

LAW OF THE RUSSIAN FEDERATION NO. 5485-1 OF JULY 21, 1993 ON STATE SECRETS (with the Amendments and Additions of October 6, 1997, June 30, November 11, 2003, June 29, August 22, 2004, December 1, 2007)

The present Law regulates relations arising from the classification of information as a state secret, its classification as secret or declassification and protection for the benefit of the interests of the Russian Federation.

Section I. General Provisions

Article 1. The Sphere of Operation of This Law

The provisions of this Law shall be binding within the Russian Federation and beyond its borders, on the bodies of the legislative, executive and judicial powers, as well as on organisations vested in compliance with federal laws with the authority to effect in the name of the Russian Federation public administration in the established area of activity (hereinafter referred to as the bodies of state power), local self-government bodies, enterprises, institutions and organizations, regardless of their organizational structure and legal status and the form of property, and on the officials and citizens of the Russian Federation who have assumed the obligations of fulfilling the requirements of the legislation of the Russian Federation on state secrets or who are obliged to fulfil these requirements.

Article 2. Basic Concepts Used in This Law

The following basic concepts are used in this Law:

a state secret is the State's protected information in the sphere of its military, foreign policy, economic, intelligence, counter-intelligence and crime detection operations, the spread of which might be prejudicial to the security of the Russian Federation;

the carriers of information comprising a state secret are the material facilities, including physical fields, in which information making up a state secret finds its expression in symbols, images, signals, technical solutions and processes;

the system of protection of state secrets is the totality of the bodies that protect state secrets, their means and methods of protecting information constituting state secrets and its carriers, and also of the measures carried out for these purposes;

access to a state secret is the procedure for completing the individual's right to access information comprising a state secret and the rights of enterprises, institutions, and organizations to use such information;

access to information making up a state secret is the acquaintance of a defined person with such information, sanctioned by the authorized official;

the secrecy stamp embraces the requisite elements testifying to the degree of secrecy of the information contained in its bearer, these elements being put down in the bearer itself and/or in the accompanying documentation;

the means of information protection represent the software, technical, cryptographical and other equipment designed to protect information comprising a state secret, the means in which they are formed, and also the means of control over the effectiveness of information protection.

The list of intelligence making up state secret is an aggregate of the categories of intelligence under which intelligence is termed a state secret and classified on the grounds and in accordance with the procedure established by the federal legislation.

Article 3. Legislation of the Russian Federation on State Secrets

The legislation of the Russian Federation on state secrets is based on the Constitution of the Russian Federation, the Law of the Russian Federation on Security and includes the present Law, and also the provisions of other pieces of legislation regulating the relations involved in the protection of state secrets.

Article 4. Powers of the Organs of State Power and Officials in the Sphere of Classifying Information as State Secrets, and Their Protection

1. The Chambers of the Federal Assembly shall:

carry on the legislative regulation of relations in the sphere of state secrets;

consider the items of the the federal budget dealing with the expenditure on the realization of state programmes of protecting state secrets;

determine the powers of officials on the staffs of the chambers of the Federal Assembly in respect to state secret protection in the chambers of the Federal Assembly.

2. The President of the Russian Federation shall:

approve state programmes in the sphere of protecting state secrets;

approve the membership and structure of the interdepartmental commission for protecting state secrets and the regulations for it upon the proposal of the Government of the Russian Federation;

confirm the list of the officials of the organs of state power, vested with the powers of classifying information as a state secret upon the proposal of the Government of the Russian Federation, and also the List of data classified as state secrets;

conclude the treaties on behalf of the Russian Federation on the joint use and protection of information making up state secrets;

determine the powers of officials dealing with the protection of state secrets in the Administration of the President of the Russian Federation;

within the limits of its powers shall resolve other issues occurring in connection with referring intelligence to state secret, classifying or declassifying as well as protecting intelligence.

3. The Government of the Russian Federation shall:

organize the implementation of the Law of the Russian Federation on State Secrets;

submit for approval by the President of the Russian Federation the membership and structure of the interdepartmental commission for protecting state secrets and the regulations governing it;

submit for approval by the President of the Russian Federation the list of officials of the organs of state power, vested with the powers of classifying data as state secrets;

establish a procedure for compiling the List of data classified as state secrets;

organize the elaboration and implementation of state programmes in the sphere of protecting state secrets;

determine the powers of officials to protect state secrets within the apparatus of the Government of the Russian Federation;

establish the procedure for the provision of social guarantees to individuals who have been admitted to state secrets on a permanent basis and to the employees of the structural subdivisions protecting state secrets;

establish a procedure for determining the size of the damage inflicted as a result of the non-sanctioned spread of information making up a state secret, and also the damage inflicted upon the holder of information as a result of its classification;

conclude intergovernmental agreements, take measures to implement the international treaties of the Russian Federation on the joint use and protection of information comprising state secrets and adopt decisions on the possible transfer of its bearers to other States or to international organisations;

within the limits of its powers shall resolve other issues occurring in connection with referring intelligence to state secret, classifying or declassifying as well as protecting intelligence.

