kept for at least three years from the receipt of the classified information by the recipient.

(2) If a delivered non-electronic classified official record, classified material or classified portable storage medium has damaged packaging or it is apparent that an unauthorized person may have gotten acquainted with its content, the recipient shall make a record of the findings, which shall be attached to the non-electronic official record, to the classified material or the classified portable storage medium, and a copy thereof shall be sent to the sender.

(3) If, after unpacking, it is found that the non-electronic classified official record, the classified material or the classified portable storage medium is intended for a different addressee, the recipient shall return it to the sender upon confirmation of having had access to it.

(4) A delivered classified official record that does not meet the obligatory requirements under Article 7, or whose characteristics are not in compliance with the actual situation, shall be returned to the sender upon its registration and shall be accompanied by a record of the deficiencies found. If it is not possible to return the classified official record to the sender, the recipient shall notify the sender of the deficiencies found and shall demonstrably request their immediate removal.

(5) If an electronic record containing classified information that is not an official record is received and the recipient decides to record it, such received electronic record shall not be subject to the requirements under paragraph 4 and shall be further handled according to this Decree.

#### **Article 9**

##### **Registration of Classified Official Records**

(1) Every classified official record, which is originated at a state body, an entrepreneur or other legal entity or their organisational unit or is delivered to them shall be recorded in a file registry. The classified official record, which prompts opening the file, shall then be recorded in the logbook, so that instead of the data indicated in the special regulation<sup>16)</sup> the serial number of the record from the file registry in which it is registered shall be indicated, the year and the marking of the file registry so as to ensure its unambiguous identification. Any other classified official record related to the handling of the same matter shall be recorded in the file after being entered in the file registry. A classified official record must not remain out of a file unless Article 33(3) and Article 34(1) specify otherwise.

(2) A classified official record shall be recorded in the file registry and in the logbook by the person demonstrably authorised by the head (hereinafter referred to as "authorised person"), subject to the requirements under Article 2(4) and Article 15.

(3) A logbook kept under special regulation,<sup>17)</sup> in which classified official records and files containing classified official records are recorded shall be supplemented at least by the classification level of the file and data on its change or revocation.

(4) If a different authorized person has received the classified official record from the person authorised by the head, they shall immediately forward it to the person authorised for recording under paragraph 1.

#### **Article 10**

##### **Recording Classified Official Records without Using a Management System**

(1) The delivered non-electronic classified official record shall be marked by the recipient's presentation stamp in accordance with special regulation,<sup>18)</sup> supplemented by the serial number of the record within the file and the total number of sheets of the registry record, including the attachments; the record number according to special regulation<sup>18)</sup> is the serial number of the

record from the file registry, in which the year and file registry marking are recorded so as to ensure its unambiguous identification.

(2) The draft of a non-electronic classified official record or the concept of a non-electronic classified official record shall be marked with at least the classification level, the date of origination and the indication of the person processing it. The draft of a non-electronic classified official record or the concept of a non-electronic classified official record shall be recorded pursuant to Article 9(1) after completing the obligatory requirements under Article 7, if it is not destroyed within five working days after its origination.

### **Article 11** **Recording through Management System**

One or more interconnected file registries shall be kept through a management system. The management system may be used to contain classified information or not to contain classified information, provided that it carries out the appropriate measures set out by this Decree. A management system that contains classified information may only be used in technical devices.

### **Article 12** **File**

(1) Classified official records and official records related to the processing of the same matter are usually recorded in one file.

(2) The person processing the matter shall decide on the inclusion of a classified official record into an existing file or on opening a new file, unless otherwise specified by the head.

(3) If a classified official record is recorded in a file, the file shall be marked with the classification level of that classified official record. If classified official records with different classification levels are recorded in a file, the file shall be marked with the classification level of the classified official record marked with the highest classification level. The classification level used to mark the file shall be indicated in the logbook.

(4) Into the content of the file pursuant to special regulation<sup>19)</sup> in which the classified official record is recorded shall be added the acronym of the classification level of the classified official record, number of sheets and number of copies. The classified official record that prompts the opening of the file shall also be recorded in the content of the file after it is recorded in the logbook.

(5) The file shall not receive a new file number and a new cover, but shall continue with the next serial number under the original file number if in the next calendar year, a new classified official record or registry record is received or originated in the file recorded in the file records whose character requires long-term classification pursuant to Article 2(10).

