

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

*Unofficial translation*

Decree of the Government of the Republic of Kazakhstan dated August 21, 2017 No. 492.

*Unofficial translation*

Government of the Republic of Kazakhstan HEREBY DECREES:

1. To approve the attached Agreement between the Government of the Republic of Kazakhstan and the Government of Turkmenistan on mutual protection of classified information executed in Astana on April 18, 2017.

2. This decree shall come into force from the date of its signing.

*Prime Minister  
of the Republic of Kazakhstan*

*B. Sagintayev*

Approved by the decree  
of the Government  
of the Republic of Kazakhstan  
dated August 21, 2017 no. 492

**Agreement**

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

(is entered into force since September 7, 2017 - Bulletin of International Treaties of the Republic of Kazakhstan 2017, no,5 art.73

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

For the purposes of protection of classified information used in the course of foreign policy, military, economic, scientific, technical and other cooperation between the Republic of Kazakhstan and Turkmenistan, as well as classified information generated in the process of such cooperation,

taking into account the mutual interests of the Parties in ensuring the protection of classified information in accordance with the laws of the states of the Parties ,

have agreed as follows:

**Article 1**

**Definition of terms**

Terms used in this Agreement shall have the following meaning:

1) classified information means the information constituting state secrets of the Republic of Kazakhstan and (or) state secrets of Turkmenistan, expressed in any form, protected and transmitted in the manner established by the laws of the states of the Parties and this

Agreement, as well as generated during the cooperation of the Parties, the unauthorized distribution of which may cause damage to the security and interests of the Republic of Kazakhstan and / or Turkmenistan;

2) protection of classified information means taking, in accordance with the laws of the states of the Parties and this Agreement, legal, organizational, technical, cryptographic, software and other measures to prevent the unauthorized distribution of classified information ;

3) classified information media – material facilities, including physical fields and Internet resources, on which the classified information finds its reflection in the form of symbols, images, signals, technical solutions and processes that allow them to be recognized and identified;

4) classification marking – a requisite, put down on the classified information media and ( or) indicated in supporting documentation, certifying the degree of secrecy of information contained on the media;

5) declassification of information means set of measures to remove restrictions on the distribution of classified information and access to its carriers;

6) authorized body means a state body or organization, authorized by the Parties to transmit, to receive, to keep, to protect and to use the classified information transmitted and ( or) resulted from the cooperation of the Parties;

7) competent authority means a state body of a Party, responsible for implementation of this Agreement;

8) admission to classified information means the right of an individual for access to the classified information or the right of an authorized body for execution of activities using classified information, provided in accordance with the laws of the states of the Parties ;

9) access to classified information means an authorized process of familiarization with the classified information of individuals, who have the admission to classified information;

10) treaty means a treaty (contract) concluded between the authorized bodies of the Parties, within the framework of which the use of classified information including during the process of training is provided;

11) third party means states, their governments and informational organizations, which are not the Parties to this Agreement, as well as individuals or legal entities of these states, equally with the individuals and legal entities of the states of the Parties being beyond the sphere of application of this Agreement.

## **Article 2**

### **Comparability of classification degree**

The Parties in accordance with the laws of their states establish that the degrees of classification and the corresponding classification marking shall be compared as follows:

in the Republic of Kazakhstan	In Turkmenistan	Equivalent phrase in the Russian language

"Аса маңызды"	"Aýratyn ähmiýetli"	"Особой важности" (very highly classified)
"Өте құпия"	"Iňňän gizlin"	"Совершенно секретно" (top secret)
"Құпия"	"Gizlin"	"Секретно" (secret)

### **Article 3**

Competent authorities

1. The competent authorities shall be:

On behalf of Kazakhstan – National Security Committee of the Republic of Kazakhstan;

On behalf of Turkmenistan – Ministry of National Security of Turkmenistan.

2. In case of change of names, functions or structures of the competent authorities of the Parties, the latter shall immediately notify each other thereof through the agreed communication channels.

3. Organization, coordination and control over activities on protection of classified information under the Agreement shall remain with the competent authorities of the Parties.

