

325**REGULATION
Of the National Security Authority****Of 10 May 2004****On Industrial Security**

The National Security Authority (hereinafter referred to as “Authority”) stipulates, pursuant to Article 6 paragraph 10 and Article 45 paragraph 11 of Act No. 215/2004 (Coll.) on the protection of classified information and on the amending and supplementing of certain laws (hereinafter referred to as “Act”) the following:

Article 1

This regulation governs all details related to industrial security and the security projects of entrepreneurs.

Article 2

(1) If any reasonable assumption exists that any classified information may occur with an entrepreneur, be referred to him or that he may become acquainted with them upon a contract¹), he shall apply to the Authority for the issue of an industrial security certificate.

(2) The origin of a classified information is a process, in the course of which a classified information is originated within the entrepreneur’s conditions.

(3) The reference of a classified information is an activity, upon which a classified information in a material form is provided to an entrepreneur and consecutively kept under his conditions..

(4) Acquaintance with a classified information is an activity, upon which an entrepreneur is acquainted with the content of a classified information, whilst the classified information is not supplied to him in a material form.

Article 3

(1) The entrepreneur’s statutory body²) shall submit the application pursuant to Article 2 paragraph 1, a specimen of which is shown in Annex No. 1.

(2) The level of security classification in the application is considered to be the determination of

¹ Article 44 of Act No. 215/2004 (Coll.) on the protection of classified information and on the amending and supplementing of certain laws

² Article 8 paragraph 1 of Act No.215./2004 (Coll.)

- a) Level of security classification for the reference and origin of a classified information;
- b) Level of security classification for acquaintance with classified information.

(3) The entrepreneur's statutory body shall, in the application, define the level of classification for which the industrial security certificate is required, on the basis of the level of security classification determined by the originator of the classified information, specifically in cases when classified information is referred to an entrepreneur, he acquaints with it, as well as if classified information is originated by him.

(4) The level of security classification for acquaintance with classified information must be identical or higher than the level of security classification for the reference and origin of classified information, specified in the application for the issue of an industrial security certificate for an entrepreneur.

(5) The entrepreneur's statutory body shall submit a security enquiry, specified in Annex No. 2 to the Authority, in writing.

(6) An entrepreneur shall immediately notify the Authority, in writing, of any changes related to his application for the issue of an industrial security certificate that occur during security clearance.

(7) After the Authority receives the application for the issue of an industrial security certificate from an entrepreneur, it shall create a security file concerning the entrepreneur. The information stated in this file may only be used for the needs of the security clearance of the entrepreneur.

Article 4

(1) A managing person of the entrepreneur's statutory body shall file the application for the execution of a security clearance of the entrepreneur's statutory body.

(2) In the event that the security clearance of the entrepreneur's statutory body was already executed, the statutory body shall enclose a copy³) of the certificate issued by the Authority, with his application pursuant to Article 3 paragraph 1. In this case, the entrepreneur does not file the application pursuant to paragraph 1.

(3) The level of security classification, on which the security clearance of an entrepreneur's statutory body should be executed, shall be identical or higher than the level of security classification for acquaintance with classified information specified in the application for the issue of an industrial security certificate to an entrepreneur.

(4) In the case of an application for the issue of an industrial security certificate for acquaintance with classified information "Restricted", the security clearance of the entrepreneur's statutory body shall be executed at a minimum on the level of the security classification "Confidential".

(5) A member or employee of the Authority shall show his authorisation for an examination of the industrial security conditions on the basis of a written commission, a specimen of which is specified in Annex No. 3.

³ Article 26 paragraph 1 of Act No. 215/2004 (Coll.)

Article 5

(1) The Authority shall execute the verification of adherence to the industrial security conditions for the entire validity period of the industrial security certificate.

(2) The procedures pursuant to paragraph 1 shall appropriately follow Article 45 of the Act.

Article 6

Security Project of an Entrepreneur

(1) In a security project processed pursuant to Annex No. 4, an entrepreneur shall specify the following:

- a) The expected level of security classification for which the industrial security certificate is required, scope of work with classified information and places of their occurrence within the entrepreneur's structure;
- b) Execution of security policy in the following fields:
 1. Personal security also incorporating a list of persons that may acquaint with classified information in the entrepreneur's conditions;
 2. Physical and building security formed by the security documentation of a building and physical security developed pursuant to Article 53 paragraph 4 of the Act;
 3. Information security formed by a security project for technical devices developed pursuant to Article 58 of the Act and documentation about devices intended for the encrypted protection of information developed pursuant to Article 69 of the Act;
 4. Administrative security,
- c) Organisational and control measures;
- d) Time schedule for the execution of the entrepreneur's security project and material and financial requirements for its provision.

