

LAW ON CLASSIFIED INFORMATION

CHAPTER ONE

General provisions

Article 1

This law determines the classification of information, conditions, criteria, measures and activities that are taken for their protection, rights, obligations and responsibilities of the creators and users of classified information, international exchange as well as other issues concerning the use of classified information.

Article 2

The purpose of this law is to provide legal use of classified information and prevention of any kind of illegal access to information.

Article 3

This law shall also apply for protection of classified information received from foreign countries and international organizations or created as a result of mutual cooperation, unless otherwise determined by ratified international agreements which the Republic of Macedonia has accepted.

Article 4

The Directorate for security of classified information (hereinafter: the Directorate) shall be established to conduct the determined policy for protection of classified information and international standards, for realization of exchange of classified information in accordance with international agreements as well as other activities determined with this law.

Terms used in this law

Article 5

Certain terms used in this law have the following meaning:

1. "Information" shall be cognition that can be transferred in any form.
2. "Information of interest to the Republic of Macedonia" shall be any information or material created by the state organs, organ of the unit of the local government, public enterprise, public institution and service, legal and private entities, as well as foreign state organs, foreign legal and private entities, which regard to the county's security and defense, its territorial integrity and sovereignty, constitutional order, public interest, human and citizen freedom and rights.
3. "Classified information" shall be information which is protected against unauthorized access or use and is marked with level of classification.
4. "Material" shall be a document, technical means, machines, equipment, i.e. separate components or armament or tools that have been produced or are in the process of production.

5. "Document" shall be any record of information regardless of its physical form and characteristics, including, without limitations, written and printed text, maps, schemes, photographs, pictures, drawings, carvings, designs, working papers, indigo or tape or reproductions made by any means or processes, as well as sound, voice, magnetic or electronic, optical or video records in any form, as well as portable equipment for automatic data processing with build-in or portable memories for storing information in digital form.
6. "Damage" shall be disturbing of the national interests as a result of jeopardizing of classified information which are of interest to the Republic of Macedonia or information which the Republic of Macedonia is obliged to protect according to international agreements.
7. "Security risk" shall be possibility of disturbing the security of classified information.
8. "Security of classified information" shall be activities and measures that provide protection of classified information against unauthorized access and use.
9. "Security certificate" shall be a document that confirms that the legal or private entity has the right to access and use classified information.
10. "Permission to access classified information" shall be a document that confirms that the foreign legal or private entity has a security certificate and has the right to access and use classified information in the Republic of Macedonia.
11. "Necessary to be known" is a principle that determines the user who has the need to access classified information in order to perform professional duties.
12. "Reclassification" shall be the change of level of classification of information.
13. "Security belt" shall be the space around the building that is minimum distance from the building
14. "Security zone" shall be the space or premises in the building in which there are or are preserved classified information with level "confidential" or higher level and there is a need for physical protection.
15. "Administrative zone" shall be the space or premises in the building in which there are or are preserved classified information with level "internal" and there is a need for physical protection.

CHAPTER THREE

Classification of information

Article 6

The classification of information determines the protection level of information that has to be according to the level of damage for the Republic of Macedonia by unauthorized access or unauthorized use of information.

Information that is subject to classification relate to: public security; defense; foreign affairs; security, intelligence and counter-intelligence activities of the organs of the state government of the Republic of Macedonia; systems, appliances, projects and plans of importance to the public security, defense foreign affairs; scientific

research and technological, economic and financial affairs of importance to the Republic of Macedonia.

Article 7

Information is classified according to its content.

The authorized person referred to in art. 9 of this law assign the level of classification of information.

Information is designated with one of the following levels of classification:

- state secret;
- highly confidential
- confidential and
- internal.

Article 8

Information classified with level “STATE SECRET” shall be information whose unauthorized disclosure would jeopardize and cause irreparable damage to the vital interests of the Republic of Macedonia.

