

**LAW OF MONGOLIA ON
STATE SECRETS AND OFFICIAL SECRETS**

December 01, 2016

**Chapter ONE
General Provisions**

Article 1. Purpose of the Law

1.1. The purpose of this Law is to define the national system and legal basis for protection of state and official secrets of Mongolia and to regulate relations concerning the confidentiality and protection of information.

Article 2. Legislation on state and official secrecy

2.1. Legislation on state and secrecy shall consist of the Constitution of Mongolia, Law on National Security, this Law and other legislative acts enacted in conformity with those laws.

Article 3. Applicability of the law

3.1. This law shall be complied with by Mongolian organizations, business entities, officials and citizens.

3.2. A foreign citizen and stateless person who has been acquainted with the state and official secrets of Mongolia shall be obliged to comply with this law.

3.3. Unless otherwise provided in international treaties to which Mongolia is a party, the rules set forth in this law shall apply to the protection of information pertaining to state and official secrecy provided by foreign countries and international organizations.

Article 4. Principles of information pertaining to state and official secrecy and classifying

4.1. Information must be classified as a state and official secret in conformity with the principles of lawfulness, validity and timeliness.

Article 5. Definitions for the terms used in the Law

5.1. The following terms used in this Law shall be understood as follows:

5.1.1. "State secrets" shall mean information classified in accordance with the legislation of the Mongolia, a disclosure and a loss of which may present danger, threats and damages to the national security and national interests, and to be kept under the state protection;

5.1.2. "official secret" shall mean information to be kept under state protection, a disclosure and a loss of which may present a damage to sectors, government organizations and other legal entities;

5.1.3. "State and official secrets carrier" shall mean the material things that contain state and official secrets as texts, symbols, images, signals, technical solutions and activities;

5.1.4. "Classification of Information" shall mean measures to limit access to or distribution of an information pertaining to state secrecy or official secrecy;

5.1.5. "Level of classification" shall mean the marking on a carrier of classified information or its accompanying documents which represent the level of classification of state and official secret information;

5.1.6. "Authorization to familiarize with state and official secrets" shall mean a right to familiarize with state and official secrets issued to an official or citizen pursuant to this law, and a right to engage in activities related to state and official secrets issued to legal entities;

5.1.7. "State and official secret information security officer (hereinafter referred to as" classified information security officer") shall mean a staff member or an officer in charge of organizing, implementing and monitoring the protection of state and official secrets in a state organizations and other legal entities;

5.1.8. "device for protection of state and official secrets" shall mean a technical, software, cryptographic and other devices used for the protection of public and official secrets;

5.1.9. "Protection of state and official secrets" shall mean a set of legal, organizational, technical, cryptographic and other measures aimed at the preventing a disclosure and a loss of state and official secrets;

5.1.10. "Declassification of state and official secrets" shall mean cancellation of protection, period of time and level of classification of state and official secrets in accordance with the grounds and procedures provided by this Law;

5.1.11. "Disclosure of state and official secrecy" shall mean an acquisition of state and official secrets through the informing, transferring, displaying and other ways by an unauthorized person;

5.1.12 "loss of state or official secret" shall mean a temporary or perpetual removal of state and official secret from the possession or use of an organization, official and citizen due to a violation of regimes and procedures.

Article 6. General obligation to protect state and official secrets

6.1. State bodies and officials shall be obliged to protect state and official secrets.

6.2 Senior officials of government organizations, administrative and territorial units, other legal entities of Mongolia (hereinafter referred to as "public organizations and other legal entities"), political parties, movements, non-government organizations, officials, officers, Mongolian citizen, foreign citizen and stateless person authorized to access to state and official secret shall not be obliged to disclose it.

6.3. The state agency shall submit information on the work regarding to preservation and security of state and official secrecy to the intelligence agency within January of each year.

6.4. Any official or citizen who has discovered the potential disclosure or loss of state and official secrets, or who has found a physical carrier of classified information which is lost shall be liable to immediately notify the intelligence agency thereof.

6.5. The Government shall establish regulation for rewarding legal entities and individuals who preventing state and official secrets from unauthorized disclosure, giving substantial contribution to confidentiality and security, informing about illegal activities, and/or providing other contribution to intelligence and law enforcement agencies.

Article 7. Ownership of state and official secrets, transferring to foreign countries and international organizations

7.1 State and official secrets other than transferred from foreign countries and international organizations shall be the state property of Mongolia.

7.2. State and official secrets handled by state organizations, other legal entities, officials and citizens shall be possessed, used and protected in accordance with legislation.