(2) If required by the nature of the matter, the individual parts of the entrepreneur's security project may be integrated in a separated annex.

(3) If, during a security clearance at an entrepreneur, a change of the entrepreneur's requirements for the level of security classification or of individual parts of security projects occurs, the entrepreneur shall submit a modified application for the issue of an industrial security certificate or appendix to the his security project.

(4) A member or employee of the Authority shall show his authorisation for examining the qualification to provide for the protection of classified information in the conditions of an entrepreneur on the basis of a written commission, a specimen of which is shown in Annex No. 5.

Article 7

(1) The Authority shall publish on the Internet the list of entrepreneurs kept pursuant to Article 50 paragraph 7 of the Act. The list shall specify the basic identification signs of the entrepreneurs and the levels of security classification for which the industrial security certificate was issued.

(2) The list of entrepreneurs, the validity of the industrial security certificate of whom has expired, shall contain the basic identification signs of entrepreneurs and the date of expiry of their industrial security certificate.

Article 8

This regulation shall enter into force on 1 June 2004.

Aurel Ugor, by hand

Annex No. 1 to Regulation No. 325/2004 (Coll.)

Entrepreneur

Appendices:⁵⁾

National Security Authority
Bratislava

Re: Application for the issue of the entrepreneur's industrial security certificate

Pursuant to Article 45 paragraph 2 of Act No. 215/2004 (Coll.) on the protection of classified information and on the amending and supplementing of certain laws, I hereby apply for the issue of a security classification certificate for:³⁾

Level of security classification for the reference and origin of a classified information:⁴⁾

Level of security classification for acquaintance with a classified information:²⁾

Reasoning:⁵⁾

For the period of:⁶⁾

In, on.....

.....
(Signature of the entrepreneur's managing person)

³⁾ Name and identification number of an entrepreneur.

⁴⁾ Restricted, Confidential, Secret or Top Secret.

⁵⁾ Reasons for the application for the issue of an entrepreneur's industrial security certificate, such as the execution of a research task in preparation, intended participation in a tender, where there is an assumption of the reference, acquaintance or origin of classified information.

⁶⁾ Expected period for which the certificate is required.

⁵⁾ Security enquiry (including the necessary enclosures). Entrepreneur's security project, application for the execution of security clearance of the members of the entrepreneur's statutory body and persons proposed, with relevant background materials.

Annex No. 2 to Regulation No. 325/2004 (Coll.)

SECURITY ENQUIRY OF AN ENTREPRENEUR

(Name and surname of person that filled in the security enquiry, tel. No.)

(Name and surname of the person authorized for contact with the NSA, tel. No.)

1. Identification data of the entrepreneur:
 - 1.1 Name of the entrepreneur (full name):
 - 1.2 Registered seat of the entrepreneur:
(Street, No., postal code, city)
 - 1.2.1 Branch (business name):
 - 1.2.2 Operation (business name):
 - 1.2.3 Address of premises where the classified information will be kept:
 - 1.3 Identification No. of the entrepreneur:
 - 1.4 Date of origin of the entrepreneur:
 - 1.5 Previous seats:
(Street, number, postal code, city)
2. Economic data of the entrepreneur:
 - 2.1 Annual statements of finances for the last five years: Appendix No. ... to the enquiry
(balance sheet, profit and loss statement, tax return if a trader)
 - 2.2 Complete auditor's reports (authorized): Appendix No. ... to the enquiry
 - 2.3 Statement from the Business Register: Appendix No. ... to the enquiry
 - 2.4 Number of employees:
 - 2.6 Tax Registration No.:
 - 2.7 Name and seat of the tax administrator:
 - 2.8 Certificates about registration for individual taxes: Appendix No. ... to the enquiry
3. Legal form of the enterprise:
 - 3.1 Public business company
 - 3.1.1 Prevalent subject of company business:
 - 3.1.2 Name, surname, address (name and registered seat) of partners:
 - 3.1.3 Review of foreign partners for the last five years:
(Name, surname, citizenship, partner from – to, address)
 - 3.1.4 Data about the net business assets for the previous accounting period:
 - 3.1.4.1 Business equity:

