

**Decree No. 275/2022 Coll.**

of 14 September 2022

**on Administrative Security and Classified Information Registries**

Pursuant to Section 158 of Act No. 412/2005 Coll. on the Protection of Classified Information and Security Eligibility as amended by Act No. 255/2011 Coll. and Act No. 205/2017 Coll. (hereinafter referred to as “the Act”) for the implementation of Section 23(2) and Section 79(8) of the Act, the National Security Authority lays down:

**PART ONE  
INTRODUCTORY PROVISIONS**

Section 1

**Subject Matter**

This decree sets out

- a) types of administrative tools, their required elements and the organisational and technical requirements for their maintenance and the scope of background material classified Restricted accompanying documents classified Restricted,
- b) the manner of indicating required elements on Classified Information regardless of its form, which is recorded (hereinafter referred to as “classified document”),
- c) the requirements for consent to make a copy, reproduction, extract or translation of a classified document, the manner of indicating required elements thereon and the method of making extracts,
- d) details concerning transport, transmission, receipt and loan of classified documents and other related handling, including the organisational arrangements for such activities, requirements for portable containers and packaging and the indicating of required elements thereon,
- e) the organisation and activities of the central registry, registries, sub-registries and the activities of control points, the content of written applications for the establishment of a registry, the conditions for the establishment, content and manner of administration of registries, the scope of changes in registries to be notified to the National Security Authority (hereinafter referred to as “the Authority”).

Section 2

**Definitions**

For the purpose of this Decree, the following definitions shall apply:

- a) classified document in non-paper form means a classified document in a material form other than paper with the exception of data carriers which is part of a certified information system,

- b) consignment means a document in paper or non-paper form prepared for transportation, transported or delivered to its destination until the completion of its transportation and its opening,
- c) consignment transportation means its transfer outside the facility (Section 24(2) of the Act) of a government authority, legal person or natural person pursuing business for the purpose of its delivery to the consignee,
- d) classified document carriage in paper or non-paper form means its transfer outside the facility (Section 24(2) of the Act) of a government authority, legal person or natural person pursuing business, the purpose of which is not delivery,
- e) portable container means any kind of briefcase, case, portable security container or pouch,
- f) file means joined documents concerning the same matter or documents registered in a collection sheet,
- g) registration point means a place for the registration of classified documents within a government authority, legal person or natural person pursuing business or their organisational units designated by a responsible person or their delegate, and usually also for the storage of classified documents and their disposal.

## **Administrative Tools**

### Section 3

#### (1) Administrative tools include in particular

- a) logbooks for keeping a record of classified documents; logbooks shall contain items in accordance with the template set out in Annex 1 to this Decree,
- b) auxiliary logbooks for recording the movement of classified documents within a government authority, legal person or natural person pursuing business; auxiliary logbooks shall contain items in accordance with the template set out in Annex 2 to this Decree,
- c) personal logbooks for recording the creation, receipt and transfer of classified documents; logbooks shall contain items in accordance with the template set out in Annex 3 to this Decree,
- d) delivery books for recording the transfer of classified documents; delivery books shall contain items in accordance with the template set out in Annex 4 to this Decree,
- e) loan books recording loans of stored classified documents; loan books shall contain items in accordance with the template set out in Annex 5 to this Decree,
- f) control sheets for keeping a list of persons who have had access to the content of classified documents or files within a government authority, legal person or natural person pursuing business; control sheets shall contain items in accordance with the template set out in Annex 6

to this Decree,

g) collection sheets for expanding the records in logbooks when recording a large number of classified documents on the same matter; control sheets shall contain items in accordance with the template set out in Annex 7 to this Decree.

(2) The administrative tools referred to in paragraph 1(a) to (e) shall be in the form of a book or notebook and the administrative tools referred to in paragraph 1(f) and (g) shall be in the form of a sheet.

#### Section 4

### **Maintaining Administrative Tools in Paper Form**

(1) Before use, the administrative tools referred to in Section 3(1)(a) to (e) shall be authenticated by numbering and binding their pages, taping over the ends of the binding on the inside of the covers, marking the edge of the tape with a stamp containing the name of the government authority or legal person or the name, surname and address of the natural person pursuing business and the signature of the responsible person or their delegate or of the security officer or their delegate; if using clear tape, the ends of the binding, stamps and signatures shall be taped over after being added. The number of pages shall also be indicated and the signature of the responsible person or their delegate or of the security officer or their delegate and the date of assigning the administrative tool to use shall be added. In the case of logbooks, the person responsible for keeping the logbook may not be authorised to sign in accordance with the second and third sentences; this shall not apply if the person responsible for keeping the logbook is the responsible person if they are also the security officer. The authorisation shall be in writing and shall be retained until the above mentioned administrative tools are disposed of.

(2) Before use, collection sheets shall be signed by the responsible person or their delegate or by the security officer or their delegate or by the person responsible for keeping the logbook. The person responsible for keeping the collection sheet may not be authorised to sign.

(3) Records of the administrative tools referred to in Section 3(1)(a) to (e) shall be kept. Records shall be kept by the security officer or their delegate or by the person responsible for keeping the logbook.

(4) Data shall be entered into administrative tools by means guaranteeing the durability of the writing or by means of a stamp. Corrections in administrative tools shall be made by crossing out the original entry in a way that ensures it remains legible and adding a new entry including the date, name, surname and signature of the person who made the correction.

(5) Logbooks and collection sheets shall be stored only in a manner which ensures their protection against loss or misuse.

(6) Logbooks, auxiliary logbooks and delivery books may be disposed of only once all the classified documents registered or recorded therein have been disposed of.

#### Section 5

## **Control sheets**

(1) Documents classified Confidential, Secret or Top Secret and classified documents of a foreign power of a security classification level equivalent to Confidential, Secret or Top Secret and files containing documents classified Confidential, Secret or Top Secret must be accompanied by a control sheet.

(2) Control sheets shall be drawn up

a) for the classified documents referred to in paragraph 1 by the person responsible for keeping the logbook when registering the classified document or by the first person to learn the contents of the classified document or by the person who originated the classified document; the person who draws up the control sheet shall enter their details first,

b) for the files referred to in paragraph 1 by the person responsible for keeping the logbook.

(3) Persons who have access to documents classified Confidential, Secret or Top Secret shall confirm they have learned the document's contents by signing the control sheet. Entries in the control sheet of a file shall replace entries in control sheets of the classified documents contained in the file. Entries in the control sheet may be replaced by entries on the cover of the file provided that these entries contain at least the information included in the control sheet template set out in Annex 6 to this Decree. Intelligence services may replace entries in the control sheet by other means provided that they ensure the same information as that which would be indicated on the control sheet is retained, changes to the classified document or file are traceable and the information is retained for at least as long as control sheets are retained; this does not apply to control sheets for classified documents of a foreign power.

(4) Control sheets shall be stored with the classified document or file until it is disposed of, sent or declassified. After a classified document is disposed of, sent or declassified, the control sheet shall be stored with the logbook in which it is registered, and if it is the control sheet of a file or the cover as referred to in paragraph 3, it shall be stored with the administrative tool in which the file is registered, for at least 5 years, unless otherwise specified in Section 31(3); after the expiry of this period, the control sheet may be destroyed.

### Section 6

#### **Maintaining Administrative Tools in Electronic Form**

(1) Administrative tools may be kept in electronic form provided that they comply with all of the requirements described in Section 3 and that the system in which they are kept is protected against unauthorised interference and access, records all changes and revisions in a verifiable manner and its use has been approved by a responsible person.