7.3. An information and physical carrier of this information possessed by individual and legal entity which is significant, or dangerous to the national security may be transferred to state possession on the basis of agreement with the owner with or without charge if it is deemed to be classified.

7.4. If the agreement on the amount of compensation to the owner specified in paragraph 7.3 of this article cannot reached, an independent expertise for the compensation price shall be done.

7.5. Based on an opinion of authorized organization and a resolution of intelligence agency, the Government shall decide whether to obtain the information and its physical carrier owned by citizen and legal entities referred to in 7.3 of this Article as a state property.

7.6. A state and official secrets with all levels of classification, except the 'top secret', may be transmitted based on treaties and agreements with foreign countries and international organizations on mutual protection of secret information, and a proposal of intelligence services.

7.7. In case of necessity to transfer official secrets to a foreign country or international organization which has not entered into agreement referred to in 7.6 of this article, the management of the organization shall decide according to the relevant regulation.

CHAPTER TWO

POWER OF THE STATE ORGANISATION AND OFFICIALS TO PROTECT PUBLIC AND OFFICIAL SECRETS

Article 8. The power of the State Great Khural

8.1. The State Great Khural shall exercise the following powers in respect of the protection of state and official secrets:

8.1.1. To approve state policy and legislation on the protection of state and official secrets and to monitor their implementation;

8.1.2. Adjust and approve the state budget for funding programs, projects and activities aimed at protecting the state and official secrets.

Article 9. The power of the President of Mongolia

9.1. The President of Mongolia - the Head of the National Security Council - shall exercise the power, under its authority, to control over the protection of state and official secrets, to hear a report and information of the relevant government organizations on this issue, and to give direction to the Government.

Article 10. Power of the Government

10.1. The Government shall coordinate and manage the protection of state and official secrets nationwide and shall exercise the following powers:

10.1.1 to organize the implementation of the legislation on the state and civil secrecy and to give command and direction to relevant authorities and officials on it;

10.1.2. to develop and implement state policies, projects, programs and legal documents to protect state and official secrets;

10.1.3. to approve procedures and instructions concerning state and official secrets;

10.1.4. to establish intergovernmental treaties and agreements on mutual exchange and protection of state and official secrets;

10.1.5. to classify an information to state and official secrets, to transfer and to declassify an information, to establish and change a level of classification, and to extend time period of secrecy.

Article 11. The power of organizations and officials

11.1. The organization and official shall have the following powers regarding the protection of state and official secrets:

11.1.1. to organize and ensure the implementation of the legislation on the protection of state and official secrets within the branches and its affiliated organizations;

11.1.2. to monitor the protection of state and official secrets within the branches and its affiliated organizations;

11.1.3. to update a methodology and tools for the protection of state and official secrets, and to submit their proposals to the authorized organization to include the required funds in budget;

11.1.4. to prepare and approve the plan to protect a state and official secrecy during the emergency situations and to ensure preparedness of measures taken in such situations.

Article 12. The power of the Intelligence Organization

12.1. The Intelligence Organization shall have the following power in protecting state and official secrets:

12.1.1. to take measures to prevent the disclosure of state and official secrets;

12.1.2. to monitor and investigate the use and protection of secret by the organization and official handling state and official secrets;

12.1.3. to organize experiment, analysis, and verification on technical and cryptographic tools for the protection of state and official secrets;

12.1.4. to provide professional and methodological assistance to the organization and official to organize the protection of state and official secrets;

12.1.5. to cooperate with relevant organizations on implementation of legislation on state and official secrecy, resolution of the President of Mongolia and the Government of Mongolia, and to submit a proposal to the Government to improve the performance of storage, protection and utilization of state and official secrets;

12.1.6. to draft a proposal to classify a certain information, to transfer and declassifying a classified information, to establish and change a level of classification and to extend a time period of secrecy, and submit these drafts to the Government;

12.1.7. to establish and use the unified database for registration and information of state and official secrets;

12.1.8. To carry out a security check on access of a officials and citizens to state secrets, and to examine and screening legal entities before their action using a state and official secrets;

12.1.9. To organize and monitor an information, postal, and telecommunications network and cipher relations nationwide and overseas;

12.1.10. To organize training, research and research on the protection of state and official secrets;

12.1.11. To give comments and conclusions on the draft international agreements on matters pertaining to the exchange of state and official secrets.

12.2. The Government shall approve the procedure for establishing and utilizing the database specified in Article 12.1.7 of this article.