Information classified with level “HIGHLY CONFIDENTIAL” shall be information created by the state organs, organs of the units of the local government, and other institutions which is of importance to the public security, defense, internal affairs and security and intelligence activities of the organs of the state government of the Republic of Macedonia whose unauthorized disclosure would cause extremely serious damage to the vital interests of the Republic of Macedonia.

Information classified with level “CONFIDENTIAL” shall be information created by the state organs, organs of the units of the local government, and other institutions which is of importance to the public security, defense, internal affairs and security and intelligence activities of the organs of the state government of the Republic of Macedonia whose unauthorized disclosure would cause serious damage to the important interests of the Republic of Macedonia.

Information classified with level “INTERNAL” shall be information whose unauthorized disclosure would cause damage to activities of the state organs, organs of the units of the local government, and other institutions which are of importance to the public security, defense, internal affairs and security and intelligence activities of the organs of the state government of the Republic of Macedonia

Article 9

Information classified with level “STATE SECRET” shall be assigned by: the President of the Republic of Macedonia, the president of the Parliament of the Republic of Macedonia, the President of the Government of the Republic of Macedonia, the president of the Constitutional Court of the Republic of Macedonia, the president of the Supreme Court of the Republic of Macedonia, the ministers within the scope of operation of their ministries, the public prosecutor of the Republic of Macedonia, the Chief of headquarters of the army of the Republic of Macedonia, the director of the Intelligence Agency, director of the Directorate for security of classified information, as well as empowered persons with written consent by them.

If regulated by law, international agreement or other regulation, persons from those acts shall assign a classified information with level “STATE SECRET”.

Article 10

Information which is not for public use, and whose disclosure would reduce the efficiency of the activities of the state organs shall be assigned "FOR LIMITED USE ONLY".

Article 11

If one information covers data for more levels of classification, the creator is obliged to determine the level of classification on each of them separately.

The whole of the information is classified according to the highest level of classification, and on the front page of the material the other parts that belong to the information are determined with levels of classification.

If a piece of the document contains higher level of classified information, that part is detached as a separate document with a certain level of classification.

The footnotes shall not be classified, unless they contain or reveal classified information.

In order to avoid security risk the use of footnotes should be reduced to a minimum.

Article 12

The creator of the classified information marks the level of classification on a visible place.

Article 13

If the information has not been determined with a certain level of classification, and the creator can not determine or ceased to exist, the classification of the information is made by the legal successor of the creator.

If the legal successor can not be determined, the Directorate does the assigning of the classified information.

Article 14

The creator changes the level of classification with his/her written consent or another empowered person.

It is obligatory to notify the users if the information on the change of the level of classification of the information.

Article 15

The Government of the Republic of Macedonia (hereinafter: the Government) marks the level of classification with an ordinance.

Article 16

The classification of the information shall terminate:

- on a date specified on the document;
- with the advent of a certain event specified in the document;
- with the expiry of a specified time period and
- declassification.

Article 17

The declassification shall change the classified information into information that can be freely accessed.

The declassification quoted in paragraph 1 of this article is made by the creator of the information who notifies the users of the information.

Article 18

The creator of the information specifies a time period or event until which the information can not be reclassified or declassified.

The time period or the event, until which the information can not be reclassified or declassified, must not exceed the period of 10 years, unless the information needs longer protection determined with this or other Law.

Article 19

Classified information with level "STATE SECRET" is examined by the creator in a period of time not longer than ten years in order to assess the need of further keeping of the classification.

Classified information with level "HIGHLY CONFIDENTIAL" is examined in a period of time not longer than five years in order to assess the need of further keeping of the classification.

Classified information with level "CONFIDENTIAL" is examined in a period of time not longer than three years in order to assess the need of further keeping of the classification.

Classified information with level "INTERNAL" is examined in a period of time not longer than two years in order to assess the need of further keeping of the classification.