(2) To maintain administrative tools in accordance with Section 3, an electronic records management system which meets the requirements under the Act on Archiving and Records Management and is part of an information system handling Classified Information (Section 23(3) of the Act) may also be used.

(3) The administrative tools referred to in Section 3 may be kept in electronic form or in an electronic records management system only if it is possible to convert them into hard

copy or into PDF/A format, to display them as separate documents and to sign them with an electronic signature or to seal them with an electronic seal and then to stamp them with an electronic time stamp in accordance with the Act on Trust Services for Electronic Transactions, or to replace these means in accordance with the Act on Archiving and Records Management.

(4) If the logbooks or auxiliary logbooks are kept in electronic form, they must be converted into hard copy no later than by the end of the calendar year following the calendar year when the closure of the records took place in accordance with Section 12(3), when the person responsible for keeping them changes or as needed, and they shall be maintained in accordance with Section 4(1). If keeping logbooks or auxiliary logbooks in electronic form makes it possible to convert them into PDF/A format, to display them as separate documents and to sign them with an electronic signature or to seal them with an electronic seal and then to stamp them with an electronic time stamp in accordance with the Act on Trust Services for Electronic Transactions, or to replace these means in accordance with the Act on Archiving and Records Management, it is not necessary to convert the logbook or auxiliary logbook into hard copy.

(5) The responsible person shall ensure that all changes are recorded in the logbook or the auxiliary logbook. If logbooks are kept in an electronic records management system, once all the classified documents registered therein in a given calendar year have been disposed of, they shall be converted into PDF/A format and the other steps described in the second sentence of paragraph 4 shall be taken.

(6) Logbooks, auxiliary logbooks and delivery books kept in electronic form may be disposed of only once all the classified documents registered or recorded therein have been disposed of.

## Section 7 Classified Document Reference Numbers

(1) Classified document reference numbers shall be composed of

a) a security classification level acronym, as indicated below:

1. Top Secret, abbreviation "PT",
2. Secret, abbreviation "T",
3. Confidential, abbreviation "D",
4. Restricted, abbreviation "V",

b) the order number from the corresponding logbook; if a collection sheet is used, the order number shall be followed by a hyphen and the collection sheet order number,

c) a slash,

d) the year in which the order number referred to in (b) was assigned,

e) a hyphen,

f) the designation of the government authority or its organisational unit, the legal person or the natural person pursuing business by whom the order number was assigned.

(2) The reference number may include other information or symbols specified by the government authority, legal person or natural person pursuing business; in the case of a classified document of a foreign power, the reference number shall include the appropriate abbreviation corresponding to the originator. This information or symbol shall be separated from the information and symbols referred to in paragraph 1 by a hyphen. The abbreviation referred to in the first sentence shall be “EU” for the European Union, “NATO” for the North Atlantic Treaty Organisation and “OSCM” for other foreign power entities.

(3) If a classified document is registered in administrative tools kept in electronic form or in an electronic records management system, the reference number or other registration marking shall contain, in any order, the information and symbols referred to in paragraphs 1 and 2. When converting administrative tools kept in electronic form into hard copy, when converting output from an electronic records management system in which administrative tools can be kept in accordance with Section 3(1) into hard copy, when converting administrative tools kept in electronic form into PDF/A format and when converting output from an electronic records management system in which administrative tools can be kept in accordance with Section 3(1) into PDF/A format, the number shall be composed in accordance with paragraphs 1 and 2.

## Section 8 Security Classification Markings

(1) The security classification level shall be indicated in capital letters by a written word or a stamp, in the case of information classified Top Secret by the words "PŘÍSNĚ TAJNÉ", in the case of information classified Secret by the word "TAJNÉ", in the case of information classified Confidential by the word "DŮVĚRNÉ" and in the case of information classified Restricted by the word "VYHRAZENÉ". If a classified document contains Classified Information referred to Section 21(3) of the Act, the additional marking shall be placed after the security classification level; the same shall apply in the case of the additional marking of "Uvolnitelné do/Releasable to". The security classification level shall also be indicated on envelopes or wrapping containing classified documents, unless otherwise specified in Section 22(3).

(2) On classified documents in paper form, the security classification level shall be marked in the centre of the top and bottom margin of each page of the classified document which contains information. In the case of documents of a foreign power, the security classification level, including the abbreviation in accordance with Section 21(2) of the Act, shall be marked at least in the centre of the top margin of the front page of the first sheet of the classified document. If it is not possible to mark the security classification level in accordance with the first and second sentence, it shall be indicated in another manner. The security classification level may also be indicated for individual paragraphs or parts of a classified document based on the security classification level of the information contained therein. In the case of paragraphs, the security classification level shall be indicated in parentheses before and after the text of the paragraph in question. When indicating the security classification level of a paragraph, the appropriate security classification level shall be marked for all paragraphs containing Classified Information on the same page of the classified document.

(3) If it is not possible to indicate the security classification level directly on a classified document in non-paper form, it shall be indicated on a descriptive label or in another manner.

(4) Limitations of the validity of security classification in accordance with Section 22(3) of the Act shall be indicated by adding the words “UTAJOVAT DO” and the period for which the classified document is to be classified below the security classification marking in the top margin on the front page of the first sheet of classified documents in paper form and below the security classification marking of classified documents in non-paper form. The first sentence shall apply *mutatis mutandis* to classified parts and classified enclosures of classified documents.

## Section 9

### **Changing the Security Classification or De-classification**

(1) Changes in the security classification or de-classification shall be indicated on the file, classified document, its part or paragraph by crossing out the original security classification level in a way that ensures it remains legible. In the case of a change, the new security classification level shall be indicated next to the original security classification level. The change of security classification or de-classification shall be confirmed by a record on the file, classified document, its part or paragraph indicating the reason, date, name, surname and signature of the person who recorded the change of security classification or declassification. Borrowed files and classified documents shall be returned to the logbook without delay in order to record the declassification or change of security classification.

(2) Changes in the security classification of classified documents or files consisting of classified documents registered in a collection sheet shall be recorded in the logbook and the classified documents and files referred to in the first sentence shall be re-registered with the new security classification level. In the case of a change in the security classification, a reference to the reference number under which the classified document or file referred to in the first sentence has been re-registered shall be included. If classified documents or files referred to in the first sentence of different security classification levels are registered in one logbook, the change of security classification shall be made by crossing out the security classification abbreviation, indicating the abbreviation of the new security classification and recording it in the logbook. The change of security classification of a classified document or file referred to in the first sentence shall be made in a similar manner in the auxiliary logbook, if one is being kept, and in the logbook of the person who has the document in their custody.

(3) The de-classification of classified documents or files referred to in the first sentence of paragraph 2 shall be recorded in the logbook and the security classification level abbreviation in column 1 shall be crossed out. The de-classification of a classified document or file referred to in the first sentence of paragraph 2 shall be made in a similar manner in the auxiliary logbook, if one is being kept, and in the logbook of the person who has the document or file referred to in the first sentence of paragraph 2 in their custody.

(4) In collection sheets, changes in the security classification or de-classification shall

be made by crossing out the security classification level abbreviation in the “Order Number” column and in the case of a change in the security classification, the abbreviation of the new security classification level shall be indicated and the classified document shall be re-registered. A record shall be made in the “Comments” column including, unless the collection sheet has been closed, a reference to the reference number under which the classified document has been re-registered, the date of the re-registration, the name, surname and signature of the person who recorded and carried out the re-registration.