3.1.4.2 Liabilities:

3.1.5 Liabilities and accounts receivable towards partners by the end of the accounting period for the last three years:

Year:

Profit in SKK:

Loss in SKK:

Year:

Profit in SKK:

Loss in SKK:

Year:

Profit in SKK:

Loss in SKK:

3.2 Limited partnership:

3.2.1 Prevalent subject of company business:

3.2.2 Name, surname, address (name and registered seat) of special partners:

3.2.3 Name, surname, address of limited partners:

3.2.4 Level of contribution of each special partner in SKK:

3.2.5 Review of foreign partners for the last five years:

(Name, surname, citizenship, partner from – to, address)

3.2.6 Data about net business assets for the previous accounting period:

3.2.6.1 Business equity:

3.2.6.2 Liabilities:

3.3 Limited company:

3.3.1 Prevalent subject of company business

3.3.2 Name, surname, address (name and registered seat) of partners:

3.3.3 Level of the registered capital:

3.3.4 Level of contribution of each partner in SKK:

3.3.5 Name, surname, address of the Supervisory Board members:

3.3.6 Review of foreign partners for the last five years:

(Name, surname, citizenship, partner from – to, address)

3.3.7 Data about the net business assets for the previous accounting period:

3.3.7.1 Business equity:

3.3.7.2 Liabilities:

3.4 Joint-stock company:

3.4.1 Prevalent subject of company business

3.4.2 Level of business assets:

3.4.3 Number, type and nominal value of shares:

3.4.4 Name, surname, address (name and seat) of shareholders and their percentage share of the registered capital; statement from the Centre of Securities as Appendix No. ... to the enquiry

3.4.5 Name, surname, address of the members of the Supervisory Board:

3.4.6 Review of foreign members of the Board of Directors and Supervisory Board for the last five years:

(Name, surname, citizenship, partner from – to, address)

3.4.7 Data about the net business assets for the previous accounting period:

- 3.4.7.1 Business equity:
 - 3.4.7.2 Liabilities:
 - 3.4.8 Percentage share in companies in which the entrepreneur examined is a shareholder (Number, type and acquisition price, supported with a statement of the shareholder's account)
 - *3.4.9 Credit receivables after due date debiting the adjusting entries for the last three years ([name of the client, type of credit, date of its provision, settlement of the receivable (sum and date)])
 - *3.4.10 Capital share of the entrepreneur examined in classification to shares and dividends according to individual issuers (name, seat, sum of capital shares on capital)
- 3.5 Cooperative
- 3.5.1 Prevalent subject of company business:
 - 3.5.2 Level of registered capital:
 - 3.5.3 Review of foreign partners for the last five years: (Name, surname, citizenship, partner from – to, address)
 - 3.5.4 Level of basic member contributions (if legal entities, specify the Company Reg. No.):
 - 3.5.5 Data about the net business assets for the previous accounting period:
 - 3.5.5.1 Business equity:
 - 3.5.5.2 Liabilities:
- 3.6 State company:
- 3.6.1 Prevalent subject of company business:
 - 3.6.2 Founder
 - 3.6.3 Level of equity assets:
 - 3.6.4 Data about the net business assets for the previous accounting period:
 - 3.6.4.1 Business equity:
 - 3.6.4.2 Liabilities:
- 3.7 Physical person – trader
- 3.7.1 Prevalent subject of business
 - 3.7.2 Data about the level of profit/loss before taxation for the last three years (confirmed by the relevant financial office, Appendix No. ... to the enquiry)
 - 3.7.3 Statement of the shareholder's account with the specification of shares in percentage - concerning the shares of joint-stock companies in the entrepreneur's ownership (if the entrepreneur does not own any shares, he must supply his declaration on word of honour stating so, Appendix No. ... to the enquiry)
 - 3.7.4 Review of other capital securities, contributions to limited companies, membership contributions in cooperatives, contributions and shares in public business companies and limited partnership confirmed by the entrepreneur (If the entrepreneur does not own any of them, he must supply his declaration on word of honour stating so, Appendix No. ... to the enquiry)
 - 3.7.5 Confirmation from the Trade Licensing Office that the Trade Register does not contain any record about:
 - a) Suspension of the trading operation;
 - b) Expiry of the trading certificate;
 - c) Prohibition of activity.
- 3.8. Procurer
(Name, surname, address)

- 3.9 Review of own or leased buildings and premises of the entrepreneur in the Slovak Republic and abroad (supplied in Appendix No ... to the enquiry by a statement from the Property Register):
 - 3.9.1 Territory identification:
(District, city, cadastral territory and country)
 - 3.9.2 Title Deed No.

