

No. 53370*

**Spain
and
United Kingdom of Great Britain and Northern Ireland**

Agreement between the Kingdom of Spain and the United Kingdom of Great Britain and Northern Ireland concerning the protection of classified information. Madrid, 5 February 2015

Entry into force: *1 January 2016, in accordance with article 16*

Authentic texts: *English and Spanish*

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**Espagne
et
Royaume-Uni de Grande-Bretagne et d'Irlande du Nord**

Accord entre le Royaume d'Espagne et le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord relatif à la protection des informations classifiées. Madrid, 5 février 2015

Entrée en vigueur : *1^{er} janvier 2016, conformément à l'article 16*

Textes authentiques : *anglais et espagnol*

Enregistrement auprès du Secrétariat des Nations Unies : *Espagne, 7 janvier 2016*

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AGREEMENT

BETWEEN

THE KINGDOM OF SPAIN

AND

THE UNITED KINGDOM OF GREAT BRITAIN

AND

NORTHERN IRELAND

**CONCERNING THE PROTECTION OF CLASSIFIED
INFORMATION**

The Kingdom of Spain and The United Kingdom of Great Britain and Northern Ireland ("UK") (referred to jointly as the "Parties" or individually as the "Party"), wishing to ensure the protection of Classified Information generated by and/or exchanged between the Parties, or Contractors under the jurisdiction of either Party, have, in the interests of national security, established the following general security agreement (hereinafter referred to as "Agreement").

ARTICLE 1

Purpose

The purpose of this Agreement is to ensure the protection of Spanish and/or UK Classified Information generated by the Parties or Contractors under their jurisdiction, and/or exchanged between the Parties, between Contractors under their jurisdiction and between a Party and any Contractor under the jurisdiction of the other Party. It sets out the security procedures and arrangements for such protection.

ARTICLE 2

Definitions

For the purposes of this Agreement:

1. **"Classified Information"** means any information of whatever form, nature or method of transmission determined, either individually by one Party or jointly by both Parties, to require protection against unauthorised disclosure or loss and to which a security classification has been applied in accordance with the national laws and regulations of the Party or Parties;
2. **"Classified Contract"** means a contract or sub-contract, including any pre-contractual negotiations, which contains Classified Information or which involves access to, or the generation, use or transmission of Classified Information;
3. **"Competent Security Authority" or "CSA"** means a security authority in a Party which is responsible for ensuring the implementation and supervision of the provisions set out in this Agreement;
4. **"Contractor"** means any person or body with the legal capacity to enter into contracts;

5. **“Facility Security Clearance” or “FSC”** means a determination by a NSA or CSA of a Party that a Contractor has in place appropriate security measures within a specified facility to protect Classified Information up to and including a particular Security Classification Level;
6. **“National Security Authority” or “NSA”** means the government authority in a Party with ultimate responsibility for the security of Classified Information in accordance with the provisions of this Agreement. A NSA may also undertake some or all the responsibilities of the CSA;
7. **“Need to Know”** means the necessity for an individual to have access to Classified Information in connection with official duties and/or for the performance of a specific task;
8. **“Owner”** means the government authority in a Party which, in accordance with its national laws and regulations, is responsible for any decisions affecting its national Classified Information generated and/or exchanged under this Agreement. Contractors under the jurisdiction of a Party may generate and/or provide Classified Information, but they are not considered the Owner for the purposes of this Agreement;
9. **“Personnel Security Clearance” or “PSC”** means a determination by a NSA or CSA that an individual has been security cleared to access and handle Classified Information up to and including a specified Security Classification Level in accordance with its national laws and regulations;
10. **“Providing Party”** means the Party, or a Contractor under its jurisdiction, which provides Classified Information to the Receiving Party under this Agreement;
11. **“Receiving Party”** means the Party, or a Contractor under its jurisdiction, which receives Classified Information from the Providing Party under this Agreement;
12. **“Security Aspects Letter (SAL)” or “Security Classification Guide (SCG)”** means a document issued by the appropriate authority of either Party as part of any Classified Contract specifying the security requirements and/or identifying those aspects requiring security protection;

13. **“Security Classification Level”** means a category assigned to Classified Information which indicates its sensitivity, the degree of damage that might arise in the event of its unauthorised disclosure or loss and the level of protection to be applied to it by the Parties;
14. **“Security Incident”** means an act or omission contrary to national laws and regulations which may or does result in the unauthorised access, disclosure, loss, destruction or compromise of Classified Information that has been generated and/or exchanged under this Agreement;
15. **“Third Party”** means any State, including legal entities and individuals under its jurisdiction, or International Organisation, which is not a party to this Agreement.

ARTICLE 3

Security Authorities

1. The NSAs designated by the Parties are:

In the Kingdom of Spain	In the United Kingdom of Great Britain and Northern Ireland
Secretario de Estado, Director del Centro Nacional de Inteligencia Oficina Nacional de Seguridad Avda. Padre Huidobro, s/n 28023 Madrid España	Government Security Secretariat Cabinet Office 70 Whitehall London SW1A 2AS United Kingdom

2. Each NSA shall notify the other NSA in writing of the relevant CSAs in their country before the Agreement enters into force.
3. Each NSA shall notify the other NSA in writing of any significant changes to their respective NSAs/CSAs.

ARTICLE 4

Security Classification Levels

1. Any Classified Information provided under this Agreement shall be marked with the appropriate Security Classification Level according to the national laws and regulations of the Providing Party. The Receiving Party shall not re-mark Classified Information received from the Providing Party.