(5) If the change in the security classification or de-classification of a classified document in electronic form which has originated in an electronic records management system which is part of a certified information system in accordance with Section 23(3) of the Act cannot be indicated in accordance with paragraph 1, it shall be indicated in another manner, for example by using the tools of the electronic records management system.

## **PART TWO**

### **HANDLING CLASSIFIED DOCUMENTS**

#### **Section 10**

#### **Receiving Consignments**

(1) Consignments shall be accepted and their receipt confirmed to the bearer by the person responsible for keeping the logbook or a person charged with accepting consignments. If a consignment is accepted by a person charged with accepting consignments, they shall immediately transfer it for registration.

(2) Should an issue with a delivered consignment be detected, particularly if there are no stamps on the envelopes or if they are damaged, if the envelope is torn or it is clear that unauthorised individuals referred to in Section 2(h) of the Act could have had access to the content of the classified document, if upon opening the consignment it is discovered that the number of pages or enclosures is not correct, or if the document does not meet the formal requirements for a classified document, the individual who accepted the consignment shall immediately write a record of it. The consignment shall be registered in its real condition. A copy of the record shall be sent to the consignor. The consignee’s security officer or their delegate shall be immediately informed of the detected issue with the consignment.

(3) If, upon opening the consignment, it is discovered that the classified document was intended for another consignee, the recipient shall register it, immediately send it to the correct consignee and inform the consignor of this fact or return it to the consignor. The front page of the first sheet of the classified document shall contain the words “Doručeno omylem” (Delivered in error), the name and address of the government authority or legal person or the name, surname and address of the natural person pursuing business who received the classified document in error, and the date, name, surname and signature of the person



responsible for keeping the logbook.

(4) Should a person not charged with accepting consignments in accordance with paragraph 1 accept a classified document, they shall immediately transfer it to the person responsible for keeping the logbook for registration. Classified documents shall only be handed over upon signing the logbook or delivery book; this shall not apply to documents classified Restricted if the responsible person grants an exemption from the obligation to confirm receipt in accordance with Section 23(1)(b) of the Act. When transporting or carrying classified documents received in accordance with the first sentence, the conditions set out in Section 23(4) and (5) and Section 24(1) must be met.

(5) Delivered consignments bearing the words “OTEVŘE ADRESÁT” (TO BE OPENED BY THE CONSIGNEE) on the inner envelope or wrapping shall not be opened by the person responsible for keeping the logbook; they shall register the consignment unopened and hand it over directly to the consignee who shall, should they discover an issue with the consignment, proceed in accordance with paragraph 2. The consignee shall immediately provide the person responsible for keeping the logbook with the additional information necessary to register the classified document in the logbook and shall ensure that the classified document is marked with the information referred to in Section 11(3).

## **Keeping Records of Classified Documents**

### **Section 11**

(1) Classified documents delivered to or created by a government authority, legal person or natural person pursuing business or their organisational units who keep records of classified documents must be registered in logbooks in accordance with the directions set out in Annex 1 to this Decree or in collection sheets in accordance with the directions set out in Annex 7 to this Decree. Records must be made by the person responsible for keeping the logbook, records in collection sheets may also be made by the processor. Documents classified Top Secret shall be registered in a separate logbook. Documents classified Restricted, Confidential and Secret may be registered together, unless otherwise specified in paragraph 2, Section 13(2), Section 29(3), Section 31(1) or Section 32(3).

(2) Classified documents of a foreign power of a security classification level equivalent to Restricted shall be registered in a separate logbook and may be sent separately or as an enclosure to a classified document of a foreign power. Separate logbooks shall be kept for North Atlantic Treaty Organisation classified documents, European Union classified documents and classified documents of other foreign power entities.

(3) Delivered classified documents shall bear

- a) the name of the recipient,
- b) the date of registration,
- c) the recipient's reference number,
- d) the number of pages,

e) the number of enclosures and their pages; the number and type of enclosures in non-paper form,

f) other information where applicable.

(4) Corrections of registration entries on classified documents shall be made in accordance with the second sentence of Section 4(4).

## Section 12

(1) Government authorities, legal persons or natural persons pursuing business may, for the purpose of recording the movements of classified documents from logbooks to organisational units which do not keep logbooks, establish auxiliary logbooks in these organisational units. If more than one registration point exists within a government body, legal entity or natural person, a particular auxiliary logbook may be kept for only one of them. A joint auxiliary logbook may be kept for logbooks kept separately for each security classification level. Classified documents shall be entered into auxiliary logbooks under the order number assigned to them in the logbook in accordance with the directions set out in Annex 2 to this Decree.

(2) A person who has created or received a document classified Confidential, Secret or Top Secret shall record it in the logbook assigned to them. They shall do so immediately after receiving the classified document or after assigning a reference number to the classified document being created. If they are only accessing the document without taking it into their custody, no record shall be made in the logbook, they shall just confirm they have accessed the document by signing the control sheet.

(3) At the end of the calendar year, the person responsible for keeping the logbook shall stop the allocation of order numbers from the logbook. The person responsible for keeping the logbook shall underline the last entry in its entirety, add the date underneath as well as the number of reference numbers used signed by them and the security officer or delegate in accordance with the second and fourth sentence of Section 4(1).

(4) For documents to be disposed of, the person responsible for keeping the logbook shall cross out column 1 in the relevant logbook and enter in column 16 a record of the disposal in accordance with the directions set out in Annex 1 to this Decree. Loss or unauthorised destruction of classified documents shall be recorded in the relevant logbook in accordance with the directions set out in Annex 1 to this Decree.

## Section 13

### **Collection Sheets**

(1) When creating a collection sheet, the person responsible for keeping the logbook shall register the initiating classified document in the relevant logbook and simultaneously in the collection sheet under order number 1. The person responsible for keeping the collection sheet shall register other classified documents in the collection sheet in the order in which they are delivered or created, in accordance with the directions set out in Annex 7 to this Decree. The person responsible for keeping the logbook shall record the creation of the collection sheet in the logbook.

(2) Only classified documents of the same security classification level may be recorded in one collection sheet.

(3) Each classified document recorded in a collection sheet shall be marked with the reference number for which the collection sheet was created. Individual classified documents recorded in a collection sheet must be distinguished in the reference number by their order number from the collection sheet in accordance with Section 7(1)(b).

(4) In order to close a collection sheet, the last entry shall be underlined, the date of closure, the total number of stored sheets of classified documents and the number and type of stored documents in non-paper form or enclosures in non-paper form and the name, surname and signature of the person who made the record shall be added. After a collection sheet has been closed, no more order numbers may be allocated from it. Upon closure, classified documents recorded in a collection sheet shall be firmly bound together where physically possible and where this will not cause undue difficulty in the subsequent handling of the file. Once the collection sheet is closed, the classified documents shall form an indivisible set of documents (file), even after a change in security classification or declassification of the individual documents; this applies even if the documents are not firmly bound together in accordance with the previous sentence. The first page of this file must bear the file symbol, discarding symbol, the year of the discarding procedure, the number of stored sheets, the number and type of stored documents or enclosures in non-paper form. The person responsible for keeping the logbook in which the collection sheet is registered shall make a record under the corresponding reference number in accordance with the directions set out in Annex 1 to this Decree.

(5) The collection sheet shall be stored with the logbook and disposed of alongside it. A copy of the collection sheet shall be enclosed with and form a part of the file created in accordance with paragraph 4. After the collection sheet has been closed, only the file as referred to in paragraph 4 with a copy of the collection sheet may be sent or transferred.