 - 3.9.3 Order of owners
(Name, surname, equity security)
 - 3.9.4 Contract about the rental of premises:
(Date of the agreement execution, validity period, owner of premises)
- 3.10 Review of movable and immovable property in lien:
 - 3.10.1 Name of the securer:
(Address, Company Reg. No. Tax Reg. No.)
 - 3.10.2 Date of the security agreement:
 - 3.10.3 Subject of security:
 - 3.10.4 Name of the lien creditor:
(Address, Company Reg. No., Tax Reg. No.)
 - 3.10.5 Contracts about the rental and lease of buildings and lands: Appendix No. ... to the enquiry)
- 4. Business relations of the entrepreneur:
 - 4.1 Review of public orders, business contracts the subject of performance of which contains classified information:
 - 4.1.1 Order of contract:
(Number, execution date and subject)
 - 4.1.2 Parties to the contracting relation:
 - 4.1.3 Financial amount of the contract:
 - 4.2 Related physical and legal entities and entities on which the entrepreneur is financially dependent:
(Name and registered seat)
 - 4.3 Review of businesses with over 1% of turnover executed with a foreign partner for the last three years:
 - 4.3.1 Foreign partner:
(Name, registered seat and country)
 - 4.3.2 Business executed:
(Subject, volume and date of execution)
 - 4.4 Review of businesses with over 10% of turnover executed with domestic partners for the last three years:
 - 4.4.1 Domestic partner:
(Name and registered seat)
 - 4.4.2 Business executed:
(Subject, volume and date of performance)
 - 4.5 Bills of exchange issued:
(Nominal value, blank bill, maturity date)
 - 4.6 Guarantee:
(Debtor's name, creditor's name, value of the secured subject of guarantee)
- 5. Bank details:
(Seat of the bank, account No., date of guarantee, cancellation for the last three years)

- 5.1 Confirmation issued by financial institutions about the validity of contracts about accounts: Appendix No. ... to the enquiry
6. Review of loans and credits provided and paid for the last five years:
 - 6.1 Name of the financial institution (address):
 - 6.2 Number and level of loans provided in SKK:
 - 6.3 Loans paid off (in SKK, year)
 - 6.4 Number, level of credits provided in SKK:
 - 6.5 Credits paid off (in SKK, year):
 - 6.6 Confirmation issued by financial institution about the fulfilment of credit contracts: Appendix No. ... to the enquiry)
7. Data about a motion for bankruptcy or settlement and order on bankruptcy or settlement, data about entry into liquidation:
 - 7.1 Date of filing a motion for bankruptcy:
 - 7.2 Preliminary bankruptcy trustee:
(Name, surname, address)
 - 7.3 Estimated bankruptcy estate:
 - 7.4 Entitlements of all creditors in SKK:
(Amount and name of creditor)
 - 7.5 Date of filing a motion for settlement
 - 7.6 Preliminary estate trustee:
(Name, surname, address)
 - 7.7 Date of entry into liquidation:
 - 7.8 Liquidator:
(Name, surname, address)
 - 7.9 List of lawsuits in which the entrepreneur represents a party:
(Plaintiff, defendant, type of lawsuit, subject of lawsuit, date of entry)
 - 7.10 Confirmation issued by a regional court stating that no motion for entry into liquidation or bankruptcy was filed on the entrepreneur and no permission for settlement was issued on him: Appendix No. ... to the enquiry.
8. Name and seat of the tax advisor:
(Registration No., certificate and address)
9. Financial liabilities towards:
(State companies, tax and custom offices, National Property Fund, National Labour Office, Social Insurance Company, health insurance companies and other legal entities)
 - 9.1 Confirmation issued by a tax office stating the status of accounts for individual taxes:
Appendix No. ... to the enquiry (may be substituted by supplying confirmation about registration into the list of entrepreneurs issued by the Public Procurement Office)
 - 9.2 Confirmation issued by a labour office stating that the entrepreneur has no outstanding contributions for the unemployment insurance recorded, which are being recovered by the execution of a decision: Appendix No. ... to the enquiry (may be substituted by supplying confirmation about registration into the list of entrepreneurs issued by the Public Procurement Office)
 - 9.3 Confirmation issued by the Social Insurance Company and relevant health insurance companies to the month that the application was filed with the National Security Office, stating that the entrepreneur has no due accounts payable towards these institutions:

- Appendix No. ... to the enquiry (may be substituted by supplying confirmation about registration into the list of entrepreneurs issued by the Public Procurement Office)
- 9.4 Confirmation issued by the Customs Directorship, stating that the entrepreneur has no due accounts payable: Appendix No. ... to the enquiry
- 9.5 Confirmation about the fulfilment of financial obligations resulting from a privatisation contract, if any property was acquired by privatisation: Appendix No. ... to the enquiry
- 9.6 Review of receivables and liabilities from the business activity, the due agreed maturity of which exceeds 90 days: Appendix No. ... to the enquiry.
10. List of employees who are not citizens of the Slovak Republic:
(Name and surname, date of birth, passport No., citizenship, residential address abroad)
11. List of managing employees with whom employment was terminated:
(Name and surname, date of birth, address, work position, date and reason for the termination of employment)
12. Information about the members of statutory bodies:
- 12.1 Personal data about the statutory body (if collective body, data of a person who is authorized by the collective body for the protection of classified information):
(Name, surname, birth No., permanent address, nationality)
- 12.2 Legal entities in which the individual members of the examined entrepreneur's statutory body are executives, partners or members of supervisory boards (incl. cancelled legal entities):
(Name, company Reg. No., address, date of function as a member of statutory body)
- 12.3 Name, surname and birth No. of persons:
(With whom there is an assumption that they might become acquainted with classified information)

In on.....

.....
(Signature of the statutory body)

SECURITY ENQUIRY OF AN ENTREPRENEUR

INSTRUCTIONS FOR FILLING IN THE SECURITY ENQUIRY OF AN ENTREPRENEUR

1. The security enquiry is to be filled in the form that guarantees its permanency and the non-changeability of records in it for the entire period of its processing and safekeeping of a document and in a form that is readable by a physical person.
2. Unsuitable alternatives are to be crossed out horizontally or diagonally.
3. Potential mistakes are to be crossed out only once. All mistakes that the entrepreneur corrects in the enquiry shall be signed by a competent person on each page with a mistake.
4. All points in the enquiry are to be filled in or crossed out. If no data is available for a certain item, this item is to be crossed out.
5. If there is lack of space when filling in any data (only if filled in with a pen or typewriter), the procedure shall be as follows:
 - a) The relevant point is reproduced on A4 format paper and subsequently filled in;
 - b) Each page filled in is marked with a fraction in the right top corner (e.g., 12/1, 12/2 .../n, whilst the number in the numerator expresses the sequence number of the data being filled in and the number in the denominator expresses the sequence number of the page attached).
6. If any of the data required in the enquiry is the subject of regular reporting (e.g., review of annual statement of finances for the last five years, the authorized copy of this report is to be attached.
7. The correctness of data specified in the security enquiry is to be supported, in an appropriate way, by an original or certified copy of an original, whilst such documents should not be issued more than 3 months previously.
8. A complete list of all appendices shall form an integral part of the security enquiry, stating the date and signature of the relevant statutory body.

Annex No. 3 to Regulation No. 325/2004 (Coll.)

National Security Authority

Budatínska 30, P.O. Box 16, 850 07 Bratislava 57

Document No.:

COMMISSION

For an examination of the industrial security of an entrepreneur

Name of the entrepreneur

Pursuant to Article 4 paragraph 5 of Regulation of the National Security Authority No. 325/2004 (Coll.) on industrial security, I authorize the officers of the National Security Authority:

Name and surname of the officer, NSA card No.

to execute an examination of the entrepreneur's industrial security pursuant to Article 45 paragraph 9 of Act No. 215/2004 (Coll.) on the protection of classified information and on the amending and supplementing of certain laws, in conjunction with the application for the issue of an industrial security certificate.

