

No. 54393*

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

Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of Finland concerning the mutual protection of classified information. London, 7 June 2012

Entry into force: *1 June 2013, in accordance with article 14*

Authentic texts: *English and Finnish*

Registration with the Secretariat of the United Nations: *United Kingdom of Great Britain and Northern Ireland, 28 March 2017*

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

Accord entre le Gouvernement du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord et le Gouvernement de la République de Finlande relatif à la protection réciproque des informations classifiées. Londres, 7 juin 2012

Entrée en vigueur : *1^{er} juin 2013, conformément à l'article 14*

Textes authentiques : *anglais et finnois*

Enregistrement auprès du Secrétariat des Nations Unies : *Royaume-Uni de Grande-Bretagne et d'Irlande du Nord, 28 mars 2017*

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**AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED
KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE
GOVERNMENT OF THE REPUBLIC OF FINLAND CONCERNING THE
MUTUAL PROTECTION OF CLASSIFIED INFORMATION**

The Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of Finland, hereinafter referred to as “the Parties”,

Considering that the Parties co-operate in matters such as, but not limited to, foreign affairs, defence, security, police, science, industry and technology,

In order to ensure the protection of any Classified Information exchanged in confidence directly between the Parties, or public or private legal entities or individuals under the jurisdiction of the Parties,

Have agreed as follows:

ARTICLE 1

Purpose

The purpose of this Agreement is to promote co-operation between the Parties by ensuring protection of any Classified Information exchanged between the Parties, or public or private legal entities or individuals under the jurisdiction of the Parties.

ARTICLE 2

Definitions

For the purposes of this Agreement:

- a. *Classified Information*: means any information, document, material or knowledge that can be communicated in any form to which a security classification level has been applied and which has been marked accordingly under the national laws or regulations of the Parties.
- b. *Contract*: means an agreement between two or more parties creating and defining enforceable rights and obligations between them.
- c. *Contractor*: means any individual or legal entity possessing the legal capacity to conclude Contracts.
- d. *Classified Contract*: means any contract or sub-contract, including any pre-contractual negotiations, which contains or involves Classified Information.

- e. *Originator*: means the Party which originates, owns or provides the Classified Information.
- f. *Recipient*: means the Party as well as any public or private legal entity under its authority to which the Classified Information is provided by the Originator.
- g. *Facility Security Clearance (FSC)*: means a statement by a Party that the contractor has in place appropriate security measures within its facilities to access and protect Classified Information in accordance with its national laws and regulations.
- h. *Competent Security Authority*: means a Designated Security Authority or any other competent body authorised according to national laws and regulations of a Party which is responsible for the implementation of this Agreement.

ARTICLE 3

Security Authorities

1. The National Security Authorities (NSAs) designated by the Parties as ultimately responsible for oversight of all aspects of this Agreement are:

In the United Kingdom of Great Britain and Northern Ireland:	In the Republic of Finland:
Government Security Secretariat Cabinet Office 70 Whitehall London SW1A 2AS United Kingdom	Ministry for Foreign Affairs National Security Authority Helsinki Finland

2. The NSAs shall notify each other of the relevant Competent Security Authorities (CSAs) which shall be responsible for the implementation of aspects of this Agreement. The NSAs shall notify each other of any subsequent changes to their respective CSAs.

ARTICLE 4

Security Classifications

1. Any Classified Information provided under this Agreement shall be marked with the appropriate security classification level under the national laws and regulations of the Originator.
2. The Parties agree that the classification levels shall correspond to one another as follows and be considered as equivalent:

In the United Kingdom of Great Britain and Northern Ireland	In the Republic of Finland¹
UK TOP SECRET	ERITTÄIN SALAINEN
UK SECRET	SALAINEN
UK CONFIDENTIAL	LUOTTAMUKSELLINEN
UK RESTRICTED	KÄYTTÖ RAJOITETTU

3. In the event that Classified Information at the UK TOP SECRET/ ERITTÄIN SALAINEN level needs to be exchanged, supplementary implementing arrangements shall be agreed between the respective NSAs.
4. The Recipient shall ensure that classifications are not altered or revoked, except as authorised in writing by the Originator. Exceptionally, the Originator may ask the Recipient to afford protection at a higher level, but not at a lower level, than the marked classification.

ARTICLE 5

Protection of Classified Information

1. The Parties shall take all appropriate measures under their national laws and regulations to protect Classified Information provided under this Agreement. They

¹ Security classification markings in Swedish shall be made on documents written in or translated into Swedish. Security classification markings in Swedish may also be made in other cases if the Finland State authority considers it necessary. The equivalents in Swedish of the Finnish security classification markings are as follows: "ERITTÄIN SALAINEN" - "YTTERST HEMLIG", "SALAINEN" - "HEMLIG", "LUOTTAMUKSELLINEN" - "KONFIDENTIELL", and "KÄYTTÖ RAJOITETTU" - "BEGRÄNSAD TILLGÅNG".

shall afford such information an equivalent level of protection as they afford to their own information at the equivalent level of classification.

2. The Parties shall take all legally available steps to respect the principle of originator consent in accordance with their constitutional requirements, national laws and regulations.

3. Classified Information provided under this Agreement shall not be disclosed to any institution, international organisation, legal entity or State that does not fall within Article 1 of this Agreement, or an individual who does not hold the nationality of the State of either Party, without prior written consultation with, and the written approval of, the Originator.

4. Access to Classified Information shall be limited to individuals who have a 'Need-to-Know', who have been granted an appropriate Personnel Security Clearance (PSC) in accordance with national laws and regulations, and who are authorised to have access to such information. Such individuals shall be briefed on their responsibilities for the protection of Classified Information.

5. Classified Information shall be used solely for the purpose for which it has been provided.

6. A PSC is not required for access to Classified Information at the UK RESTRICTED / KÄYTTÖ RAJOITETTU levels.

ARTICLE 6

Classified Contracts

1. When proposing to place, or authorise a contractor under its jurisdiction to place, a Classified Contract involving information at the UK CONFIDENTIAL / LUOTTAMUKSELLINEN level or above with a contractor under the jurisdiction of the other Party, the NSA or relevant CSA shall obtain a written confirmation from the other NSA or relevant CSA that the contractor has been granted a Facility Security Clearance (FSC) appropriate to the level of classification concerned.

2. Classified Contracts at the level of UK CONFIDENTIAL / LUOTTAMUKSELLINEN level or above shall refer to this Agreement and contain guidance on the security requirements for the performance of the contract which identify the classification of each aspect/element of the contract. In the United Kingdom the guidance shall be contained in specific security clauses and in a Security Aspects Letter (SAL). In the Republic of Finland this guidance shall be set out in Programme Security Instructions (PSI) or a SAL and approved by the NSA or relevant CSA in writing. The guidance shall identify each classified aspect of the contract or any classified aspect which is to be generated by the contract, and allocate to it a specific security classification.