#### Section 14

### **Formal Requirements for Classified Documents in Paper Form**

(1) Classified documents in paper form shall bear the name of the government authority or legal person or the name, surname and address of the natural person pursuing business who originated the classified document, the reference number, the security classification level, the date of origin, the copy number, the number of sheets, the number of classified and unclassified enclosures in paper form and the number of their sheets, and the place of origin and the number and type of classified and unclassified enclosures in non-paper form where applicable. Additional necessary information may also be indicated on classified documents.

(2) The copy number, the number of sheets, the number of classified and unclassified enclosures and the number of their sheets, and the number and type of classified and unclassified enclosures in non-paper form, where applicable, shall be indicated on the front page of the first sheet in accordance with the template set out in Annex 8 to this Decree. The number of enclosures in paper form and the number of their sheets shall be expressed as a fraction, the numerator of which shall be the number of enclosures in paper form and the denominator the total number of enclosure sheets. If more than 1 copy of the enclosures in

paper form is attached to a classified document, the number of copies of the enclosures in paper form shall be indicated for the fraction referred to in the previous sentence as a multiple. In the case of enclosures in non-paper form, their number and type and, where appropriate, their registration marking must be indicated.

(3) If a classified document in paper form consists of more than one part, the covering part containing the information referred to in paragraph 1 shall be marked with the security classification level of the part with the highest security classification in accordance with the template set out in Annex 9 to this Decree. If a classified document in paper form is accompanied by an enclosure the security classification level of which is higher than that of the classified document, the classified document shall bear the security classification level of the enclosure with the highest security classification. The requirements referred to in paragraph 1 and in this paragraph shall also be indicated on cover sheets which do not contain Classified Information, if they are accompanied by a classified enclosure.

(4) An enclosure in paper form to a classified document shall be identified by the reference number of the classified document by adding the words “Enclosure No. ... to Ref. No. ...” to the upper right-hand side of the front page of the first sheet; if the enclosure does not contain Classified Information, it shall state “Unclassified Enclosure No. ... to Ref. No. ...”. The front page of the first sheet of classified enclosures in paper form shall bear the name of the government authority or legal person or the name, surname and address of the natural person pursuing business who originated the classified document, the copy number, the number of sheets, the place and date, and the place of origin where appropriate. Classified enclosures in non-paper form shall bear the marking “Enclosure No. ... to Ref. No. ...” and other required elements in accordance with Section 16(1). The security classification level of each classified enclosure shall be indicated in the same manner as on the classified document. Classified and unclassified enclosures shall be numbered continuously in a single sequence. If the required elements cannot be indicated on the enclosure, they shall be indicated on a descriptive label or in another manner.

(5) The sheets or pages of classified documents in paper form shall be numbered continuously. The sheets or pages of individual classified enclosures in paper form shall be numbered separately. The sheets of the classified document and the sheets of the individual classified enclosures in paper form shall be bound together or otherwise firmly attached. For the purposes of indicating the number of sheets of a classified document and its enclosures, each sheet, regardless of its format, shall be counted as one sheet.

(6) The detachment of an enclosure and its re-registration as a new document or an enclosure to another document shall be recorded in writing on the front page of the first sheet of the classified document, in the upper right-hand side, or in the case of a delivered classified document in the records in accordance with Section 11(3) or in another manner. The written record shall contain information about which enclosure has been detached, the date of the detachment, the new reference number of the detached enclosure, the name, surname and signature of the person responsible for the detachment and written record. The detached classified enclosure shall also bear the reference number under which it was registered before the detachment.

## Section 15 **Records and Distribution lists**

(1) A record in accordance with the template set out in Annex 10 to this Decree shall be made on the copy of the classified document intended for storage. If more than one copy of a classified document is produced, the copy to be stored shall also be accompanied by a distribution list in accordance with the template set out in Annex 11 to this Decree. Distribution lists and records shall not be made in the case of delivered classified documents.

(2) Distribution lists may also be produced on separate sheets which will be enclosed with the document and stored alongside it. The classified document must bear the words “Distribution list enclosed”. Distribution lists must always be in separate sheets if

a) it is impossible to include them on the classified document in their entirety, or

b) all addressees are not listed in the administrative tool in which the classified document is registered.

(3) Upon the destruction of the classified document, the distribution list in accordance with paragraph 2(b) shall be stored with the administrative tool in which the classified document is registered and may be destroyed after all the addressees of the classified document have been notified in writing of its declassification.

## Section 16

### **Formal Requirements for Classified Documents in Non-paper Form**

(1) Classified documents in non-paper form shall bear the name of the government authority or legal person or the name, surname and address of the natural person pursuing business who originated the classified document, the date of origin, the reference number under which the classified document in non-paper form is registered and the security classification level. If it is an enclosure, it shall bear the marking “Enclosure No. ... to Ref. No. ...”.

(2) If it is not possible to indicate the information referred to in paragraph 1 directly on a classified document in non-paper form, it shall be indicated on a descriptive label or in another manner.

(3) When transporting a classified document in non-paper form, the government authority, legal person or natural person pursuing business shall enclose a cover sheet containing the information referred to in Section 14(1) and (2). When transporting a classified document of a foreign power in non-paper form, a cover sheet shall not be created.

## Section 17

### **Formal Requirements for Classified Documents in Electronic Form**

Classified documents in electronic form which have originated in an electronic records management system which is part of a certified information system in accordance with Section 23(3) of the Act shall contain the name of the originator, the security classification level, the reference number or another registration marking and the date of origin.

## Section 18

### **Recording Notes and Partial Data Containing Classified Information**

(1) Notes or partial data containing Classified Information may be recorded only in notebooks or books which have been prepared in accordance with Section 4(1) and marked with the appropriate security classification level before use, or in information systems which are certified for handling Classified Information of the appropriate security classification or above. Records of notebooks or books shall be kept by the security officer or their delegate or by the person responsible for keeping the logbook.

(2) Notebooks or books used to record notes or partial data containing Classified Information shall be stored in a manner analogous to classified documents of the same security classification or above and their carriage shall be under the conditions referred to in Section 23(4) and (5) and Section 24(1). Notebooks and books shall be marked with their security classification level next to the number of sheets indicated in accordance with Section 4(1) and also on the cover.

(3) Notes or partial data containing information classified Restricted may also be recorded as background material.

#### Section 19 **Background Material**

(1) In order to create a document classified Restricted, the originator may, for their own purposes, produce background material in paper or non-paper form classified Restricted.

(2) Copies of the following documents shall not be considered background material:

- a) delivered classified documents,
- b) own classified documents produced in a single copy and
- c) own classified documents listed in distribution lists.

(3) The originator of the background material shall mark it with the security classification level Restricted in accordance with Section 8(2) or (3) and the marking “Podkladový materiál” (Background Material). If background material becomes part of a classified document, it must be registered. Background material shall not be produced in order to create a cryptographic document (Section 37(1) of the Act).

#### Section 20 **Copies, Reproductions, Translations and Extracts**

(1) For the purposes of this Decree, a copy or reproduction means producing a certain number of duplicates of a delivered classified document, own classified document produced in a single copy or own classified document listed in a distribution list or converting them into electronic form. For the purposes of this Decree, translation means accurately rendering the content of a classified document in another language. For the purposes of this Decree, extract means producing a hard-copy or digital record from a classified document.