4. Organs of state power of the Russian Federation, bodies of state power of the subjects of the Russian Federation and local self-government bodies in cooperation with the bodies protecting state secrets and located within the boundaries of the respective territories:

shall ensure the protection of information comprising state secrets and transferred to them by other organs of state power, enterprises, institutions and organizations, and also information that is classified by them;

shall protect state secrets at the subordinate enterprises, institutions, and organizations in keeping with the requirements of the legislative acts of the Russian Federation;

shall establish the extent of the social guarantees granted to citizens who have access to state secrets on the permanent basis and to the personnel of structural subdivisions engaged in state secrets' protection at their subordinate enterprises, institutions and organisations;

shall ensure within the scope of authority thereof taking check-up measures in respect of the citizens who have access to state secrets;

shall take measures provided for by the laws for the purpose of restricting the rights of citizens and of granting social guarantees to the persons who have or have had an access to the information constituting state secret;

shall submit to the authorized bodies of state power proposals on the improvement of the system of protecting state secrets.

5. The judicial bodies shall:

examine criminal and civil cases of violations of the legislation of the Russian Federation on state secrets;

give judicial protection to individuals and organs of state power, enterprises, institutions and organizations in connection with the protection of state secrets;

protect state secrets in the course of examining said cases;

determine the powers of the officials who protect state secrets in courts of law.

Section II. The List of Intelligence Making Up State Secret

Article 5. The list of intelligence making up state secret

The state secret is:

1) the intelligence in the military sphere:

on the contents of strategic and operative plans, combat preparation documents for the preparation and conduct of operations, for strategic, operative and mobilization deployment of the Armed Forces of the Russian Federation, other troops, military formations and bodies as provided in the Federal Law on Defense, on their combat and mobilization readiness, on the setting up and using mobilization resources;

on the plans of building up the Armed Forces of the Russian Federation, other troops of the Russian Federation, the guidelines for the development of weaponry and military machinery, on the contents and results of the implementation of target programs, research and development works for the creation and modernization of the designs of weaponry and military machinery;

on the development, technology, manufacturing, production output, storage, disposal of nuclear ammunition, components thereof, fissionable nuclear materials used in nuclear ammunition, on the technical means and/or methods of protection of nuclear ammunition from unauthorized use as well as on defense-significance nuclear power and special physical plants;

on the tactical characteristics, specifications and combat application capabilities of the designs of weaponry and military machinery, the properties, formulas or manufacturing technologies for the production of new kinds of missile fuel or military-purpose explosives;

on the location, purpose, readiness degree, the degree of protection of restricted-access and especially important facilities, the designing, constructing and operating thereof as well as on the allocation of land, depths of the earth and water areas for these facilities;

on the location, actual titles, organizational structure, weapons, strength and logistic state of troops as well as the military-political and/or operative situation;

2) intelligence in the spheres of economics, science and technology:

on the contents of the plans of the preparation of the Russian Federation and its specific regions for possible military actions, on the mobilization capacities of the industry for the manufacturing and repairing weaponry and military machinery, on the volume of production output, deliveries, stockpiles of strategic types of raw materials and materials as well as the deployment, actual dimensions and the use of state material reserves;

on the use of the infrastructure of the Russian Federation for the purposes of providing defense capability and security of the state;

on the strength and means of civil defense, location, purpose and the degree of protection of administrative control facilities, on the degree of the protection of the population's security, on the functioning of transportation and communications in the Russian Federation for the purposes of providing the security of the state;

on the volumes, state defense order plans (assignments), on the manufacturing and deliveries (in monetary and physical terms) of weaponry, military machinery and other defense-purpose products, on the availability and build-up of facilities for the manufacturing thereof, on the cooperation ties between enterprises, on the designers/developers or manufacturers of the said weaponry, military machinery and other defense-purpose products;

on the science and technology achievements, research and development, design works and know-how having an important defense or economic significance and affecting the security of the state;

on the reserves of platinum, platinum metals group and natural diamonds at the State Fund of Precious Metals and Precious Stones of the Russian Federation and the Central Bank of the Russian Federation, and also on the volume of reserves in the subsoil, the extraction, manufacture and consumption of strategic types of minerals of the Russian Federation (by the list determined by the Government of the Russian Federation);

3) intelligence in the sphere of foreign policy and economics:

on the foreign political, foreign economic activities of the Russian Federation the premature disclosure of which can cause damage to the security of the state;

on the financial policy in respect to foreign states (excluding generalized foreign debt indicators) as well as financial or monetary-credit activities the premature disclosure of which can cause damage to the security of the state;