### **Article 13** **Recording of Classified Material and Classified Portable Storage Medium**

(1) A classified material and a classified portable storage medium shall be recorded by entry in the records pursuant to Article 2(3) e); this shall not apply if the classified material or classified portable storage medium is registered as an attachment to a non-electronic classified official record.

(2) The records referred to in paragraph 1 shall be kept at the state body, the entrepreneur or other legal entity or their organizational unit so as to provide a complete overview of all classified materials and classified portable storage media.

(3) Classified object and classified portable storage medium shall be marked on the descriptive label or on the packaging at least by classification level, name of the state body, entrepreneur or other legal entity, or their organisational unit and the assigned record number.

#### **Article 14**

##### **Correction of Records and Obligatory Requirements**

Correction of an incorrect recording entry, an incorrect entry pursuant to Article 13(3) and incorrect formal requirements shall be carried out by the authorised person so that the original recording remains legible and it is clear who made the correction and when.

#### **Article 15**

##### **Getting Acquainted with Classified Information**

Person that acquaints oneself with classified information marked Top Secret, Secret or Confidential shall demonstrably confirm it by stating the date of getting acquainted with it, their name, surname and signature in a manner specified by the head pursuant to Article 2(12) or (13), unless otherwise specified in Article 24.

#### **Article 16**

##### **Transfer**

Transfer of non-electronic classified official record, classified material and classified portable storage medium shall mean having them at disposal physically

- a) outside of the security area within a site,
- b) off-site,
- c) cross-border.

#### **Article 17**

##### **Transfer outside of the Security Area within a Site**

Non-electronic classified official record, classified material or classified portable storage medium during a transfer outside of the security area within a site pursuant to Article 2(r) of the Act shall be secured in such a way that an unauthorised person will be prevented from getting acquainted with their content.

#### **Article 18**

##### **Transfer off-site**

(1) Transfer of non-electronic classified official record, classified material or classified portable storage medium of the classification level Top Secret and Secret off-site can only be carried out by a person authorised to get acquainted with classified information of at least the same classification level as the classification level of the classified information being transferred.

(2) Transfer of non-electronic classified official record, classified material or classified portable storage medium of the classification level Confidential off-site can only be

- a) done by a person authorised to get acquainted with classified information of at least the same classification level as the classification level of the classified information being transferred, or
- b) a postal service<sup>20)</sup> with a valid facility security clearance certificate pursuant to Article 50(1) of the Act, if it is an entrepreneur, only on the basis of a contract pursuant to Article 44(1) of the Act as registered mail.

(3) Transfer of non-electronic classified official record, classified material or classified portable storage medium of the classification level Restricted off-site can only be

- a) done by a person authorised to get acquainted with classified information of at least the same classification level as the classification level of the classified information being transferred, or
- b) a postal service,<sup>20)</sup> and only as registered mail.

(4) Non-electronic classified official record, classified material or classified portable storage medium shall be secured during transfer off-site in two opaque covers, namely an inner and an outer one; the outer cover is not required if locked pouch, suitcase, covers, courier pouch secured by mechanical, code or other lock, or sealed are used for their transfer.

(5) The inner cover and the outer one are secured in such a way that they cannot be opened without being obviously damaged.

(6) A return receipt shall be inserted in the inner cover of non-electronic classified official record, classified material or classified portable storage medium of classification level Top Secret and Secret. The return receipt shall be confirmed by the final recipient upon receipt of the classified information and returned to the sender within 7 working days after date of its receipt. The confirmed return receipt shall be retained by the authorized person of the sender for a period of at least 3 years.

(7) The inner cover containing non-electronic classified official record, classified material or classified portable storage medium of the classification level Top Secret and Secret shall be secured by elements for maintaining its integrity, for example, by marking the joints and the sealing part with the sender's stamp together with the signature of the person who packed the non-electronic classified official record, classified material or classified portable storage medium, and sealing it with adhesive tape.

(8) In particular, the inner cover shall indicate

- a) number of the classified information;
- b) sender;
- c) classification level and
- d) recipient.

(9) The outer cover shall be marked with at least the number of the classified information, without indicating the acronym of the classification level.