CHAPTER THREE

INFORMATION TO BE ASSIGNED INTO STATE PUBLIC AND OFFICIAL SECRETS

Article 13. Information to be assigned into state secrets

13.1. The following information shall be assigned into state secrets:

13.1.1. Within the scope of state national policy:

13.1.1.a. a part of concepts and doctrines of the national security and foreign policy of Mongolia, which obliged to assign into state secrets;

13.1.1.b. information discussed in the sessions of the State Great Khural, the National Security Council and Cabinet, which are classified as state secrets;

13.1.1.c. detailed information reflecting the policy and position of Mongolia in relation to a foreign country and information received confidentially from foreign countries;

13.1.1.d. draft agreements and draft treaties of Government and Central Bank relating to the cooperation, debt, loans and grants with foreign countries and international organizations in financial sector, and information regarding to drafting;

13.1.1.e. detailed information of the highest-level and high-level mutual visits, bilateral and multilateral talks and agreements;

13.1.1.f. comprehensive information of the international treaties, agreements and protocols concluded with foreign governments and organizations on issues assigned to state secrets; their drafts and implementations;

13.1.1.g. working plan and guidance of the emergency situations in the diplomatic missions abroad;

13.1.1.h. direction and guidance for delegates of the international conferences, meetings and forums organized on issues pertaining to state secrets by this law;

13.1.1.j. information on the actions and measures taken by the competent authorities during the crimes, accidents and emergency situations on the manufacture plants and important objects with vital importance which have significant benefits to national defense and economy.

13.1.2. within the scope of economy, science and technology:

13.1.2.a. information on the policy and action for ensuring economic security;

13.1.2.b. information on the resource of the national treasure, banknote, and place of the resource fund and their security;

13.1.2.c. information which have significant benefits for ensuring national security such as science and technology achievements; research and development works; projects, installations and tests on the research works; technology;

13.1.2.d. information on creating, producing and destroying the original designs of the banknotes and supplying, exchange and decommission of banknotes;

13.1.3. Within the scope of defense:

13.1.3.a. information, obliged to classify, on the defense policy and military doctrine;

13.1.3.b. Integrated indicators and information describing the organizational charts of the armed force during the peacetime and war period, combat recourse, real name, organization, structure, their combat ability, and preparedness of combat of the military units of armed force;

13.1.3.c. information on the strategic direction and preparedness plan of the state military organizations, their implementation and estimation, documents on the strengthening and utilization of armed force, strategic planning documents, plan for transferring to readiness level, preparing to combat and transferring units, and protection tactics on armed attacks and aggression;

13.1.3.d. information relating to combat readiness and border protection readiness, operation instruction and orders, and equipping a location of combat operation;

13.1.3.e. topographic map which containing the information relating to defense and border protection and the information pertaining to state secrets pursuant to this Law;

13.1.3.f. information relating to instruction, plan, resource, estimation of replacement of the state and military mobilization; weaponry, armament, and material of state military organization; support, order and resource of the fire arm;

13.1.3.g. statistics and records of military personnel of state military units, combined information of the military personnel in the reserve and person subject to conscription and demobilization, military career classification, aggregate amount and estimation of registered military personnel and vehicles /in national, capital city and aimag level/

13.1.3.h. information of the structure, organization and supply of automated and behind-the-scene /command communication/ command system of the state military units;

13.1.3.i. information of the location of command center, information and communication network, and radio frequency allocation;

13.1.3.j. information on the purpose and range of the state and military demobilization, type, capacity and method of the mobilization, combined plan of the state mobilization, and instruction and plan of the mobilization of the government central organizations, capital city and aimag.

13.1.3.k. information relating to organizing the national border protection and border check service's activity and supply;

13.1.3.l. information relating to volume, location, report and financing of the state and defense reserve;

13.1.3.m. estimation and source of the draft guideline (year, mid-term, long-term) on the state and defense reserve, and documents issued by the authorized organization for the implementation of the guideline;

13.1.3.n. plan for shifting the nation into state of war, operational plan of state organizations during the state of war and martial law, and other relevant information;

13.1.3.o. operational plan for the emergency situations; operational arrangement of the communication and warning; information relating to using infrastructure for warning and communication; and information relating to command bunker, and its budget, location and capacity.