4) intelligence in the sphere of intelligence, counter-intelligence and operative investigation activities:

on the strength, means, sources, methodology, plans and results of intelligence, counter-intelligence and operative investigation activities as well as the information on the funding of these activities, should these data disclose the above intelligence;

on the persons cooperating or having cooperated on a confidential basis with the bodies performing intelligence, counter-intelligence and operative investigation activities;

on the organizations, strength, means and methodology of providing security of state guarded facilities as well as the information on the funding of these activities, should this information disclose the above intelligence;

on the system of the presidential, governmental, encrypted including coded and clandestine communications, on the codes, on the elaboration, manufacturing of codes and supplying them, on the methods and means of analyzing encryption means and special protection means, on the special-purpose information and analysis systems;

on the methods and means for protection secret information;

on the organization and actual state of the state secret protection;

on the guarding of the State Border of the Russian Federation, the exclusion economic zone and continental shelf of the Russian Federation;

on the expenditures of the federal budget relating to providing defense, security of the state and law enforcement activities in the Russian Federation;

on the personnel training,

whereby the activities pursued for the purposes of providing security of the state are disclosed.

Section III. Referring Intelligence to State Secret and Classifying Thereof

Article 6. The principles whereby intelligence is referred to state secret and classified

Referring intelligence to state secret and classifying thereof means the introduction of restrictions on the spread of information and on the access to its carriers in the order, prescribed by this Law for information making up a state secret.

Intelligence shall be referred to state secret and classified in accordance with the principles of legality, justification and timeliness.

The legality of referring intelligence to state secret and classifying thereof finds its expression in the compliance of classified information with the provisions of Articles 5 and 7 of this Law and the legislation of the Russian Federation on state secrets.

The justification of referring intelligence to state secret and classifying thereof consists in the ascertainment by expert evaluation of the expediency of the classification of concrete data, and the possible economic and other consequences of this action viewed as a balance between the interests of the State, society, and its citizens.

The timeliness of referring intelligence to state secret and classifying thereof consists in the establishment of restrictions on the spread of this information since the time of its receipt (development) or in good time.

Article 7. Intelligence Not Subject to Be Referred to State Secret and Classified

The following intelligence shall not be subject to be referred to state secret and be classified:

information about emergencies and catastrophes and their aftermaths, threatening the safety and health of private persons, and also about natural disasters, their official forecasts and consequences;

about ecology, public health, sanitation, demography, education, culture and agriculture, and also about crime;

about privileges, compensations and social guarantees granted by the State to individuals, officials, and also to enterprises, institutions, and organizations;

about violations of the rights and freedoms of Man and of citizens;

about the size of the gold and foreign currency reserves of the Russian Federation;

about the health of the leaders of the Russian Federation;

about violations of laws by organs of state power and their officers.

Officials who have made decisions on the classification of listed information or on their inclusion for these purposes in the carriers of information making up state secrets shall bear criminal, administrative, or disciplinary responsibility depending on the material or moral damage inflicted on the State, society, and individuals. Private persons shall have the right to appeal against such decisions in a court of law.

Article 8. The Degrees of Secrecy of Information and Secrecy Stamps of the Carriers of This Information

The degree of secrecy of information constituting a state secret shall correspond to the degree of the gravity of potential damage to the security of the Russian Federation due to the spread of said information.

There are three degrees of secrecy for information comprising state secrets and the corresponding secrecy stamps for the carriers of said information: "of special importance", "top secret" and "secret".

The procedure for estimating the potential damage to on the security of the Russian Federation due to the spread of information making up a state secret and the rules for referring said information to this or that degree of secrecy shall be determined by the Government of the Russian Federation.

It shall be impermissible to use the above-listed secrecy stamps for the classification of information which is not classified as a state secret.

Article 9. The Procedure for Classifying Information as a State Secret

Information shall be classified as a state secret in accordance with its branch, department, or special-purpose programme and also in accordance with the present Law.

The need to classify information as a state secret out of line with the normal principles for classification, shall be substantiated by the organs of state power, the enterprises, institutions or organizations, which have received (or elaborated) this information.

Intelligence shall be referred to state secret in accordance with the List of Intelligence Making Up State Secret as determined by the present Law, by the heads of the bodies of state power per the List of Officials Empowered to Refer Intelligence to State Secret endorsed by the President of the Russian Federation. The said persons shall bear personal responsibility for their adopted decisions on the advisability of referring concrete information to a state secret.

In order to construct a unified state policy in the sphere of classifying information, the Interdepartmental Commission for Protecting State Secrets shall form on the proposal of the bodies of state power and per the List of Intelligence Making Up State Secret a List of information referring to such secrets. The List shall be approved by the President of the Russian Federation and shall be subject to open publication, and shall be reviewed as necessary.