## **Article 19**

### **Cross-Border Transfer**

(1) Conditions specified in Article 18 shall apply to the cross-border transfer of non-electronic classified official record, classified material or classified portable storage medium of classification level Top Secret, Secret and Confidential, and it shall be provided by the Ministry of Foreign and European Affairs of the Slovak Republic or a person pursuant to special regulations.<sup>21)</sup>

(2) Cross-border transfer of non-electronic classified official record, classified material or classified portable storage medium of classification level Restricted shall be possible subject to the conditions specified in Article 18(3).

(3) Non-electronic classified official record, classified material and classified portable storage medium provided in the framework of international cooperation pursuant to Article 60(8) and (9) of the Act can be transported by officers or employees of the intelligence services of the Slovak Republic, officers and employees of the Police Force or members and employees of the Armed Forces of the Slovak Republic who are authorised persons for the same or higher classification level than that of the transported non-electronic classified official record, classified material and classified portable storage medium.

## **Article 20**

### **Reproduction and Translation**

(1) Non-electronic classified official record marked with classification level Top Secret may be reproduced or translated only on the basis of a demonstrable consent of the originator of the classified information.

(2) Non-electronic classified official record marked with classification level Secret, Confidential or Restricted may be reproduced or translated, unless otherwise specified by the originator in its specific handling requirements or restrictions; this applies without prejudice to Article 24(5).

(3) Reproduced non-electronic classified official record or a translation of a non-electronic classified official record shall be marked with the classification level of the original non-electronic classified official record. If only a part of the text or content of the non-electronic classified official record is reproduced or translated, the part so reproduced or translated shall be marked with the same classification level as the part of the non-electronic classified official record.

(4) Any reproduction or translation shall be recorded on the original non-electronic classified official record and in the file in which the original non-electronic classified official record is recorded. It shall be indicated on the reproduced non-electronic classified official record that it is a copy indicating the serial number of the produced copy.

(5) The translation of the electronic classified official record shall be subject to the conditions specified in paragraphs 1 through 3.

## **Article 21**

### **Transformation**

(1) For the purposes of this Decree, transformation shall mean production of

- a) electronic copy of a non-electronic classified official record, or
- b) non-electronic copy from an electronic classified official record.

(2) For the transformation of non-electronic classified official record, the provisions of Article 20(1) and (2) shall apply. On the original non-electronic official record, the production of its electronic copy shall be recorded and a clear link between the original non-electronic official record and its electronic copy shall be provided.

(3) The provisions of Article 20(1) and (2) shall apply to the transformation of an electronic classified official record. The non-electronic copy thus created shall be marked with the words "copy No.....", under which the number of the original electronic classified official record shall be indicated and the person who transformed it shall make a fixed connection pursuant to Article 7(4).

(4) Each transformation shall be recorded in a file containing the original classified official record.

(5) The provisions of paragraphs 1 through 4 shall apply to the transformation of a part of the text or the content of a classified official record. Such transformed part shall be marked by the same classification level as the part of the original classified official record.

## **Article 22**

### **Storing**

Closed file, in which the classified official record is registered, shall be stored after its conclusion in a special registry pursuant to special regulation,<sup>22)</sup> subject to the conditions specified pursuant to title four and five of the second part of the Act.

## **Article 23**

### **Destruction of Classified Information and Discarding of Administrative Instruments**

(1) Destruction of classified official records is possible after execution of the discarding procedure pursuant to special regulation,<sup>23)</sup> unless special regulation specifies otherwise.<sup>24)</sup>

(2) Classified official records marked in a decision issued pursuant to special regulation<sup>25)</sup> with “A” sign shall be secured pursuant to Article 7(3) of the Act. After revoking the classification level according to Article 5, these shall be transferred to the relevant archive.<sup>26)</sup>

(3) Classified official records marked in a decision issued pursuant to special regulation<sup>26)</sup> without the “A” sign shall be destroyed in accordance with the conditions specified in title four and five of the second part of the Act.

(4) Classified official records of the classification level Top Secret and Secret shall be destroyed in the presence of at least two members of the committee demonstrably appointed by the head. The members of the committee shall be persons authorised to get acquainted with classified information at least to the extent of the classified information being destroyed. If a state body or an entrepreneur is unable to comply with the condition specified above, it shall ask the Authority for cooperation.

(5) Destruction of a file in which a classified official record is recorded shall be recorded in the logbook.