### **Article 4**

Measures on protection of classified information

1. The Parties shall be obliged:

1) to protect the classified information transmitted by the other Party and (or) generated in the process of cooperation;

2) not to change the classification marking of received classified information without written consent of the Party transmitted it;

3) to apply the same protection measures with respect to the classified information received and (or) resulted from the process of cooperation that apply to their own classified information of the same degree of classification (comparable in accordance with article 2 of this Agreement);

4) to use secret information received and (or) generated in the course of mutual cooperation between the authorized bodies and (or) organizations of the states of the Parties only for the purpose of implementing this Agreement or executing treaties (contracts) concluded within its framework and approved by the Parties;

5) not to provide third parties with access to the classified information received and (or) generated during the cooperation process without the prior written consent of the Party that transmitted it.

2. Access to classified information shall be provided only to persons, whom it is required for performance of official duties, for the purposes, provided for in its transmission, including in the process of training, if they have the access to classified information of the relevant degree of classification.

3. If necessary, additional requirements for the protection of classified information (stating obligations to handle classified information and an indication of measures to protect it) shall be included in the relevant treaties.

4. If persons or organizations are provided with the access to classified information on contractual basis, then such persons or organizations shall bear obligations indicated in this Agreement.

## **Article 5**

### Transmission of classified information

1. The organization of interaction of the authorized bodies of the Parties at the conclusion of a treaty shall be carried out in coordination with the competent authorities.

If the authorized body of one Party intends to transmit the classified information to the authorized body of the other Party, it shall preliminarily request from the competent authority of its Party for written confirmation that the authorized body of the other Party has the admission to classified information.

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

2. The decision to transmit classified information shall be made by the Parties in each individual case in accordance with the laws of the states of the Parties .

3. The interaction of the authorized bodies of the Parties shall be carried out by them directly in accordance with the laws of the states of the Parties and the treaty.

4. The transmission of the classified information shall be carried out through diplomatic channels, courier service or other authorized service in accordance with international treaties between the states of the Parties . The authorized body of the Party shall confirm in the receipt of classified information.

5. In order to transmit the classified information that may not be transmitted through the services specified in clause 4 of this article, the authorized bodies, in accordance with the laws of the states of the Parties, shall agree on the method of transportation, route and form of escort.

## **Article 6**

### Handling classified information

1. On the transmitted classified information media, the authorized body responsible for its receipt, shall additionally put down the classification markings, comparable in accordance with article 2 of this Agreement.

In cases of translation of the received classified information into another language, its copying or replication, a classification marking shall be affixed to the received classified information media corresponding to the classification marking of the original.

On the classified information media generated on the basis of the transmitted classified information, the classification marking shall be affixed not lower than the classification marking of the transmitted classification information.

2. The classified information shall be registered and stored in the authorized body received it in accordance with the requirements applicable to their own classified information.

3. The level of classification of the classified information and the relevant classification marking on its media may not be changed without written consent of the authorized body of the Party transmitted it.

The level of classification of the classified information, resulted from the process of cooperation of the Parties shall be determined or changed upon coordination of the authorized bodies of the Parties.

Declassification of information, resulted from the process of cooperation, shall be carried out upon coordination of the authorized bodies of the Parties.

On changing the level of classification of the classified information or its declassification, the authorized body of the Party transmitted it, as soon as it is possible shall notify in written the authorized body of the other Party.

4. Copying (duplication) of classified information (its media) shall be carried out by written permission of the authorized body of the Party that transmitted the classified information.

5. The destruction and (or) return of classified information (its media) shall be carried out by prior written agreement of the authorized bodies of the Parties, and the destruction process itself should ensure the impossibility of its reproduction and restoration. The authorized body of the Party transmitted the classified information shall be notified on the destruction of the classified information (its media) in writing.

## **Article 7**

### **Treaties**

The treaties concluded by the authorized bodies of the Parties shall include a separate section which shall determine:

- 1) the list of the classified information that is planned for use in the process of cooperation and the level of its classification;
- 2) Special features of protection of the classified information transmitted and (or) resulted from the process of cooperation, conditions for its use;
- 3) conflict resolution procedure;
- 4) the procedure of compensation for possible damage from unauthorized distribution of the classified information transmitted and (or) resulted from the process of cooperation.