Article 20

Information which is assigned a certain level of classification shall not be considered as classified information if it covers a criminal act, exceeds or abuses the authority or any other illegal act or procedure.

Classified information of foreign countries and international organizations

Article 21

Classified information from foreign countries or international organizations which have concluded international agreements with the Republic of Macedonia, or the Republic of Macedonia has joined, keep the marking of the level of classification that is used in that country or international organization.

Article 22

Classified information are arranged according to the principle "necessary to be known".

During the arranging of the classified information the authorized person does the receipt, processing, stating of the users and the forwarding of the classified information to them.

The authorized person does the transfer of the classified information to the determined users.

The activities during transfer of the classified information which refer to processing, determining of the users and the delivery of information are provided with an ordinance by the Government.

CHAPTER THREE

Criteria, measures and activities for protection of classified information

Article 23

Criteria that are taken into consideration during determination of the measures for protection of classified information are:

- level of classification;
- scope and form of the classified information and
- threat assessment to the security of the classified information

Article 24

Measures and activities are taken for administrative, physical, computing and industrial security, and security of people in order to protect classified information.

Article 25

Measures and activities for administrative security shall be:

- determining the level and marking of the classified information;
- receipt and registration of classified information;
- preservation and handling of the classified information;
- reproduction, translations and excerpts of classified information and determining the number of copies and users;
- control and handling of classified information during the process of arranging and transfer of classified information;
- preventing unauthorized revealing i.e. disclosure of classified information and disturbing the security of classified information;
- preventing the disclosure of the secrecy of classified information and
- elimination and destruction of classified information.

Article 26

Measures and activities for physical security shall be:

- assessment of possible disturbance of security of classified information by violent incursion or unauthorized access, use and destruction of classified information;
- determining a security belt surrounding the building;
- organization of physical security and application of technical and other means of security for buildings and premises where classified information is kept;
- issuing permission to access buildings and premises;
- control at the entrance, movement and exit of persons and vehicles for transport of classified information and
- transport of classified information outside the security zones.

Article 27

Measures and activities for security of persons shall be:

- determination of responsible persons for dealing and access to classified information;
- responsible access to classified information;
- issuance of security certificate;
- issuance of permission to access classified information and
- examination and assessment of the ability to access classified information;

Article 28

Measures and activities for computing security shall be:

- certification of the communication-computing systems and processes;
- assessment of possible disturbance of the security of classified information by incursion into the computing system and use and destruction of classified information that has been processed and kept in the communication-computing systems;
- determination of methods and security procedures for receipt, processing, transmission, preservation and filing of classified information in an electronic form;
- protection of information during processing and keeping of classified information in the communication-computing systems;
- production of cryptic keys and other cryptic materials;
- cryptographic protection of communication, computing and other electronic systems that are used to prepare, transmit, process and file classified information;
- determination of zones and premises that are protected against compromising electro-magnetic radiation and
- installation of devices for keeping classified information.

Article 29

Measures and activities for computing security shall be:

- protection against losing or disclosure of secrecy of classified information that are part of the content of industrial agreements;
- issuance of certificates to legal entities and natural persons that produce, use and have contact with classified information in the field of industry;
- protection against losing and disclosure of secrecy of classified information in consortiums and mixed trade company with foreign legal entities and natural persons;
- providing protection during transport of classified information and
- establishment of procedures for visits of natural persons and legal entities from other countries to buildings and industrial companies that produce, process and preserve classified information.

Article 30

The Government determines the measures and activities quoted in articles 25 to 30 with an ordinance.

Exchange of classified information with foreign countries and international organizations

Article 31

Classified information of a foreign country or international organization shall be information or material that has been given to the Republic of Macedonia by the competent organ of a foreign country or international organization, with an obligation for its protection.

Classified information received from foreign countries or international organizations is dealt in a manner provided by international agreements.