(6) Destruction of classified official records shall be demonstrably accompanied by a certificate of destruction, which shall contain a list of destroyed classified official records stating the numbers of classified official records pursuant to Article 6(2) that have been destroyed. Certificate of destruction of the classified official records of the classification level Confidential and Restricted shall be signed by a person designated by the head for their destruction. Certificate of destruction of the classified official records of the classification level Top Secret and Secret shall be signed by two members of the committee specified in the manner in accordance with paragraph 4. Certificate of destruction shall be kept for at least five years after the destruction.

(7) A classified material and a classified portable storage medium shall be destroyed if the head demonstrably so decides, subject to the conditions specified in paragraphs 4 and 6, namely pursuant to title four and five of the second part of the Act. Destruction of classified material and classified portable storage medium shall be recorded in the records pursuant to Article 2(3) e). A certificate of destruction shall be kept for at least five years after the destruction.

(8) Administrative instruments shall be discarded according to special regulations.<sup>6)</sup> A certificate of destruction of an administrative instrument shall be included in the book of administrative instruments.

(9) An entrepreneur can destroy classified information that the state body has asked him to originate or which the state body has granted them on the basis of a contract pursuant to Article 44(1) of the Act, if this contract specifies so, subject to the conditions specified in paragraphs 1 through 8 and 10 and 11.

(10) Destruction of a draft or a concept of a non-electronic classified official record that is not recorded shall not be subject to paragraphs 1 through 9. Such draft or concept shall be destroyed in accordance with the conditions specified in title four and five of the second part of the Act.

(11) Originator of classified information may destroy, outside of the discarding procedure, those copies of a classified official record that do not include a distribution list. Such destruction shall be indicated in the distribution list on the original classified information. Outside of the discarding procedure, authorised persons can destroy a copy of a non-electronic classified official record of the classification level Restricted and Confidential originated by themselves. Certificate of destruction shall be marked by the authorised person on the original non-electronic classified official record and in the file in which it is registered.

#### **Article 24**

##### **Handling Intelligence Information and Handling in Specific Conditions**

(1) Intelligence information for the purposes of this Decree shall mean classified information, which originated in the intelligence service,<sup>7)</sup> containing information obtained by methods and means pursuant to special regulation.<sup>27)</sup>

(2) The head of the intelligence service,<sup>7)</sup> shall decide on the manner of handling intelligence information in its authority in a binding internal legal regulation so that the appropriate level of protection under the Act and this Decree is observed.

(3) Handling classified information in specific conditions, which for this purpose include military operations, military exercises, field conditions, national and international exercises with the participation of the Slovak Armed Forces and their training and with classified information provided and received in the framework of international cooperation pursuant to Article 60(8) and (9) of the Act shall be regulated by the head of the intelligence service in a binding internal legal regulation so that the appropriate level of protection under the Act and this Decree is observed.

(4) Addressee to whom the intelligence information is sent<sup>28)</sup> and every authorised person who has gotten acquainted with intelligence information shall indicate this by a record directly on the intelligence information; the record shall contain name, surname, date of getting acquainted with it and signature of the person who got acquainted with this intelligence information.

(5) The recipient shall reproduce, translate or transform the intelligence information pursuant to paragraph 4 only on the basis of a prior demonstrable consent of the intelligence service.

(6) Paragraphs 1 and 5 shall also apply to the classified portable storage medium containing intelligence information.

(7) The provisions of paragraphs 1 through 6 shall be without prejudice to the provisions of Article 4.

#### **Article 25**

##### **Securing Classified Information upon the Dissolution of a State Body, Entrepreneur or other Legal Entity**

(1) Upon the dissolution of a state body or other legal entity, the Authority shall stipulate the conditions for classified information protection on the basis of a notification pursuant to Article 8(2) i) of the Act.

(2) When an entrepreneur ceases to exist, the Authority shall stipulate the conditions for classified information protection on the basis of a notification pursuant to Article 8(2) i) of the Act, unless it is decided by the state body that has asked the entrepreneur to originate the classified information or has provided the classified information to the entrepreneur.

#### **Article 26**

##### **Securing Classified Information after Termination or Change of Authorisation to Get Acquainted with Classified Information**

(1) If a person ceases to be authorised to get acquainted with classified information, they shall demonstrably return assigned classified information and administrative instruments to the head or a person designated for this purpose by the head.

(2) If a person's authorisation changes in a manner that has an impact on securing the protection of their assigned classified information and administrative instruments, the head shall decide on how they are to be returned and the return shall be performed in a demonstrable manner.

