

LAW No. 182 of April 12, 2002
on the protection of classified information

ISSUED BY: The Parliament of Romania

PUBLISHED: The Official Gazette of Romania No. 248 of April 12, 2002

Enforcement date: June 11, 2002

Consolidated form valid on March 13, 2024

This consolidated form is valid as of June 30, 2015, until March 13, 2024

*) Note CTCE:

The consolidated form of LAW No.182 of April 12, 2002, published in the Official Gazette No. 248 of April 12, 2002, on March 13, 2024 includes all the amendments and supplements introduced by: Emergency Ordinance No. 16 of March 9,2005; LAW No. 268 of October 1,2007; LAW No. 255 of July 19, 2013; LAW No. 167 of June 29, 2015.

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The Parliament of Romania adopts the present law.

CHAPTER I

General Provisions

SECTION 1

Principles

ART. 1

The purpose of this Law is to protect classified information and the confidential sources that provide it. The protection of such information is ensured by establishing the national system for the protection of classified information.

ART. 2

(1) Access to public information is granted by law.

(2) Access to classified information shall be granted only under the circumstances and terms provided by the law, with the observance of the legal procedures.

ART. 3

No provision of the present Law shall be deemed as limiting the access to information of public interest or as eluding the provisions of the Constitution, the Universal Declaration on Human Rights, agreements or other treaties relating to the right to receive and disclose information, to which Romania is part.

ART. 4

The main objectives for the protection of classified information are:

a) to protect classified information against actions of espionage, compromise or unauthorized access, distortion or alteration of its content, as well as against sabotage and unauthorized damage;

b) to ensure the security of information systems and systems for transmitting classified information.

ART. 5

The enforcement of this law shall provide means to:

- a) prevent unauthorized access to classified information;
- b) identify circumstances and individuals who, by their actions, may endanger the security of classified information;
- c) ensure that classified information is disclosed exclusively to those entitled to know it, according to the law;
- d) ensure the physical protection of classified information and of the personnel required for protecting classified information.

ART. 6

(1) The national standards for the protection of classified information are mandatory and shall be established by the Romanian Intelligence Service, only with the approval of the National Security Authority.

(2) The standards from Paragraph (1) shall be consistent with the national interest as well as with NATO criteria and recommendations.

(3) In case of a dispute between domestic and NATO standards on the protection of classified information, NATO standards shall prevail.

ART. 7

(1) The individuals who shall have access to information classified as state secret shall be subject to a prior clearance procedure for vetting their loyalty and professionalism in handling such information.

(2) For candidates to public office positions that involve handling classified information, as well as the competence to authorize access to such information, the vetting procedure shall be conducted prior to their appointment, at the request of the vesting authority.

(3) The vetting procedures are the mandatory vetting procedures for the persons who work for the National Security Authority, who handle NATO classified information, according to the equivalence between the classification levels as provided by this Law.

(4) Access to information classified as state secret and restricted information under Art. 15 Subparagraphs d) and e) shall be guaranteed, subject to validation of the election or appointment and taking of the oath, for the following categories of persons:

- a) the President of Romania;
- b) the prime-minister;
- c) ministers;
- d) deputies;
- e) senators;
- f) judges;
- g) prosecutors;
- h) assistant magistrates of the High Court of Cassation and Justice who, in accordance with their specific duties, are entitled to have access to classified information without undergoing the procedures provided in Paragraphs (1) to (3), respectively in Article 28, based on the internal procedures of the institutions of which they are part, approved by the Office of the National Register of State Secret Information, after having become aware of their responsibilities regarding the protection of classified information and having signed the written commitment to secrecy provided in Article 36 Paragraph (3).

(on February 1, 2014 Paragraph (4) of Article 7 was amended by Paragraph 1 of Article 51 of the LAW No. 255 of July 19, 2013 published in the OFFICIAL GAZETTE No. 515 of August 14, 2013.)

