

DEPARTMENT OF FOREIGN AFFAIRS AND TRADE
CANBERRA

AGREEMENT
BETWEEN
THE GOVERNMENT OF AUSTRALIA
AND
THE NORTH ATLANTIC TREATY ORGANISATION
ON THE SECURITY OF INFORMATION

New York, 26 September 2007

Not yet in force
[2007] ATNIF 25

**AGREEMENT BETWEEN THE GOVERNMENT OF AUSTRALIA
AND THE NORTH ATLANTIC TREATY ORGANISATION
ON THE SECURITY OF INFORMATION**

The Government of Australia,

and

the North Atlantic Treaty Organization (NATO),

Considering that Australia is a Contact country;

Having agreed to consult on political and security-related issues and expand and intensify political and military cooperation;

Realizing that effective cooperation in these regards entails the exchange of sensitive and/or privileged information among the Parties;

Recalling the Exchange of Letters between the NATO Secretary General and the Australian Minister for Defence dated 1 April 2005;

Have agreed as follows:

Article 1

The Parties shall:

- (i) protect and safeguard the information or material of the other Party;
- (ii) ensure that, if it is classified, such information or material shall maintain the security classifications established by any Party with respect to information or material of that Party's origin and safeguard such information or material to agreed common standards;
- (iii) not use the exchanged information or material for purposes other than those laid down in the framework of the cooperative activities and the decisions and resolutions pertaining to these cooperative activities;
- (iv) not disclose such information and material to third parties without the consent of the originator.

Article 2

- (i) The Government of Australia accepts the commitment to have all persons of its nationality who, in the conduct of their official duties, require or may have access to information or material exchanged under the cooperative activities approved by the North Atlantic Council appropriately cleared before they are granted access to such information and material.
- (ii) The security clearance procedures shall be designed to determine whether an individual, taking into account his or her loyalty and trustworthiness, can have access to classified information or material without risk to its security.

Article 3

The NATO Office of Security (NOS), under the direction and on behalf of the Secretary General and the Chairman, NATO Military Committee, acting in the name of the North Atlantic Council and the NATO Military Committee and under their authority, is responsible for security arrangements for the protection of classified information or material exchanged within cooperative activities.

Article 4

The Australian Defence Security Authority (DSA) is responsible for security arrangements for the protection of classified information or material exchanged within cooperative activities covered by the present Agreement. Separate Administrative Arrangements shall be worked out between NATO and the Government of Australia which shall cover *inter alia* the standards of the reciprocal security protection for the information or material to be exchanged and the liaison between the NOS and the DSA.

Article 5

Prior to the exchange of any classified information or material between NATO and the Government of Australia, the responsible security authorities shall reciprocally establish to their satisfaction that the recipient Party is prepared to protect the information or material it receives, as required by the originator.

Article 6

The present Agreement shall enter into force at the moment Australia communicates to NATO that Australia has completed its domestic requirements to give effect to the present Agreement.

Article 7

The Exchange of Letters dated 1 April 2005 shall cease to be in effect on the date when the present Agreement enters into force. Any information exchanged prior to the entry into force of the present Agreement shall be protected in accordance with the provisions of the present Agreement.

In witness whereof, the undersigned, being duly authorised thereto, have signed the present Agreement.

Done in duplicate at New York, this twenty-sixth day of September two thousand and seven, in the English and French languages, both texts being equally authoritative.

**For the Government of
Australia**

**For the North Atlantic Treaty
Organization**

.....
Hon Alexander Downer
Minister for Foreign Affairs

.....
H.E. Jaap de Hoop Scheffer
Secretary General