#### **Article 27**

##### **Unauthorised Handling**

(1) Notification of unauthorised handling of classified information pursuant to Article 2 a) of the Act (hereinafter referred to as "notification of an unauthorised handling") shall include

- a) name of the state body, entrepreneur or other legal entity or their organisational unit in which the unauthorised handling occurred;
- b) number of the classified information pursuant to Article 6 and its classification level;
- c) name and surname, date of birth of the person responsible for the unauthorised handling, if known;
- d) time period of the occurrence of the unauthorised handling,
- e) the manner in which the unauthorised handling occurred; in particular, the description of the event itself, how many unauthorised persons had or could have had access to the classified information;
- f) if a crime<sup>29)</sup> is suspected, date, name and address of the body to which the complaint had been filed;
- g) information whether the originator of the classified information has been informed of the unauthorised handling and when;
- h) initial measures taken to prevent further unauthorised handling.

(2) Within 30 days of the notification of unauthorised handling, the head shall send a report to the Authority on the manner and conclusions of the investigation and the measures taken to prevent unauthorised handling.

(3) The unauthorised handling shall be indicated in a file registry, file, records of files, the nature of which requires long-term classification, and in the records pursuant to Article 2(3)(e).

(4) The procedure under paragraphs 1 and 2 shall apply to the state body, entrepreneur or other legal entity, even if the Authority has demonstrably warned them of the unauthorised handling.

(5) In case of unauthorised handling the head shall keep an overview of cases of unauthorised handling for at least the last five calendar years, including at least a notification of an unauthorised handling and a report on the manner and conclusions of the investigation and the measures taken to prevent unauthorised handling.

**Article 28****Handling Foreign Classified Information and Classified Information Provided in the Framework of International Cooperation**

(1) Unless specified otherwise, the provisions of this Decree shall apply to the handling of classified information provided and received in the framework of international cooperation.

(2) Classified information received in the framework of international cooperation (hereinafter referred to as "foreign classified information") that raises doubt about its classification level shall be handled as classified information of classification level Confidential until its actual classification is established.

(3) Handling of foreign classified information and classified information provided in the framework of international cooperation shall be carried out through a system of registries consisting of a central registry, a registry or an end registry. A person designated by the head shall be responsible for the administration of the registry (hereinafter referred to as the "registry administrator") and the end registry (hereinafter referred to as "the end registry administrator"). The central registry shall be maintained and administered by the Authority.

**Article 29****Establishment of Classified Information Registries and Classified Information End Registries**

(1) Request for approval of the establishment of a registry or an end registry pursuant to Article 61(2) of the Act shall be submitted to the Authority in accordance with the specimen published on the Authority's website. An end registry shall be established solely at a state body, at an entrepreneur or another legal entity that has a registry established. An end registry may only be established at a classification level equal to or lesser than the registry under the authority of which it is established.

(2) A State body, an entrepreneur or other legal entity may request the Authority to approve the establishment of multiple registries and end registries.

(3) On the basis of a request by a state body, an entrepreneur or other legal entity, the Authority shall assess the created conditions to ensure the protection of classified information under the Act within two months following the submission of a complete request pursuant to paragraph 1. If the request is not complete, the Authority shall ask the applicant to complete the request within a specified period; at the same time, it shall instruct the applicant that in case of failure to do so within the specified time, it shall terminate the assessment. If the applicant meets the conditions for ensuring the protection of classified information under the Act, the Authority shall issue a confirmation of compliance with the conditions. The Authority shall immediately send the confirmation of compliance to the applicant. If the request fails to comply with the conditions for securing the protection of classified information under the Act or the applicant does not complete the request within the specified period of time, the Authority shall terminate the assessment and notify the applicant thereof.

(4) After issuing the confirmation of compliance with the conditions under paragraph 3, the Authority shall, within 30 days, brief the registry administrator and the end registry administrator on their duties in protection of classified information pursuant to the relevant regulations referred to in Article 1(3) and according to the Act. A record shall be made of the briefing, which shall be signed by the registry administrator or by the end registry administrator and the person who has carried out the briefing.

(5) Upon meeting the conditions under paragraphs 3 and 4, the Authority shall demonstrably notify the approval with the establishment of the registry and the end registry.