If the international agreement quoted in paragraph 2 of this article does not contain provisions for the manner of treating classified information, then the provisions of this Law shall be in force.

Article 32

In an extremely unfavorable political, economic and defense-security conditions for the Republic of Macedonia, upon the request of the competent organs in accordance with the Constitution and regulations, the Directorate can exchange classified information with foreign countries and international organizations with which no international agreements have been previously concluded, if it is of interest to the Republic of Macedonia.

Article 33

In accordance with the assumed responsibilities from ratified international agreements, the Directorate allows supervision by empowered representatives from foreign countries and international organizations of the manners of use and protection of classified information which have been given to the Republic of Macedonia by them.

The control of the manner of use and protection of the submitted classified information from the Republic of Macedonia to other foreign countries and international organizations is done by the Directorate according to this Law and international agreements.

The Government determines the classified information of the Republic of Macedonia that can be subject of international exchange with an ordinance.

Use of classified information

Article 34

User of classified information shall be a state organ or other legal entity or natural person in the Republic of Macedonia that has security certificate or foreign state organ or other foreign legal entity or natural person that has security certificate of the native country and permission to access classified information issued by the Directorate.

Article 35

Security certificate is issued for appropriate level of classified information.

The interested legal entity or natural person submits a written request to the Directorate for the purpose of issuance of security certificate for appropriate level of classified information.

Security certificate form paragraph 1 of this article shall be issued on the basis of previously conducted security check.

Article 36

Security certificate for access and use of classified information of all levels, without prior security check, because of performing duties from the day of election until the end of mandate, receive: the President of the Republic of Macedonia, the president of the Parliament of the Republic of Macedonia, the president of the Government of the Republic of Macedonia, the vice-president of the Government of the Republic of Macedonia, the president of the Constitutional Court of the Republic of Macedonia and the president of the Supreme Court of the Republic of Macedonia.

Article 37

Security certificates for an appropriate level of classified information according to the principle “necessary to be known” are issued to persons who work for the state organs, the organs of the units of the local government, public institutions and services, as well as other legal entities and natural persons for the purpose of performing their duties.

The persons from paragraph 1 of this article submit the request for issuance of security certificates via the responsible person in the state organs, the organs of the units of the local government, public institutions and services, as well as in other legal entities and natural persons.

Article 38

The security certificate shall be issued to a natural person who meets the following requirements:

- citizenship of the Republic of Macedonia;
- reasonable need for use of classified information according to principle “necessary to be known”;
- absence of circumstances that limit the access to classified information;
- natural person who is able to perform his/her professional duties;
- person who is not under 18, and for using classified information marked with level “STATE SECRET” who is not under 21;
- person who has not been imposed a security measure-ban to perform professional duties;
- person who is healthy;
- person who has signed a written statement that will responsibly and conscientiously use the classified information;
- activities of the person do not imply presence of security risk for the use of classified information and
- to have knowledge of the regulations regarding the handling of the classified information which is done by a conversation between the candidate and the empowered person prior to the issuance of the security certificate;

Article 39

Security certificate shall be issued to a legal entity that meets the following requirements:

- providing conditions for physical, administrative and computing security of information, as well as security certificates for persons;
- financial and economic stability;
- absence of security risk for using classified information;

Article 40

The legal entity shall be considered incapable to provide protection of classified information if it did not provide conditions for carrying out the measures and activities for protection of classified information designated by this Law.

The financial and economic stability of the legal entity is determined by the following documents that are not older than 6 months:

- statement of the activity registration;
- signed document for payment ability issued by Central register office of the Republic of Macedonia;

- a proof by the competent court that there is no undergoing bankruptcy procedure;
- a proof by the competent court that with a verdict no measure for security-prohibition to perform activities, has been imposed;
- statement by the Public Revenue Office for paid taxes, contributions and other public expenses;
- The is a security risk if:
 - certain activities of the legal entity or its empowered persons are contrary to the interests of the Republic of Macedonia;
 - there are connections to foreign legal entities and natural persons that could damage the foreign policy of the Republic of Macedonia.