(5) For judges, prosecutors and assistant magistrates of the High Court of Cassation and Justice, the internal procedure provided in Paragraph (4) is established by regulation issued by the Superior Council of Magistracy and endorsed by the National Register of State

Secret Information.

(on February 1, 2014 Paragraph (5) of Article 7 was inserted by Paragraph 2 of Article 51 of the LAW No. 255 of July 19, 2013 published in the OFFICIAL GAZETTE No. 515 of August 14, 2013.)

ART. 8

The personnel specifically designated to ensure the protection of classified information shall regularly participate in a permanent training and further training system, in accordance with the national protection standards.

ART. 9

The protection of classified information refers to:

- a) legal protection;
- b) protection by procedural measures;
- c) physical protection;
- d) protection of personnel with access to classified information or designated to ensure its security;
- e) the protection of information-generating sources.

ART. 10

(1) The institutions holding or handling classified information shall keep a record of the security clearances issued under signature to their personnel.

(2) Each security clearance shall be rechecked whenever necessary in order to ensure that it complies with the standards applicable to the positions filled by those individuals.

(3) Reviewing the security clearance shall be mandatory and shall be a priority whenever there are indications that maintaining it is no longer consistent with the security interests.

ART. 11

Access to buildings and IT infrastructure where classified information activities are carried out or where such information is stored is allowed only in authorized situations.

ART. 12

Standards for the protection of classified information entrusted to persons or organizations outside governmental structures shall be unconditionally consistent with those established for such structures.

ART. 13

Requests for security clearance certificates for persons with direct responsibilities in the field of the protection of classified information is mandatory.

ART. 14

The Supreme Council of National Defense ensures the coordination of all classified information protection programs at national level.

SECȚIUNEA 2

Definitions

ART. 15

For the purpose of this Law, the terms below are defined as follows:

- a) information - any documents, data, objects or activities regardless of their frame/ maintained in any medium, form, way of expression or, form, way of expression and circulation;
- b) classified information - information, data, documents of interest for national security, which, due to the levels of importance and the consequences that would occur as a result of unauthorized disclosure or dissemination, must be protected;
- c) classification levels are: state secret and restricted information;
- d) state secret information - information concerning national security, the disclosure of which may harm the national security and the defense of the country;

e) restricted information - information the disclosure of which may harm a legal person governed by public or private law;

f) security levels shall be assigned to state secret classified information and shall be:

- top secret - information the unauthorized disclosure of which reasonably could be expected to cause exceptionally grave damage to the national security;

- secret - information the unauthorized disclosure of which reasonably could be expected to cause serious damage to the national security;

- confidential - information the unauthorized disclosure of which reasonably could be expected to cause damage to the national security;

g) legal protection - the set of constitutional norms and other legal provisions in force governing the protection of classified information;

h) protection by procedural measures - the set of norms by which issuers and holders of classified information establish internal working and domestic order measures intended to protect information;

i) physical protection - all safeguard, security and defense activities, by physical control measures and devices and by technical means, of classified information;

j) protection of personnel - all vetting procedures and measures applied to individuals who carry out tasks related to classified information in order to prevent and eliminate security risks for the protection of classified information;

k) security clearance certificates - documents certifying the vetting and authorization of an individual to hold, have access to and handle classified information.

l) geospatial products - analog or digital products obtained by processing geospatial information, such as maps consisting of topographical, cadastral and thematic plans, topographical, cadastral and thematic maps and/or aerophotogrammetric records, ortho-rectified images, orthophotoplanes and orthophotomaps;
(on July 03, 2015 Paragraph l) of Article 15 was inserted by item 1 of the sole article of LAW No. 167 of June 29, 2015, published in the OFFICIAL GAZATTE No. 473 of June 30, 2015.)

m) aerophotogrammetric recording - analog or digital recording using active and/or passive airborne sensors in the electromagnetic spectrum;
(on July 03, 2015 Subparagraph m) of Article 15 was inserted by item 1 of sole article of LAW No. 167 of June 29, 2015, published in the OFFICIAL GAZATTE No. 473 of June 30, 2015.)

n) airborne sensors of any type - analog or digital equipment, installed on an airborne platform that detects, indicates and/or records objects or phenomena by means of energy or particles emitted, reflected or modified by various objects.
(on July 03,2015 Subparagraph n) of Article 15 was inserted by item 1 of sole article of LAW No. 167 of June 29, 2015, published in the OFFICIAL GAZATTE No. 473 of June 30, 2015.)