## **Article 8**

### **Interaction of the competent authorities**

1. The competent authorities of the Parties within their competence shall interact directly and, in order to implement this Agreement, shall conduct joint consultations at the request of one of them.

2. The competent authorities of the Parties shall exchange relevant normative legal acts in the field of protection of classified information to the extent necessary for the implementation of the provisions of this Agreement.

## **Article 9**

## Visits

1. Visits of representatives of the authorized bodies of one Party, providing for their access to classified information of the other Party, shall be carried out in accordance with the procedure, established by the laws of the state of the host Party.

Authorization for such visits shall be granted only to persons, specified in paragraph 2 of article 4 of this Agreement.

2. An appeal about the possible implementation of visits, including multiple visits, shall be sent no later than 1 (one) month before the date of the proposed visit.

An appeal on the proposed visit shall contain the following information:

- 1) surname and name of the representative of the authorized body, date and place of his birth, citizenship and passport number;
- 2) position of the representative of the authorized body, name of the authorized body in which he works;
- 3) information on the availability of access to classified information of an appropriate level of classification;
- 4) the expected date and the planned duration of the visit;
- 5) purpose of visit, list of issues related to classified information intended for discussion;
- 6) names of the authorized bodies, which are planned to be visited;
- 7) positions, surnames and names of persons with whom the representative of the authorized body intends to meet (if any).

3. When making visits, representatives of the authorized bodies of one Party get acquainted with the rules for working with classified information corresponding to the degree of secrecy of the other Party and observe these rules.

## Article 10

The costs of implementing measures to protect the classified information

The Parties shall independently bear the costs of implementing of this Agreement in accordance with the laws of the states of the Parties .

## Article 11

Violation of requirements for the protection of classified information and determination of the amount of damage

1. In case of violation of the requirements for the protection of classified information that led to the unauthorized distribution of classified information transmitted by the authorized body of the other Party and (or) resulted from the process of cooperation, the authorized body or the competent authority of the relevant Party shall immediately notify the authorized body or the competent authority of the other Party, shall conduct the necessary investigation and shall inform the competent authority of the Party that transmitted the classified information about the results of the investigation and the measures taken in accordance with the laws of the State of the Party in whose territory the violation has occurred.

2. The amount and the procedure for compensation of damage caused by unauthorized distribution of the classified information shall be determined in accordance with the laws of the states of the Parties , international treaties, to which they are the parties, as well as in the course of consultations.

## **Article 12**

### Relation to other international treaties

This Agreement shall not affect the rights and obligations of each of the Parties arising from other international treaties to which their States are parties.

## **Article 13**

### Dispute Resolution

Disputes and disagreements regarding the interpretation or application of the provisions of this Agreement shall be resolved through negotiations between the competent authorities of the Parties.

Before the settlement of any dispute, the Parties shall continue to comply with the obligations arising from this Agreement.

## **Article 14**

### Amendments to the Agreement

By mutual written consent of the Parties, this Agreement may be amended and supplemented by separate protocols, which shall be an integral part of this Agreement, and shall enter into force in the manner prescribed by Article 15 of this Agreement.

## **Article 15**

### Entry into force and termination of the Agreement

1. This Agreement shall be concluded for an indefinite period and shall come into force from the day of receipt by diplomatic channels of the last written notice on the completion by the Parties of the domestic procedures required for the entry into force of this Agreement.

2. Each Party may terminate this Agreement by sending written notification through diplomatic channels to the other Party of its intention to terminate it. In this case, this Agreement shall expire after 6 (six) months from the date of receipt of this notification.

3. In the event of termination of this Agreement with respect to the classified information transmitted and (or) resulted from the process of cooperation, the protection measures stipulated by article 4 of this Agreement shall continue to be applied until its declassification.

Executed in the city of Astana on April 18, 2017 in two copies each in the Kazakh, Turkmen and Russian languages, all having equal force.

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

For the Government  
of the Republic of Kazakhstan

For the Government  
of Turkmenistan

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