Procedures for issuance of security certificates

Article 41

Whether the requirements for issuance of security certificate are meet, is stated by a security check.

The security check form paragraph 1 of this article is done on the basis of prior written consent by the person who is to be issued a security certificate, which is an integral part of the request quoted in article 35, paragraph 1 of this Law.

If the person withdraws the consent, in writing, for check during the procedure, another procedure for security check can be conducted only after a year, starting form the day of the withdrawal of the consent.

Article 42

Security check is done prior to issuance of security certificate to legal entities and natural persons for access and use of classified information, in order to state whether there are or there are not circumstances that limit the access and use of the classified information.

The security check stars with filling a security questionnaire for certain level of security check.

The answers to the security questionnaire represent part of the content of the security check.

The form and content of the security questionnaire form paragraph 1 of this article are regulated by the Directorate.

Article 43

The filled questionnaire for security check is classified with the level “INTERNAL”.

The data from the filled security questionnaire form paragraph 1 of this article are used for the purpose of the check.

Article 44

For the use of classified information marked with the level “INTERNAL”, a security check is not done.

A natural person is informed on the obligation for protection of classified information given to inspection i.e. use.

Article 45

Depending on the level of the classified information, for which a request for issuance of security certificate is submitted, security check appropriate to the level of classified information is done and:

- a) first level for information classified as “CONFIDENTIAL”
- b) second level for information classified as “HIGHLY CONFIDENTIAL”
- c) third level for information classified as “STATE SECRET”

Article 46

The security check of first level determines:

- person’s identity (on the basis of the submitted written documentation and CV)
- age not under 18;
- citizenship of the Republic of Macedonia;
- person’s ability to perform professional duties (on the basis of certificate issued by a competent organ);
- security risk of the person (on the basis of the competent organ).

Article 47

The security check of second level determines:

- person’s identity (on the basis of the submitted written documentation, CV and operational inspection of the data concerning the person)
- age not under 18;
- citizenship of the Republic of Macedonia;
- person’s ability to perform professional duties (on the basis of certificate issued by a competent organ);
- security risk of the person (on the basis of the competent organ).
- medical condition (on the basis of the opinion of the authorized medical board).

Article 48

The security check of third level determines:

- person’s identity (on the basis of the submitted written documentation, CV and operational inspection of the data concerning the person)
- age not under 21;
- citizenship of the Republic of Macedonia;
- person’s ability to perform professional duties (on the basis of certificate issued by a competent organ);
- security risk of the person (on the basis of the competent organ).
- medical condition (on the basis of the opinion of the authorized medical board).

Article 49

The Directorate issues a security certificate for use of classified information, after the conducted procedure in accordance with the provisions of this Law.

Article 50

Upon the request of the Directorate, the operational security checks quoted in articles 46, 47 and 48 of this Law are done by:

-the competent services of the Ministry of interior for all persons, except for persons from line 2 of this article and

-the competent services of the Ministry of Defense for military and civil persons who serve in the Army of the Republic of Macedonia.

Article 51

The procedure for conducting security check lasts for, at most:

-one month for a security check of first level;

-three months for a security check of second level and

-six months for a security check of third level.

In some more complicated cases or due to emergency circumstances the deadlines can be extended twice the period determined with this article.

The duration of the security certificates

Article 52

A security certificate issued for information classified with level "STATE SECRET" is valid for five years.

A security certificate issued for information classified with level "HIGHLY CONFIDENTIAL" is valid for five years.

A security certificate issued for information classified with level "CONFIDENTIAL" is valid for ten years.

The content and form of the security certificate from paragraphs 1, 2 and 3 of this article are regulated by the director of the Directorate with a book of regulations.

Article 53

In the basis of the written notice by the Directorate, the user of the classified information is obliged to submit new request for extension of validity of the security certificate six months at most, before its expiry.

