

**No. 47151**

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**Slovakia  
and  
Spain**

**Agreement on the mutual protection of classified information between the Slovak Republic and the Kingdom of Spain. Bratislava, 20 January 2009**

**Entry into force:** *1 January 2010 by notification, in accordance with article 18*

**Authentic texts:** *English, Slovak and Spanish*

**Registration with the Secretariat of the United Nations:** *Slovakia, 9 February 2010*

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**Slovaquie  
et  
Espagne**

**Accord entre la République slovaque et le Royaume d'Espagne relatif à la protection mutuelle des informations classifiées. Bratislava, 20 janvier 2009**

**Entrée en vigueur :** *1<sup>er</sup> janvier 2010 par notification, conformément à l'article 18*

**Textes authentiques :** *anglais, slovaque et espagnol*

**Enregistrement auprès du Secrétariat des Nations Unies :** *Slovaquie, 9 février 2010*

[ ENGLISH TEXT – TEXTE ANGLAIS ]

**Agreement**

**on the Mutual Protection of**

**Classified Information**

**between**

**the Slovak Republic**

**and**

**the Kingdom of Spain**

**The Slovak Republic  
and  
the Kingdom of Spain**

Hereinafter referred to as “the Parties”,

Recognising the need of both Parties to guarantee 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 of both, public or private organizations of the Parties;

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

Agree as follows:

**Article 1  
Object**

This Agreement establishes the security rules applicable to all contractual instruments, which envisage the transmission of Classified Information, signed or to be signed between the Competent Security Authorities of both Parties or by companies or other legal entities duly authorized to that end.

**Article 2  
Scope of Application**

1. This Agreement sets out procedures for the protection of Classified Information exchanged between the Parties.
2. Either Party shall not invoke this Agreement in order to obtain Classified Information the other Party has received from any Third Party.

**Article 3  
Definitions**

For the purposes of this Agreement:

- a) “**Classified Information**” means the information and materials, regardless of their form or nature, determined to require protection against unauthorised disclosure, which has been so designated by security classification;
- b) “**Competent Security Authority**” means the National Security Authority/ Designated Security Authority designated by a Party as being responsible for the implementation and supervision of this Agreement;

- c) **“Originating Party”** means the Party, which releases Classified Information to the other Party;
- d) **“Receiving Party”** means the Party which Classified Information is released to by the other Party;
- e) **“Third Party”** means any international organisation or state that is not Party to this 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 a certification provided by the Competent Security Authority that an individual is eligible to have access to Classified Information, in accordance with the respective national legislation;
- i) **“Facility Security Clearance”** means a certification provided by the Competent Security Authority that, from a security point of view, a facility has the physical and organisational capability to use and store Classified Information, in accordance with the respective national legislation;
- j) **“Need-to-know”** means that access to Classified Information may only be granted to a person who has a verified requirement for knowledge of, or possession of it in order to perform his/her official and professional duties, within the framework of which it was released to the Receiving Party.

## **Article 4**

### **Competent Security Authorities**

1. The Competent Security Authorities for the application of this Agreement are:

**For the Slovak Republic:**

National Security Authority

**For the Kingdom of Spain:**

Secretary of State, Director of the National Intelligence Centre  
National Security Office

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

## **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 assign to the received Classified Information the level of protection equivalent to the marking expressly given to the Classified Information by the Originating Party;
  - b) The access to Classified Information is restricted to persons who, in order to perform their duties, need to have access to the Classified Information, on a "Need-to-know" basis, have a Personnel Security Clearance appropriate to the level of security classification of the Classified Information to be accessed or above, and were authorized by the Competent Security Authorities;
  - c) The Receiving Party shall not transmit the Classified Information to any Third Party, any individual or legal entity, of any Third State, without prior written approval from the Originating Party;
  - d) The transmitted Classified Information may not be used for any purpose other than the one that it was transmitted for, in accordance with this Agreement;
2. In order to achieve and maintain comparable security standards, the Competent Security Authorities shall, on request, provide each other with information about their security standards, procedures and practices in the field of protection of Classified Information.
  3. Parties shall inform of the existence of this Agreement whenever Classified Information is involved.
  4. Parties shall ensure that everyone receiving Classified Information duly complies with the obligations of this Agreement.

## **Article 6**

### **Security Classifications and Equivalences**

The Parties agree that the following security classification levels are equivalent and correspond to the security classification levels specified in their national legislations:

Slovak Republic	Kingdom of Spain	Equivalent in English
PRÍSNE TAJNÉ	SECRETO	TOP SECRET
TAJNÉ	RESERVADO	SECRET
DŮVERNĚ	CONFIDENCIAL	CONFIDENTIAL
VYHRADENÉ	DIFUSIÓN LIMITADA	RESTRICTED

## **Article 7**

### **Assistance in Vetting Procedures**

1. On request, the Competent Security Authorities of the Parties, taking into account their national legislation, shall assist each other during the vetting procedures of their citizens living or facilities located in the territory of the other Party, preceding the issue of the Personnel Security Clearance or Facility Security Clearance.