

Based on Article 30 of the Law on Classified Information (Official Gazette of the Republic of Macedonia, no. 9/2004), the Government of the Republic of Macedonia at its session held on 16.11.2004, passed the

DECREE ON PERSONNEL SECURITY

Article 1

This Decree regulates the measures and activities for security of personnel using classified information.

Article 2

The measures and activities for personnel security undertaken in the state bodies, organizations, institutions or other legal entities where classified information is handled (hereinafter referred to as "bodies where classified information is handled") include: identification of authorized persons for work and handling of classified information; responsible handling of classified information; security vetting; issuing personnel security clearances (PSC); issuing access permits for classified information; and verifying and evaluation of the ability to handle classified information.

Article 3

Depending on the needs and in order to enable efficient and coordinated execution of the related rights and responsibilities stemming from the Law on Classified Information, one or more authorized persons (security officers) as stipulated in Article 61 paragraph 3 of the Law can be identified at the bodies where classified information is handled.

The authorized persons referred to in paragraph 1 of this Article shall be identified by the head of the organization.

Article 4

Users of classified information shall be identified at the bodies where classified information is handled.

The bodies referred to in paragraph 1 of this Article shall forward the list of users of classified information to the Directorate for Security of Classified Information (hereinafter referred to as "the Directorate").

Article 5

When handling classified information, the user of classified information shall:

- prevent unauthorized access to the classified information;

- report the cases of unauthorized access to the Security Officer at the organization;
- inform the Security Officer at the organization about any change of the data reported in the security questionnaire or about the change of the conditions for receiving the PSC; and
- inform the Security Officer about the classified information received from third persons.

Article 6

The procedure for having a PSC issued begins with the request for issuing a PSC that is submitted to the Directorate by the body where classified information is handled or a natural person.

The request shall include the attached completed security questionnaire for an appropriate security level, short curriculum vitae with data on education and professional career and relevant documentation verifying:

- the identity and age of the individual requesting the clearance (personal identification card or passport);
- the citizenship of the Republic of Macedonia or citizenship of other states; and
- the legal capacity of the individual (based on a certificate from a relevant court).

Article 7

The identity, age, citizenship and legal capacity of the concerned individual shall be verified by the Directorate based on the submitted documents attached to the request.

The existence of a security risk for the concerned individual shall be verified by the Directorate based on the conducted operational vetting:

- only for the individual, for the first level vetting;
- for the individual, his children and spouse, for the second level vetting;
- for the individual, his children, spouse, parents and other persons living in the same family, for the third level vetting.

For the second and third level vetting procedures, if a requirement is confirmed, medical advice shall be sought from a competent medical commission.

Article 8

Before granting the PSC, the Directorate may ask to have insight in the documents used during the operational vetting.

The competent services at very short notice shall forward the requested documents to the Directorate, which, after having the insight, shall return them to the competent services.

Article 9

For the individuals holding dual citizenship, before granting the PSC, the Directorate, if necessary, shall ask for information from the competent services of the foreign state whose national is the individual concerned.

Article 10

During the security risk assessment for the individual requesting the security clearance, it shall be determined whether the individual:

- has committed or has attempted to commit, alone or together with other individuals, any criminal act stipulated in Chapter 28 of the Criminal Code of the Republic of Macedonia;
- has collaborated or is still collaborating with intelligence officers, international terrorists, saboteurs or individuals under suspicion of being associated with foreign intelligence services or organizations that could threaten the security of the Republic of Macedonia, except in cases when that is in the course of official duty of the individual;
- has been or is a member of an organization or has been or is a supporter of an organization that is acting violently, with subversive means or in any other unlawful way against the security of the Republic of Macedonia;
- has deliberately withheld, misrepresented or falsified information of significance for the security and defence of the state, or has deliberately given false information in the security questionnaire or during the course of the interview with the authorized persons;
- has serious financial difficulties or has gained speedy affluence;
- is addicted to alcohol, drugs and/or other psychotropic substances;
- has been or is involved in activities that could give rise to the risk of his/her vulnerability to blackmail or violence;
- has demonstrated dishonesty, disloyalty, unreliability or indiscretion through actions;
- has attempted or taken on unlawful activities in respect to communication and information systems;
- has suffered or is suffering from any illness or mental/emotional conditions that could cause defects in his/her judgement and represent, unintentionally, potential security risk; and
- is capable to resist the pressure of the relatives or close associates to reveal classified information to foreign intelligence services and organizations, terrorist groups or other similar organizations or individuals that could threaten the security of the Republic of Macedonia.