A security check for the person, who submits request for extension of the validity of the security certificate, is again conducted by the competent services quoted in article 50 of this Law according to the level of classified information.

Article 54

If it is stated that the person does not handle the classified information in accordance with this Law or some of the requirements for issuing the security certificate are no longer met, the director of the Directorate passes a resolution for termination of the validity of the security certificate even prior to the expiry of its validity.

Explanation of the reasons for termination of validity of the security certificate is not given in the resolution form paragraph 1 of this article.

Article 55

The director of the Directorate can pass a resolution for refusing the request for issuing a security certificate if he requirements from articles 46, 47 and 48 are not met.

Explanation of the reasons for refusing the request for issuing a security certificate is not given in the resolution form paragraph 1 of this article.

The person whose request has been refused can lodge a complaint against the resolution from paragraph 1 of this article to the competent secondary commission of the Government.

Article 56

The complaint from article 55 of this Law is lodged within 15 days, starting from the day of the receipt of the resolution, through the organ that passed the resolution to the competent secondary commission of the Government.

The resolution from paragraph 1 of this article, passed by the Commission is final.

Article 57

The validity of the security certificate terminates by right of law with:

- expiry of its validity;
- termination of the function of the persons quoted in article 36 of this Law;
- ending of the need for access to classified information according to the principle “necessary to be known” and
- death of the natural person or termination of the existence of the legal entity.

Article 58

The permission to access classified information terminates:

- after the expiry date stated in the permission;
- after the completion of the task for which it was issued;
- if new request for extension of the permission has not been submitted prior to the expiry of its validity;
- if the need for issuance of the permission has ceased to exist or has been altered.

Article 59

The obligation for protection of the secrecy of the classified information continues after the expiry of the validity of the security certificate, according to the requirements of this Law.

In case of a need during lawsuit or other procedure at the competent court, the person is obliged to provide prior consent from the creator of the information for removing of the obligation for keeping the secrecy of the classified information.

Article 60

The Directorate keeps record of the issued security certificates and filled security questionnaires.

The Directorate keeps special record of the issued permissions to access classified information in the Republic of Macedonia.

The content, form and manner of keeping record from paragraphs 1 and 2 of this article are determined by the director of the Directorate with a book of regulations.

CHAPTER FOUR

Organs for protection of classified information

Article 61

The state organs, organizations, institutions and other legal entities are obliged to create necessary conditions for the protection of classified information and take measures for elimination of negative consequences if disclosure of classified information occurs.

The Directorate and the users of classified information prepare plans for protection of classified information in case of emergency.

In order to perform the duties and obligations concerning classified information efficiently and coordinately, an authorized person is designated in all the users of classified information listed in paragraph 1 of this article.

The person from paragraph 3 of this article need a certain security certificate.

Directorate for security of classified information

Article 62

The Directorate is an independent organ of the state government as a legal entity.

The Directorate:

- provides continuous enforcement of the international standards and regulations during the performing of the activities and measures for protection of classified information;

- coordinates the activities for protection of classified information and activities of the state organs and institutions that exchange classified information with foreign countries and international organizations;

- prepares, organizes, conducts and follows the enforcement of the measures and activities for providing protection of classified information that have been given to the Republic of Macedonia by foreign countries and international organizations;

- takes measures for protection of classified information given to the Republic of Macedonia by foreign countries and international organizations;

- participates in the preparation of plans and programs of the Republic of Macedonia for membership in international organizations that deal with providing protection of classified information.

- plans and internationally cooperates on the protection and exchange of classified information.

- initiates concluding of international agreements with foreign countries and international organizations in the field of classified information exchange;

- initiates passing of security plans for protection of classified information in cases of emergency;

- trains the users of classified information, as well as the interested organs, organizations and individuals in the Republic of Macedonia and

- conducts other activities determined by this and other laws.

