

Ο περί της Συμφωνίας μεταξύ της Κυβέρνησης της Κυπριακής Δημοκρατίας και της Κυβέρνησης της Δημοκρατίας της Εσθονίας για την Αμοιβαία Προστασία Διαβαθμισμένων Πληροφοριών (Κυρωτικός) Νόμος του 2013 εκδίδεται με δημοσίευση στην Επίσημη Εφημερίδα της Κυπριακής Δημοκρατίας σύμφωνα με το Άρθρο 52 του Συντάγματος.

Αριθμός 15(ΙΙΙ) του 2013

ΝΟΜΟΣ ΠΟΥ ΚΥΡΩΝΕΙ ΤΗ ΣΥΜΦΩΝΙΑ ΜΕΤΑΞΥ ΤΗΣ ΚΥΒΕΡΝΗΣΗΣ ΤΗΣ
ΚΥΠΡΙΑΚΗΣ ΔΗΜΟΚΡΑΤΙΑΣ ΚΑΙ ΤΗΣ ΚΥΒΕΡΝΗΣΗΣ ΤΗΣ ΔΗΜΟΚΡΑΤΙΑΣ ΤΗΣ
ΕΣΘΟΝΙΑΣ ΓΙΑ ΤΗΝ ΑΜΟΙΒΑΙΑ ΠΡΟΣΤΑΣΙΑ ΔΙΑΒΑΘΜΙΣΜΕΝΩΝ ΠΛΗΡΟΦΟΡΙΩΝ

Η Βουλή των Αντιπροσώπων ψηφίζει ως ακολούθως:

Συνοπτικός
τίτλος.

1. Ο παρών Νόμος θα αναφέρεται ως ο περί της Συμφωνίας μεταξύ της Κυβέρνησης της Κυπριακής Δημοκρατίας και της Κυβέρνησης της Δημοκρατίας της Εσθονίας για την Αμοιβαία Προστασία Διαβαθμισμένων Πληροφοριών (Κυρωτικός) Νόμος του 2013.

Ερμηνεία.

2. Στον παρόντα Νόμο, εκτός εάν από το κείμενο προκύπτει διαφορετική έννοια-

«Συμφωνία» σημαίνει τη Συμφωνία μεταξύ της Κυβέρνησης της Κυπριακής Δημοκρατίας και της Κυβέρνησης της Δημοκρατίας της Εσθονίας για την Αμοιβαία Προστασία Διαβαθμισμένων Πληροφοριών, η διαπραγμάτευση της οποίας έγινε κατόπιν της Απόφασης του Υπουργικού Συμβουλίου με αριθμό 2/2009 και ημερομηνία 20.5.2009 και η οποία υπογράφηκε στις 27.11.2012, κατόπιν Απόφασης του Υπουργικού Συμβουλίου με αριθμό 73.986 και ημερομηνία 23.8.2012.

Κύρωση της
Συμφωνίας.
Πίνακας.
Μέρος Ι.
Μέρος ΙΙ.
Μέρος ΙΙΙ.

3. Με τον παρόντα Νόμο κυρώνεται η Συμφωνία, το κείμενο της οποίας εκτίθεται, στην Αγγλική γλώσσα στο Μέρος Ι του Πίνακα, στην Ελληνική γλώσσα στο Μέρος ΙΙ του Πίνακα και στην Εσθονική γλώσσα στο Μέρος ΙΙΙ του Πίνακα.

ΠΙΝΑΚΑΣ
(Άρθρο 3)

Μέρος Ι

Agreement between the Government of the Republic of Cyprus and the
Government of the Republic of Estonia on Mutual Protection of Classified
Information

The Government of the Republic of Cyprus
and the Government of the Republic of Estonia

(hereinafter referred to as "the Parties"),

Recognizing the need to set rules on protection of Classified Information mutually exchanged within the scope of political, military, economical, legal, scientific and technological or any other cooperation, as well as Classified Information generated in the process of such cooperation,

Intending to ensure the mutual protection of all Classified Information, which has been classified by one Party and transferred to the other Party or commonly generated in the course of co-operation between the Parties,

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

Considering the mutual interests in the protection of Classified Information, in accordance with the legislation of the Parties,

Have agreed as follows:

Article 1
Objective

The objective of this Agreement is to ensure the protection of Classified Information that is commonly generated or exchanged between the Parties.

