

**On approval of the Agreement between the Government of the Republic of Kazakhstan and the Government of the Republic of Bulgaria on mutual protection of classified information**

*Unofficial translation*

Decree of the Government of the Republic of Kazakhstan dated August 26, 2011 No. 969

*Unofficial translation*

The Government of the Republic of Kazakhstan **RESOLVES**:

1. To approve the Agreement between the Government of the Republic of Kazakhstan and the Government of the Republic of Bulgaria on mutual protection of classified information, if committed in Astana June 1, 2011.

2. This resolution shall be enforced from the date of signing.

*Prime Minister Of the Republic of Kazakhstan*

*K. Massimov*

**AGREEMENT**

**between the Government of the Republic of Kazakhstan and the Government of the Republic of Bulgaria  
on mutual protection of classified information**

The Government of the Republic of Kazakhstan and the Government of the Republic of Bulgaria, hereinafter referred to as the Parties,

taking into account the mutual intention to expand bilateral cooperation in the political, military and economic spheres,

Guided by the desire to resolve issues of mutual protection of classified information exchanged between the Parties or generated in the framework of mutual cooperation,

We have agreed as follows:

**Article 1**

**Definitions**

In this Agreement, defined as follows:

secret information - information, documents or material you transmit and / or formed in the process of cooperation, regardless of their form, nature or method of transmission, which, in accordance with the degree of their secrecy is assigned a security classification or a set degree of protection and that in the interests of national security and in accordance with the national laws of the States Parties to require protection from disclosure, loss, misappropriation, unauthorized access or any other type of compromise;

carriers of classified information - material objects, including physical fields, in which the secret information is the display in the form of symbols, images, signals, technical solutions and processes that allow them to recognize and identify;

access to classified information - the right of an individual to have access to classified information or the right of the authorized body to operate with classified information provided in accordance with national laws of the States Parties;

access to classified information - acquaintance with classified information of a natural person having access to classified information;

Secrecy - props affixed on the media of classified information and / or provided in accompanying documentation on it, indicating the degree of secrecy of the information contained in their medium;

the competent authority - the state body of the Party exercising control over ensuring protection of classified information and coordination in the framework of this Agreement;

authorized body - the state body or organization which, in accordance with the national laws of the States Parties are authorized to create, receive, transmit, store, use, protect, transmit and / or formed in the process of cooperation of the Parties to the classified information;

contract - an agreement (contract) concluded between the competent authorities, in the framework of which provides for the transfer, and (or) the formation of secret information.

## **Article 2**

### **Purpose of the Agreement**

The purpose of this Agreement is to provide a mutual protection of secret information transmitted / received and a / or formed during the cooperation between the parties.

## **Article 3**

### **Sopostavimost degrees of secrecy**

Parties in accordance with this Agreement and on the basis of legislative and other normative legal acts of their States, establish that the degree of secrecy and the corresponding secrecy stamps are compared as follows:

The Republic of Kazakhstan	equivalent expression in Russian language	In the Republic of Bulgaria
ӨТЕ ҚҰПИЯ	TOP SECRET	SECRET
ҚҰПИЯ	SECRET	POVERITELNO
ҚЫЗМЕТ БАБЫНДА PAYDALANU ushin	FOR OFFICIAL USE	For offices Of Use

## **Article 4**

### **Measures for the protection of classified information**

1. The Parties undertake:

protect sensitive information transferred to another party and (or) formed in the process of cooperation;

not change the security classification of classified information received without the written consent of the Party, it was transferred;

applied to and received (or) formed in cooperation same secret information protection measures applied against its own secret information such as the level of secrecy (comparable in accordance with Article 3 herein);

use confidential information received from another Party, solely provided by its transfer order;

not to grant third party access to the received and generated in the process of cooperation of classified information without the prior written consent of the Parties.

2. Access to classified information is granted only to persons who need it to perform their duties, for the purposes stipulated by its transfer, including in the learning process, if they have access to classified information corresponding to the degree of secrecy.

3. If necessary, additional requirements for the protection of classified information (setting out the obligations for the handling of classified information and the indication of measures for its protection) are included in the corresponding contracts.

## **Article 5**

### **The competent authorities**

1. In accordance with the national legislation of their States, the Parties shall determine the competent authorities and shall notify each other through diplomatic channels.

2. In order to ensure close co-operation and implementation of this Agreement, the competent authorities may consult on request, one of the Parties.

3. In order to achieve and maintain appropriate safety standards, the relevant authorities upon request shall provide each other with information about the security standards, procedures and practices in the field of protection of classified information used by the Party.

## **Article 6**

### **Methods of transmission of classified information**

1. The decision on the transfer of sensitive information is received by the Parties in each case, in accordance with national laws of the States Parties.

2. If the authorized body of one Party intends to transfer sensitive information to the authorized body of the other Party, it is pre-requests from the competent authority of its Party a written confirmation that the authorized body of the other Party have access to classified information.

The competent authority of a Party requests from the competent authority of the other Party written confirmation from the authorized body of the other Party access to classified information.

3. Transfer of secret information is performed by diplomatic channels or otherwise agreed upon by the competent authorities of the Parties. The relevant authority of the other Party acknowledges receipt of classified information.

4. agree on the mode of transportation, the route and form of support for the transfer of a significant amount of classified information, the competent authorities in accordance with legislative and other normative legal acts of their States.

## **Article 7**

### **Treatment of classified information**

1. The notified body responsible for receiving classified information on the transfer medium is additionally affixed secrecy, matched in accordance with Article 3 present agreement.

2. In the case of confidential information in another language, its copying or reproduction in the media of classified information is put security classification corresponding to the neck of the original privacy.