(2) The written consent of the originator of Classified Information to the production of a copy, reproduction or translation of or an extract from a document classified Top Secret

shall include the reference number of the classified document, the number of copies, the reason for production, the name, surname and signature of the person giving the consent and the date on which the consent was given and shall be stored with the classified document. The written consent of a direct supervisor to the production of a copy, reproduction or translation of or an extract from a document classified Confidential or Secret may be recorded on the classified document in question or on a separate sheet; if recorded on a separate sheet, it shall be stored with the classified document.

(3) Classified documents of which a copy, reproduction, translation or an extract is being produced shall bear the date of production, the number of copies, reproductions, extract in the form of a classified document in paper form, copies of translation or, if a digital record is produced, identification of the certified information system in which it has been produced, the name and surname of the person who gave consent in accordance with paragraph 2 and the name, surname and signature of the person who produced them.

(4) Copies in paper form and reproductions in paper form produced from classified documents shall bear the word “OPIS” (copy) or the word “KOPIE” (reproduction) and the order number of the finished copy or reproduction of the classified document on the front page of the first sheet. If the number of sheets of a copy or reproduction does not match the number of sheets of the classified document from which they were produced, the real number of sheets of the copy or reproduction shall also be indicated on it. Finished translations of classified documents shall bear the word “PŘEKLAD” (translation) and requirements referred to in Section 14(1), (2) and (4) on the front page of the first sheet.

(5) Extracts from classified documents shall be made only in the notebooks or books referred to in Section 18(1) or in certified information systems or as classified documents in hard copy containing the information referred to in Section 14(1), (2) and (4). Extracts from documents classified Restricted may also be produced as background material.

(6) Finished copies, reproductions or translations of classified documents, unless produced as background material, shall be registered in the corresponding logbook or collection sheet. If, in the case of the dispatch of a copy, reproduction or translation, all addressees are not listed in the logbook or collection sheet, a distribution list shall be drawn up, to which Section 15(2) and (3) shall apply *mutatis mutandis*.

## Section 21 Transfer of Classified Documents

(1) Classified documents shall only be handed over against signature to confirm receipt; this shall not apply to documents classified Restricted if the responsible person grants an exemption from the obligation to confirm receipt in accordance with Section 23(1)(b) of the Act. The manner of acknowledgement of receipt of classified documents registered in administrative tools kept in electronic form shall be determined by the responsible person unless otherwise specified in the Decree on the Cryptographic Protection of Classified Information.

(2) The transfer of classified documents outside the government authority, legal person or natural person pursuing business or to another registration point established within the government authority, legal person or natural person pursuing business shall be recorded by the person responsible for keeping the logbook in the logbook or in the collection sheet.

The signature acknowledging the transfer of the classified document may be made in the delivery book or on the receipt; the signature may also be entered in the distribution list on the copy of the classified document to be stored.

(3) The transfer of classified documents within one registration point established within a government authority, legal person or natural person pursuing business shall be recorded by the person responsible for keeping the logbook in the logbook or in the collection sheet or in the auxiliary logbook, if it is being kept. The signature acknowledging the transfer of the classified document may be made in the logbook, auxiliary logbook or delivery book or, when returning a transferred classified document, in the logbook unless otherwise specified in Section 27(3), Section 34(2)(b) or Section 35(6)(b); the signature may also be entered in the distribution list on the copy of the classified document to be stored. If so provided by the responsible person or the security officer, classified documents may also be transferred to other natural persons within one registration point against signature in the logbook.

(4) Receipts acknowledging the transfer of classified documents shall be stored for at least 5 years unless otherwise specified in Section 31(3).

## Section 22

### **Preparing Consignments for Transport**

(1) If a consignment is to be transported by the postal licence holder<sup>1)</sup>, the classified document shall be in two envelopes.

(2) The inner envelope shall bear the consignor, the full reference number on the upper left-hand side, the security classification level on the upper right-hand side and the name and full address of the consignee on the bottom. If the consignment is addressed to a natural person, their name, surname and position, as appropriate, shall also be indicated. If an envelope contains more than one classified document, the envelope shall be marked with the security classification level of the classified document with the highest security classification and with the reference numbers of all the classified documents contained therein. The envelope shall be secured by taping all its seams over their entire length and affixing the stamps of the government authority, legal person or natural person pursuing business and the signatures of the person responsible for keeping the logbook or of the person who secured the envelope; this shall not apply to envelopes containing only documents classified Restricted. The stamps and signatures must extend beyond the tape. If using clear tape, stamps and signatures shall be taped over. If the envelope is meant to be opened solely by the consignee, it must be marked with the words “OTEVŘE ADRESÁT” (to be opened by the consignee).

(3) The outer envelope shall bear the consignor, the reference number without the abbreviation of the security classification level and the name and full address of the consignee. The outer envelope must not be marked with the security classification level. The outer envelope shall be of such quality that the information on the inner envelope will not be legible.

(4) If a consignment is to be transported by a courier service, the document shall be placed in an envelope marked “KURÝREM” (by courier) and the provisions of paragraph 2

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<sup>1)</sup> Act No. 29/2000 Coll. on Postal Services and on Amendments to Some Acts (Postal Services Act), as subsequently amended.



shall apply *mutatis mutandis*. In this case, the envelope containing the classified document shall be transported in a portable container secured against unauthorised handling of its contents, for example by locking it with a mechanical or combination lock or by sealing it, and shall be marked in a suitable place with the name and address of the government authority or legal person or the name, surname and address of the natural person pursuing business and the inscription “V případě nálezu neotevírejte a předejte neprodleně Policii ČR nebo Národnímu bezpečnostnímu úřadu!” (In case of discovery, do not open and hand over immediately to the Police of the Czech Republic or the National Security Authority!); in the case of a document classified Restricted, it may also be an envelope on which the information referred to in paragraph 3 shall be indicated.

(5) The inner envelope of documents classified Confidential, Secret or Top Secret shall contain a receipt which the consignee shall sign, stamp, date and return to the consignor without delay. The first sentence shall also apply to documents classified Restricted unless the responsible person grants an exemption from the obligation to confirm receipt in accordance with Section 23(1)(b) of the Act. The template of the receipt is provided in Annex 12 to this Decree. The returned receipt shall be stored by the consignor alongside the copy of the classified document to be stored; if all copies of the classified document have been dispatched, it shall be stored with the logbook, Section 21(4) shall apply *mutatis mutandis*.

(6) If a classified document cannot be put into an envelope, it shall be put inside a hard cover which shall be secured and marked in a manner analogous to the inner, or as the case may be, outer envelope.

### Section 23 Transporting Consignments

(1) The postal licence holder may transport consignments classified up to Confidential by postal service when

- a) the place of delivery is in the Czech Republic,
- b) the postal licence holder provides the consignor with written confirmation of receipt,
- c) the consignee provides the postal licence holder with written confirmation of receipt,
- d) the postal licence holder delivers the written confirmation of receipt to the consignor and
- e) the postal licence holder is liable for the loss, damage or deterioration of the contents of the consignment.

(2) The confirmation of receipt in accordance with paragraph 1(d) shall be stored by the consignor alongside the copy of the classified document to be stored or, if all copies of the classified document have been dispatched, alongside the logbook; Section 21(4) shall apply *mutatis mutandis*.

(3) When a consignment classified Restricted is transported in accordance with paragraph 1, compliance with the conditions set out in paragraph 1(b), (c) and (e) is sufficient.

