

NORTH ATLANTIC COUNCIL DEPUTIES SUPPLEANTS DU CONSEIL DE L'ATLANTIQUE NORD

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NATO UNCLASSIFIED
and
PUBLIC DISCLOSED

ORIGINAL: ENGLISH
24th January, 1952

SECRET
DOCUMENT
D-D(52)28

DRAFT DIRECTIVE ON THE EMPLOYMENT OF FIRMS AND
COMPANIES IN NATO COUNTRIES ON CONTRACTS
INVOLVING THE DISCLOSURE OF
CLASSIFIED INFORMATION

Note by the Executive Secretary

As requested by the Council Deputies at their meeting of 29th October, 1951, a working group has prepared the annexed document as a directive on the employment of firms and companies in NATO countries on contracts involving the disclosure of classified information.

The Working Group wishes to draw the attention of the Council Deputies to the fact that this document does not apply to patents because the question of patents is different from the question of classified information and because patents are already protected by international legal regulations.

The annexed document will be considered by the Council Deputies at a meeting early in February.

(Signed) N.E.P. SUTTON

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DRAFT DIRECTIVE ON THE EMPLOYMENT OF FIRMS AND
COMPANIES IN NATO COUNTRIES ON CONTRACTS
INVOLVING THE DISCLOSURE OF
CLASSIFIED INFORMATION

The NAT Governments, believing that, when one NAT country places contracts involving the disclosure of classified information belonging either to the ordering country or to some other NAT country, it should be the guiding principle that the Government of the contractor's country should endeavour to safeguard, so far as practicable, the classified information of the ordering country with the same care as it safeguards its own, have agreed on the following specific procedures:

1. In the subsequent paragraphs the owning country is the one which owns the classified information; the contractor's country is the one in which the manufacturer is situated.

2. In cases where a NAT country wishes to place in another NAT country a defence order involving the disclosure of classified information, the Government of the contractor's country should undertake, if requested to do so by the ordering country, to investigate the security of the manufacturer and to make available to the security service of the ordering country their opinion about the manufacturer's security.

3. In cases where the ordering NAT country wishes to place a contract involving the disclosure of classified information belonging to a third NAT country, the ordering country agrees to obtain the consent of the owning country and the contractor's country will afford the same facilities to the owning country as are described in paragraph 2 above.

4. An owning or ordering country which may wish the contractor's country to take specific measures for the safeguarding of the classified information is free to propose bilateral or tripartite negotiations to that end.

5. Each NAT country will provide the DPB Secretariat, for circulation to the delegations of the other NAT countries, with a note summarising and explaining the national legal provisions for safeguarding classified information disclosed to manufacturers in its country. In these notes, each NAT country will also explain what provisions can be made in contracts with its manufacturers so as to bring into operation in the case of orders from other NAT Governments the provisions of its national laws for the safeguarding of classified information.