The Directorate brings annual plan and report for its activities, which are accepted by the Government.

Registers and control points

Article 63

Central register, registers and control points are established when it comes to performing activities of the Directorate with foreign classified information.

The central register of foreign classified information is kept in the Directorate, and the registers and control points are kept in the ministries and other organs of the state government and other state organs in which foreign classified information is entered and recorded.

From the registers and control points from paragraph 1 of this article information necessary for the activities of the Directorate is delivered and classified information is exchanged with foreign countries.

Upon the proposal of the Directorate, the Government determines the number of registers and control points with a resolution.

The exchange of classified information from the Republic of Macedonia with foreign countries and international organizations is done through the Directorate, unless otherwise determined with another law or international agreement.

Article 64

The Directorate informs the competent organs of the foreign countries and international organizations on the security of the exchanged classified information and receives information on the security of classified information that were given to them by the Republic of Macedonia.

Article 65

Upon the request of the Directorate, the state organs, organizations of the units of the local government, organizations, institutions and other legal entities and natural persons give to the Directorate information which is necessary for performing its activities.

Article 66

The Government appoints and dismisses the director of the Directorate.

The director is appointed with a mandate of four years.

Article 67

The managing persons in the Directorate, as well as other employees that perform special tasks are persons with special duties and authorization.

The posts for special duties and authorization from paragraph 1 of this article are determined with an act for systematization of posts in the Directorate.

The salary of the employees from paragraph 1 of this article is bigger for 30 % at most than the salary of other employees with certain qualifications.

The employees with special duties and authorization can not perform any other activities that are contrary to their duties.

The employees in the directorate have an identity cards issued by the director of the directorate.

The director of the Directorate determines the form of the identity card and the issuing procedure with a book of regulations.

CHAPTER FIVE

Plans and programs for activities of the Directorate and the funding of the Directorate

Article 68

The activities of the Directorate are realized according to the principles norms and procedures that account for the system of planning, programming and budgeting.

The Government determines the type of plans and programs and necessary financial and material means for their realization as well as their creation, with an ordinance.

Article 69

The financial means for the needs of the Directorate are provided by the Budget of the Republic of Macedonia.

The financial means for the needs of the Directorate can be provided by other sources, according to law.

The financial means for the state organs for the needs for protection, use and international exchange of classified information are provided by the Budget of the Republic of Macedonia within the framework of the financial means of those organs.

Trade companies, public enterprises, institutions and services of special importance to the protection, use and exchange of classified information provide financial means from their own sources and from financial and material means of the Republic of Macedonia.

CHAPTER SIX

Supervision

Article 70

Supervision for the enforcement of this law and other regulations, concerning classified information is done by the General inspector for security of classified information (here in after: General inspector).

The rights, obligations and competence of the General inspector, from paragraph 1 of this article are determined by special law.

The law from paragraph two of this article will be past within a year of the day when this law enters into force.

Article 71

Empowered persons, inspectors determined by resolution of the government, helped the General inspector.

Empowered persons from paragraph one of this article – inspector can be any person employed in the directorate with appropriate higher education and working experience of at least five years in the field of security of classified information or similar activity.

The supervision from article 72 of this law in state organs, trade companies, public enterprises, institutions and services of special importance to the protection, use an international exchange of classified information is done in accordance with the law on General inspector for security of classified information.

Article 72

For performing supervision quoted in Article 71 of this law the Inspectors are authorized to:

- inspect the enforcement of this law and other regulations concerning the security of classified information and
- propose measures for removing the stated inconsistencies and errors within a certain period of time.

The inspectors are obliged, during supervision, to help the enforcement of laws and other regulations concerning classified information.

Article 73

For the performed supervision the inspectors are obliged to keep minutes that will be given to the person in charge of the place where the supervision, has been done and to the general inspector.