(4) During transport by courier service, consignments shall be transported in a portable

container in accordance with Section 22(4). Couriers who will be transporting consignments classified Confidential, Secret or Top Secret shall present the consignor with a valid Personnel Security Clearance as referred to in Section 54 of the Act of the appropriate security classification or above. In the case of consignments classified Restricted, the courier shall present the consignor with a valid Notice of Compliance as referred to in Section 6 of the Act, a Personnel Security Clearance as referred to in Section 54 of the Act or a Certificate as referred to in Section 85 of the Act. When transporting the consignment, the courier or their escort shall take such measures as to prevent unauthorised access to Classified Information as referred to in Section 2(h) of the Act, including in the event of an emergency, for example as a result of an accident or collision.

(5) Consignments classified Secret or Top Secret shall be transported by couriers escorted by at least one other person. These consignments shall be excluded from public transport with the exception of air, sea and inland waterway transport.

(6) In the case of transport of a consignment provided in international communication by a courier service, paragraphs 2 to 5 shall apply, the courier shall present the consignor with a valid Personnel Security Clearance as referred to in Section 54 of the Act of the appropriate security classification or above and a Courier Certificate pursuant to Section 137(f) of the Act, the template of which is set out in Annex 13 to this Decree. The Authority shall not issue Courier Certificates as referred to in Section 137(f) of the Act in the case of transportation of a consignment by diplomatic mail carried by a diplomatic courier and in the case referred to in Section 79(5) of the Act.

#### Section 24

#### **Carriage of Classified Documents or Files**

(1) The carriage of classified documents or files shall be in an envelope or firm packaging inside a portable container secured against unauthorised handling of its contents in accordance with Section 22(4); documents or files classified Restricted may be carried in an envelope, firm packaging or a portable container. The envelope or firm packaging shall bear the name of the government authority or legal person or the name, surname and address of the natural person pursuing business and the security classification. The envelope or firm packaging shall be of such quality that the information on the classified document or file will not be legible.

(2) The carriage of documents or files classified Secret or Top Secret may only take place with the written approval of the responsible person or their delegate or of the security officer or their delegate and under the conditions referred to in Section 23(5). The person carrying the document shall have the approval in their possession and it shall be stored with the classified document.

(3) The carriage of documents or files classified Confidential may only take place with the approval of the responsible person or their delegate or of the security officer or their delegate.

#### Section 25

#### **Handling European Union Documents Classified TRÉS SECRET UE/EU TOP SECRET**

(1) When European Union documents classified TRÉS SECRET UE/EU TOP SECRET are handled within a facility outside a Security Area, they shall be placed into a sealed and stamped envelope bearing only the name of the person to whom they are to be handed over.

(2) European Union Information classified TRÉS SECRET UE/EU TOP SECRET shall only be transferred between buildings or facilities by military, government or diplomatic courier.

#### Section 26

### **Storing Classified Documents or Files after Processing**

(1) After processing, classified documents or files shall be returned to the person responsible for keeping the logbook at the registration point for storage. Before storing a classified document or file, the person processing or storing it shall mark it with the file symbol, the discarding symbol and the year in which the discarding procedure is to be carried out. If they are returning it in a sealed envelope, they shall sign it and indicate the security classification level, reference number or file mark, the manner of processing, the number of sheets being stored, the number and type of enclosures in non-paper form and their registration marking where appropriate, the number and type of classified documents in non-paper form, the file symbol, the discarding symbol and the year in which the discarding procedure is to be carried out or, if it is not possible to determine the year of the discarding procedure when the document or file is being stored, the retention period. The length of the retention period must be verified at the latest at the time of verification of the continued validity of the reason for the classification of the information in accordance with Section 22(5) of the Act.

(2) Processed classified documents or processed and closed files shall be filed according to subject, file symbol or reference number in a manner determined by the responsible person. Classified documents inserted into files, except where the file is created by means of a collection sheet, shall be continuously recorded in the list of inserted classified documents stored with the file. Classified documents within a file shall be physically bound together and filed chronologically, usually in ascending or descending order. Files containing classified documents shall be marked with the highest security classification level of the classified documents contained therein.

(3) In exceptional, duly justified cases and with the approval of the responsible person or their delegate or of the security officer or their delegate of a government authority, legal person or natural person pursuing business, stored classified documents or files may, for as long as strictly necessary, be transferred to an individual outside the government authority, legal person or natural person pursuing business, if they meet the conditions of Section 6(1) or Section 11(1) of the Act.

#### Section 27

### **Loaning of Classified Documents or Files**

(1) Stored classified documents or files may, for as long as strictly necessary and within the government authority, legal person or natural person pursuing business, or their organisational unit in which they are registered (registration point) be loaned to a natural person who meets the conditions of Section 6(1) or Section 11(1) of the Act.

(2) Documents or files classified Secret or Top Secret may only be loaned with the written approval of the responsible person or their delegate or of the security officer or their delegate. The written approval shall be stored with the loan book. Documents or files classified Confidential may only be loaned with the approval of the responsible person or their delegate or of the security officer or their delegate.

(3) The loaning and return of a classified document or file shall be recorded in the loan book by the person responsible for keeping the logbook or by a person designated by the responsible person or the security officer.

(4) Loaned documents classified Confidential, Secret and Top Secret or files containing such classified documents shall be returned to the loan book in January of each calendar year for a physical inspection.

## Section 28 Destroying Classified Documents

(1) Classified documents shall be destroyed in a way which prevents the reconstruction and identification of the Classified Information contained therein<sup>2)</sup>.

(2) The destruction of classified documents shall be carried out by at least 2 persons authorised by the responsible person or their delegate or by the security officer or their delegate, at least 1 of whom is not the person responsible for keeping the logbook. The destruction of classified documents shall be recorded in writing and recorded in the administrative tool in which the document was registered. The written record shall be signed by all the persons who carried out the destruction and stored at the registration point for a period of at least 5 years unless otherwise specified in Section 31(3).

(3) Classified documents that have not been selected as archival material during the discarding procedure or outside of it and classified documents that are no longer needed and that have been stored with a legal person or a natural person pursuing business who, as originators, are not required to carry out records management under the Act on Archiving and Records Management, shall be subject to destruction, unless the Act on Archiving and Records Management prevents this.

(4) The originator of a classified document shall immediately destroy defective copies, copies not listed in the distribution list and drafts of unapproved classified documents. Background material shall also be destroyed after use, unless it has been registered. Notebooks or books returned for registration after use shall be destroyed by the processor or a person authorised by the responsible person or the security officer and the person responsible for keeping the records of notebooks and books, who shall make a record of the destruction.

(5) Additional copies of classified documents which have been returned to the logbook in which they are registered and which are not intended for storage or further use may be destroyed. The destruction shall be carried out by at least 2 persons authorised by the responsible person or their delegate or by the security officer or their delegate, at least 1 of whom is not the person responsible for keeping the logbook and confirmed by them signing

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<sup>2)</sup> Decree no. 528/2005 Coll. on Physical Security and Certification of Technical Means, as subsequently amended.

the control sheet or a separate written record which shall be stored at the registration point at least until the classified document is disposed of. The same procedure shall be followed in the case of copies or reproductions returned to the logbook, unless they have been sent to another addressee. Unless all additional copies, reproductions or duplicates which have not been sent to another addressee have been destroyed, the classified document cannot be disposed of in accordance with the Act on Archiving and Records Management.

(6) Unless the administrative tools used to register classified documents have been selected as archival material, they may be destroyed after a period of 5 years from the date of disposal of all classified documents registered in them. The destruction of administrative tools shall be recorded in writing in accordance with paragraph 2.