Article 2
Definitions

For the purposes of this Agreement:

- a) "Breach of Security" means an act or an omission which is contrary to this Agreement or the national legislation of the Parties, the result of which may lead to disclosure, loss, destruction, misappropriation or any other type of compromise of Classified Information;
- b) "Classified Contract" means an agreement between two or more Contractors, which contains or the implementation of which requires access to Classified Information;

- c) **"Classified Information"** means any information, irrespective of its form or nature, which requires protection against unauthorised manipulation and has been classified in accordance with the national legislation of the Parties and has been so designated by a security classification level;
- d) **"Competent Authority"** means National Security Authority and any other competent entity which, according to the national legislation of the Parties, is responsible for the implementation of this Agreement;
- e) **"Contractor"** means an individual or a legal entity possessing the legal capacity to conclude Classified Contracts;
- f) **"Facility Security Clearance"** means the determination by the Competent Authority confirming, that the legal entity or an individual has the physical and organizational capability to handle and store Classified Information in accordance with the respective national legislation;
- g) **"National Security Authority"** means the state authority of each Party, which in accordance with its national legislation is responsible for the general implementation and supervision of this Agreement; the respective authorities of the Parties are referred to in Article 4 Paragraph 1 of this Agreement;
- h) **"Need-to-know"** means the necessity to have access to specific Classified Information in the scope of a given official position and for the performance of a specific task;
- i) **"Originating Party"** means the Party which has created Classified Information;
- j) **"Personnel Security Clearance"** means the determination by the Competent Authority confirming, in accordance with the respective national legislation, that the individual is eligible to have access to Classified Information;
- k) **"Receiving Party"** means the Party to which Classified Information of the Originating Party is transmitted;
- l) **"Third Party"** means any state, organization, legal entity or individual, which is not a party to this Agreement.

Article 3

Security Classification Levels

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

For the Republic of Cyprus	For the Republic of Estonia	Equivalent in English
ΑΚΡΩΣ ΑΠΟΡΡΗΤΟ	TÄIESTI SALAJANE	TOP SECRET
ΑΠΟΡΡΗΤΟ	SALAJANE	SECRET
ΕΜΠΙΣΤΕΥΤΙΚΟ	KONFIDENTSIAALNE	CONFIDENTIAL
ΠΕΡΙΟΡΙΣΜΕΝΗΣ ΧΡΗΣΗΣ	PIIRATUD	RESTRICTED

Article 4

Competent Authorities

1. The National Security Authorities of the Parties are:

For the Republic of Cyprus:

National Security Authority

Ministry of Defence of the Republic of Cyprus

For the Government of the Republic of Estonia:

Department of the National Security Authority

Ministry of Defence of the Republic of Estonia

2. The Parties shall inform each other through diplomatic channels of any modification of the National Security Authorities.
3. Upon request the National Security Authorities shall notify each other about other Competent Authorities.
4. The National Security Authorities shall inform each other of respective national legislation on Classified Information and of any significant amendments thereto and shall exchange information about the security standards, procedures and practices for the protection of Classified Information.

Article 5

Protection Measures and Access to Classified Information

1. In accordance with their national legislation, the Parties shall take all appropriate measures for the protection of Classified Information, which is exchanged or generated under this Agreement. At least the same level of protection shall be assigned to such Classified Information as is provided for the national Classified Information of the equivalent security classification level in accordance with Article 3.
2. The Originating Party shall inform the Receiving Party in writing about any change of the security classification level of the transmitted Classified Information.
3. Access to Classified Information shall be limited to persons on a Need-to-know basis who are authorised in accordance with the national legislation of the Parties to have access to Classified Information of the equivalent security classification level.
4. Within the scope of this Agreement, each Party shall recognise the Personnel Security Clearances and Facility Security Clearances granted in accordance with the national legislation of the other Party. The security clearances shall be equivalent in accordance with Article 3.

5. The Competent Authorities shall, in accordance with the national legislation, assist each other upon request at carrying out vetting procedures necessary for the application of this Agreement.
6. Within the scope of this Agreement, the Competent Authorities of the Parties shall inform each other without delay about any alteration with regard to Personnel and Facility Security Clearances, in particular about their withdrawal or downgrading.
7. The Receiving Party shall:
 - a) submit Classified Information to any Third Party only upon prior written consent of the Originating Party;
 - b) mark the received Classified Information in accordance with Article 3;
 - c) use Classified Information solely for the purposes it has been provided for.

Article 6

Transmission of Classified Information

1. Classified Information shall be transmitted through diplomatic channels unless otherwise approved by the National Security Authorities. The Receiving Party shall confirm the receipt of Classified Information in writing.
2. Electronic transmission of Classified Information shall be carried out through certified cryptographic means agreed by the National Security Authorities.
3. If necessary, the intelligence, security and police services of the Parties may, in accordance with national legislation, exchange operative and intelligence information directly with each other.

Article 7

Reproduction and Translation of Classified Information

1. Translations and reproductions of Classified Information shall be made in accordance with the national legislation of the Receiving Party and the following procedures:
 - a) the translations and the reproductions shall be marked and protected as the original Classified Information;
 - b) the translations and the number of copies shall be limited to that required for official purposes;
 - c) the translations shall bear an appropriate note in the language of the translation indicating that it contains Classified Information received from the Originating Party.
2. Classified Information marked ANOPPHOTO/SALAJANE or above shall be translated or reproduced only upon prior written consent of the Originating Party.