The noted condition and recommended measures and the period of time for removing the inconsistencies and errors written in the minutes from paragraph one of this Article. The person in charge from paragraph one of this article is obliged to act according to the minutes and inform the inspector on taken measures.

If the inspector thinks that during supervision, the violation of the regulations is a felony or criminal act, he/she is obliged to submit a request i.e. to start appropriate procedure to the competent organ.

More specific provisions for the manner of conducting the supervision are determined by the General inspector for security of classified information.

CHAPTER SEVEN

Punitive provisions

Article 74

The responsible person shall be fined between 1.000 and 50.000 MKD or imprisonment between 5 and 90 days for a committed felony if he/she:

-does not take necessary activities for receipt, processing, determining the users and does not proceed the classified information to them (article 22, paragraph 2 and 3);

-does not take measures for administrative, physical, computing and industrial security, as well as security of persons (article 24);

-issues a security certificate to a person who, in the request to the Directorate for issuing a security certificate, gives incorrect data in the security questionnaire or gives inappropriate documents determined by this Law (article 35 paragraph 1, article 38 and article 42, paragraph 2) and

-the person does not handle the classified information according to the provisions of this Law (article 54, paragraph 1).

Article 75

A legal entity shall be fined between 10.000 and 300.000 MKD if during the submitting of the request for issuing security certificate it presents documents that do not comply with the factual financial and economic conditions of the legal entity (article 40).

Article 76

The perpetrator shall be fined for attempt within the frames of the fine determined by this Law.

CHAPTER EIGHT

Transitional and final provisions

Article 77

“State secret” shall be classified information of highest level.

Classified information marked as “state secret”, “military secret” and “official secret” with the levels “highly confidential”, “confidential” and “internal” receive the following equivalents on the day when this Law enters into force:

-“state secret”, “military secret” and “official secret” from the level “highly confidential” is equal to the level “highly confidential”;

-“state secret”, “military secret” and “official secret” from the level “confidential” is equal to the level “confidential”;

-“state secret”, “military secret” and “official secret” from the level “internal” is equal to the level “internal”;

Classified information “state secret”, “military secret” and “official secret” with the levels “highly confidential”, “confidential” and “internal”, which were created on the day when this Law enters in to force, preserve the type and level of classification according regulations that were in force on the day when they were created.

If some classified information from paragraphs 2 and 3 of this article is subject of international exchange, then the information is classified according to the provisions of this Law.

Article 78

The regulations regarding issues of classified information shall be brought into concord with the provisions of this Law within a year after the entry into force of this Law.

Article 79

Bylaw regulations determined with this Law shall be brought within six months after the entry into force of this Law.

Article 80

On the day when this Law enters into force, the National security authority of the Republic of Macedonia in NATO context, established with Resolution for establishing the National security authority of the Republic of Macedonia in NATO context (“Official gazette of the Republic of Macedonia” no. 21/02) continues to work as Directorate for security of classified information.

The Director of the National security authority of the Republic of Macedonia in NATO context shall be the Director of the Directorate until the nomination of the Director of the Directorate.

The employees, the building, equipment, archive and other means of the National security authority of the Republic of Macedonia in NATO context are assumed by the Directorate for security of classified information.

The planned budget for the National security authority of the Republic of Macedonia in NATO context for year 2004 shall be used by the Directorate for security of information when this Law enters into force, according to the planned dynamics and purpose, and in concord with the current regulations.

Article 81

The security certificates that have entered procedure for issuing on the day when this Law enters into force shall be issued according to the current regulations.

The certificates issued up to the day when this Law enters into force shall be used until their expiry, but no longer than two years.

Article 82

The Resolution for establishing the National security authority of the Republic of Macedonia in NATO context (“Official gazette of the Republic of Macedonia” no. 21/02) is no longer valid starting from the day when this Law enters into force.

Article 83

This Law enters into force on the eight day after its publication in the “Official gazette of the Republic of Macedonia”.