3. The media of secret information formed on the basis of the transmitted secret information affixed security classification not lower secrecy transmitted secret information.

4. Classified information recorded and stored in a get it authorized body in accordance with the requirements that apply to their own classified information of the Parties.

5. The degree of secrecy of classified information and the appropriate security classification on its support can not be changed without the written consent of the authorized body of the Party transmitting it.

6. The degree of confidentiality of secret information, resulting in cooperation Parties determined or changed by mutual agreement of the Parties to authorized bodies.

7. Release of classified information generated in the process of cooperation, carried out by agreement of the authorized bodies of the Parties.

8. To change the level of confidentiality of classified information or declassification of the authorized body of the Party, it was transferred, as soon as possible in writing notify the authorized body of the other Party.

9. In the event that sensitive information is copied, all the original stamps of secrecy must be copied or marked on each copy (copy). The copied information must be under this same control as the original information. The number of copies shall be limited to the number required for official purposes.

10. Copy (copying) the secret information is carried on the written permission of the authorized body of the Party transferring the classified information.

11. The destruction of the secret information pre-negotiated with the parties authorized body, transmits it. The destruction of classified information (its carriers) is well documented, and the destruction process must ensure the impossibility of reproduction and restoration. On the return or destruction of classified information (its carriers) notified in writing the authorized body of the Party transmitting it.

In the event of a crisis, when the impossible is to protect and return classified information generated or transmitted under this Agreement, this confidential information must be destroyed immediately. Party - the recipient must immediately notify the competent authority of the Party - sender.

## **Article 8**

### **Contracts**

As concluded by the competent authorities of the Parties agreed to include a separate section, which defines:

list of classified information, planned for use in the process of cooperation and the degree of secrecy;

protection characteristics and transmitted (or) formed in cooperation secret information, the conditions of its use;

the procedure for conflict resolution and compensation for the possible damage caused by unauthorized distribution of transmitted and (or) generated in the process of cooperation of classified information.

## **Article 9**

### **Visits**

1. Access to classified information will be provided by one Party to the representatives of the other Party, if received prior authorization from the competent authority of the host Party.

The competent authorities of the Parties shall notify each other of any changes relating to the admission of its representatives in the framework of this Agreement, in particular in the case of withdrawal or reduction of the level of tolerance to classified information.

2. The competent authority of the sending Party shall notify the competent authority of the host Party of the visitors no later than 3 weeks before the planned visit.

3. Appeal to visit include the following information:

- Full name of the representative of the visiting Party, the date and place of birth, nationality and passport number;
- the position of the representative of the visiting Party and the name of the organization in which he works;
- availability of access to the classified information corresponding to the degree of secrecy ;
- the intended date of visit and its duration;
- purpose of the visit;
- the name of the planned facilities visits;
- position, name and surname of the representative of the host country, which is scheduled to meet with the name of the organization they represent.

4. Treatment for visiting transmitted over diplomatic channels.

5. Each Party may request permission to visit the facility for a period not exceeding twelve (12) months. If there is an assumption that the visit can not be arranged within the prescribed period, or, if necessary, renewal of the permit, the sending Party may refer to the receiving Party with the application for a new permit, but no later than three (3) weeks before the expiry of the current permit.

6. The competent authority of each Party shall, if necessary, arrange appropriate work to ensure the physical protection of a representative of the other party during a visit to the

territory of the state. The competent authorities of the Parties to carry out the exchange of information among themselves about possible threats.

7. When you visit one of the representatives of the Parties to the territory of the other parties to respect national legislation of the host Party.

## **Article 10**

### **Security Violation**

1. In case of violation of the requirements for the protection of classified information, which led to the unauthorized distribution of sensitive information transmitted by the competent authority of the other Party and (or) generated in the process of cooperation, the competent authority of the Party shall promptly inform the competent authority of the other Party.

2. The Party has identified violations or suspected violations promptly initiate an investigation (if necessary with the help of the other Contracting Party), in accordance with the national law of the state.

The competent authority of the Party conducting the investigation, inform as soon as possible the competent authority of the other Party of the circumstances, the results of the investigation, the measures taken and actions to cure the breach.

## **Article 11**

### **Costs**

The parties shall bear their own costs of the implementation of this Agreement in accordance with the national legislation of their states.

## **Article 12**

### **Settlement of Disputes**

1. Any dispute concerning the interpretation or application of this Agreement shall be settled solely through consultations and negotiations between the Parties, without recourse to any third party was.

2. Prior to the resolution of any dispute, the Parties shall continue to comply with the obligations arising from this Agreement.

## **Article 13**

### **Amendments to the present Agreement**

By mutual consent of the Parties to this Agreement may be amended and supplemented, which is its integral part and separate protocols, which come into force in accordance with paragraph 1 of Article 14 of this Agreement.

## **Article 14**

### **Final Provisions**

1. This Agreement is concluded for an indefinite period and shall enter into force on the date of receipt through diplomatic channels of the last written notification about the fulfillment by the Parties of internal procedures necessary for its entry into force.

2. Each Party may terminate this Agreement by sending through diplomatic channels, written notice to the other Party. In this case, the Agreement shall cease at the end of six (6) months from the date of receipt of such notification.

3. Notwithstanding the termination of this Agreement, the protection of all classified information received or transmitted under this Agreement shall be in accordance with the provisions of this Agreement and as long as the parties do not release each other from these commitments, through diplomatic channels, the appropriate notices .

Done in Astana June 1, 2011, in duplicate, each in the Kazakh, Russian and Bulgarian languages, all texts being equally authentic.

In case of disagreement in the interpretation of the provisions of this Agreement, the Parties will refer to the text in Russian.

*For the Government of the Republic of Kazakhstan*

*For the Government of the Republic of Bulgaria*