CHAPTER II

State Secret Information

ART. 16

The protection of state secret information is an obligation incumbent on authorized persons who issue, manage or take possession of it.

ART. 17

State secret information includes information representing or relating to:

a) national defense system and its essential elements, military

operations, manufacturing technologies, characteristics of weapons and combat techniques used exclusively within the national defense system;

b) military plans and devices, manpower and missions of the forces engaged;

c) the state cipher and other cryptological elements established by the relevant public authorities, as well as the activities related to their construction and use;

d) the organization of systems for the protection and defense of objectives, sectors and special and military computer networks, including their security mechanisms;

e) data, schemes and programs relating to special and military communication systems and computer networks, including their security mechanisms;

f) information activity carried out by public authorities established by law for the defense of the country and national security;

g) the means, methods, technique and working equipment, as well as specific sources of information used by the public authorities carrying out the information activity;

h) geospatial products, except for aerophotogrammetric recordings, where content of national security relevance is represented; (on July 03, 2015 Subparagraph h) of Article 17 was amended by item 2 of the sole article in LAW No.167 of June 29, 2015, published in the OFFICIAL GAZETTE No. 473 of June 30, 2015.)

h¹) aerophotogrammetric recordings obtained with airborne sensors of any type operating in the electromagnetic spectrum, with spatial resolution less than 15 cm, and aerophotogrammetric recordings obtained with active digital airborne sensors containing more than 9 points/m², on which content elements of national security relevance are represented;

(on July 03, 2015 Subparagraph h¹) of Article 17 was inserted by item 3 of the sole article in LAW No.167 of June 29, 2015, published in the OFFICIAL GAZETTE No. 473 of June 30, 2015.)

i) surveys, geological surveys and gravimetric analysis with a density of more than one point per square kilometer, assessing the national reserves of rare, precious, dispersed and radioactive metals and ores, as well as data and information on the material reserves, which are under the authority of the National Administration of State Reserves;

j) the systems and plans for the supply of electricity, heat, water and other agents necessary for the functioning of the facilities classified as state secret;

k) scientific, technological or economic activities and investments which are related to national security or national defense or are of particular importance for the economic and technical-scientific interests of Romania;

l) scientific research in the field of nuclear technologies other than basic technologies as well as programs for the protection and security of nuclear materials and facilities;

m) issuing, printing of banknotes and minting of coins, mock-ups of monetary issues of the National Bank of Romania and security features/elements of monetary items for detecting forgeries, not of public knowledge, as well as stamping and printing of securities such as government securities, treasury bills and government bonds;

n) the foreign relations and activities of Romanian, which, according to the law, are not intended for public knowledge, as well as the information of other states or international organizations, whose protection is binding upon the Romanian state under international treaties and agreements.

ART. 18

(1) State secret information shall be assigned classification levels based on the importance of the protected values.

(2) The classification levels assigned to state secret information are:

- a) top secret;
- b) secret;
- c) confidential.

ART. 19

Classification levels may be assigned to classified information when it is issued by:

- a) for top secret:
 1. the President of Romania;
 2. the President of the Senate and the President of the Chamber of Deputies;
 3. members of the Supreme Council of National Defense;
 4. the Prime-minister;
 5. members of the Government and the Secretary General of the Government;
 6. the governor of the National Bank of Romania;
 7. directors of national intelligence services;
 8. the director of The Protection and Guard Service;
 9. the director of The Special Telecommunications Service;
 10. the Secretary General of the Senate and the Secretary General of the Chamber of Deputies;
 11. the president of the National Institute of Statistics;
 12. the director of the National Administration of State Reserves;
 13. other officials delegated this authority by the President of Romania or the Prime-minister;
- b) for secret information - the officials referred to in Paragraph(a) and officials with the rank of state secretary, according to their area of competence;
- c) confidential information - officials referred to in Paragraphs a) și b), and senior officials with the rank of under secretaries of state, secretaries general or director general, according to their area of competence.