13.1.4. within the scope of intelligence, counter-intelligence and law enforcement:

13.1.4.a. information relating to source of intelligence, counter-intelligence and cover operations;

13.1.4.b. information relating to consolidated data of intelligence operation and special data;

13.1.4.c. information relating to registration data of operational and special equipment, and information kept in special equipment, software, code, key, data and carrier of classified information;

13.1.4.d. information relating to units and affiliates, buildings and premises, locations, plate number of vehicles, and special equipment for the operation of the organization authorized to perform intelligence, counter-intelligence and cover operations, which staff information obliged to classified;

13.1.4.e. materials, facts, data and information on criminal investigation which is done or ongoing;

13.1.4.f. decision, instruction, regulation, and other documents relating to accomplish the undercover operation issued by management of the authorized organization;

13.1.4.g. information of basic plan, report, workplace definition of undercover officer;

13.1.4.h. information of organizational structure and job position of the units, authorized to perform intelligence operation, of the intelligence, counter-intelligence and other authorized organizations;

13.1.4.i. budget of the intelligence agency, operational expense of the other organizations authorized to intelligence operation, and implementation report of the expense;

13.1.4.j. information relating to profile and duty of the intelligence officers and cover intelligence officers;

13.1.4.k. information submitted to the authorized organization and official from the intelligence agency relating to national security;

13.1.4.l. account, account book and stuff of special archive of the organization authorized to intelligence operation;

13.1.4.m. plan to transfer the organization authorized to intelligence operation into high security situation; operational plan, instruction and alert type for the combating terror, sabotage and organized crime;

13.1.4.n. activity of the intelligence agency relating to ensuring national security of Mongolia;

13.1.4.o. information relating to organization, method, tactics, force, technique and plan of the internal security of the organizations authorized to intelligence, counter intelligence and operation activities;

13.1.4.p. information relating to supply and resource of the weapon, special equipment, material, vehicle and reserve used in intelligence operation of the intelligence and counter intelligence organizations and other organizations authorized to intelligence operation;

13.1.4.r. information relating to cooperation of the intelligence agency with special services of foreign countries;

13.1.4.s. regulation and implementation of procedure relating to resettling, changing document and disguising specified in the Law on the Protection of Witness and Victim, and information, obliged to classify, relating to persons subject to the protection procedure.

13.1.5. within the scope of information security and other fields:

13.1.5.a. information of the structure, organization, software, ciphering equipment and operational concept, and radio frequency spectrum allocation of the information and communication network of state special service;

13.1.5.b. special purpose equipment and software of the state information network management center;

13.1.5.c. state cypher communication policy; processing, data, resource, cypher method and methodology, guidance, code, key and other relevant information of the state special purpose information, communication and cypher cryptography;

13.1.5.d. regulation and guidance of the state cypher report and cypher communication, and registration of the cypher material;

13.1.5.e. information on the shifting, transferring and inspecting a carrier of the state secrets;

13.1.5.f. book; study book; work; science and research work; report; presentation; information; statement; schedule and note of meeting, workshop, seminar and training prepared using information pertaining to state secrets, and carrier of secrets;

13.1.5.i. documents and information, which is obliged to classifying, of the inquiry, investigation, prosecuting and court jurisdiction process on the case involving state secrets;

13.1.5.g. information on the health condition of the official which is provided by state first-level protection by the law;

13.1.5.h. information of the location, place name, map, and security structure and reserve of the state high-security and special objects;

13.1.5.j. location cartograph of the buildings and premises of the clean water resource;

13.1.5.k. delivery process of the state special and diplomatic courier;

13.1.5.l. note and documents of the closed meeting on the classified issues;

13.1.5.m. information of the structure and reserve of permanent and temporary protection of official and citizen, meeting, sessions, events, vehicles and other objects which obliged to be protected by state special protection;

13.1.5.n. instruction for the cover action of the state important and special objects and operations.

13.2. State organizations and other legal entities shall develop a list of state secrets which classification limited to certain sectors and organizations within the list specified in the paragraph 13.1 of this Article and the intelligence agency shall give a suggestion to the list and the Government shall approve the list.

13.3. The list of confidential information within the industry and organization shall reflect the time period of classification and the level of classification.

Article 14. Information relating to official secrets

14.1. The list of information pertaining to official secret shall be prepared by the responsible body and approved by the decision of the Cabinet Member or head of the organization in charge of issues.

14.2. In the approval of the list specified in Article 14.1, the proposal of the intelligence agency shall be taken.

CHAPTER FOUR

CLASSIFICATION AND DECLASSIFICATION OF INFORMATION

Article 15. Classification of Information

15.1. The organizations and officials shall take measures to ensure the confidentiality of the information from the date of the entry into force of the law which pertaining the information to the state and official secrets.

15.2. Information shall be classified by marking with level of classification and other signage specified in this law.

15.3. Concealment of the objects and specific operations shall be implemented in accordance with the procedures approved by the Government.

15.4. Information prepared or received by an organization or official which is not included in the list specified in Articles 13.2 and 14.1 of this Law, but it is necessary to include in secrets, the organization or official shall take measures to keep secret and submit to the management immediately the proposal to include in the list of confidential information.

