

**No. 49367**

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**Australia  
and  
Republic of Korea**

**Agreement between the Government of Australia and the Government of the Republic of Korea on the protection of classified military information. Singapore, 30 May 2009**

**Entry into force:** *9 December 2010 by notification, in accordance with article 17*

**Authentic texts:** *English and Korean*

**Registration with the Secretariat of the United Nations:** *Australia, 13 February 2012*

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**Australie  
et  
République de Corée**

**Accord entre le Gouvernement de l'Australie et le Gouvernement de la République de Corée relatif à la protection des informations militaires classifiées. Singapour, 30 mai 2009**

**Entrée en vigueur :** *9 décembre 2010 par notification, conformément à l'article 17*

**Textes authentiques :** *anglais et coréen*

**Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies :** *Australie, 13 février 2012*

**AGREEMENT  
BETWEEN  
THE GOVERNMENT OF AUSTRALIA  
AND  
THE GOVERNMENT OF THE REPUBLIC OF KOREA  
ON THE PROTECTION OF  
CLASSIFIED MILITARY INFORMATION**

The Government of Australia and the Government of the Republic of Korea (hereinafter referred to as "the Parties"),

DESIRING to cooperate in the field of defence on the basis of mutual respect for sovereignty, independence and non-interference in each other's internal affairs, and

WISHING to ensure the reciprocal protection of Classified Military Information exchanged between the Parties under this Agreement,

HAVE AGREED AS FOLLOWS:

## **ARTICLE 1 PURPOSE**

The Parties shall ensure the protection of Classified Military Information transmitted or exchanged between the Parties in the field of defence cooperation. Each Party shall implement its obligations under this Agreement subject to its national laws, regulations and policies.

## **ARTICLE 2 DEFINITIONS**

2.1 For the purposes of this Agreement:

- 2.1.1 "Classification" means identifying, categorising and assigning a national security classification to information the disclosure of which could have adverse consequences for the Originating Party. The national security classification level assigned to information indicates the minimum level of protection that information must be afforded to safeguard it from loss or compromise.
- 2.1.2 "Classified Contract" means any contract or subcontract between the Parties or with or between Contractors, which contains, or the performance of which requires access to Classified Military Information of either Party.
- 2.1.3 "Classified Military Information" means all information and Material of defence interest (including documents, material, equipment, substances, and other items in any form or reproduction or translation of such information or material) which requires protection in the interests of national security and which is assigned a nominated level of national security Classification.
- 2.1.4 "Contractor" means an individual, organisation or other entity, with the legal capacity to conclude contracts, including a sub-contractor that has entered into a Classified Contract with either of the Parties or with another Contractor.

- 2.1.5 "Industrial Operations" means all commercial activities which develop, produce and/or manufacture Material and/or information, including Information and Communications Technology, for or on behalf of the defence organisations of either Party.
- 2.1.6 "Information and Communications Technology" means any communication device or application, including those relating to radio, television, cellular phones, computer and network hardware and software, and satellite systems, as well as the various services and applications associated with them, including video conferencing and distance learning.
- 2.1.7 "Material" means anything (whether visible or not) in which information is recorded, embodied, encoded or stored and anything from which information can be derived, regardless of its physical form or composition including, but not limited to, documents, written records, equipment, instruments, machinery, devices, models, sound records, reproductions, representations, maps, computer programs, compilations and electronic data storage.
- 2.1.8 "Originating Party" means the Party which transmits Classified Military Information to the other Party, and assigns it a national security Classification.
- 2.1.9 "Personnel Security Clearance" means a certification provided by a National Security Authority of either Party concerning the level of Classified Military Information which a national of the country of that Party is authorised to access.
- 2.1.10 "Receiving Party" means the Party to which Classified Military Information is transmitted.
- 2.1.11 "Security Personnel" means personnel of a Party who are appointed by the National Security Authority of that Party to perform the functions of Security Personnel under this Agreement.
- 2.1.12 "Third Party" means any person or entity other than the Parties (including any Contractor, third country government, and any national or legal entity of a third country) whether or not it is owned, controlled or influenced by a Party.
- 2.1.13 "Transmitted Classified Military Information" means Classified Military Information which is transferred between the Parties, regardless of whether it is transmitted orally, visually, electronically, in writing, through the handing over of Material or in any other form or manner.

**ARTICLE 3**  
**NATIONAL SECURITY AUTHORITY**

3.1 Each Party shall nominate its National Security Authority which shall be responsible for the implementation of this Agreement.

3.2 Unless otherwise advised by a Party in writing, the National Security Authorities for the Parties shall be:

3.2.1 For the Government of the Republic of Korea:  
Director, Intelligence Force Development and Security  
Korean Defense Intelligence Agency  
Ministry of National Defense  
# 22, Itaewon-Ro, Yongsan-Gu, Seoul  
Republic of Korea

3.2.2 For the Government of Australia:  
Head, Defence Security Authority  
Department of Defence  
Campbell Park Offices  
Canberra ACT 2600  
AUSTRALIA

3.3 The Parties may, at any time, make changes to their National Security Authority and shall promptly advise the other Party of such change in writing. Such changes shall not require amendment of this Agreement.

**ARTICLE 4**  
**MARKING CLASSIFIED MILITARY INFORMATION**

4.1 The Originating Party shall assign and mark all Classified Military Information that can be physically marked with one of the national security Classifications specified in paragraph 5 of this Article before transmission.

4.2 The Receiving Party shall ensure that Transmitted Classified Military Information, and anything incorporating Classified Military Information, received from the Originating Party is assigned and marked if physically possible with a national security Classification no lower than the corresponding Classification specified by the Originating Party.

4.3 Any Material produced by one Party that contains the Transmitted Classified Military Information of the other Party shall be marked KOREA/AUSTRALIA or AUSTRALIA/KOREA followed by the appropriate national security Classification.

4.4 For Classified Military Information where a marking is not physically possible, the Originating Party shall inform the Receiving Party in writing of the national security Classification.