Article 11

When issuing the first security clearance, the security risk assessment shall particularly include the following information:

- a) whether the Security Officer has briefed the user when using information classified RESTRICTED on the responsibility to protect the classified information, for which the user completes a relevant security questionnaire and signs a statement that (s)he has been made aware of the regulation concerning the handling of classified information;
- b) while using information classified CONFIDENTIAL and SECRET, whether, along with the completed security questionnaire and signed statement, operational enquiry of the security risk has also been conducted, covering the last five years or, if that period is shorter, from age 18 of the user to the present, and whether it has included the information on:
 - the identity of the individuals – checked against the registry book;
 - status of citizenship, past and present; and
 - check against the criminal records of a relevant court.
- c) while using information classified TOP SECRET, whether enquiry of the security risk has been conducted, covering the last ten years or, if that period is shorter, from age 18 of the user to the present, and whether it has included the information on:
 - identity of the individuals – checked against the registry book;
 - status of citizenship, past and present;
 - check against the criminal records of a relevant court;
 - financial status of the individual that could indicate the possible yielding to pressure due to serious financial difficulties or could reveal speedy affluence;
 - education and education establishments where the individual has been trained;
 - present and former employments in order to evaluate his/her efficiency and loyalty as an employee;
 - military service of the individual and the activities during the service, related to classified information;
 - held interview, in cases when the initial enquiries indicate adverse information about the individual;
 - additional interviews held with other three persons indicated by the individual that could give an unbiased assessment, if during the security vetting negative information occur; and
 - additional checks that could reveal all relevant information about the individual in order to substantiate or disprove the adverse information received previously.

Article 12

If a premature security vetting is conducted and a new clearance is issued, the validity of the former security clearance shall be terminated.

Article 13

Security clearance for access to foreign classified information may be granted on the basis of the security clearance for access to classified information of the Republic of Macedonia with additional security vetting of the individual which investigates the existence of possible activities against the interests of the foreign country or the international organization that the clearance for access to classified information is requested for.

Article 14

When an individual, because of being appointed to an official duty or for the purpose of accomplishing an urgent and pressing task needs a security clearance for one level higher, such clearance can be granted to him/her with a validity of six months, if:

- the individual already possesses a PSC of lower level;
- the procedure for obtaining the appropriate security clearance has been initiated; and
- there is no knowledge of possible breaches of security regulation from the previously conducted vetting procedures.

Article 15

In justified cases, access on a one-time-basis to information classified one level higher than that of the current PSC may be authorized, if:

- the activity for which the access to classified information is required has been explained in written by the official who runs the body where the individual is employed;
- the individual already possesses a current PSC; and
- there is no knowledge indicating breaches of security regulation in the behaviour of the individual.

Article 16

The couriers engaged in transfer of information classified CONFIDENTIAL and above need to have a PSC corresponding to the level of the classified information being transferred.

The guards engaged in transfer of information classified CONFIDENTIAL and above need to have a PSC of at least SECRET level.

The couriers and guards need to be briefed on the security regulations for handling classified information, to be instructed on their responsibilities and the manner of safeguarding the classified information entrusted to them.

Article 17

The Security Officer at the organization, before handing over the security clearance, shall brief the individual on the rights and obligations when handling of classified information, according to the Law on Classified Information, ratified international agreements and other relevant bylaws.

At least once during the calendar year, the Security Officer will remind the user, who already possesses a PSC, of the rights and obligations while handling of classified information.

If the need for an individual to handle classified information ceases to exist, the Security Officer shall make him/her aware of the obligation for the continued safeguarding of the classified information, which (s)he has been handling, until the termination of the classification of that information or until a written notice on the declassification of the information has been received.

Article 18

In order to have an access permit for classified information granted, the following conditions should be fulfilled:

- a request to be submitted to the Directorate for issuing an access permit for classified information;
- the individual requesting the access permit to possess a PSC issued by a competent body of a foreign state for access to classified information with a security level corresponding to the level of the classified information that the access permit is requested for; and
- the Republic of Macedonia to have signed an agreement on protection of classified information with the foreign state whose citizen is the individual requesting the access permit.

Article 19

This Decree shall enter into force on the eight day from the day of its publication in the "Official Gazette of the Republic of Macedonia".