15.5. An official who receives the proposal referred to in paragraph 15.4 of this article shall analyze the information and make amendments to the list or refuse the proposal in accordance with the procedures approved by the Government.

Article 16. The level of information pertaining to state and official secrecy and its criteria

16.1. Classifications of the information pertaining to state and official secrets, depending on the level of threats, harm and damage to national security, interest, entities and citizens due to loss or compromise of which, shall be the following:

16.1.1. Extra top secret;

16.1.2. Top secret;

16.1.3. Secret.

16.2. The information pertaining to state secrets is classified as "Extra top secret", "Top secret" and the information pertaining to official secrets is classified as "Secret".

16.3. The use of level of classification other than those stipulated in this Law shall be prohibited in the state and official secret information.

16.4. Classification "Extra top secret" shall be applied to the information, a loss or compromise of which may pose a danger and threat to the independence, sovereignty and territorial integrity of Mongolia, cause exceptionally grave consequence to national interests and threatening human life and health.

16.5. Classification "Top secret" shall be applied to the information, a loss or compromise of which may cause a serious consequence for the national interests of Mongolia and the weakening of the defense capacity.

16.6. Classification "Secret" shall be applied to the information, a loss or compromise of which may cause a damage to the interests and activities of the industry and state and other legal entities, or to cause a danger of compromise information pertaining to state secrets.

16.7 The Government shall approve procedures for the determination the level of state and official secrets.

Article 17. Time period of information secrecy

17.1. The state and official secrets other than those specified in 17.4 and 17.5 of this Article shall be kept secret for the following time periods:

17.1.1. The information classified "Extra top secret" - 30 years;

17.1.2. The information classified "Top secret" - 20 years;

17.1.3. The information classified "Secret" - 10 years.

17.2. The time period of classification of information shall be deemed to commence from the date of its marking of classification level and other markings.

17.3. If the level of classification of state secrets is changed, the time period of classification shall be calculated by the latest.

17.4. The information, which obliged to be classified, of the covert intelligence officer of the agency authorized to implement intelligence, counter-intelligence and cover operations, covert participants in operational investigative activities, and the person who is protected by the Law on Protection of Witness and Victim shall be classified permanently.

17.5. In the cases where a specific time period for classification cannot be established and the secrecy would be exposed by the specific act or event, the time period of classification shall be calculated in accordance with the conditions.

17.6. If the time period of classification is necessary to be extended due to national security and interests, the organization and official in charge of classified information shall extend the time period pursuant to the paragraph 17.1 of this article based on the proposal of the intelligence agency.

17.7. Although the time period of classification finished, the information shall not be disclosed until the decision to disclose take place.

17.8. Unless otherwise provided in an international agreement to which Mongolia is a party, the time period specified in this law shall apply to confidential information of foreign countries and international organizations.

Article 18. Marks for government and official secret carriers

18.1. The measures of secrecy of information shall be implemented through the following marking in the appropriate documents and other confidential carriers:

18.1.1. Level of classification;

18.1.2. Registration number;

18.1.3. Date and time period of classification;

18.1.4. Position, surname, name and sign of the official who is charge of classification.

18.2. The marking stamp shall be marked in the top right of each page of the document and each page shall be numbered. If the document is composed of several copies, the first page of each copy shall contain the number of the copy and total number of pages.

18.3. Documents and other carriers containing information with different level of classification specified in Article 17.1 of this Law shall be marked by the highest level.

18.4. If it is not possible to mark the carrier of the state and official secrets, marking of the level of classification shall be marked in the accompanying documents or outer side of the body.

18.5. Use of the marking on the carrier of information other than state and official secrets shall be prohibited.

Article 19. Basis and procedures for declassification of state and official secrets

19.1.1. The state and official secrets shall be declassified on the following basis:

19.1.1. Expiration date;

19.1.2. No longer need to classify information as a state or official secret due to change of circumstances;

19.1.3. The law which is declassifying information approved and entry into force.

19.1.4. It has been revealed that the information is classified groundless.

19.2. The state and official secrets shall be declassified in accordance with the procedures set forth in 19.6 of this Article.

19.3. The government shall decide upon the declassification of the information pertaining to state and official secrets before the expiration date on the basis of the 19.1.2 of this Article on the basis of proposal of the intelligence agency.

19.4. If time period of classification not extended, state organization and official who is charge of classification information shall disclose the information after the expiry date in accordance with the relevant procedure.

19.5. After the declassification, carrier of information which has not historical, research and practical benefits shall be destroyed according to the relevant procedure.

