

363/2011 Coll.

DECREE

of 23 November 2011

on Personnel Security and Security Eligibility

Amendment: 415/2013 Coll.

Amendment: 400/2016 Coll.

Amendment: 12/2022 Coll.

Pursuant to Section 7(3), Section 9(8), Section 64, Section 85(5) and Section 135 points (a) to (f) and (h) to (k) of Act No. 412/2005 Coll. on the Protection of Classified Information and Security Eligibility as amended (hereinafter referred to as “the Act”), the National Security Authority lays down:

Section 1

Templates related to personnel security and security eligibility

(1) The template for the Declaration of Legal Capacity by a Natural Person in accordance with Section 7 of the Act is provided in Annex 1 to this Decree.

(2) The template for the Declaration of Personal Eligibility in accordance with Section 13 of the Act is provided in Annex 2 to this Decree.

(3) The template for the Confidentiality Release Form in accordance with Section 94(2)(g) and Section 99(2)(d) of the Act is provided in Annex 13 to this Decree.

Section 2

Templates related to personnel security

(1) The template for the Notice of Compliance with Conditions for Access to Restricted Classified Information in accordance with Section 6 of the Act is provided in Annex 3 to this Decree.

(2) The template for the Briefing in accordance with Section 9(1) and Section 11(2) of the Act is provided in Annex 4 to this Decree.

(3) The template for the Personnel Security Clearance Application in accordance with Section 94(1) of the Act is provided in Annex 5 to this Decree.

(4) The template for the Personnel Security Questionnaire in accordance with Section 95 of the Act is provided in Annex 6 to this Decree.

(5) The template for the Personnel Security Clearance in accordance with Section 54(2) of the Act is provided in Annex 7 to this Decree.

(6) The template for the Personnel Security Clearance Application for a Foreign Power in accordance with Section 57(2) of the Act is provided in Annex 8 to this Decree.

(7) The template for the Personnel Security Clearance Recognition Request in accordance with Section 62(2) of the Act is provided in Annex 9 to this Decree.

(8) The template for the Briefing in accordance with Section 58(5) of the Act is provided in Annex 10 to this Decree.

Section 3

Templates related to security eligibility

(1) The template for the Security Eligibility Certificate Request in accordance with Section 99(1) of the Act is provided in Annex 11 to this Decree.

(2) The template for the Questionnaire in accordance with Section 100 of the Act is provided in Annex 6 to this Decree.

(3) The template for the Personnel Security Eligibility Certificate in accordance with Section 85 of the Act is provided in Annex 12 to this Decree.

Section 4

The reason for the Personnel Security Clearance Application in accordance with Section 94(1) of the Act

The Personnel Security Clearance Application justification shall include

(a) the duties or functions arising from service or an employment, membership or similar relationship on the basis of which the Personnel Security Clearance is to be issued,

(b) the highest security classification level of the Classified Information the individual is to have access to,

(c) a confirmation of the justification of the need for access to Classified Information from a responsible person, the security officer or the one who will provide the individual in question with access to the Classified Information, including the specific place or function determined in accordance with Section 69(1)(b) of the Act and the classification of this place or function within this overview,

(d) a specification of the Classified Information which has already been provided or created at the given place or function and the Classified Information which will be provided or which could be created there.

Section 5

The reason for the Security Eligibility Certificate Request in accordance with Section 99(1) of the Act

The Security Eligibility Certificate Request justification shall include

- (a) the sensitive activity the individual is to undertake based on the issued document,
- (b) the provisions of another law or regulation according to which the sensitive activity will be carried out,
- (c) a confirmation of the justification of the sensitive activity from a responsible person or a person delegated by them, including a description the specific place or function related to the sensitive activity.

Section 6

Documents enclosed with the Personnel Security Clearance Application in accordance with Section 94(2)(b) of the Act and documents enclosed with the Security Eligibility Certificate Request in accordance with Section 99(2)(c)

(1) With Personnel Security Clearance Applications or Security Eligibility Certificate Requests, natural persons shall enclose

- (a) their birth certificate or a similar document and
- (b) a confirmation of income from their employer specifying their net income after statutory deductions or, in case of a different type of income, a tax return or another document confirming this income, covering the last 5 years.

(2) The documents listed in paragraph 1 can be provided as copies.

(3) The manner and form of submission of the documents listed in paragraph 1 are laid down in Section 9(3).

Section 7

Personnel Security Clearance Applications in accordance with Section 94(4) and (5) of the Act

(1) With Personnel Security Clearance Applications submitted in accordance with Section 94(4) and (5) of the Act, natural persons shall enclose the Personnel Security Questionnaire indicating

- (a) basic personal information, namely their first and last name, personal identification number, if one has not been assigned, their date of birth,
- (b) their net income after statutory deductions covering the period since the submission of the previous application and
- (c) any information which has changed over the course of the validity period of the Personnel Security Clearance of which the issuing authority has not been notified in accordance with Section 10.

(2) The information referred to in paragraph 1(b) and (c) shall be supported by the documents listed in Section 6(1) and (2) and submitted in the manner and form laid down in Section 9.