(6) The administrator shall, in a demonstrable manner, inform the Authority of any changes to the data contained in the request for approval of the establishment of the registry or the end registry.

(7) If, after issuing a confirmation of compliance with the conditions according to paragraph 3, the state body, the entrepreneur or other legal entity ceases to meet the conditions for issuing a confirmation of compliance with the conditions or repeatedly breaches its obligation to protect the classified information, the Authority may revoke the validity of the confirmation of compliance with the conditions under paragraph 3 and its approval with the establishment of the registry or the end registry.

(8) The Authority shall brief the registry administrator and the end registry administrator under paragraph 4 on a regular basis and upon replacement of the registry administrator and the end registry administrator.

### **Article 30 Central Registry**

(1) All foreign classified information and classified information provided in the framework of international cooperation shall be recorded in the central registry, unless otherwise specified by the Act.

(2) Central registry

- a) shall receive foreign classified information unless the Act or this Decree specifies otherwise;
- b) provides classified information of the Slovak Republic to a foreign power, unless the Act or this Decree specifies otherwise;
- c) distributes foreign classified information to registries and through registries, to end registries, unless otherwise specified by the Act or this Decree;
- d) facilitates getting acquainted with foreign classified information to an authorised person within the authority of a state body, an entrepreneur or other legal entity without an established registry;
- e) maintains an actual overview of approved registries and end registries that the Authority shall publish on its website;
- f) performs the tasks of the Authority's registry.

### **Article 31 Registry**

Registry

- a) shall receive through the central registry foreign classified information unless the Act or this Decree specifies otherwise;
- b) provides classified information of the Slovak Republic through the central registry to a foreign power, unless the Act or this Decree specifies otherwise;
- c) records all foreign classified information and classified information provided by it in the framework of international cooperation, unless the Act specifies otherwise.
- d) if the end registry is approved within its authority, it shall distribute foreign classified information to it, unless the Act specifies otherwise.

**Article 32**  
**End Registry**

End registry

- a) shall receive foreign classified information through a registry, unless the Act or this Decree specifies otherwise;
- b) provides classified information of the Slovak Republic through a registry to a foreign power, unless the Act or this Decree specifies otherwise;
- c) records all foreign classified information and classified information provided by it in the framework of international cooperation, unless the Act specifies otherwise.

**Article 33**  
**Specific Methods of Handling Foreign Classified Information and Classified Information  
Provided in the Framework of International Cooperation**

(1) Each foreign classified information and classified information provided in the framework of international cooperation for the purposes of Article 61(1) of the Act shall be recorded in the central registry in

- a) the file registry in the central registry or
- b) special records of the central registry.

(2) Recording in the central registry shall mean for the purposes of Article 61(1) of the Act also dispatching of a list pursuant to Article 34(5).

(3) If foreign classified information and classified information provided in the framework of international cooperation is received by the central registry or a registry only for its further distribution, it shall be recorded in accordance with Article 9(1) only in the file registry or in the special records. The file registry shall include at least the data according to Article 2(3) a), the file number shall not be filled in, and the file registry shall indicate the recipient. Reproduction and transformation shall be indicated in the file registry. A file registry or special records pursuant to this provision shall mean in a state body in which the registries are established, the central registry file registry or special records of the central registry.

(4) If foreign classified information and classified information provided in the framework of international cooperation, which is a classified official record, they are not included in the file, shall be marked with a number according to Article 6(1) and shall contain at least the acronym of the classification level.

(5) If foreign classified information and classified information provided in the framework of international cooperation is received by the central registry, a registry or an end registry for its further processing, it shall be recorded in accordance with Article 9(1), unless the head has decided otherwise in accordance with Article 34(1). For maintaining a file registry or a special records according to the first sentence, a file registry or special records shall mean in a state body, in which the registry is established, the central registry, file registry or special records of the central registry.

(6) Foreign classified information and classified information provided within the framework of international cooperation shall be recorded in such a way that a file registry or special records provides a comprehensive overview of all such classified information, individually separate according to the specific foreign power.

(7) Foreign classified information that is a non-electronic classified official record, a classified material or a classified portable storage medium, shall be marked with the Slovak equivalent of the classification level upon receipt.

(8) Foreign classified information can be distributed directly between registries or end registries within the system of registries.

(9) Foreign classified information may only be distributed to a state body, an entrepreneur or other legal entity that has a registry established; if a state body, an entrepreneur or other legal entity does not have a registry established, it is possible to get acquainted with the foreign classified information through the central registry.