19.6. The procedure for declassification of state and official secrets shall be approved by the Government.

CHAPTER FIVE

FAMILIARIZE WITH STATE AND OFFICIAL SECRETS

Article 20. Conditions for familiarize with state and official secrets

20.1. Jobs and official positions related to the use of the classified information other than those specified in Article 21 of this Law shall be subject to appropriate authorizations to handle or familiarize with classified information based on the results of security checks and screening.

20.2. The requirements set forth in paragraph 20.1 of this article shall be applicable to citizens and officials who have access to state secrets in connection with the inspection and certain tasks and duties.

20.3. Jobs and official positions related to use of official secrets shall be subject to appropriate authorizations to handle or familiarize with official secrets and authorized official shall submit a written pledge right after the voted or appointed in the position.

20.4. With the proposal of the intelligence agency, executive management of the state organizations and other legal entities shall approve the list of officials authorized to be familiarize or handle with state secrets in charge of the organization.

Article 21. Special conditions for familiarizing with state and official secrets

21.1. If it is not prohibited by law, the President, the Speaker of the Parliament, and the Prime Minister of Mongolia shall be familiarized with state and official secret regardless of the level of classification.

21.2. If it is not prohibited by law, Members of the Parliament and Cabinet of Ministers shall be familiarized with state and official secrets within the scope of issues discussed and decided during the sessions regardless of the level of classification

21.3. Member of the working group established by the Parliament for the purpose of examining issues pertaining to state and official secret information, or any person authorized for this purpose, shall be familiarized with state or official secret regardless of the level of classification other than those prohibited by law.

21.4. With the approval of the Parliament, Chairman and members of the Special Review Subcommittee of the Parliament shall be familiarized with information relating to source of information and combined data of undercover operation within the scope of ongoing investigation case, and any other person shall be prohibited.

21.5. A member of the Constitutional Tsets, a judge, a prosecutor and an investigator shall be familiarized with the state and official secrets, in accordance with procedures established by law, within the scope of a specific case or dispute allotted to them.

21.6. Officials specified in 21.1 - 21.5 of this article, the President of MongolBank, heads of organizations established by the Parliament, heads of government agencies, Governors of all levels shall not be subject to security examinations and shall submit the written pledge not to disclose the state and official secrets.

Article 22. To issue the authorization to familiarize with state secrets

22.1. Authorization to familiarize with state secrets shall be issued following persons:

22.1.1. who submit written permission to do security screening relating to authorization to familiarize with the state secrets;

22.1.2. who participate and pass the security exam organized by authorized agency;

22.1.3. who submit written pledge not to disclose state secrets.

Article 23. Authorization to familiarize with state and official secrets

23.1. The authorization to familiarize with the state and official secrets shall have levels regarding to the level of classification of familiarized secret and the procedure for the authorization shall be regulated by the typical guideline for the protection of state and official secrets.

Article 24. Basis for refusal of issue the authorization to familiarize with state secret to officials and citizens

24.1. following basis:

24.1.1. who does not meet the requirements and conditions for familiarize with state secret;

24.1.2. who refuse to participate the security screening and to submit the written pledge to protect state and official secrets and;

24.1.3. who does not present about himself / herself and other relevant information in the security screening, or inform wrongfully;

21.1.4. who violate the procedure for the protection of state and official secrets repeatedly or severely;

21.1.5. who sentenced for the intentional crime, or investigated for criminal crime;

21.1.6. who submit the renunciation of citizenship of Mongolia;

21.1.7. who has mental illness and disorder;

21.1.8. who addicted to drug, substance and alcohol.

Article 25. Suspension and invalidation of authorization to familiarize with state and official secrets

25.1. The intelligence agency may suspend the authorization to familiarize with state and official secrets of officials and citizens who suspected on criminal case or suspected for breaching the regulation of protection of state and official secret until the court decision become effective or decision of official examination finalized.

25.2. In the cases of dismissal from job or official position, circumstances specified in Article 24 of this Law, termination of contract, and serious and repeated violation of regulation of and duty to protect state and official secrets, the intelligence agency shall invalidate the authorization to familiarize with state and official secrets of officials and citizens.

Article 26. Security clearance

26.1. The intelligence agency shall conduct security checks on officials and citizens

26.2. The chief of the intelligence agency shall approve the regulation for the security check specified in paragraph 26.1 of this article.