Section 8

Security Eligibility Certificate Requests in accordance with Section 99(4) and (5) of the Act

(1) With Security Eligibility Certificate Requests submitted in accordance with Section 99(4) and (5) of the Act, natural persons shall enclose the Questionnaire indicating

(a) basic personal information, namely their first and last name, personal identification number, if one has not been assigned, their date of birth,

(b) their net income after statutory deductions covering the period since the submission of the previous application and

(c) any information which has changed over the course of the validity period of the Security Eligibility Certificate of which the issuing authority has not been notified in accordance with Section 10.

(2) The information referred to in paragraph 1(b) and (c) shall be supported by the documents listed in Section 6(1) and (2) and submitted in the manner and form laid down in Section 9.

Section 9

The manner and form of submission of requests and notifications of changes

(1) Personnel Security Clearance Applications, Security Eligibility Certificate Requests, Confidentiality Release Forms, Declarations of Legal Capacity by a Natural Person and Declarations of Personal Eligibility shall be submitted in hard copy or to the Data Box of the National Security Authority or in electronic form¹⁾.

(2) Personnel Security Questionnaires and Questionnaires shall be submitted in hard copy and to the Data Box of the National Security Authority or in electronic form in a format specified on the National Security Authority's website. Submission in electronic form can also be made on removable data media.

(3) The documents listed in Section 6 and notifications of changes in accordance with Section 10 can be submitted in hard copy or to the Data Box of the National Security Authority or in electronic form¹⁾.

(4) Electronic versions of the templates listed in Annex 1 to 6 and 8 to 11 and 13 to this Decree are published by the National Security Authority on its website.

(5) The hard copy of the filled in Personnel Security Questionnaire and Questionnaire must correspond to what is displayed in electronic form.

Section 10

Limiting the scope of changes which must be notified

(1) A natural person who has submitted a Personnel Security Clearance Application, a natural person who has submitted a Security Eligibility Certificate Request or a natural person who has been granted a Personnel Security Clearance or a Security Eligibility Certificate shall notify the National Security Authority only of

- (a) any change of their address for service,
- (b) any change of employer,
- (c) acquisitions of immovable property outside the territory of the Czech Republic,
- (d) any initiation of criminal proceedings whilst stating when, by whom and for what reason they were initiated,
- (e) the incurrence of obligations the nominal value of which individually or in total exceeds CZK 100 000 or fivefold their average monthly income after statutory deductions, depending on which figure is higher, and only if the obligation was incurred between natural persons, or
- (f) any change in information relating to their husband or partner and persons over 18 years of age sharing their household; a natural person who submitted a Security Eligibility Certificate Request or has been granted a Security Eligibility Certificate shall not include changes related to this information,
- (g) treatment related to alcohol abuse, use of narcotic drugs or psychotropic substances or gambling, or
- (h) changes in the Declaration of Personal Eligibility.

(2) A natural person who has submitted a Personnel Security Clearance Application or a natural person who has been granted a Personnel Security Clearance shall report changes related to the items in the Personnel Security Questionnaire provided in Annex 6 to this Decree as referred to in paragraph 1(a) to (g).

(3) A natural person who has submitted a Security Eligibility Certificate Request or a natural person who has been granted a Security Eligibility Certificate shall report changes related to the items in the Questionnaire provided in Annex 6 to this Decree as referred to in paragraph 1(a) to (e) and (g).

(4) A natural person referred to in Section 140(1)(a) of the Act shall, in addition to the information listed in paragraph 1, notify the Intelligence Services of

- (a) any change in their affiliation with associations, foundations and public benefit organisations,
- (b) acquisitions or disposals of movable property the value of which exceeds CZK 100 000 or

fivefold their average monthly income after statutory deductions, depending on which figure is higher,

(c) acquisitions or disposals of immovable property, if not reported in accordance with paragraph 1(c),

(d) the incurrence of obligations the nominal value of which individually or in total exceeds CZK 100 000 or fivefold their average monthly income after statutory deductions, depending on which figure is higher, if not reported in accordance with paragraph 1(e),

(e) any new financial claims the nominal value of which individually or in total exceeds CZK 100 000 or fivefold their average monthly income after statutory deductions, depending on which figure is higher,

(f) any extraordinary repayment of an obligation if its value exceeded CZK 100 000 or fivefold their average monthly income after statutory deductions, depending on which figure is higher, or

(g) any writ of execution.

Section 11

Repeal

Decree No. 527/2005 Coll. on Templates Related to Personnel Security and Security Eligibility and on Lists of Documents Enclosed with Personnel Security Clearance Applications and with Security Eligibility Certificate Requests and on the Manner of Submission of Such Requests (the Decree on Personnel Security) is hereby repealed.

Section 12

Entry into Force

This Decree shall enter into force on 1 January 2012.

Director:

Ing. Navrátil v. r.

¹⁾ Section 89(8) of Act No. 412/2005 Coll. on the Protection of Classified Information and Security Eligibility as amended by Act No. 255/2011 Coll.