

No. 13584

**UNITED STATES
and
IRAN**

**Exchange of notes constituting an agreement relating to the
safeguarding of classified information (with annex).
Tehran, 28 May and 6 June 1974**

Authentic text: English.

Registered by the United States of America on 16 October 1974.

**ÉTATS-UNIS D'AMÉRIQUE
et
IRAN**

**Échange de notes constituant un accord relatif à la protec-
tion des renseignements classifiés (avec annexe). Téhé-
ran, 28 mai et 6 juin 1974**

Texte authentique : anglais.

Enregistré par les États-Unis d'Amérique le 16 octobre 1974.

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND IRAN RELATING TO THE SAFEGUARDING OF CLASSIFIED INFORMATION

I

Tehran, May 28, 1974

No. 370

Excellency:

I have the honor to refer to the growing exchange of classified information between our two Governments. As is customary in the conduct of diplomatic relations, such information is exchanged in confidence, with the explicit or tacit understanding that the confidence will be respected. This principle is reflected in domestic laws and regulations protecting State and military secrets and is also embodied in various multilateral and bilateral agreements.

The United States Government believes it is desirable to record the basic principles which govern the exchange of such information in order to facilitate and further promote exchanges of such information between our two Governments. I have the honor to propose, therefore, a confirmation of the mutual understanding that, with respect to the exchange of classified information communicated directly or indirectly between our two Governments, 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, 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.

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 those principles, not be affected by this understanding. Details regarding chan-

¹ Came into force on 6 June 1974, the date of the note in reply, in accordance with the provisions of the said notes.

nels 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.

Each Government will permit security experts of the other Government to make periodic visits to its territory, when it is mutually convenient, to discuss with its security authorities its procedures and facilities for the protection of classified information furnished to it by the other Government, and will assist such experts in determining whether classified information provided by their Government to the other Government is being adequately protected.

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 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.

RICHARD HELMS
American Ambassador

His Excellency Abbas-Ali Khatlari
Minister for Foreign Affairs
Tehran

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 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.

II

IMPERIAL MINISTRY OF FOREIGN AFFAIRS

Tehran, 6 June 1974

No. 2515/18

Mr. Ambassador:

I have the honor to refer to your note No. 370 of 28 May 1974 and the annex thereto proposing that classified information exchanged between the Imperial Government of Iran and the Government of the United States of America be subject to certain agreed security principles and procedures set forth therein.

I have the honor to inform Your Excellency that the Imperial Government of Iran concurs in the proposals contained in the aforementioned note and annex thereto. With regard to information originating with the Government of Iran, the principles and procedures set forth will be considered to apply to all information designated "Confidential", "Very Confidential", "Secret" and "Top Secret", except where special agreements covering such information may be required.

In accordance with the suggestion contained in your note, it is hereby agreed that your note No. 370 of 28 May 1974 and the annex thereto and this reply shall constitute an agreement between our two Governments effective immediately.

I avail myself of this opportunity to renew the assurances of my highest consideration.

[Signed]
ABBAS-ALI KHALATBARY
Minister for Foreign Affairs

His Excellency Richard Helms
Ambassador of the United States of America
Tehran, Iran