

ACT

of 24 April 2007

to alter and amend Act N. 412/2005 Coll. on the Protection of Classified Information

The Parliament has passed by resolution the Act of the Czech Republic hereunder:

Article I

The Act N. 412/2005 Coll. on the Protection of Classified Information is hereby amended as follows:

1. In S. 56 par. 1(d) the wording “cessation of existence or reorganization²⁴” is hereby rephrased as “or cessation of existence”.

The footnote N. 24 is hereby repealed.

2. In S. 56 par. 1(g) the word “or” is hereby deleted.

3. In S. 56 par. 1, a new bullet point (h) is hereby added after the bullet (g) under this item, which reads as follows:

“(h) upon formation of service relationship as a member of the Intelligence Service or employment relationship of an employee placed in the Intelligence Service in case of a personnel security clearance issued by the Authority; or”

Bullet (h) under this item will be newly marked as bullet (i).

4. In S. 56(i) the wording “who is placed in” will be inserted after the word “employee”; the wording “if the natural person ceases to be” will be rephrased as “on the date when the natural person ceases to be the person”; and the following wording will be inserted at the end of the text of the bullet (i)

“in case of a personnel security clearance issued by the Intelligence Service or by the Ministry of the Interior.”

5. A new S. 56a will be inserted after S. 56, which reads as follows:

“Section 56a

(1) In case of termination of validity of the personnel security clearance according to S. 56 par. 1(h), a new PSC will be granted to that natural person by the Intelligence Service concerned, which supersedes the original security clearance, on the date of formation of their service relationship or employment relationship.

(2) In case of termination of validity of the personnel security clearance according to S. 56 par. 1(i), the natural person concerned will be issued with a new PSC, which supersedes the original security clearance, by:

- a) the Intelligence Service concerned, on the date of formation of service relationship as a member of the Intelligence Service or employment relationship of an employee placed in the Intelligence Service;
- b) the Ministry of the Interior, on the date when the natural person concerned became the person as outlined in S. 141 par. 1; or
- c) the Authority in any other case, on the date following the date of termination of validity of the original security clearance. The Authority will issue a new personnel security clearance upon written request of the person concerned within five days of the service of an application. The application for issuance of the new personnel security clearance may be submitted within 30 days of the termination of validity of the original security clearance; a confirmation of the

²⁴ S. 69 of the Commercial Code.

Intelligence Service concerned or confirmation of the Ministry of the Interior according to paragraph 3 shall be enclosed to the application.

(3) In case of procedure according to paragraph 2(c) the Intelligence Service concerned or the Ministry of the Interior will confirm the termination of validity of a personnel security clearance upon request of that natural person, within five days of the service of the request. The name of the State body shall be entered in the confirmation, which had issued the original personnel security clearance, as well as data according to S. 54 par. 2(a)-(f) and the date of termination of this clearance.

(4) A State body, which issued a new personnel security clearance, shall request in writing a security file of the person from the State body, which had issued the original security clearance; the security file will be forwarded within five days of the service of this request.”

6. In S. 58 the following sentence will be added at the end of paragraph 3: “The person concerned may not be granted access to classified information of a foreign power.”

7. The paragraph 6 will be added under S. 58, which reads as follows: “(6) With the exception of the President of the Czech Republic, President of the Senate of the Parliament of the Czech Republic, Speaker of the Chamber of Deputies of the Parliament of the Czech Republic, Prime Minister and Minister of foreign affairs, persons mentioned in paragraphs 1 and 4 may not have access to classified information of a foreign power.”

8. In S. 59 the paragraph 7 will be rephrased as follows:

“(7) One-time access to classified information of a foreign power may be granted only in accordance with requirements of the foreign power concerned.”

9. In S. 60 the paragraph 6 will be rephrased as follows:

“(6) In emergency access to classified information of a foreign power may only be granted in accordance with requirements of the foreign power concerned.”

10. In S. 66 paragraph 1(b) the wording “S. 56 par. 1(b), (f) and (g)” will be rephrased as “S. 56 par. 1(b) and (f)-(i)”.

11. In S. 68 the period at the end of the bullet (e) will be replaced by comma and the following bullet

point (f) under this section will be added including the footnote 28a, which reads as follows:

“f) sent to the Authority decision on the transformation^{28a} of the facility within 15 days from the date of its acceptance.”

12. In S. 77 par. 5 the wording “, S. 73 and S. 78 par. 3” will be rephrased as “and provisions of S. 73”.

13. A paragraph 6 will be added under S. 77, which reads as follows:

“(6) Classified information of a foreign power may be provided only in accordance with its requirements to another foreign power.”

14. In S. 78 the paragraph 3 is hereby repealed.

15. In S. 106 the paragraph 2 is hereby repealed.

Paragraphs 3 and 4 will be newly renumbered as paragraphs 2 and 3.

16. In S. 106 par. 2 the wording “or 2” is hereby repealed.

17. In S. 106 par. 3 the wording “1 and 3” will be rephrased as “1 and 2” and the wording “and according to paragraph 2 by the participant in the procedure” will be repealed.

18. In S. 112 par. 1(f) the wording “with the exception of appointment of an expert according to S. 106 par. 2” will be repealed.

19. In S. 137 the following wording will be added at the end of the bullet (a) “and issue personnel security clearances according to S. 56(a).”

20. In S. 138 par. 1(b) the wording “employees of the Intelligence Services” will be rephrased as “employees placed in the Intelligence Services”.

21. In S. 140 1(a) the wording “of its members,” will be rephrased as “in case of their members,” and the wording “with the exception of job or service candidates who are holders of a personnel security clearance at least for required security classification level” will be inserted after the word “candidates”; and the following will be inserted at the end of the bullet “and issue personnel security clearances according to S. 56(a)”.

22. In S. 141 the paragraph 1 will read as follows:

^{28a} S. 69 of the Commercial Code.

“(1) The Ministry of the Interior shall decide a natural person application in the case of members of the Police selected in the interest of performance of important tasks of the Police by the Ministry of the Interior, with the exception of the Police members who are holders of a personnel security clearance at least for required security classification level, as well as the termination of validity of the security clearance in the case of these Police members, and issue personnel security clearance according to D. 56(a).”

Article II

This Act comes into force on the date of its publication.

Signed:

Vlček

Klaus

Topolánek