## **PART THREE**

### **CLASSIFIED INFORMATION REGISTRIES**

#### Section 29

#### **The Central Registry**

(1) The Central Registry is divided into registries for the release of documents classified Confidential, Secret and Top Secret in international communication between the Czech Republic and

- a) the North Atlantic Treaty Organization,
- b) the European Union,
- c) other foreign power entities,

in which such classified documents are registered.

(2) The registries of the Central Registry are the main reception and dispatch points. The Central Registry also fulfils the function of a registry in accordance with Section 30.

(3) In the Central Registry, North Atlantic Treaty Organization classified documents, European Union classified documents and the classified documents of other foreign power entities must be registered separately in separate logbooks for each security classification level. Classified documents released to a foreign power shall also be registered in separate logbooks in the Central Registry; documents classified Restricted, Confidential and Secret may be registered together. North Atlantic Treaty Organization classified documents, European Union classified documents and the classified documents of other foreign power entities shall be stored separately.

(4) A list of all the registries in the Czech Republic shall be kept in the Central Registry.

(5) If a classified document released as part of international communication is to be transported abroad, the consignor shall provide the central registry with the full address of the consignee and insert a receipt for consignments intended for foreign consignees in accordance with the template set out in Annex 12 to this Decree. The Central Registry shall check the completeness of the classified document being sent in the presence of the bearer. If any issues are discovered, the classified document shall be returned to the consignor. After the inspection, the classified document shall be registered in the Central Registry's logbook.

## **Registries**

### Section 30

(1) If a government authority, legal person or natural person pursuing business is to have access to Classified Information of a foreign power, they shall send the Authority a written request for the approval of the establishment of a registry, which shall contain

- a) the name and address of the government authority or legal person or the name, surname and address of the natural person pursuing business who is submitting the request for the approval of the establishment of a registry,
- b) reason for the request,
- c) the address of the facility in which the registry is to be located,
- d) the originator and security classification level of the classified documents to be registered and stored in the established registry,
- e) a description of the organisational structure of the registry, subdivided into sub-registries or control points,
- f) the organisational integration of the registry within the government authority, legal person or natural person pursuing business,
- g) the name and surname of the head of the registry and their deputy, who will be appointed after the registry is established.

(2) Within 15 days of the establishment of the registry, the government authority, legal person or natural person pursuing business shall send a completed registration form to the Authority, separately for the North Atlantic Treaty Organization, European Union and other foreign power entities. The registration form shall contain information in accordance with the template set out in Annex 14 to this Decree.

(3) If the information provided in the request in accordance with paragraph 1 changes, the government authority, legal person or natural person pursuing business shall notify the Authority of the changes no later than the first working day after the date on which the change occurred; the notification shall be given by sending a new registration form in accordance with paragraph 2. In the event of the closure of the register, the government authority, legal person or natural person pursuing business shall proceed in accordance with the instructions of the Authority.

(4) Only a natural person who holds a valid Personnel Security Clearance of the security classification level for which the registry has been established and, if the registry was established for North Atlantic Treaty Organisation Classified Information, also the relevant clearance for a foreign power, may be assigned to the registry.

### Section 31

(1) In registries, North Atlantic Treaty Organization classified documents, European Union classified documents and the classified documents of other foreign power entities must be registered separately in separate logbooks for each security classification level. Classified documents released to a foreign power shall also be registered in separate logbooks in registries; documents classified Restricted, Confidential and Secret may be registered together. North Atlantic Treaty Organization classified documents, European Union classified documents and the classified documents of other foreign power entities shall be stored separately.

(2) Registries may provide documents of a foreign power classified Top Secret to other registries only through the Central Registry, unless the Central Registry specifies otherwise in that particular case, and always with its written approval.

(3) After a classified document is disposed of or sent, the control sheet referred to in Section 3(1)(f) shall be stored in the registry for at least 5 years or, in the case of documents classified Top Secret, for at least 10 years. The receipts confirming the transfer of classified documents provided in international communication referred to in Section 22(5) shall be stored with the classified document until it is disposed of or sent. After a classified document is disposed of or sent, the receipt shall be stored in the registry for at least 5 years or, in the case of documents classified Top Secret, for at least 10 years. Written records of the destruction of classified documents of a foreign power in accordance with section 28(2) shall be stored in the registry for at least 5 years or, in the case of documents classified Top Secret, for at least 10 years.

(4) Lists of persons who may be granted access to Classified Information within the registry belonging to the North Atlantic Treaty Organization, European Union and other foreign power entities shall be kept in the registry by the government authority, legal person or natural person pursuing business with which the registry has been established. The lists shall contain at least

- a) the name of the registry,
- b) the reference number or another registration marking,
- c) the foreign power whose classified information is to be accessed,
- d) the date of issue or update of the list,
- e) the names and surnames of the persons who may be granted access to Classified Information,
- f) the signature of the responsible person, their delegate or the security officer,

and shall be kept separately for North Atlantic Treaty Organization classified information, European Union classified information and the classified information of other foreign power entities, updated and stored in the registry for at least 5 years after their expiry.

(5) A list of subsidiary sub-registries and control points shall be kept in the registry and their registration forms shall be stored there.

(6) When fulfilling the obligations referred to in Section 69(1)(m) of the Act, in the case of documents classified Secret and Top Secret, the number of sheets shall also be verified. The template for the Report on the Inspection of Classified Information Registered in the Registry is provided in Annex 15 to this Decree.

## Section 32 **Sub-registries**

(1) Classified documents provided in international communication are registered and stored in sub-registries. The classified documents referred to in the first sentence may only be sent to another registry or another sub-registry through the registry within the framework of which the sub-registry has been established; this shall not apply if the classified documents are to be sent by a sub-registry to another sub-registry established within the same registry. Sub-registries shall send a completed registration form in accordance with the template set out in Annex 14 to this Decree to the registry within which they have been established immediately after their establishment and whenever there is a change in any of the information contained in the form.

(2) Only a natural person who holds a valid Personnel Security Clearance of the security classification level for which the sub-registry has been established and, if the sub-registry was established for North Atlantic Treaty Organisation Classified Information, also the relevant clearance for a foreign power, may be assigned to the sub-registry.

(3) Section 31(1) and (3) shall apply *mutatis mutandis* to classified documents provided to sub-registries in international communication.

(4) Lists of persons who may be granted access to Classified Information within the sub-registry belonging to the North Atlantic Treaty Organization, European Union and other foreign power entities shall be kept in the sub-registry by the government authority, legal person or natural person pursuing business with which the sub-registry has been established. The provisions of Section 31(4) shall apply *mutatis mutandis*.

(5) A list of subsidiary control points shall be kept in the sub-registry and their registration forms shall be stored there.

## Section 33 **Control points**

(1) At control points, classified documents provided in international communication are registered in auxiliary logbooks and transferred to the processor. Control points shall send a completed registration form in accordance with the template set out in Annex 14 to this Decree to the registry or sub-registry within which they have been established immediately



after their establishment and whenever there is a change in any of the information contained in the form.

(2) Only a natural person who holds a valid Personnel Security Clearance of the security classification level for which the control point has been established and, if the control point was established for North Atlantic Treaty Organisation Classified Information, also the relevant clearance for a foreign power, may be assigned to the control point.

(3) Control points may only send classified documents through the registry or sub-registry within the framework of which they have been established.

(4) At control points, North Atlantic Treaty Organization classified documents, European Union classified documents and the classified documents of other foreign power entities shall be registered in auxiliary logbooks and stored separately.

