

Bucharest 25 July 2002. No. 781 – Unofficial Translation

**GOVERNMENT DECISION No.781/25 JULY 2002
ON THE PROTECTION OF RESTRICTED INFORMATION**

Based on the provisions of Art. 107 of the Romanian Constitution, of Art. 31 paragraph (1), Art. 32 and Art. 42, letter h) of Law no. 182/2002 on the protection of classified information, the Government of Romania enacts the following Decision:

ART.1

The national standards for the protection of classified information in Romania, endorsed by the Government Decision no. 585/2002, shall apply accordingly, to the “secret de serviciu” (restricted) information regarding:

- a) classification, declassification and minimum protective measures;
- b) rules of accountability, drawing up, maintenance, processing, reproduction, handling, transportation, transmission and destruction;
- c) obligations and liabilities of the heads of authorities and public institutions, economic units and other legal persons;
- d) access of foreign, Romanian and other states’ citizens as well as stateless individuals to classified information and to places where such activities are developed, objects are displayed or works of this category are carried out.
- e) exercise of control on the protective measures.

ART.2

- (1) In order to identify the “secret de serviciu” (restricted) documents, their registering number shall be preceded by the letter S, and each page shall be marked with “secret de serviciu” (restricted).
- (2) The “secret de serviciu” (restricted) information, kept in files, and in distinct volumes shall be marked on the cover and on the title page.

ART.3

The recording of the “secret de serviciu” (restricted) documents shall be made separately from the “secret de stat” (state secret) and

unclassified documents, in a specially designated register, whose model is shown in Annex 1.

ART.4

Removal of “secret de serviciu” (restricted) information from the premises of the organization holding such information, without the approval of the head of the organization is completely forbidden.

ART.5

The positions requiring access to “secret de serviciu” (restricted) information shall be established by the head of the organization holding such information.

ART.6

- (1) Access of the personnel to “secret de serviciu” (restricted) information shall be allowed only upon a written authorization issued by the head of the organization, whose model is shown in Annex 2.
- (2) The security structure/officer shall keep the record of the authorizations for access to “secret de serviciu” (restricted) information in a Register for the accountability of the access authorizations to “secret de serviciu” (restricted) information, whose model is shown in Annex 3.

ART.7

- (1) In order to be issued an authorization for access to “secret de serviciu” (restricted) information, the individual, who is going to take a position implying access to such information, shall submit to the security structure/officer, in compliance with the law, recommendations and references regarding his/her trustworthiness and professionalism from the senior staff whom he/she responds to, or from authorized representatives of other legal persons, as the case may be, and shall sign a confidentiality commitment.
- (2) After verifying the authenticity of the documents mentioned at paragraph (1), the security structure/officer shall submit to the head of the organization proposals regarding the suitability of issuing the authorization for access to “secret de serviciu” (restricted) information.

ART.8

- (1) Withdrawal of the authorization for access to “secret de serviciu” (restricted) information shall be done by the head of the organization holding such information, in the following cases:
 - (a) when the working or job relations between the organization and the holder of the authorization or the public dignity quality cease;
 - (b) when the attributions specific to the job for which the holder of the authorization has been employed do not suppose access to such information any more;
 - (c) when the holder of the authorization has infringed the regulations on the protection of the “secret de serviciu” (restricted) information.
- (2) After the authorization for access to “secret de serviciu” (restricted) information has been withdrawn, the security structure /officer shall destroy it, based on a decision sheet.

ART.9

Access of foreign, Romanian and other states' citizens, as well as of stateless citizens to “secret de serviciu” (restricted) information shall be allowed under the terms of the national Standards on the protection of classified information in Romania, based on the special access authorization.

ART.10

Transportation of the “secret de serviciu” (restricted) information shall be made according to the regulations in the field, established under Government Decision.

ART.11

- (1) In case of compromise of “secret de serviciu” (restricted) information, the heads of the organizations holding such information shall order administrative investigations so as to determine the circumstances under which this occurred, the responsibilities and the possibilities of its retrieval or limitation of damage.
- (2) The organizations holding “secret de serviciu” (restricted) information shall immediately made known, based on material competences, the cases of compromise of such information to

the institutions with attributions of coordination and control of the measures regarding the protection of classified information.

- (3) The organizations holding “secret de serviciu” (restricted) information may appeal to law courts in order to recover the damage caused by the compromise of such information.

ART.12

Failure to observe the provisions of this Decision shall entail disciplinary, contravention, civil and criminal liabilities, under the terms of the law.

ART.13

(1) The sanctions provided in the Government Decision no. 585/2002 shall also apply if the norms regarding the protection of “secret de serviciu” (restricted) information are not observed as long as they refer to the obligations resulted from the activities stated in Art. 1

(2) The contravention fines, in case of infringement of the norms on the protection of “secret de serviciu” (restricted) information, shall be reduced to one half, without placing the special minimum limits thus established, under the general minimum limits stipulated by the law.

ART.14

Failure to observe the provisions of Art.4 and Art.6 paragraph (1) shall be considered a contravention and sanctioned with a warning or a fine between 500.000 to 10.000.000 lei.

ART.15

Within 60 days from the date when this Decision was published in the Official Journal of Romania, Part. I, the authorities and public institutions, economic units with integral or partial share capital and all the other public or private legal persons managing “secret de serviciu” (restricted) information shall issue their own norms of enforcement of this Decision.

ART.16

Annexes 1- 3 are integrant part of this Decision.