

No. 49796

**Republic of Korea
and
Canada**

Agreement between the Government of the Republic of Korea and the Government of Canada on the exchange and protection of classified military information. Ottawa, 5 July 1999

Entry into force: *11 August 1999 by notification, in accordance with article 16*

Authentic texts: *English, French and Korean*

Registration with the Secretariat of the United Nations: *Republic of Korea, 6 July 2012*

**République de Corée
et
Canada**

Accord entre le Gouvernement de la République de Corée et le Gouvernement du Canada sur l'échange et la protection de renseignements militaires classifiés. Ottawa, 5 juillet 1999

Entrée en vigueur : *11 août 1999 par notification, conformément à l'article 16*

Textes authentiques : *anglais, français et coréen*

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : *République de Corée, 6 juillet 2012*

AGREEMENT
BETWEEN
THE GOVERNMENT OF THE REPUBLIC OF KOREA
AND
THE GOVERNMENT OF CANADA
ON THE EXCHANGE AND PROTECTION OF CLASSIFIED MILITARY
INFORMATION

THE GOVERNMENT OF THE REPUBLIC OF KOREA AND THE GOVERNMENT OF CANADA, (hereinafter referred to as "the Parties"),

NOTING the close cooperation between the Parties in the field of defence,

RECOGNIZING the benefits to be achieved through the exchange of classified military information, and

CONSIDERING the mutual interest in expanding military cooperation in joint military exercises, improving cooperation on exchange of defence materiel information and increasing the educational opportunities of military personnel on personnel exchanges,

HAVE AGREED as follows:

ARTICLE 1

Definition of Terms

For the purpose of this Agreement, the following definitions shall apply:

- (a) "Classified Military Information" means official information or materials related to the area of defence, regardless of whether transmitted in writing or in any other form. Such information or materials will be afforded protection from unauthorized disclosure by national laws and regulations for the sake of national security. The information or materials will be afforded the applicable physical safeguarding as indicated within the classification comparison table found under Article 4.1.
- (b) "Materials" means anything in which information is recorded, embodied or stored and anything from which information can be derived, regardless of its physical form or composition, including documents, written records, equipments, instruments, machinery, devices, models, sound records, reproductions, representations, maps, computer programs, compilations, and electronic data storage.
- (c) "Security Screened" means that an individual has been administratively determined eligible, in accordance with the national laws and regulations of a Party, to have access to classified military information.

ARTICLE 2

Scope

1. This Agreement sets out security procedures and practices applicable in the following areas:
 - (a) the exchange of classified military information between the Parties including but not limited to planning and conducting bilateral combined military exercises;
 - (b) the protection of classified military information exchanged between the Parties;
 - (c) the conduct of classified military visits between the Parties; and,
 - (d) the exchange of military personnel between the Parties for training.
2. This Agreement shall not cover the exchange of classified information between the Parties and industry or between their respective industries. This exchange requires negotiation of separate arrangements on detailed procedures concerning the communication and handling of classified information.

ARTICLE 3

National Security Authorities

The National Security Authorities of the Parties shall be responsible for the coordination and implementation of this Agreement. Unless otherwise advised by a Party in writing, the National Security Authorities for the Parties shall be:

- (a) For the Government of Canada:

Vice Chief of the Defence Staff
Department of National Defence
MGen George R. Pearkes Building
101 Colonel By Drive
Ottawa, Ontario
K1A 0K2
Canada
- (b) For the Government of the Republic of Korea:

Director
Defence Intelligence Agency
Ministry of National Defence
Yong-San Gu, Yong-San Dong 3-1
Seoul
Republic of Korea

ARTICLE 4

Security Marking of Classified Military Information

1. When Canadian classified military information is sent to Korea, the originating Party shall categorize the information in accordance with the following table:

FROM CANADA	TO KOREA
TOP SECRET	RELEASE TO KOREA TREAT AS TOP SECRET
SECRET	RELEASE TO KOREA TREAT AS SECRET
CONFIDENTIAL	RELEASE TO KOREA TREAT AS CONFIDENTIAL
PROTECTED A	RELEASE TO KOREA TREAT AS RESTRICTED
PROTECTED B	RELEASE TO KOREA TREAT AS CONFIDENTIAL
PROTECTED C	RELEASE TO KOREA TREAT AS TOP SECRET

Canadian Protected A, B, C shall be treated as Korean Restricted, Confidential, Top Secret, respectively. If the Korean Party does not consider this information to be related to its defence or national security, the Korean Party shall handle and dispose of it in accordance with this Agreement.

2. When Korean classified military information is sent to Canada, the originating Party shall categorize the information in accordance with the following table:

FROM KOREA	TO CANADA
TOP SECRET	RELEASE TO CANADA TREAT AS TOP SECRET
SECRET	RELEASE TO CANADA TREAT AS SECRET
CONFIDENTIAL	RELEASE TO CANADA TREAT AS CONFIDENTIAL
RESTRICTED	RELEASE TO CANADA TREAT AS CONFIDENTIAL

3. Classified documents will be marked with the appropriate level of classification to identify that the document contains classified military information. Classification markings should be placed at the top and/or bottom of each page containing the information. The highest classification shall be placed on the cover of the document and/or on any other medium in which the information resides or is displayed.
4. Classified military information received by either Party will be safeguarded in accordance with its national laws and regulations on the protection of classified military information.
5. Classified military information, which is received by either party, will not be downgraded without the express permission of the originating Party. Extracted information will retain original classification, and will not be incorporated into a document that is of a lesser classification.

ARTICLE 5

Protection and Use

1. Having regard to Articles 6 and 7, the Parties shall apply the following rules for the protection and use of classified military information:

- (a) the originating Party shall indicate its name on all classified military information;
- (b) the originating Party may specify in writing any limitations on the use, disclosure, release and access of the classified military information by the receiving Party;
- (c) the receiving Party shall comply with any limitations on the use, disclosure, release and access to the classified military information specified by or on behalf of the originating Party;
- (d) the receiving Party shall provide all such classified military information received from the originating Party a standard of physical and legal protection not less than that which it provides to its own classified military information of corresponding level;
- (e) the receiving Party shall not use classified military information for any purpose other than that for which it is provided, without the prior written consent of the originating Party;
- (f) the receiving Party shall not disclose, release or provide access to the classified military information or anything incorporating the classified military information to any third party, including any third country government, any national of a third country, or any contractor, organization or other entity, without the prior written consent of the originating Party or unless such disclosure, release or access is otherwise in accordance with other agreements between the Parties;
- (g) the receiving Party shall not in any way downgrade the level of security classification assigned by the originating Party without the prior written consent of the latter Party;
- (h) the originating Party shall promptly notify the receiving Party of any change in the security classification level of classified military information, and the receiving Party shall alter the security classification upon the originating Party's notification;
- (i) the receiving Party shall take all steps legally available to keep classified military information free from disclosure under any legislative provision; and
- (j) each Party shall maintain accountability and control procedures to manage the dissemination of and access to the classified military information.

2. When any classified military information is no longer required for the purpose for which it was provided, the receiving Party shall, as appropriate:

- (a) return the classified military information to the originating Party; or
- (b) destroy the classified military information in accordance with mutually determined procedures.

3. If necessary, the Parties may mutually determine additional requirements for the protection of classified military information.