ART. 20

Any Romanian natural or legal person may appeal to the authorities that classified the information, against the classification of the information, the duration for which it was classified, as well as against the way in which a classification level was assigned. The appeal shall be settled under the legal terms of the contentious administrative courts.

ART. 21

(1) The National Registry Office for Classified Information shall be established and subordinated to the Government.

(2) The National Registry Office for Classified Information shall organize records of the lists and information in this category and of the duration of classification, of the personnel cleared and authorized to handle state secret information, of the registers of security clearances referred to in Article 10.

ART. 22

(1) The public authorities shall draw up their own lists with categories of state secret information related to their fields of activity.

(2) The lists with state secret information on classification levels, drawn up or held by public authorities or institutions

shall be approved and updated under Government Decision.

(3) Government decisions on the approval of the lists containing state secret information shall be communicated to the Romanian Intelligence Service, to the Foreign Intelligence Service and, where applicable, to the other intelligence structures that are, according to the law, responsible for organizing specialized protection measures.

ART. 23

(1) The institutions holding state secret information are responsible for establishing and enforcing the procedural measures of physical protection and protection of the personnel with access to such information.

(2) The measures referred to in Paragraph (1) shall comply with national standards for the protection of classified information.

ART. 24

(1) The documents containing state secret information shall bear on each page the classification level and, when directed to certain persons, also the marking "personal".

(2) Identification and marking rules, mandatory inscriptions and specifications on state secret documents, depending on their classification levels, requirements for registering the number of copies and recipients, duration and condition of storage, interdictions of reproduction and circulation shall be established under Government Decision.

(3) Assignment of a classification level for state secret information according to Article 15 Paragraph f), as well as the standards related to the minimum protective measures for each level shall be established by Government Decision.

(4) Information classified according to Article 15 Paragraph f) may be declassified under Government Decision upon the justified request of the issuer.

(5) Classification as state secrets, of information, data or documents in order to conceal law violations, administrative errors, to limit access to information of public interest, to illegally restrict certain rights of a person or to cause damage to other legitimate interests shall be forbidden.

(6) Information, data or documents relating to fundamental scientific research which does not have a justified connection with national security shall not be classified as state secrets.

(7) Public authorities that issue or handle classified information shall draw up a guide for the correct and uniform classification of state secret information, in strict compliance with the law.

(8) The guide shall be approved personally and in writing by the senior official authorized to classify state secret information.

(9) Authorized persons who copy, excerpt from, or summarize the content of classified documents shall apply the markings of the original document on the derived document.

(10) Information shall be declassified or downgraded by the persons or public authorities with the competence to approve the classification and the classification level of the information concerned.

ART. 25

(1) The specialized structure in the Romanian Intelligence Service shall coordinate the activity and the control of measures for the protection of state secret information.

(2) The Ministry of National Defense, the Ministry of Interior, the Ministry of Justice, the Romanian Intelligence Service, the Foreign Intelligence Service, the Guard and Protection Service and the Special Telecommunications Service shall establish, for their fields of activity and responsibility, their own structures and measures regarding the

coordination and control of the activities related to the protection of state secret information, according to the law.

(3) The specialized structure in the Ministry of National Defense shall coordinate and control the measures for the protection of state secret information for the Central State Office on Special Issues and National Administration of State Reserves.

(4) The Parliament, the Presidential Administration, the Government and the Supreme Council of National Defense shall set up their own measures for the protection of the state secret information, according to the law. The Romanian Intelligence Service shall provide specialized assistance to these institutions.

(5) The protection of information not intended for public knowledge, released to Romania by other states or international organizations as well as the access to their information shall be carried out under the terms of international treaties or agreements to which Romania is part of.

ART. 26

(1) The Foreign Intelligence Service shall coordinate the activities and control of measures for the protection of state secret information at the Romanian missions abroad under the provisions of this law.

(2) The coordination and control of the measures for the protection of state secret information regarding the specific activity of the military attachés from the diplomatic missions of Romania and of the military representatives to the international bodies shall be carried out by the specialized structure of the Ministry of National Defense.

ART. 27

The National Security Authority exercises regulatory, authorization and control duties on the protection of NATO classified information, under the terms of the law.

ART. 28

(1) Access to state secret information shall be granted only on the basis of a written authorization, issued by the head of the legal person holding such information, after prior notification to the National Registry Office for Classified Information.

(2) The authorization shall be granted for the classification levels under Article 15 Paragraph f), following the vetting conducted on the person concerned with his/her written consent. The legal persons, except those under Article 25 Paragraphs (2) and (3), shall notify the National Registry Office for Classified Information on the issuance of the access authorizations.

(3) Access to NATO classified information shall be granted based on the authorizations and security clearances issued by the National Security Authority, after the vetting has been conducted by the competent authorities.

(4) The valability duration of the authorization shall be up to 4 years; during this period vetting may be repeated whenever necessary.

(5) The denial of authorization or its justified withdrawal legally results in the interdiction to have access to state secret information.

ART. 29

Managers of economic units or of other private legal persons as well as natural persons that have been granted access to state secret information shall observe the provisions of the law related to the protection of such information within the cooperation relationships.

ART. 30

Access of foreign citizens, of Romanian citizens who also have the citizenship of another state as well as of stateless persons to state secret information and places where state secret activities are carried out and objects or works of this category are exhibited shall be granted

only under the circumstances and terms of the international treaties to which Romania is part of or under Government Decision.

CAP. III

Restricted information

ART. 31

(1) Restricted information shall be established by the head of the legal person based on the standards provided by Government Decision.

(2) The information referred to in Paragraph(1) shall bear on each page the marking "personal", when directed strictly to specified persons.

(3) The provisions of Article 28 shall apply appropriately in the field of restricted information.

(4) Negligence in handling restricted information results in criminal liability, according to the law.

ART. 32

The heads of public authorities and institutions, of state-owned or partially state-owned economic agents and of other private or public legal persons shall designate which information is restricted and the rules to protect it, shall coordinate the activity and control the measures for the protection of restricted information, according to their competences and in compliance with the provisions established under Government Decision.

ART. 33

It is forbidden to classify as restricted information that, by its nature or content, is designated to ensure public awareness on certain issues of public or private interest, in order to facilitate or conceal violations of law or obstruction of justice.

CAP. IV

Attributions of the Romanian Intelligence Service

ART. 34

In order to coordinate the activity and control the measures related to the protection of classified information within its area of competence, the Romanian Intelligence Service has the following main attributions:

a) to develop the national standards for classified information and their implementation objectives, in cooperation with the public authorities;

b) to supervise the activities of public authorities for the enforcement of this law;

c) to provide specialized assistance for the programs designed to prevent leaks of classified information generated by public authorities and institutions, autonomous administrations and companies holding such information;

d) to verify the compliance to and enforcement of legislation on the protection of classified information by public authorities and institutions;

e) to carry out on-the-spot checks and reviews of programs related to the protection of classified information;

f) to cooperate with the National Registry Office for Classified Information and with the National Security Authority on all issues related to the enforcement of the present law;

g) to provide assistance in establishing objectives and places of particular significance for the protection of classified information at the request of the heads of public authorities and institutions, economic operators and private legal persons, and to submit the centralized records for approval to the Government;

h) to organize, collect, transport and dispatch across the country the state secret mail and restricted official mail, in compliance with

the provisions of the law;

i) to assess and establish measures relating to the complaints and suggestions on the implementation of the programs for the protection of classified information;

j) to identify any infringement of the norms on the protection of classified information and to impose the administrative penalties provided for by law and notify the criminal investigation bodies in case of criminal offences.

ART. 35

The Romanian Intelligence Service shall inform the Parliament and the Supreme Council of National Defense annually and whenever required, or upon request of these authorities, of the findings and conclusions resulting from the activities conducted for the protection of classified information within its competence.

CAP. V

Obligations, Liabilities and Sanctions

ART. 36

(1) The persons who have been granted access to classified information shall ensure its protection and shall comply with the provisions of the programs to prevent the leakage of classified information .

(2) The obligations under Paragraph (1) shall be maintained after termination of service, employment or professional relationships, for as long as the information remains classified.

(3) A person who is to perform an activity or be employed in a job that requires access to classified information shall submit to the head of the unit a written nondisclosure agreement.

ART. 37

(1) Public authorities and other legal persons holding or entrusted with state secret information or restricted information shall provide the necessary funds to fulfil their obligations and take the necessary measures to protect such information.

(2) Responsibility for protecting classified information shall lie with the head of the public authority or institution or other legal person holding the information, as the case may be.

ART. 38

(1) State secret information shall be disseminated, transported and stored according to legal provisions.

(2) It is forbidden to disseminate state secret information by wire or by air, without using the state cipher system or other cryptographic elements established by the competent public authorities.

ART. 39

(1) Infringement of the norms on the protection of classified information entails disciplinary, administrative, civil or criminal liability, as the case may be.

(2) Persons employed in the intelligence and security services or in the military, in foreign relation services, as well as those specially assigned to protect state secret information, who, willfully, or negligently, encouraged the disclosure or leakage of classified information, shall irrevocably lose their status.

ART. 40

(1) Offences to the norms on the protection of classified information are established by Government Decision.

(2) Sanctions may be applied to legal persons as well.

CAP. VI

Final Provisions

ART. 41

(1) Special compartments for the safe registering, processing,

storing, handling and copying of classified information shall be organized within the authorities, public institutions and economic operators holding classified information.

(2) The special compartments under Paragraph (1) shall be subordinated to the head of the authority, public institution or economic unit.

ART. 42

Within 60 days from the date this law is published in the official Gazette of Romania, Part I, the following shall be established by Government Decision:

- a) the classification of state secret information and the norms on the minimum protective measures for each level;
- b) general rules for recording, generating, keeping, processing, copying, handling, transporting, transmitting and destruction of state secret information;
- c) facilities, premises or places with special relevance for the protection of information classified as state secret;
- d) obligations and liabilities of the authorities, public institutions and economic units, of other legal persons regarding the protection of state secret information;
- e) norms on the access to classified information and the vetting procedure;
- f) provisions for photographing, filming, map-drawing, producing works of fine arts, within premises, areas or places with special relevance for the protection of information classified as state secret;
- g) regulation on the access of foreign persons to state secret information;
- h) other norms regarding the enforcement of this Law.

ART. 43

This law shall enter into force 60 days fafter it is published in the Official Gazette of Romania, Part I.

ART. 44

(1) On the date this Law enters into force, Law No. 23 of 1971 on the protection of state secrets in Romania, published in the Official Gazette of Romania, part I, No. 157 of December 17, 1971, the Decision of the Council of Ministers No. 19 of 1972 on certain measures regarding the protection of state secret, published in the Official Gazette, Part I, No. 5 of January, 1972, as well as any other contrary provisions shall be repealed.

(2) On the same date, the phrase "state secrets" in the legal documents in force shall be replaced with the phrase "state secret information".

This law was ratified by the Chamber of Deputies in the meeting of February 26, 2002, observing the provisions of Article 74 Paragraph (2) of the Constitution of Romania.

PRESIDENT OF THE CHAMBER OF DEPUTIES
VALER DORNEANU

This law was ratified by the Senate in the meeting of Aprin 8, 2002, în şedinţa din 8 aprilie 2002, observing the provisions of Article 74 Paragraph (2) of the Constitution of Romania.

for the PRESIDENT OF THE SENATE,
DORU IOAN TARACILA