In Bratislava, on.....

.....
(Director)

Annex No. 4 to Regulation No. 325/2004 (Coll.)

SECURITY PROJECT OF AN ENTREPRENEUR

Name of the entrepreneur:

Registered seat:

Identification data:

Level of security classification for which the issue of an industrial security certificate is required

- For the reference and origin of a classified information:
- For acquaintance with classified information:

.....
(Name, surname and position of the person, who approved the security project in the entrepreneur's conditions, signature, and date)

.....
(Name, surname and signature of a person that evaluated the security project on behalf of the National Security Authority, date)

In, on.....

SECURITY PROJECT OF AN ENTREPRENEUR

(Structure)

I. Security policy of the entrepreneur

1. The entrepreneur's objectives in the field of the protection of classified information.
2. Expected classified information and their specification in accordance with business intentions.
3. Macroscopic analysis of the potential risks of danger to classified information (analysis of the security environment and system surrounding the entrepreneur in relation to persons, places and technical devices).
4. Expected devices for the protection of classified information and their method of use.
5. Structure, work activities and competences of the entrepreneur's security management.

II. Security project of an entrepreneur

a) Classified information

1. Expected level of security classification
2. Scope of work with expected classified information
3. Characteristics of classified information
4. Places of occurrence of classified information within the entrepreneur's conditions

b) Sub-systems for the provision of protection of classified information

1. Personnel provision for the protection of classified information
 - 1.1 Potential risks of endangerment to classified information in terms of personnel security
 - 1.2 Implementation of security policy in the field of personnel security
 - 1.3 Organisational measures and systems of control
 - 1.4 Time schedule for the implementation (or analysis of the financial costs for its provision)
 - 1.5 List of persons (specifying the level of security classification), who will acquaint or work with the classified information or create them at the entrepreneur's premises
2. Building and physical provision of protection of classified information
 - 2.1 Potential risks of endangerment to classified information in terms of building and

- physical security
 - 2.2 Implementation of security policy in the field of building and physical security (proposed building and physical security devices and their methods of use, security documentation for the building and physical security)
 - 2.3 Organisational measures and system of control
 - 2.4 Time schedule for implementation or analysis of the financial costs for its provision
 - 3. Provision of the protection of classified information by technical devices, cryptographic information protection
 - 3.1 Potential risks of endangerment to classified information in terms of the technical devices and cryptographic information protection used
 - 3.2 Implementation of security policy in the field of information security (proposed information security devices and their methods of use, security project for technical devices, and security documentation about devices intended for cryptographic information protection)
 - 3.3 Organisational measures and control system
 - 3.4 Time schedule for implementation or analysis of the financial costs for its provision
 - 4. Administrative provision for the protection of classified information
 - 4.1 Potential risks of endangerment to classified information in terms of administrative security
 - 4.2 Implementation of security policy in the field of administrative security
 - 4.3 Provision of the protection of classified information in the field of administrative security (proposed administrative security devices and their methods of use, relevant documentation)
 - 4.4 Organisational measures and control system
 - 4.5 Time schedule for implementation, material and financial demands for its provision
- b) **System of provision of the protection of classified information**
- 1. Risks endangering the system of protection of classified information
 - 2. Organisational and control measures of the system of protection of classified information
 - 3. Total material, technical and financial provision of the protection of classified information
 - 4. Schedule for implementation of the security project of an entrepreneur

Annex No. 5 to Regulation No. 325/2004 (Coll.)

National Security Authority

Budatínska 30, P.O. Box 16, 850 07 Bratislava 57

Document No.:

COMMISSION

**For an examination of the qualification to provide protection
for the classified information of an entrepreneur**

Name of the entrepreneur

Pursuant to Article 4 paragraph 5 of Regulation of the National Security Authority No. 325/2004 (Coll.) on industrial security, I authorize the officers of the National Security Authority:

Name and surname of the officer, NSA card No.

to execute an examination of the means of implementation of a security project in the entrepreneur's conditions pursuant to Article 45 paragraph 9 of Act No. 215/2004 (Coll.) on the protection of classified information and on the amending and supplementing of certain laws, in conjunction with the application for the issue of an industrial security certificate.

In Bratislava, on

.....
(Director)