The organs of state power whose heads are vested with the powers of classifying information as state secrets per the List of Intelligence Referred to State Secret shall compile full-scale lists of information subject to classification. These lists shall include information disposed of by the bodies, which shall establish the degree of secrecy. Particular lists of information subject to classification may be compiled within the framework of special-purpose programmes for the development and modernization of prototype arms and military hardware, research and development works by decision of the customers which order said samples and works. These lists shall be approved by the appropriate heads of government. The expediency of the classification of such lists shall be determined by their contents.

Article 10. Restrictions on the Rights of Ownership of Classified Information by Enterprises, Institutions, Organizations, and Citizens of the Russian Federation

Officials vested in the order provided for by Article 9 of this Law, with the powers of classifying information as state secrets, shall have the right to adopt decisions on the classification of information owned by enterprises, institutions, organizations, and individuals (hereinafter referred to as the owner of information), if this information includes data included in the List state secrets. Said information shall be classified on the proposal of the owners of the information, or the relevant organs of state power.

Material damage inflicted on the owner of information in connection with its classification, shall be compensated by the State in the amounts defined in the agreement concluded between the organ of state power which disposes of the received information, and its owner. The agreement shall also provide for the obligations of the information's owner to not distribute the information. If the information owner refuses to sign an agreement, then he shall be notified of his responsibility for any non-sanctioned spread of information making up a state secret in keeping with current legislation.

The information owner shall have the right to appeal to a court of law against the actions taken by officials and infringing upon his rights, if he thinks they have been infringed.

If the court recognizes the official's actions as illegal, then the procedure for compensating the damage done to the information owner shall be determined by court decision in keeping with current legislation.

The right of ownership of information belonging to foreign organizations and foreign nationals may not be restricted, if this information was obtained (compiled) by them without contravening the laws of the Russian Federation.

Article 11. The Procedure for Classifying Information and Its Carriers

If information received (compiled) as a result of the managerial, production, scientific, or other activities of the organs of state power, enterprises, institutions, and organizations, falls within the list of information subject to classification, then it may be classified at the given enterprises, institutions, and organizations. The relevant secrecy stamp shall be conferred on the carriers of this information at the time of its classification.

If it is impossible to correlate the received (compiled) information with information contained in the effective list, then the officials of the organs of state power, the enterprises, institutions, and organizations shall temporarily classify the received (compiled) information in accordance with the anticipated degree of

secrecy and to send within a month their proposals on the addition (change) of this information to the official who has endorsed the said list.

The officials who have endorsed the effective list shall be obliged to organize within three months an expert appraisal of the received proposals and take a decision on the information's addition (change) to the effective list or on the removal of the secrecy stamp which was attached to the information beforehand.

Article 12. The Essential Elements of Information Comprising a State Secret

The following essential data shall be marked on the carriers of information comprising a state secret:

the degree of secrecy of information contained in a carrier with reference to the appropriate item of the list of information subject to classification, which is effective in the given organ of state power, the given enterprise, institution, or organization;

the organ of state power, enterprise, institution, or organization which has classified the carrier;

the registration number;

the date or condition of the declassification of information, or the event whose occurrence will result in the information's declassification.

If it is impossible to plot such essential elements on the carrier of information comprising a state secret, then this information shall be indicated in the accompanying documentation on this carrier.

If the carrier contains component parts with different degrees of secrecy, then each component part shall carry a relevant secrecy stamp, while the carrier as a whole shall carry the secrecy stamp that corresponds to the highest secrecy stamp contained therein.

In addition to the essential elements marked on the carrier, listed in this Article, the accompanying documents may contain additional marks defining the powers of officials to familiarize persons with information from this carrier. The type and procedure for putting down additional marks and other essential elements shall be determined by the normative acts of the Government of the Russian Federation.

Section IV. Declassification of Information and Its Carriers

Article 13. Procedure for Declassification of Information

Declassification of information and its carriers means the removal of restrictions, introduced earlier in the procedure, provided for by this Law, on the spreading of information comprising a state secret and on the access to its carrier.

The following circumstances are the grounds for declassifying information:

the assumption by the Russian Federation of international obligations for the open exchange of information which encompasses a state secret in the Russian Federation;

changes in the objective circumstances, as a result of which the further protection of data comprising a state secret becomes inadvisable.

The organs of state power whose leaders are vested with the powers of classifying information as a state secret, shall be obliged to review periodically, but at least once every five years, the contents of the lists of information liable to classification by the organs of state power, enterprises, institutions, and organizations, evaluating of the justification of the classification of information and its compliance with the degree of secrecy established earlier.

The period of classification for information comprising a state secret shall not exceed 30 years. In exceptional cases this period may be prolonged by decision of the Interdepartmental Commission for Protecting State Secrets.

The heads of the organs of state power shall be vested with the right to change the lists of information, approved by them and subject to classification and effective in the organs of state power, enterprises, institutions, and organizations. They shall bear personal responsibility for justifying their decisions on the declassification of information. Decisions taken by said heads and connected with changes in the list of information classified state secrets shall be agreed upon with the Interdepartmental Commission for Protecting State Secrets, which has the right to suspend and dispute these decisions.

Article 14. Procedure for the Declassification of Carriers of Information Comprising State Secrets

The carriers of information comprising state secrets shall be declassified not later than the time fixed during its classification. Before the expiration of this time-limit the carriers shall be subject to declassification if changes have been made in the list on the basis of which they have been classified, within the given organ of state power, enterprises, institution and organization.

In exceptional cases the right of prolonging the initially fixed time-limits of the classification of the carriers of information comprising state secrets shall be vested in the heads of state organs that

discharge the powers of classifying appropriate information as state secrets on the basis of the conclusion by the expert commission appointed by them in the statutory manner.

The heads of the organs of state power, enterprises, institutions, and organizations shall be vested with the powers of declassifying the carriers of information that was classified groundlessly by the subordinate officials.

The heads of the state archives of the Russian Federation shall be vested with the powers of declassifying the carriers of information comprising state secrets, kept in storage in the closed stocks of these archives, if such powers have been delegated to them by the organization that set up such stock, or by its legal successor. If the organization that set up such stock is liquidated and its legal successor is absent, then the questions of the declassification of the carriers of information comprising state secrets shall be considered by the Interdepartmental Commission for Protecting State Secrets.

Article 15. The Fulfilment of Inquiries Made by Private Persons, Enterprises, Institutions, Organizations, and Organs of State Power in the Russian Federation about the Declassification of Information

Private persons, enterprises, institutions, organizations and organs of state power in the Russian Federation shall have the right to apply to organs of state power, enterprises, institutions and organizations, including state archives, with inquiries about the declassification of information referred to a state secret.

The organs of state power, enterprises, institutions and organizations, including state archives, which have received such inquiries, shall be obliged to consider them within three months and give motivated replies on the essence of the inquiry. If they are not competent to settle the question of declassifying requested information, then the inquiry shall be transferred within a month of its receipt to the organ of state power vested with such powers, or to the Interdepartmental Commission for Protecting State Secrets. Notification about this shall be given to the private persons, enterprises, institutions, organizations, or organs of state power in the Russian Federation, which filed the inquiry.

The evasion of officials from the examination of the inquiry on its merit shall result in administrative (disciplinary) responsibility in keeping with current legislation.

The reasons for classifying information as a state secret may be appealed against with a court of law. If the court finds that information was classified without valid reasons, then this information shall be liable to declassification in the order prescribed by this Law.

Section V. Disposal of Information Comprising a State Secret

Article 16. The Mutual Transfer of Information Comprising a State Secret By Organs of State Power, Enterprises, Institutions, and Organizations

The mutual transfer of information comprising a state secret shall be effected by the organs of state power, enterprises, institutions, and organizations which are not covered by relations of subordination and which do not carry on joint works with the sanction of the organ of state power that disposes of this information in keeping with Article 9 of this Law.

The organs of state power, enterprises, institutions, and organizations which request information comprising a state secret, shall be obliged to protect this information. Their heads shall bear personal responsibility for any violations of the restrictions on disclosure of state secrets.

The fulfilment by the organs of state power, enterprises, institutions, and organizations of the requirements provided for by Article 27 of this Law, shall be an indispensable condition for the transfer of restricted information to these bodies.

Article 17. The Transfer of Information Comprising a State Secret in Connection with the Performance of Joint and Other Works

The transfer of information comprising a state secret to enterprises, institutions, organizations, or private persons in connection with the performance of joint and other works shall be effected by the customer of these works with the permission of the organ of state power which disposes of relevant information in the amount required for these works in accordance with Article 9 of this Law. Before such information is transferred, the customer shall be obliged to make sure that the enterprise, institution or organization has the license for carrying out works with the use of data, at a level corresponding to the information's degree of secrecy, while private persons have the appropriate access to state secrets.

During the performance of joint and other works (receipt of state orders) and in case of a related need for the use of information comprising a state secret, the enterprises, institutions, or organizations, including those of private property, may conclude with state-owned enterprises, institutions, or organizations, agreements on the use of the services of their structural units for the protection of a state secret, about which a corresponding note shall be made in the licenses of the two contracting parties for carrying on the works with the use of information comprising state secrets.

The agreement for joint and other works concluded in the order, established by law, provides for the mutual obligations of the parties to preserve information comprising a state secret both in the process

of these works and after their completion, and also for the conditions for financing the works (services) for the protection of information comprising state secrets.

Control over the efficient protection of state secrets during joint and other works shall be organized and exercised by the customer of these works in keeping with the provisions of the agreement concluded by the parties.

If the executor of joint and other works breaks the assumed obligations to protect a state secret, then the customer shall have the right to suspend the execution of the order until the breaches are removed. In case of repeated breaches the customer shall have the right to raise the question of annulling the order and the license for carrying on the works for the purpose of bringing the guilty persons to account. In this case the material damage inflicted by the executor to the state as represented by the customer, shall be liable to recovery in conformity with current legislation.

Article 18. The Transfer of Information Comprising a State Secret to Other States or to International Organisations

A decision on the transfer of information comprising a state secret to other States or to international organisations shall be taken by the Government of the Russian Federation, if there is an expert opinion of the Interdepartmental Commission for Protecting State Secrets on a possible transfer of this information.

The agreement shall provide for the obligations of the receiving party to protect the transferred information.

Article 19. Protection of Information Comprising a State Secret in Case of Changed Functions of the Subjects of Legal Relations

In case of changes in the functions, forms of property, liquidation, or termination of works using information comprising a state secret, the organs of state power, enterprises, institutions, and organizations which possess information constituting state secrets, shall be obliged to take measures in order to protect this information and its carriers. In this case the carriers of such information shall be destroyed in the statutory manner or deposited in archives, or transferred to:

the legal successor of the organ of state power, the enterprise, institution, or organization that possesses information comprising a state secret, if this legal successor has the powers of carrying out the works with the use of said information;

the organ of state power which disposes of appropriate information in accordance with Article 9 of this Law;

another organ of state power, enterprise, institution, or organization, by direction of the Interdepartmental Commission for Protecting State Secrets.

Section VI. Protection of State Secrets

Article 20. Bodies Protecting State Secrets

The bodies that protect state secrets include:

the Interdepartmental Commission for Protecting State Secrets;

the federal executive body authorised in the sphere of security, the federal executive body authorised in the sphere of defence, the federal executive body authorised in the sphere of foreign intelligence, the federal executive body authorised in the sphere of the counteraction against technical secret services and the technical protection of information and their territorial agencies;

the organs of state power, enterprises, institutions, and organizations and their structural subdivisions that protect state secrets.

The Interdepartmental Commission for Protecting State Secrets is a collegiate body that coordinates the activity of the organs of state power for the protection of state secrets in the interests of elaborating and implementing the state programmes of normative and methodological documents which guarantee the realization of the legislation of the Russian Federation on State Secrets. The functions of the Interdepartmental Commission for Protecting State Secrets and its extra-departmental powers shall be realized in keeping with the rules of the Interdepartmental Commission for Protecting State Secrets, approved by the President of the Russian Federation.

The federal executive body authorised in the sphere of security, the federal executive body authorised in the sphere of defence, the federal executive body authorised in the sphere of foreign intelligence, the federal executive body authorised in the sphere of the counteraction against technical secret services and the technical protection of information and their territorial agencies shall organise and provide the protection for state secrets in accordance with the functions charged by the legislation of the Russian Federation.

The organs of state power, enterprises, institutions, and organizations shall protect information comprising state secrets in keeping with their tasks and within their jurisdictions. The responsibility for organizing the protection of information comprising state secrets held by enterprises, institutions, and organizations shall be borne by their managers. Depending on the volume of work done with the use of information comprising a state secret, the heads of the organs of state power, enterprises, institutions, and organizations shall set up structural units for the protection of state secrets. The functions of these units shall be determined by said heads in conformity with the normative documents endorsed by the Government of the Russian Federation and with specific account of their works.

The protection of a state secret is a variety of the basic activity of an organ of state power, enterprise, institution, or organization.

Article 21. Access of Officials and Private Persons to State Secrets

Officials and citizens of the Russian Federation shall have access to state secrets upon request.

The access of persons with double citizenship, stateless persons, and also foreign nationals, emigrants and re-emigrants to state secrets shall be effected according to the procedure set by the Government of the Russian Federation.

The access of officials and private persons to a state secret provides for the following:

the assumption of obligations to the State to not-disclose information comprising a state secret;
consent to partial and temporary restrictions on their rights in accordance with Article 24 of this

Law;

written consent after investigations carried out by authorized bodies;

the determination of types, levels, and procedures for exercise of the social guarantees provided for by this Law;

familiarization with the norms of the legislation of the Russian Federation on state secrets, which stipulates responsibility for infractions;

the adoption of a decision by the head of an organ of state power, enterprise, institution, or organization on the access of the relevant person to information comprising a state secret.

The scope of an official investigation depends on the degree of secrecy of the information which the applicant seeks. The checks shall be carried out in accordance with the legislation of the Russian Federation. Their purpose is to disclose the grounds provided for by Article 22 of this Law.

The following social guarantees shall be introduced for officials and private persons accessible to state secrets on a permanent basis:

percentage wage markups depending on the degree of secrecy to which these persons have access;

the priority right to receive an open job, with other things being equal, when organs of state power, enterprises, institutions, and organizations carry out organizational and/or staff arrangements.

A percentage wage markup for the record of service in the structural subdivisions set up for the protection of state secrets, shall be introduced for their workers in addition to the social guarantees established for the officials and private persons who have had access to state secrets on a permanent basis.

The mutual obligations of the management and the relevant person shall be reflected in a labour contract. It shall be impermissible to conclude a labour contract before the completion of a security check by competent bodies.

There are three forms of access of officials and private persons to state secrets, which correspond to the three degrees of secrecy of information comprising state secrets: information of special importance, top secret or secret. Access to information of a given degree of secrecy includes access of officials and private persons to information at lower degrees of secrecy.

The periods of time, circumstances, and the procedure for persons' access to state secrets, shall be established by the normative documents endorsed by the Government of the Russian Federation.

During a declared state of emergency the procedure for access of officials and private persons to state secrets may be altered by the President of the Russian Federation.

Article 21(1). The special procedure for granting access to state secret

The members of the Federation Council, the deputies of the State Duma, judges for their term in office as well as the lawyers taking part as barristers at law in criminal proceedings on the cases relating to the intelligence making up state secret shall be granted access to the intelligence making up state secret without the conduct of the check-up actions as specified in Article 21 of the present Law.

The said persons shall be warned of the non-disclosure of the state secret of which they became aware in connection with their performing their functions and of them being legally accountable, should they disclose the secret, this undertaking being made out by them in writing in appropriate form.

In such cases the security of state secret shall be guaranteed by means of establishing of the legal accountability of the said persons under a federal law.

Article 22. Grounds for Refusal to Admit Officials or Private Persons to State Secrets

The grounds for refusal to admit officials or private persons to state secrets may include:

- the recognition of them as legally incapable, restrictively capable or recidivists, their judicial or investigative custody for the commission of state crimes and other grave offences, and the previous conviction for such crimes;
- the presence of medical counterindications for the work with the use of information comprising a state secret according to the list, approved by the federal executive body authorised in the sphere of health protection and social development;
- the permanent residence of these persons and/or their close relatives abroad and/or the completion by said persons of documents for the departure to other States for living there on a permanent basis;
- the disclosure from security checks of actions by the relevant person which threatens the security of the Russian Federation;
- the evasion of checks and/or the presentation of deliberately falsified biographical particulars.

A decision to refuse to admit an official or a private person to a state secret shall be taken by the head of the organ of state power, enterprise, institution, or organization in individual procedure with due account of the results of appropriate security checks. A private person shall have the right to appeal against this decision with a higher organization or a court of law.

Article 23. The Conditions for Terminating an Official's or a Private Person's Access to a State Secret

The access of an official or a private person to a state secret may be terminated by decision of the head of an organ of state power, enterprise, institution, or organization in the following cases:

- the cancellation of a labour contract with him in connection with organizational and/or staff arrangements;
- a violation of the obligations assumed by him under the labour contract, for the protection of a state secret;
- the appearance of any of the circumstances that serve as grounds for the refusal to make an official or a private person accessible to a state secret pursuant to Article 22 of this Law.

The termination of the access of an official or a private person to a state secret shall be an additional ground for cancelling the labour contract with him, if such conditions are provided for by the contract.

The termination of access to a state secret shall not absolve the official or the private person from his obligation not to disclose information comprising a state secret.

A decision taken by the management to terminate an official's or a private person's access to a state secret on the cancellation of a labour contract with him, may be appealed to a higher organization or a court of law.

Article 24. Restriction of the Rights of Officials or Private Persons Who Were Given Access to a State Secret Earlier

Officials or a private person who were given access to a state secret earlier may have their rights temporarily restricted. The restrictions may affect:

- the right to depart for abroad, for a period specified in a labour contract granting the person's access to a state secret;
- the right to spread information comprising state secrets, and to use discoveries and inventions that contain such information;
- the right to privacy, during security checks preparatory to granting the access to a state secret.

Article 25. The Organization of Access by Officials or Private Persons to Information Comprising State Secrets

The access of an official or a private person to information comprising a state secret shall be organized by the head of the respective organ of state power, the enterprise, institution, or organization, and also by their structural units protecting state secrets. The procedure for access by an official or a private person to information comprising a state secret shall be established by the normative documents approved by the Government of the Russian Federation.

The heads of the organs of state power, the enterprises, institutions, and organizations shall bear personal responsibility for the creation of such conditions in which the officials or private persons concerned familiarize themselves with information comprising a state secret only in such scope as is necessary for the discharge of their official (functional) duties.

Article 26. Responsibility for Infractions of the Legislation of the Russian Federation on State Secrets

Officials and private persons who are guilty of violating the legislation of the Russian Federation on state secrets shall bear criminal, administrative, civil, or disciplinary responsibility in keeping with current legislation.

Appropriate bodies of state power and officials thereof shall act in consideration of the expert statements on referring the illegally disseminated intelligence to the intelligence making up state secret, such statements having been prepared in accordance with the established order.

The rights and lawful interests of private persons, the organs of state power, the enterprises, institutions, and organizations in the sphere of operation of this Law shall be protected by courts of law or by other procedures stipulated in this Law.

Article 27. Access of Enterprises, Institutions, and Organizations to Works Employing Use of Information Comprising a State Secret

The access of enterprises, institutions and organizations to works associated with the use of information comprising state secrets, the creation of information protection facilities, and also with the implementation of measures and/or the rendering of services for the protection of state secrets, shall be conducted only upon receipt of licenses for works with the use of information of the corresponding degree of secrecy, in the procedure established by the Government of the Russian Federation.

A license for said works shall be issued on the basis of the results of a special expert examination of the enterprise, institution, or organization and of the state certification of their managers who are responsible for the protection of information comprising state secrets. The expenses of these measures shall be borne by the enterprises, institutions, and organizations which receive such a license.

A license for works with the use of information comprising a state secret shall be issued to enterprises, institutions, and organizations, if they meet the following conditions:

the satisfaction of the requirements of normative documents approved by the Government of the Russian Federation, for the protection of information comprising a state secret in the process of the works associated with the use of said information;

the presence in their structure of departments devoted to the protection of state secrets and of specially trained officials for their protection, whose number and level of skill suffice to protect the state secrets;

the presence of certified information protection facilities.

Article 28. Procedure for the Certification of Information Protection Facilities

The information protection facilities shall have a certificate of their compliance with the requirements for the protection of information of the corresponding degree of secrecy.

The certification of the information protection facilities shall be organized by the federal executive body authorised in the sphere of the counteraction against technical secret services and of the technical protection of information, the federal executive body authorised in the sphere of ensuring security, and the federal executive body authorised in the sphere of defence in accordance with the functions entrusted to them by the legislation of the Russian Federation. The certification shall be carried out on the basis of the requirements of the state standards of the Russian Federation and other normative documents, approved by the Government of the Russian Federation.

The organization of the certification of the information protection facilities shall be coordinated by the Interdepartmental Commission for the Protection of State Secrets.

Section VII. The Financial of Measures for the Protection of a State

Article 29. Financing Measures for the Protection of a State Secret

The activity of the organs of state power, state-run enterprises, institutions, organizations, and their structural units for the protection of state secrets, as well as social guarantees provided for by this Law shall be financed from the resources of the federal budget, of the budgets of the subjects of the Russian Federation and of local budgets, whereas the activity of other enterprises, institutions, and organizations shall be financed from the resources received from their basic operations with the use of information comprising a state secret.

Monetary resources for the financing of state programmes of protecting state secrets shall be provided for by the federal budget of the Russian Federation in a separate line.

Control over the spending of the funds appropriated for protection of state secrets, shall be exercised by the heads of the organs of state power, of the local self-government bodies, the enterprises, institutions, and organizations, by the customers of works, and also by the representatives of the Ministry of Finance of the Russian Federation specially authorized therefor. If this control is associated with access to information comprising a state secret, then the above-listed persons shall have access to information of the corresponding degree of secrecy.

Section VIII. Control and Supervision over the Protection of State Secrets

Article 30. Control of Ensuring the Protection of State Secret

Control of ensuring the protection of state secret shall be performed by the President of the Russian Federation, the Government of the Russian Federation within the competence determined by the Constitution of the Russian Federation, the federal constitutional laws and federal laws.

Article 31. Interdepartmental and Departmental Control

Interdepartmental control over the protection of state secrets in the organs of state power, the enterprises, institutions, and organizations shall be exercised by the federal executive body authorised in the sphere of security, the federal executive body authorised in the sphere of defence, the federal executive body authorised in the sphere of foreign intelligence service, the federal executive body authorised in the sphere of the counteraction against technical secret services and of the technical protection of information, and their territorial agencies, which exercise this function in accordance with the legislation of the Russian Federation.

The organs of state power vested with the powers of disposing of information comprising state secrets in keeping with the present Law, shall be obliged to control the efficacy of the protection of this information in all the organs of state power subordinate to them, and in the institutions and organizations which carry on work with them.

Control of ensuring the protection of state secret in the Administration of the President of the Russian Federation, in the staffs of the chambers of the Federal Assembly, the Government of the Russian Federation shall be organized by the heads thereof.

Control over the protection of state secrets in courts of law and procurator's offices shall be organized by the heads of these bodies.

Article 32. Supervision by the Procurator's Office

Supervision over the observance of legislation during the protection of state secrets and the legality of decisions taken in the process shall be exercised by the Procurator-General of the Russian Federation and the procurators subordinate to him.

The access of persons who exercise procuratorial supervision to information comprising a state secret shall be provided in accordance with Article 25 of this Law.

President of the Russian Federation

Boris Yeltsin

Moscow, the House of Soviets of Russia