(10) Foreign classified information and classified information provided in the framework of international cooperation that is registered for further processing shall be returned, following the expiration of the period during which it is needed for the activity of a state body, an entrepreneur or other legal entity, to the file registry or to the special records in which it has originally been registered, for further processing.

#### **Article 34**

##### **Specific Methods of Handling Classified Information of the Classification Level RESTREINT UE/EU RESTRICTED and NATO RESTRICTED**

(1) The head may decide in accordance with Article 2(12) or (13) on the non-inclusion of classified information of the classification level RESTREINT UE/EU RESTRICTED and NATO RESTRICTED into a file and their direct processing in a file registry or special records.

(2) If a state body with established end registry is involved, an entrepreneur or other legal entity, their head may decide in accordance with Article 2 (12) or (13) on the registering of classified information of the classification level RESTREINT UE/EU RESTRICTED and NATO RESTRICTED in a special records.

(3) The special records shall include at least the record number from these records, the date of recording, the information about the originator of the classified information with the classification level RESTREINT UE/EU RESTRICTED and NATO RESTRICTED, the identification data of the classified information provided by the originator of the classified information, the subject and the person processing the matter.

(4) Classified information of the classification level RESTREINT UE/EU RESTRICTED and NATO RESTRICTED may be destroyed by the person processing the matter if it is not included in the file and is no longer necessary for the activity of a state body, an entrepreneur or other legal entity; Article 35 shall not apply in case of such destruction.

(5) If classified information of the classification level RESTREINT UE/EU RESTRICTED and NATO RESTRICTED is not recorded in the manner in accordance with Article 33(1), the registry and the end registry through the registry, shall send to the central registry a list of these classified information of the classification level RESTREINT UE/EU RESTRICTED and NATO RESTRICTED for the period of a calendar month until the tenth day of the following month.

#### **Article 35**

##### **Destruction of Foreign Classified Information**

Foreign classified information, which is no longer needed for the recipient's activity, may be destroyed; the period during which it is needed for the recipient's activity shall be determined by the authorised person who has been assigned to process the matter. Destruction shall be carried

out in the system of registries subject to the conditions pursuant to Article 23(4) through (11) in the manner specified pursuant to title four and five of the second part of the Act. Destruction of foreign classified information shall be indicated in a file registry pursuant to Article 33(5).

### **Common, Interim and Final Provisions**

#### **Article 36**

The Authority shall publish on its website

- a) specimen of the request for approval of the establishment of a registry of classified information or an end registry of classified information;
- b) list of approved registries and end registries.

#### **Article 37**

##### **Interim Provisions**

(1) Book of administrative instruments recorded and kept according to previous regulations shall be deemed book of administrative instruments, if it complies with the requirements according to Article 2(5).

(2) Classified information in writing originated under the provisions of the existing regulations shall be deemed non-electronic classified official records pursuant to this Decree; the provisions of this Decree shall apply to their discarding, accordingly.

(3) A collecting file based on the provisions of the existing regulations, which is not concluded as of 31 December 2019 shall be deemed a file under this Decree if it is recorded in a logbook; the provisions of this Decree shall apply accordingly to the discarding of collecting files that are concluded by 31 December 2019.

(4) The registries and the end registries established under the provisions of the existing regulations shall be deemed registries and end registries established under this Decree. The head of a registry pursuant to the provisions of the existing regulations shall be deemed registry administrator under this Decree. The head of an end registry pursuant to the provisions of the existing regulations shall be deemed end registry administrator under this Decree.

(5) The management systems which are designed to manage classified information originated, processed, transferred and stored only in electronic form by technical devices or by encrypted information protection devices under the existing regulation shall be deemed management systems under Article 11 until 31 December 2024.

#### **Article 38**

##### **Repeals**

The National Security Authority Decree No. 453/2007 Coll. on Security of Information as amended by Decree No. 232/2013 Coll. and Decree No. 137/2016 Coll. is hereby being repealed.

#### **Article 39**

##### **Effect**

This Decree shall come into force on 1 January 2020.

