

No. 20786

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**DENMARK  
and  
UNITED STATES OF AMERICA**

**Exchange of notes constituting an agreement on general security of military information. Copenhagen, 23 January and 27 February 1981**

*Authentic text: English.*

*Registered by Denmark on 25 February 1982.*

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

**Échange de notes constituant un accord sur les mesures de sécurité générales relatives aux renseignements militaires. Copenhague, 23 janvier et 27 février 1981**

*Texte authentique : anglais.*

*Enregistré par le Danemark le 25 février 1982.*

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT<sup>1</sup>  
BETWEEN THE GOVERNMENT OF THE UNITED STATES OF  
AMERICA AND THE GOVERNMENT OF THE KINGDOM OF  
DENMARK ON GENERAL SECURITY OF MILITARY INFOR-  
MATION

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I

No. 5

The Ambassador of the United States of America presents his compliments to His Excellency the Minister for Foreign Affairs of Denmark and has the honor to refer to recent discussions between representatives of our respective Governments concerning the desirability of extending to all classified military information exchanged between our two Governments the same principles that our Governments have agreed to apply in safeguarding classified military information covered by the Security Agreement by the Parties to the North Atlantic Treaty,<sup>2</sup> 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.

It is proposed, therefore, that all classified military information communicated directly or indirectly between our two Governments shall be protected in accordance with the following principles:

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

Classified military information and material shall be transferred only on a government agency-to-government agency basis and only to persons who have appropriate security clearance for access to it.

For the purpose of this agreement classified military information is that official military information or material 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 includes any classified information, in any form, including written, oral, or visual. Material may be any document, product, or substance on, or in which, information may be recorded or embodied. Material shall encompass everything regard-

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<sup>1</sup> Came into force on 27 February 1981, the date of the note in reply, in accordance with the provisions of the said notes.

<sup>2</sup> United Nations, *Treaty Series*, vol. 34, p. 243; vol. 126, p. 350, and vol. 199, p. 67.

less 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 items from which information can be derived.

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

This Agreement shall apply to all exchanges of classified military information between all agencies and authorized officials of our two Governments. However, this Agreement shall 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 shall be the subject of such technical arrangements (including an Industrial Security Arrangement) 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 military information furnished to it by the other Government. Each Government will assist such experts in determining whether such information provided to it by the other Government is being adequately protected.

The recipient Government will investigate all cases in which it is known or there are grounds for suspecting that classified military information from the originating Government has been lost or disclosed to unauthorized persons. The recipient Government shall also promptly and fully inform the originating Government of the details of any such occurrences, and of the final results of the investigation and corrective action taken to preclude recurrences.

In the event that either Government or its contractors award a contract involving classified military 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 within its own territory for the protection of such classified information in accordance with its own standards and requirements.

Prior to the release to a contractor or prospective contractor of any classified military information received from the other Government, the recipient Government will:

- a. Insure that such contractor or prospective contractor and his facility have the capability to protect the information adequately;
- b. Grant to the facility an appropriate security clearance to this effect;
- c. Grant appropriate security clearance for all personnel whose duties require access to the information;
- d. Insure that all persons having access to the information are informed of their responsibilities to protect the information in accordance with applicable laws;

- e. Carry out periodic security inspections of cleared facilities;
- f. Assure that access to the military 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 military 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.

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

If the foregoing is agreeable to your Government, it is proposed that this note and your reply to that effect shall constitute a General Security of Military Information Agreement between our two Governments effective the date of your reply.

The Ambassador of the United States of America takes this opportunity to renew to His Excellency the Minister for Foreign Affairs the assurances of his highest consideration.

Copenhagen, January 23, 1981

Embassy of the United States of America

## II

### MINISTRY OF FOREIGN AFFAIRS

Copenhagen, February 27, 1981

Sir,

I have the honour to acknowledge receipt of Your Excellency's Note of January 23, 1981, which reads as follows:

*[See note I]*

In reply, I have the honour to state that the Government of Denmark accepts the proposal of the Government of the United States of America and agrees that Your Excellency's Note and the present reply shall constitute an agreement between the two Governments of Denmark and the United States of America.

I avail myself of this opportunity to renew to you, Sir, the assurance of my highest consideration.

KJELD OLESEN

His Excellency Mr. Warren Demian Manshel  
Ambassador of the United States of America  
Copenhagen