

No. 7662

**UNITED STATES OF AMERICA
and
ITALY**

**Exchange of notes (with annex) constituting an agreement
relating to the safeguarding of classified information.
Washington, 4 August 1964**

Official texts : English and Italian.

Registered by the United States of America on 31 March 1965.

**ÉTATS-UNIS D'AMÉRIQUE
et
ITALIE**

**Échange de notes (avec annexe) constituant un accord relatif
à la protection des renseignements classifiés. Washing-
ton, 4 août 1964**

Textes officiels anglais et italien.

Enregistré par les États-Unis d'Amérique le 31 mars 1965.

No. 7662. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND ITALY RELATING TO THE SAFEGUARDING OF CLASSIFIED INFORMATION. WASHINGTON, 4 AUGUST 1964

I

The Secretary of State to the Italian Ambassador

DEPARTMENT OF STATE
WASHINGTON

August 4, 1964

Excellency :

I have the honor to refer to recent discussions between representatives of our respective Governments concerning the desirability of extending to all classified information exchanged between our two Governments the same principles that our Governments have agreed to apply in safeguarding classified information covered by the Security Agreement by the Parties to the North Atlantic Treaty,² approved by the North Atlantic Council on January 6, 1950, and the Basic Principles and Minimum Standards of Security (NATO Document C-M (55) 15 (Final)), approved by the Council on March 2, 1955.

I have the honor to propose, therefore, that all classified information communicated directly or indirectly between our two Governments be protected in accordance with such principles; namely, that the recipient :

- a. will not release the information to a third government without the approval of the releasing Government ;
- b. will undertake to afford the information substantially the same degree of protection afforded it by the releasing government ;
- c. will not use the information for other than the purpose for which it was given ; and
- d. will respect private rights, such as patents, copyrights, or trade secrets which are involved in the information.

For the purposes of this agreement, information is understood in its broadest sense to include, among other things, any document, writing, sketch, photograph,

¹ Came into force on 4 August 1964 by the exchange of the said notes.

² United Nations, *Treaty Series*, Vol. 34, p. 243; Vol. 126, p. 350, and Vol. 243, pp. 308 and 313.

plan, model, specification, design, or prototype, whether communicated by oral, visual, or written means or by transfer of equipment or materials.

These principles will apply in the case of the Government of the United States to information designated by the Government of the United States as "Confidential," "Secret" or "Top Secret" and to information designated by your Government as coming within the purview of this agreement. This agreement will not, however, apply to information for which special agreements may be required, such as classified atomic energy information.

This understanding will apply to all exchanges of such information between all agencies and authorized officials of our two Governments, whether at the respective capitals of our two countries, at international conferences or elsewhere. Any other arrangements between our two Governments or their respective agencies relating to the exchange of such information will, to the extent that they are not inconsistent with these principles, not be affected by this understanding. Details regarding channels of communication and the application of the foregoing principles will be the subject of such technical arrangements as may be necessary between appropriate agencies of our respective Governments.

In recognition of the fact that protection of the classified information exchanged hereunder, particularly in the field of research on and development and production of defense material, is essential to the national safety of both our countries, general procedures for safeguarding the information will be as set forth in the Annex hereto.

If the foregoing is agreeable to your Government, I propose that this note and your reply to that effect, designating the types of information your Government wishes covered, shall constitute an agreement on this matter effective the date of your reply.

Accept, Excellency, the renewed assurances of my highest consideration.

For the Secretary of State :
William R. TYLER

Enclosure :
Annex.

His Excellency Sergio Fenoaltea
Ambassador of Italy

ANNEX OF GENERAL SECURITY PROCEDURES

1. Official information given a security classification by either of our two Governments or by agreement of our two Governments and furnished by either Government to the other through Government channels will be assigned a classification by appropriate channels will be assigned a classification by appropriate authorities of the receiving Government which will assure a degree of protection equivalent to or greater than that required by the Government furnishing the information.

2. The recipient Government will not use such information for other than the purposes for which it was furnished and will not disclose such information to a third Government without the prior consent of the Government which furnished the information.

3. With respect to such information furnished in connection with contracts made by either Government, its agencies, or private entities or individuals within its territory with the other Government, its agencies, or private entities or individuals within its territory, the Government of the country in which performance under the contract is taking place will assume responsibility for administering security measures for the protection of such classified information in accordance with standards and requirements which are administered by that Government in the case of contractual arrangements involving information it originates of the same security classification. Prior to the release of any such information which is classified *Confidential* or higher to any contractor or prospective contractor, the Government considering release of the information will undertake to insure that such contractor or prospective contractor and his facility have the capability to protect the classified information adequately, will grant an appropriate facility clearance to this effect, and will undertake, in accordance with national practice, to grant appropriate security clearances for all personnel whose duties require access to the classified information.

4. The recipient Government will also :

- a. Insure that all persons having access to such classified information are informed of their responsibilities to protect the information in accordance with applicable laws.
- b. Carry out security inspections of facilities within its territory which are engaged in contracts involving such classified information.
- c. Assure that access to such classified information at facilities described in subparagraph *b* is limited to those persons who require it for official purposes. In this connection, a request for authorization to visit such a facility when access to the classified information is involved will be submitted to the appropriate department or agency of the Government where the facility is located by an agency designated for this purpose by the other Government, and the request will include a statement of the security clearance and official status of the visitor and of the necessity for the visit. Blanket authorizations for visits over extended periods may be arranged. The Government to which the request is submitted will be responsible for advising the contractor of the proposed visit and for authorizing the visit to be made.

5. Costs incurred in conducting security investigations or inspections required hereunder will not be subject to reimbursement.

6. Classified information and material will be transferred only on a government-to-government basis.

7. The Government which is the recipient of material produced under contract in the territory of the other Government undertakes to protect classified information contained therein in the same manner as it protects its own classified information.

[TRANSLATION¹ — TRADUCTION²]

EMBASSY OF ITALY
WASHINGTON, D. C.

Washington, August 4, 1964

Mr. Secretary of State :

I have the honor to acknowledge receipt of Your Excellency's note of today's date reading as follows :

[See note I]

In this connection I wish to inform you that the types of information which my Government desires to safeguard are those that will be marked "*Riservato*" [Confidential], "*Riservatissimo*" [Highly Confidential], "*Segreto*" [Secret], or "*Segretissimo*" [Top Secret], and that, for the purposes of the Italian penal laws, the classifications "*Riservato*" and "*Riservatissimo*" are designated "*di vietata divulgazione*" [disclosure prohibited].

Accordingly, I have the honor to inform you that the Italian Government accepts Your Excellency's proposal, and, therefore, to confirm to you that the Agreement constituted by this exchange of notes enters into force today.

Accept, Mr. Secretary of State, the assurances of my highest consideration.

S. FENOALTEA
Ambassador of Italy

His Excellency Dean Rusk
Secretary of State
Washington

¹ Translation by the Government of the United States of America.

² Traduction du Gouvernement des États-Unis d'Amérique.