**Jozef Magala**

- 1) Article 2(15) of Act No. 395/2002 Coll. on Archives and Registries and on Amending certain Acts.
- 2) Article 2(l) of Decree of the Ministry of Interior of the Slovak Republic No. 525/2011 Coll. on Standards for Electronic Information Systems for Registry Management.
- 3) Article 2(16) of Act No. 395/2002 Coll.
- 4) Article 1(a) of Decree of the National Security Authority No. 340/2004 Coll. on Details on Cryptographic Protection of Information.
- 5) For example, the Agreement between the Governments of the Member States of the European Union, meeting within the Council, on the protection of classified information exchanged in the interests of the European Union (No. 330/2015), Council Decision (EU) No. 2013/488/EU of 23 September 2013 on Security Rules for the protection of EU Classified Information. Commission Decision (EU, Euratom) 2015/444 of 13 March 2015 on Security Rules for the Protection of EU Classified Information, Agreement between the Parties to the North Atlantic Treaty on Information Security (Communication No. 71/2007), NATO Security Policy CM (2002)49 of 17 June 2002 on Security within the North Atlantic Treaty Organization, Agreement between the Parties to the North Atlantic Treaty on Cooperation regarding Atomic Information (Communication No. 5/2010).
- 6) Decree of the Ministry of Interior of the Slovak Republic No. 628/2002 Coll. on Implementing certain Provisions of the Act on Archives and Registries and on Amending certain Acts as amended.  
Decree of the Ministry of Interior of the Slovak Republic No. 410/2015 Coll. on the Details of the Registry Management of the State Bodies and on File Creation.
- 7) Act of the National Council of the Slovak Republic No. 46/1993 Coll. on the Slovak Information Service as amended.  
Act of the National Council of the Slovak Republic No. 171/1993 Coll. on the Police Force as amended.  
Act of the National Council of the Slovak Republic No. 198/1994 Coll. on Military Intelligence as amended.
- 8) Article 8 of Act No. 166/2003 Coll. on Privacy Protection Against Unauthorised Use of Information-Technical Devices and on Amending and Supplementing certain Acts (Act on Protection Against Eavesdropping), as amended by Act No. 404/2015 Coll..
- 9) Article 3(1) of the Act of the National Council of the Slovak Republic No. 42/1994 Coll. on Civil Defence of the Population as amended.
- 10) Article 1(4) of the Constitutional Act No. 227/2002 Coll. on National Security in Time of War, State of War, Extraordinary State and State of Emergency.
- 11) Article 24 of Decree No. 410/2015 Coll.
- 12) Decree of the National Security Authority No. 301/2013 Coll. on Industrial Security and the Entrepreneur's Security Project.
- 13) Article 11(9) of Decree No. 410/2015 Coll.
- 14) Article 11(3) of Decree No. 410/2015 Coll.
- 15) Article 2 of the Slovak Government Regulation No. 216/2004 Coll. laying down the Areas of Classified Information.
- 16) Article 9(3)(f) of Decree No. 410/2015 Coll.
- 17) Article 7 through 9 of Decree No. 410/2015 Coll.
- 18) Article 6(3) of Decree No. 410/2015 Coll.
- 19) Article 11(6) of Decree No. 410/2015 Coll.
- 20) Act No. 324/2011 Coll. on Postal Services and on amending and supplementing certain acts as amended.
- 21) For example, Decree of the Ministry of Foreign Affairs No. 157/1964 Coll. on the Vienna Convention on Diplomatic Relations, Decree of the Minister of Foreign Affairs no. 32/1969 Coll. on the Vienna Convention on Consular Relations.

22) Article 18 (7) of Decree No. 410/2015 Coll.

23) Article 11 and 12 of Decree No. 628/2002 Coll. as amended.

24) For example, Article 114 of the Criminal Procedure Code, Article 42(7) of Act No. 215/2004 Coll. on Protection of Classified Information and on Amending and Supplementing of certain Acts.

25) Article 12 of Decree No. 628/2002 Coll. as amended.

26) Decree No. 628/2002 Coll. as amended.

27) For example, Act of the National Council of the Slovak Republic No. 46/1993 Coll. as amended, Act of the National Council of the Slovak Republic No. 198/1994 Coll. as amended.

28) For example, Article 2(5) and (6) and Article 5(2) of the Act of the National Council of the Slovak Republic No. 46/1993 Coll. as amended, Article 2(4) and (5) and Article 5(2) of the Act of the National Council of the Slovak Republic No. 198/1994 Coll. as amended.

29) Article 318 through 320 and Article 353 of the Criminal Code.