26.3. Citizen

Article 27. Duty of officials and citizens

27.1. Official and citizen authorized to familiarize with state and official secrets shall have the following common obligations:

27.1.1. to abide the legislation protecting state and official secrets;

27.1.2. to protect state and official secrets that has familiarized or discovered during the implementing official duty and not to disclose it during the working period and after the dismissal or release until the official declassification of secrets;

27.1.3. to take preventive measures from the loss and compromise state and official secrets;

27.1.4. to immediately notify an authorized officer of circumstances of a possible disclosure and loss, or disclosure and loss has occurred, or breach of regulation for protection of secrecy;

27.1.5. If the official and labor relation with employee finished or transferred to another job or position, to hand over a carrier of state and official secrets entrusted him / her and give written pledge not to disclose state and official secrecy;

27.1.6. Unless otherwise provided by law, in case of traveling abroad for private purposes, to give written notice the organization in advance.

Article 28. Obligations of official authorized to protect state and official secrets

28.1. Official authorized to protect state and official secrets shall have following obligations:

28.1.1. to ensure implementation of legislation to protect state and official secrets and to organize and implement the secret documentation;

28.1.2. to give methodological and professional advice to officials and officers for the handle and protect state and official secrets;

28.1.3. to monitor the storage and protection of state and official secrets within the industry sector and affiliate organizations and to organize inspection and counting;

28.1.4. to take guarantee from officials and citizens authorized to familiarize with state and official secrets;

28.1.5. if officials establish informal relation with foreign citizen and organization, to inform about it to the intelligence agency;

28.1.6. to inform the intelligence agency about the transfer and movement of officials authorized to familiarize with state secret;

28.1.7. in the case of breaking regulation for protection of state and official secrets, to organize inquiry and submit the result to the senior management of the organization and if necessary, submit the result to the intelligence agency, and to immediately execute measures to remove breach and faults.

28.1.8. in the case of a loss or compromise of state and official secrets, to immediately notify about it to the senior management of the organization and the intelligence agency.

Article 29. Legal and economic guarantee for the officials authorized to protect secrets

29.1. State organizations and other legal entities shall take a suggestion from the intelligence agency on the dismissal or transferring of officials authorized to protect secrets.

29.2. Officials authorized to protect secrets shall take salary addition pursuant to the procedure approved by the Government and amount of addition depends upon the level of classification and the duration of time handling with secrecy.

CHAPTER SIX

PROTECTION OF STATE AND OFFICIAL SECRETS

Article 30. Organization of protection of state and official secrets

30.1. The Government shall coordinate and organize the protection of state and official secrets in Mongolia

30.2. The intelligence agency shall execute the protection of state and official secrets within its authority and shall have structural units to organize, fulfill, monitor, and provide professional and methodological management nationwide the protection of state and official secrets.

30.3. Management of the state organizations and legal entities shall have duties and responsibilities to organize the protection of state and official secrets in their organizations.

30.4. State organizations and other legal entities shall have unit or officer authorized to protect state and official secrets due to its workload relating to state and official secrets.

30.5. Obligations and legal status of unit authorized to protect state and official secrets shall be determined in the organization's internal regulation.

30.6. The protection of state and official secrets in the organization shall be executed through the legal, organizational, technical and other measures specified in this law and other legal acts.

Article 31. Creating, processing, storing, utilizing, transferring, registering, transporting, sending, and demolishing state and official secret, and its carrier

31.1. Creating, processing, storing, utilizing, transferring, registering, transporting, sending, demolishing, ensuring entirety and other relevant activities of the state and official secret, and its carrier shall be executed specified in this law and general regulation for the protection of state and official secrets approved by the government.

31.2. State organizations and other legal entities may establish specific procedure for protection of state and official secrets, in accordance with the general regulation specified in paragraph 31.1 of this article, within the organization due to its distinct characteristic of activity.

31.3. Special courier may be used for sending and receiving state secret to and from organization and official of Mongolia positioned in foreign countries.

31.4. Procedure for the special courier specified in paragraph 31.3 of this Article shall be regulated by the special regulation approved by joint decision of the Minister of Foreign Affairs, the Chief of the General Staff of the Armed Force and the Chief of the Intelligence Agency.

Article 32. Transferring the state and official secrets to state organization and other legal entities

32.1. State and official secrets shall be transferred to another state organization and other legal entities by the decision of the head of state organization or other legal entities handling the state and official secrets according to the relevant regulation.

32.2. State organizations or legal entities receiving the state and official secrets according to the paragraph 32.1 of this Article shall meet the conditions and requirements for the protection of secrets specified in this law and other legal acts.

Article 33. Transferring state and official secrets concerning the contract

33.1. Concerning the contract to execute work, state and official secrets may be transferred to legal entities or citizens within the limits and range necessary to implement the work by the decision of the head of organization according to general procedure for the protection of state and official secrets.

33.2. Legal entity receiving the transferred secret according to paragraph 33.1 of this Article shall meet the conditions and requirements for the protection of state and official secrets specified in this law and other legal acts pursuant to it, and citizen receiving the transferred secrets shall authorized to familiarize with the state and official secrets.

