

**No. 17238**

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**UNITED STATES OF AMERICA  
and  
FRANCE**

**Exchange of notes constituting an agreement relating to the  
protection of classified information. Paris, 7 September  
1977**

*Authentic texts: English and French.*

*Registered by the United States of America on 24 November 1978.*

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**ÉTATS-UNIS D'AMÉRIQUE  
et  
FRANCE**

**Échange de notes constituant un accord relatif à la protection  
des renseignements classés secrets. Paris, 7 septembre  
1977**

*Textes authentiques : anglais et français.*

*Enregistré par les États-Unis d'Amérique le 24 novembre 1978.*

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT<sup>1</sup> BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF FRANCE RELATING TO THE PROTECTION OF CLASSIFIED INFORMATION

ÉCHANGE DE NOTES CONSTITUANT UN ACCORD<sup>1</sup> ENTRE LE GOUVERNEMENT DES ÉTATS-UNIS D'AMÉRIQUE ET LE GOUVERNEMENT DE FRANCE RELATIF À LA PROTECTION DES RENSEIGNEMENTS CLASSÉS SECRETS

I

*The American Ambassador to the French Secretary-General,  
Ministry of Foreign Affairs*

Paris, September 7, 1977

No. 171

Excellency:

Referring to the negotiations which took place between the representatives of our two Governments in Paris December 1-3, 1975, concerning the protection of all classified information which is exchanged between the competent authorities of the two Governments, I have the honor to propose that:

1. All classified information communicated directly or indirectly between our two Governments be protected in accordance with the following principles:

- a. The recipient will not release the information to a third Government without the approval of the releasing Government;
- b. The recipient will afford the information a degree of protection equivalent to that afforded it by the releasing Government;
- c. The recipient will not use the information for other than the purpose for which it was given;
- d. The recipient will respect private rights, such as patents, copyrights, or trade secrets which are involved in the information; and
- e. The recipient will report promptly and in a very detailed manner any known or suspected compromise of classified information received under the terms of this Agreement.

2. Classified information and material will be transferred only on a Government-to-Government basis.

3. For the purpose of this Agreement classified information is that official information which in the interests of national security of the releasing Government, and in accordance with applicable national laws and regulations, requires protection against unauthorized disclosure and which has been designated as classified by appropriate security authority. This embraces any classified information, be it oral, visual, or in the form of material. Material may be any document, product, or substance on, or in which, information may be recorded or embodied. Material shall encompass everything regardless of its physical character or makeup including, but not limited to, documents, writing, hardware, equipment, machinery, apparatus, devices, models, photographs, recordings, reproductions, notes, sketches, plans, prototypes, designs, configurations, maps, and letters, as well as all other products, substances, or materials from which information can be derived.

4. Information classified by either of our two Governments and furnished by either Government to the other through Government channels will be assigned a classification by appropriate

<sup>1</sup> Came into force on 7 September 1977, the date of the note in reply, in accordance with the provisions of the said notes.

<sup>1</sup> Entré en vigueur le 7 septembre 1977, date de la note de réponse, conformément aux dispositions desdites notes.

authorities of the receiving Government which will assure a degree of protection equivalent to that required by the Government furnishing the information.

5. This Agreement will apply to all exchanges of classified information between all agencies and authorized officials of our two Governments. However, this Agreement will not apply to classified information for which separate security agreements and arrangements already have been concluded. Details regarding channels of communication and the application of the foregoing principles will be the subject of such technical arrangements (including an Industrial Security Arrangement) as may be necessary between appropriate agencies of our respective Governments.

6. 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. Each Government will assist such experts in determining whether classified information provided by their Government to the other Government is being adequately protected.

7. *a.* In the event that either Government or their contractors awards a contract involving classified information for performance within the territory of the other Government, then 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 its own standards and requirements.

*b.* Prior to the release of any classified information to a contractor or prospective contractor, the recipient Government will, in accordance with national regulations:

1. Insure that such contractor or prospective contractor and his facility have the capability to protect the classified information adequately;
2. Grant to the facility an appropriate security clearance to this effect;
3. Grant appropriate security clearance for all personnel whose duties require access to the classified information;
4. Insure that all persons having access to classified information are informed of their responsibilities to protect the information in accordance with applicable laws;
5. Carry out periodic security inspections of cleared facilities;
6. Assure that access to classified information is limited to those persons who have a need to know for official purposes; a request for authorization to visit a facility when access to the classified information is involved will be submitted to the appropriate department or agency of the Government of the country where the facility is located by an agency designated for this purpose by the other Government; this request will include a statement of the security clearance, the official status of the visitor and the reason 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.

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

If the foregoing is agreeable to your Government, I propose that this note and your reply to that effect shall constitute a general security of information agreement between our two Governments effective the date of your reply.

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

ARTHUR A. HARTMAN

His Excellency Jean-Marie Soutou  
Secretary-General  
Ministry of Foreign Affairs  
Paris

«8) Les frais d'enquête ou d'inspection en matière de sécurité dans le cadre du présent Accord ne sont pas remboursables.

«Si ces propositions rencontrent l'agrément de votre gouvernement, je propose que la présente lettre et votre réponse constituent un accord général de sécurité des informations entre nos gouvernements qui entrera en vigueur à la date de votre réponse.»

J'ai l'honneur de vous informer que les dispositions qui précèdent rencontrent l'agrément du Gouvernement français. Elles entrent donc en vigueur à la date de ce jour.

Veuillez agréer, Monsieur l'Ambassadeur, les assurances de ma haute considération.

[JEAN-MARIE SOUTOU]

S. Exc. Monsieur Arthur A. Hartman  
Ambassadeur extraordinaire et plénipotentiaire  
des Etats-Unis d'Amérique  
Paris

[TRANSLATION<sup>1</sup> — TRADUCTION<sup>2</sup>]

MINISTRY OF FOREIGN AFFAIRS  
THE AMBASSADOR OF FRANCE  
Secretary General

Paris, September 7, 1977

Mr. Ambassador:

I have the honor to refer to your letter of September 7, 1977, the translation of which reads as follows:

[See note I]

I have the honor to inform you that the foregoing provisions are agreeable to the French Government. They shall therefore enter into force on today's date.

Accept, Mr. Ambassador, the assurances of my high consideration.

JEAN-MARIE SOUTOU

His Excellency Arthur A. Hartman  
Ambassador Extraordinary and Plenipotentiary  
of the United States of America  
Paris

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<sup>1</sup> Translation supplied by the Government of the United States of America.

<sup>2</sup> Traduction fournie par le Gouvernement des Etats-Unis d'Amérique.