

No. 46650

**Latvia
and
Portugal**

Agreement for the mutual protection of classified information between the Republic of Latvia and the Portuguese Republic. Lisbon, 24 January 2007

Entry into force: *10 December 2008 by notification, in accordance with article 20*

Authentic texts: *English, Latvian and Portuguese*

Registration with the Secretariat of the United Nations: *Latvia, 12 October 2009*

**Lettonie
et
Portugal**

Accord entre la République de Lettonie et la République portugaise relatif à la protection mutuelle des informations classifiées. Lisbonne, 24 janvier 2007

Entrée en vigueur : *10 décembre 2008 par notification, conformément à l'article 20*

Textes authentiques : *anglais, letton et portugais*

Enregistrement auprès du Secrétariat des Nations Unies : *Lettonie, 12 octobre 2009*

[ENGLISH TEXT – TEXTE ANGLAIS]

**AGREEMENT FOR THE MUTUAL PROTECTION
OF CLASSIFIED INFORMATION
BETWEEN
THE REPUBLIC OF LATVIA
AND
THE PORTUGUESE REPUBLIC**

The Republic of Latvia
and
the Portuguese Republic

Hereinafter referred to as the "Parties",

Recognising the need of both Parties to guarantee the protection of the Classified Information exchanged between them within the scope of the negotiations and cooperation agreements concluded, or to be concluded, as well as other contractual instruments from both, public or private entities of the Parties;

Desiring to create a set of rules on the mutual protection of Classified Information exchanged between the Parties,

Agree as follows:

ARTICLE 1

Object

The present Agreement establishes the security rules applicable to all contractual instruments, which envisage the transmission of Classified Information, signed or to be signed between the adequate national authorities of both Parties or by organizations or companies duly authorized to that purpose.

ARTICLE 2

Scope of application

The present Agreement sets out procedures for the protection of Classified Information exchanged between the Parties.

ARTICLE 3

Definitions

For the purposes of the present Agreement:

a) "Classified Information", means the information, documents and materials, regardless of their form, nature, and means of transmission, determined to require protection against unauthorised disclosure, which has been so designated by security classification, in accordance with the national Law in force of the Originating Party;

- b) “National Security Authority” means the authority designated by a Party as being responsible for the implementation and supervision of the present Agreement;
- c) “The Originating Party”, means the Party, which gives or transmits Classified Information to the other Party;
- d) “The Receiving Party” means the Party to which Classified Information is given or transmitted to by the Originating Party;
- e) “Third Party” means any international organisation or state that is not a Party to the present Agreement;
- f) “Classified Contract” means an agreement between two or more Contractors creating and defining enforceable rights and obligations between them, which contains or involves Classified Information;
- g) “Contractor” means an individual or a legal entity possessing the legal capacity to conclude Classified Contracts;
- h) “Personnel Security Clearance” means the determination by the National Security Authority or other relevant state authority that an individual is eligible to have access to Classified Information, in accordance with the respective national Law in force;
- i) “Facility Security Clearance” means the determination by the National Security Authority or other relevant state authority that, from a security point of view, a facility has the physical and organisational capability to use and deposit Classified Information, in accordance with the respective national Law in force;
- j) “Need-to-know” means a principle that the access to Classified Information that may only be granted to a person who has a verified requirement for knowledge of, or possession of such information in order to perform official and professional duties, within the framework of which the information was released to the Receiving Party;
- k) “Project Security Classification Guide” means the part of the project security instructions, which identifies the elements of the project that are classified, specifying the security classification levels.

ARTICLE 4

National Security Authorities

1. The responsible National Security Authorities for the application of the present Agreement are:

For the Republic of Latvia
Constitution Protection Bureau
Miera street 85a
Riga, LV 1013
Latvia

For the Portuguese Republic:
National Security Authority
Presidency of the Council of Ministers
Av. Ilha da Madeira, 1
1400-204 Lisbon
Portugal

2. The Parties shall inform each other, through diplomatic channels, of any modification concerning their National Security Authorities.

3. The National Security Authorities, without altering any obligations hereby agreed, may conclude arrangements for the technical implementation of the present Agreement.

ARTICLE 5

Security principles

1. The protection and use of the Classified Information exchanged between the Parties is ruled by the following principles:

a) The Receiving Party shall grant to the received Classified Information a level of protection equivalent to the markings expressly given to the Classified Information by the Originating Party;

b) Access to Classified Information and to locations and facilities where classified activities are performed or where classified information is stored, is limited to persons who have been granted a Personnel Security Clearance for access to information classified KONFIDENCIĀLI / CONFIDENCIAL or above, and who, due to their functions or employment, have a Need-to-Know.

2. In order to achieve and maintain comparable standards of security, the National Security Authorities shall, on request, provide each other with information about their security standards, procedures and practices for the protection of Classified Information.