33.3. If the contractor did not fulfill the obligation to protect state and official secret, or fulfilled insufficiently during the contract, the subscriber shall perform the action to terminate the activity using the state and official secrets and take back the state and official secrets.

Article 34. Technical and cryptographic protection of state and official secrets

34.1. Technical and cryptographic activity to protect state and official secrets shall be executed according to general regulation to protect state and official secrets.

34.2. Technical and cryptographic equipment for the protection of state and official secrets shall be certified to meet the appropriate requirements for protect the information.

34.3. Application of cryptographic equipment for protection to state and official secrets shall be regulated by the regulation for state sypher communication approved by the Government.

Article 35. Protection of state and official secrets in the case of changing the legal status of the state organization and other legal entity

35.1. When the state organization, or legal entity reorganized, disbanded, or duty relating to use of state and official secrets completed, the organization or legal entity shall execute the action to protect the carrier of the state and official secrets.

35.2. In the case of specified in the paragraph 35.1 of this Article, the organization or legal entity shall destroy the carrier of the state and official secrets according to the determined regulation or shall take the action to transfer to the following organizations:

35.2.1. the successor of the state organization and legal entity;

35.1.2. the state organization and other legal entity authorized to handle the state and official secrets;

35.1.3. the State Central Archive.

35.3. The Intelligence agency shall monitor the action of destroying and transferring the state and official secrets specified in the paragraph 35.2 of this Article.

Article 36. Protecting the state and official secrets during the criminal, civil and administrative procedure

36.1. The protection of the state and official secrets during the criminal, civil, administrative procedure shall be regulated by this law, other relevant legal acts.

Article 37. Financing of the protection of state and official secrets

37.1. The protection of the state and official secrets in the organization financed by state and local budget shall be financed by corresponding budget and the protection of the state and official secrets in the other organization and legal entity shall be financed by the organization's own budget.

Article 38. Monitoring the protection of state and official secrets

38.1. Head of the state organization or other legal entity, their unit or official authorized to protect the secret shall monitor the protection of the state and official secrets within the affiliated branch or affiliate organization.

38.2. Subscriber of the contract shall be responsible to monitor the protection of state and official secrets transferred to the contractor concerning to the contract.

38.3. The intelligence agency shall monitor and examine the protection of the state and official secrets in the state organization and other legal entity within the whole country regardless of their ownership type and affiliation, and shall give instruction to correct errors and faults and ensure the performance.

38.4. The official instruction of the intelligence agency shall be mandatory and organizations and officials shall execute immediately and submit notification of its execution.

38.5. The Government shall approve the regulation for monitoring and examination specified in the paragraph 38.3 of this Article.

CHAPTER SEVEN

OTHER PROVISIONS

Article 39. Liabilities to be imposed on violators of state and official secrets legislation

39.1. Violators of the legislations of state and official secrets shall be subject to criminal, misdemeanor and discipline liabilities according to the relevant law and legal acts.

39.2. If the violation of the legislation of state and official secrets does not constitute a criminal offence, the intelligence agency shall submit the suggestion to the higher level of organization or official of the violator suggesting the following liabilities:

39.2.1. an official, who fails to perform duties specified in the paragraphs 6.2, 6.3, 15.1 and Articles 27, 28 of this law shall be subject to a liability for cut the amount of wage up to 20 per cent up to 3 months;

39.2.2. an official, who repetitively fails to perform duties specified in the paragraphs 6.2, 6.3, 15.1 and Articles 27, 28 of this law and fails to perform duties specified 38.4 of this law shall be subject to a liable for decrease the level of position or dismissal from the position or discharge from the public service.

39.3. The organization or official with the higher level of position shall impose the liability specified in the paragraph 39.2 of this Law to the violator and shall notify the intelligence agency within the 14 days about it.

39.4. If the organization or official with the higher level of position did not perform the duty specified in the paragraph 39.2 of this Law or groundlessly refuse to perform this duty, the intelligence agency shall submit the suggestion to the organization or official who authorized to appoint and discharge, to impose liability.

39.5. The official instruction and decision of the intelligence agency shall be mandatory and organization, official and citizen who receive it shall have obligation to perform necessary action.

39.6. Judge shall fine equal to 96 to 480 equivalent units the violator who break the provision specified in the paragraph 39.5 of this Law.

Article 40. Entry into force of the Law

40.1. This Law shall enter into force on the 1st day of September of 2017.

SPEAKER OF THE STATE GREAT KHURAL

M.ENKHBOLD