(5) Lists of persons who may be granted access to Classified Information within the control point belonging to the North Atlantic Treaty Organization, European Union and other foreign power entities shall be kept in the control point by the government authority, legal person or natural person pursuing business with which the control point has been established. The provisions of Section 31(4) shall apply *mutatis mutandis*.

## **PART FOUR**

### **PERSONNEL CHANGES, DISSOLUTION OF GOVERNMENT AUTHORITIES, LEGAL PERSONS OR NATURAL PERSONS PURSUING BUSINESS**

#### **Section 34**

#### **Ensuring the Protection of Classified Information in the Event of Personnel Changes**

(1) In the event of the person responsible for keeping the logbook changing, all documents classified Confidential, Secret and Top Secret and the corresponding administrative tools shall be transferred under the supervision of a committee.

(2) In the case referred to in paragraph 1, the responsible person or their delegate shall appoint a committee of at least 3 members which shall

a) check all stored classified documents, classified documents not yet forwarded for processing and classified documents forwarded for dispatch,

b) draw up a transfer protocol to be signed by the party handing the documents over, by the accepting party and all the members of the committee. The transfer protocol shall be stored by the government authority, legal person or natural person pursuing business for at least 5 years.

(3) When transferring documents classified Restricted in the case referred to in paragraph 1, the tasks referred to in paragraph 2 shall be carried out by the party handing the documents over and the accepting party.

(4) When a Notice of Compliance referred to in Section 6 of the Act or a Personnel Security Clearance referred to in Section 54 of the Act ceases to be valid or when a person ceases to hold a position, employment or to perform another activity as part of which they have access to Classified Information, they shall immediately hand over all classified documents to the person responsible for keeping the administrative tools in which they are registered, or to the security officer or their delegate.

### Section 35

#### **Ensuring the Protection of Classified Information in the Event of the Dissolution of a Government Authority, Organisational Unit Established by a Government Authority, Legal Person or Natural Person Pursuing Business**

(1) Prior to or upon their dissolution, government authorities, organisational units established by government authorities, legal persons or natural persons pursuing business shall conduct a physical inspection of all classified documents in their possession.

(2) The inspection referred to in paragraph 1 shall be conducted by a committee appointed by the responsible person. Natural persons who are members of the committee shall meet the conditions for access to Classified Information of the security classification level corresponding to the highest security classification of the classified documents to which they are to have access in the course of the inspection. In the case of natural persons pursuing business, the member of the committee is always the responsible person or the security officer.

(3) The inspection referred to in paragraph 1 shall include

a) checking all stored classified documents, classified documents not yet forwarded for processing, classified documents forwarded for dispatch and classified documents in the custody of processors,

b) drawing up a protocol which shall indicate the recipient to whom the classified documents are to be transferred and the manner in which the individual classified documents are to be handled; the protocol shall be signed by all the members of the committee and a copy shall be sent to the Authority without delay.

(4) Upon the dissolution of a government authority, the responsible person or the security officer of the government authority shall transfer the classified documents to the responsible person or security officer of their legal successor; if there is no legal successor, the classified documents shall be transferred to the government authority within whose competence they fall and if there is no such government authority, they shall be transferred to the Authority. Upon the dissolution of an organisational unit established by a government authority, the responsible person or the security officer of the organisational unit shall transfer the classified documents to the responsible person or security officer of the government authority responsible for its establishment. Upon the dissolution of a legal person or natural person pursuing business, the responsible person or the security officer of the legal person or

natural person shall transfer the classified documents to whoever provided them or within whose competence they fall; if this is not possible, they shall be transferred to the Authority.

(5) Upon the dissolution of a government authority, organisational unit established by a government authority, legal person or natural person pursuing business, classified documents provided in international communication shall be transferred to the Central Registry.

(6) The responsible person to whom the classified documents are transferred shall ensure that

- a) a physical inspection of all transferred classified documents is conducted,
- b) a transfer protocol is drawn up to be signed by the designated representatives of the party handing the documents over and the accepting party and stored by the accepting party for at least 5 years, and
- c) a copy of the transfer protocol is sent to the Authority without delay.

## **PART FIVE**

### **HANDLING TECHNICAL EQUIPMENT**

#### Section 36

(1) For the purpose of this Decree, technical equipment means military material<sup>3)</sup>, in particular electronic, photo-technical, chemical, physico-chemical, radiotechnical, optical and mechanical military technology and military gear containing Classified Information.

(2) Delivered technical equipment shall be received by person charged with accepting it. After receipt, technical equipment shall be immediately handed over to the person responsible for its registration. Technical equipment shall be handed over against signature to confirm receipt.

(3) Technical equipment shall be registered in administrative tools, at a minimum by indicating the registration marking, the date of registration, from whom it was received, the name of the technical equipment and what it is a component of, where applicable. Corrections of registration entries shall be made in accordance with the second sentence of Section 4(4). The administrative tools referred to in the first sentence shall be registered, data shall be entered into them by means guaranteeing the durability of the writing or by means of a stamp; they shall be stored in a manner which ensures their protection against loss or misuse.

(4) Technical equipment classified Top Secret shall be registered separately. Technical equipment classified Restricted, Confidential and Secret may be registered together. Where possible, technical equipment shall bear the registration marking and the security classification level.

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<sup>3)</sup> Section 2(6) of Act No. 219/1999 Coll. on The Armed Forces of the Czech Republic, as subsequently amended.

(5) In the case of technical equipment, the provisions of Section 34 and 35 shall apply *mutatis mutandis*. The destruction, loss or unauthorised destruction of technical equipment shall be recorded in administrative tools in accordance with paragraph 3.

(6) The specific method of handling technical equipment within the scope of paragraphs 2 to 5 shall be determined in writing by the responsible person or their delegate before it is put into use.

## **PART SIX**

### **Transitional Provisions**

#### **Section 37**

(1) Administrative tools created in accordance with Annexes 1 to 7 to Decree No. 529/2005 Coll. on Administrative Security and Classified Information Registries, in the version in force until the date of entry into force of this Decree, may be used after the entry into force of this Decree provided that all the information required by this Decree is added and they are kept in the manner provided for in this Decree.

(2) Classified documents which, prior to the entry into force of this Decree, were registered under a different registration marking assigned from administrative tools referred to in the second sentence of Section 3(2) of Decree No. 529/2005 Coll., in the version in force until the date of entry into force of this Decree, do not need to be re-registered.

(3) Administrative tools referred to in the second sentence of Section 3(2) of Decree No. 529/2005 Coll. taken into use before the date of entry into force of this Decree may, with the exception of the allocation of new order numbers, be kept until all the classified documents registered in them have been disposed of.

## **PART SEVEN**

### **REPEAL**

#### **Section 38**

The following Decrees are repealed:

1. Decree No. 529/2005 Coll. on Administrative Security and Classified Information Registries.
2. Decree No. 55/2008 Coll. amending Decree No. 529/2005 Coll. on Administrative Security and Classified Information Registries.
3. Decree No. 433/2011 Coll. amending Decree No. 529/2005 Coll. on Administrative Security and Classified Information Registries, as amended by Decree no. 55/2008 Coll.
4. Decree No. 275/2015 Coll. amending Decree No. 529/2005 Coll. on Administrative Security and Classified Information Registries, as subsequently amended.
5. Decree no. 37/2019 Coll. amending Decree No. 529/2005 Coll. on Administrative Security and Classified Information Registries, as subsequently amended.

**PART EIGHT**

**ENTRY INTO FORCE**

Section 39

This Decree shall enter into force on 1 January 2023.

Director: