

GOVERNMENT OF ROMANIA

EMERGENCY ORDINANCE no. 153/2002

on the organization and functioning of the National Registry Office for Classified Information

Based on art. 114 paragraph (4) of the Constitution,

The Government of Romania enacts this Emergency Ordinance:

Art. 1. – (1) The National Registry Office for Classified Information, hereinafter ORNISS, is organized and functions as a public institution with legal power, subordinated to the Government and directly coordinated by the Prime Minister, with authority at national level in the field of classified information security.

(2) ORNISS ensures the unitary implementation at national level of the security measures for national classified information, as well as for the equivalent information which is subject to bilateral or multilateral treaties, conventions and agreements to which Romania is part of.

(3) ORNISS represents the national liaison body for classified information with NATO Office of Security (NOS), with similar security structures of the North-Atlantic Alliance member and partner states, as well as with those structures of the states with which Romania has signed treaties, conventions or agreements on the protection of classified information.

(4) ORNISS performs regulation, authorization, accounting and control tasks in compliance with the provisions of Law no.182/2002 on the protection of classified information, of the National Standards on the protection of classified information in Romania, endorsed by Government Decision no. 585/2002, and of the Norms of the North Atlantic Treaty Organization on the protection of classified information in Romania, endorsed by Government Decision no. 353/2002.

To this end, ORNISS:

- a) organizes the accountability of lists and information classified as SECRETE DE STAT(state secret), of the maintenance periods in the classification levels, of the personnel cleared and authorized to manage information classified as SECRETE DE STAT, and of the records of authorizations from the bodies holding or using classified information;
- b) draws up norms, instructions and procedures on the protection of the national classified information and respectively on the protection of the North Atlantic Treaty Organization's classified information, hereinafter NATO;
- c) ensures the observance of both national and NATO standards on the management of classified documents;
- d) cooperates with public institutions, including those which, in compliance with the law, perform tasks related to the protection of classified information;

- e) approves the issuance of personnel security clearances for access to national classified information;
- f) issues personnel security clearances for access to NATO classified information and for the participation in activities organized within the North-Atlantic Alliance;
- g) settles the security requirements for the special rooms and containers, for locking mechanisms, cipher combination systems and padlocks and approves their usage for the storage of information classified as SECRETE DE STAT according to the law;
- h) organizes and coordinates the training of the security structures and officers in the legal entities managing classified information;
- i) issues, under the terms stipulated in the national standards, special authorizations for photographing, filming, map-drawing or producing works of fine arts on the Romanian territory, in premises or places with special relevance for the protection of classified information;
- j) ensures, through specialized agencies, the implementation of the National Standards on the protection of classified information in Romania and of the Norms on the protection of the North Atlantic Treaty Organization's classified information in Romania which refer to the protection of classified information stored within the systems of electronic processing and transmission of data;
- k) coordinates the unitary implementation, at national level, of the protective measures for classified information in the industrial field;
- l) issues authorizations and facility security clearances in compliance with the standards in the field;
- m) organizes the accountability of the industrial security authorizations and facility security clearances at national level;
- n) organizes and controls the National Registry System (NRS) which is based on the Central Registry;
- o) ascertains the cases of non-observance of the legal security provisions which may induce risks for the security of classified information, informs the Prime Minister in due time and takes the necessary legal measures;
- p) endorses the departmental international agreements related to the protection of classified information;
- q) coordinates, at the Prime Minister's order, the activities required for the negotiation and signing of international agreements in the field of classified information protection;
- r) accredits and reaccredits the systems for the protection of classified information.

Art. 2. – (1) In order to perform its tasks, ORNISS is empowered to ask for the necessary information from the heads of the authorities and public institutions, of

economic units with integral or partial state share capital and from other legal public or private persons.

(2) The heads of the public authorities and institutions, of economic units with integral or partial state share capital or other legal public or private persons shall provide ORNISS with all the necessary data and information related to the protection of classified information within their sphere of activity, with the exception of the cases stipulated by law.

Art. 3. – (1) ORNISS is managed by a director general with the rank of Secretary of State appointed under the Prime Minister's decision, with the approval of the Supreme Defense Council.

(2) The salary of the director general is established according to item no.5 of the Annex no. II/2 to the Law no.154/1998 on the setting up of the basic wage system in the public budget sector and of the allowances for persons holding dignity positions, with further amendments and completions.

(3) The director general notifies the Supreme Defense Council annually and whenever necessary of the activity deployed by ORNISS.

(4) The director general submits to the Prime Minister, annually and whenever necessary, briefings, assessments and analyses of the activity in the field, as well as firm propositions for recovering the deficiencies found and for the improvement of the specific activity.

(5) The director general authorizes the spending of budgetary funds and represents ORNISS in the relationship with the public authorities and institutions, Romanian or foreign legal or natural persons.

(6) As senior manager of ORNISS, the director general issues orders and decisions, in compliance with the legal regulations in force.

Art. 4. – (1) The director general is assisted by a Steering Council which acts in the capacity of an advisory body.

(2) The Steering Council functions in conformity with the regulations endorsed by the Prime Minister, at the director general's proposal.

(3) The members of the Steering Council are appointed under the Prime Minister's decision, at the director general's proposal.

Art. 5. – (1) The organization chart, the internal organization and functioning rules and the staffing schedule of ORNISS, up to and including the directorates, are approved by the Prime Minister, at the director general's proposal, without exceeding the approved number of positions.

(2) Sectors, compartments or offices can be set up accordingly within the directorates, with the director general's approval.

(3) The maximum number of positions in ORNISS is 125, not including the director general and his staff.

Art. 6. – The pay wages for the managing and subordinate staff of ORNISS shall be established according to chapter II of the annex no. I, annex no. V/2 and annex no. VI of the Government Emergency Ordinance no.24/2000 on the setting up of the basic wage system for the contractual personnel of the budgetary sector, with further amendments and completions.

Art. 7. – The personnel of ORNISS benefit from the basic wages set up according to art. 6, from other wage rights stipulated by law for the personnel of central public authorities, as well as from a confidentiality allowance up to 25% of the basic salary.

Art. 8. – In view of fulfilling its attributions, ORNISS manages and uses proper locations, equipment and systems for receiving, processing, storage and transmission of information.

Art. 9. – The number of vehicles and the monthly fuel consumption for the cars of ORNISS is settled according to the legal provisions in force.

Art. 10. – (1) The financing of current and capital expenses of ORNISS shall be made from the state budget.

(2) The necessary funds in 2002 necessary for financing the expenses related to the organization and functioning of ORNISS are provided by the budgetary Reserve Fund, under the Government's disposal for the year 2002, and shall not exceed 3,800,000 thousand lei.

(3) The Ministry of Public Finance is empowered to include the appropriate modifications in the state budget amount and structure for the year 2002.

Art. 11. – The attributions of the National Security Authority, established by the Government Resolution no. 864/2000 regarding the setting up, organization and functioning of the National Security Authority shall be taken over by ORNISS within 60 days from the date when the present Emergency Ordinance comes into force.

Art. 12. – (1) The Government Resolution no. 845/2002 on the organization and functioning of the National Registry Office for Classified Information, published in the Official Journal of Romania, Part I, no. 624 / August, 23rd 2002 is abrogated at the date when the present Emergency Ordinance comes into force.

(2) At the date when the attributions referred to under art.11 are taken over, the Government Decision no. 864 / 2000 on the setting up, organization and functioning of the National Security Authority, published in the Official Journal of Romania, Part I, no. 495 / October 10th 2000, as well as any other contrary provisions shall be abrogated.