

## GSI/PR Normative Instruction n° 2, of February 5, 2013

Provisions on Security Accreditation for the Handling of Classified Information, at Any Level of Secrecy, within the Federal Executive Branch.

**THE MINISTER OF STATE, HEAD OF THE INSTITUTIONAL SECURITY CABINET OF THE PRESIDENCY OF THE REPUBLIC – GSI/PR, in his capacity as EXECUTIVE SECRETARY OF THE NATIONAL DEFENSE COUNCIL, in the exercise of his powers;**

### **Considering:**

- the provisions of Articles 36 and 37 of Law n° 12,527, of November 18, 2011;
- the provisions of Decree n° 3,505, of June 13, 2000;
- the provisions of Decree n° 7,724, of May 16, 2012;
- the provisions of Decree n° 7,845, of November 14, 2012;
- the need to guarantee the security of society and the State through security accreditation for access to classified information;
- the need to guarantee the security of classified information, observing its availability, authenticity, integrity, and restricted access;
- the need to establish and guide the implementation of guidelines for the protection of existing or future classified information by the bodies and entities of the Federal Executive Branch;

### **RESOLVES:**

Art. 1. To regulate the procedures of the Security and Accreditation Nucleus - NSC of the GSI/PR and to issue guidelines to be adopted by the bodies and entities within the Federal Executive Branch, for Security Accreditation and the handling of classified information, in accordance with Articles 36 and 37 of Law n° 12,527, of 2011, Decree n° 7,724, of 2012, and Decree n° 7,845, of 2012.

Art. 2. For the purposes of this Normative Instruction, the following terms shall have the following meanings:

I. **International Acts:** an international agreement concluded in writing between States and governed by International Law, whether it consists of a single instrument or two or more related instruments, whatever its specific name, in accordance with Article 2 of the Vienna Convention on the Law of Treaties, of May 23, 1969, promulgated by Decree n° 7,030, of December 14, 2009;

II. **Control of access to classified information:** carried out through a security clearance and demonstration of the need to know;

III. **Security Clearance:** a certificate that authorizes a person to handle classified information;

IV. **Security Accreditation:** the process used to enable a public or private body or entity or to accredit a natural person to handle classified information;

- V. **Classified Documents:** documents containing classified information at any level of secrecy;
- VI. **Controlled Documents - DC:** documents containing classified information at any level of secrecy and which, at the discretion of the classifying authority, require additional control measures;
- VII. **Security and Accreditation Manager:** responsible for the security of classified information at any level of secrecy in the Registration Bodies and Control Points.
- VIII. **Classified Information:** confidential information held by public bodies and entities, observed by its content and by reason of its indispensability to the security of society or the State, which is classified as Ultrassecreto, Secreto or Reservado;
- IX. **Restricted Information:** information that is temporarily subject to restricted public access due to its indispensability for the security of society and the State;
- X. **Security Accreditation Inspection:** verification of the existence of the essential requirements for the enabling of bodies and entities to handle classified information;
- XI. **Security Accreditation Investigation:** verification of the existence of the essential requirements for the granting of a security clearance to natural persons, for the handling of classified information;
- XII. **Need to know:** the condition under which knowledge of classified information is indispensable for the proper exercise of a position, function, employment or activity;
- XIII. **Level 1 Registration Bodies:** Ministries and public bodies and entities of equivalent level, accredited by the Security and Accreditation Nucleus;
- XIV. **Level 2 Registration Bodies:** public bodies and entities linked to the Level 1 Registration Body and accredited by them;
- XV. **Control Point:** unit of a public or private body or entity, enabled, responsible for the storage of classified information at any level of secrecy; and
- XVI. **Security Breach:** the action or omission, intentional or accidental, that results in the compromise or risk of compromise of classified information.

Art. 3. The Security and Accreditation Nucleus - NSC, the central security accreditation body, established within the Institutional Security Cabinet of the Presidency of the Republic, is responsible for:

- I. Enabling Level 1 Registration Bodies for the Security Accreditation of public or private bodies and entities, and of persons who have any kind of link with them, for the handling of classified information;
- II. Enabling Control Points of Level 1 Registration Bodies for the storage of classified information at any level of secrecy;
- III. Enabling a private entity that has any kind of link with the GSI/PR for the handling of classified information;
- IV. Accrediting a person who has any kind of link with the GSI/PR for the handling of classified information;
- V. Carrying out the inspection and investigation for Security Accreditation necessary for the execution of the provisions of items III and IV, respectively;
- VI. Supervising compliance with the rules and procedures for security accreditation and the handling of classified information;

- VII. Advising the Minister-Chief of the GSI/PR in the negotiations of treaties, agreements or international acts related to the exchange of classified information;
- VIII. Advising the Minister-Chief of the GSI/PR on matters related to the security accreditation of public or private bodies and entities and persons, for the handling of classified information;
- IX. Advising the Minister-Chief of the GSI/PR in the functions of national security authority for the handling of classified information resulting from treaties, agreements or international acts, observing the competences of the Ministry of Foreign Affairs;
- X. Monitoring investigations and processes of evaluation and recovery of damages resulting from security breaches and informing about possible damages to the country or the international organization of origin, whenever necessary, through diplomatic channels;
- XI. Providing technical support to the Registration Bodies and Control Points, within the scope of the federal Executive Power, for their implementation and full development of Security Accreditation activities; and
- XII. Promoting and proposing regulations for the security accreditation of individuals, companies, bodies and entities for the handling of confidential information.

Art. 4. The Level 1 Registration Body is responsible for:

- I. Enabling a Level 2 Registration Body to accredit a person for the handling of classified information;
- II. Enabling a Control Point of public or private bodies and entities that have any kind of link with it, for the storage of classified information at any level of secrecy;
- III. Accrediting a natural person who has any kind of link with it for the handling of classified information;
- IV. Carrying out the inspection and investigation for security accreditation necessary for the execution of the provisions of item III of the caput;
- V. Supervising compliance with the rules and procedures for security accreditation and the handling of classified information, within the scope of its competences;
- VI. Periodically sending reports to the Security and Accreditation Nucleus on its accreditation activities and its functioning, as well as those of those accredited by it; and
- VII. Notifying the Security and Accreditation Nucleus, immediately, of any security breach of classified information of its own and of those Level 2 Registration Bodies and Control Points accredited by it, including those related to treaties, agreements or any other international act.

Art. 5. The Level 2 Registration Body is responsible for:

- I. Carrying out investigations for accreditation and granting security credentials only to natural persons linked to it;
- II. Periodically sending reports of activities to the Level 1 Registration Body that accredited it; and
- III. Notifying the Registration Body that accredited it, immediately, of any security breach of classified information.

Art. 6. The Control Point is responsible for:

- I. Storing and controlling classified information, including security credentials, under its responsibility;
- II. Maintaining the logical and physical security of classified information, under its custody;
- IV. Periodically sending reports of its activities to the Registration Body that accredited it; and
- V. Notifying the Registration Body that accredited it, immediately, of any security breach of classified information under its custody.

Art. 7. Access to, disclosure of, and handling of classified information at any level of secrecy shall be restricted to persons who have a need to know and who have a Security Clearance in accordance with the rules established by the GSI/PR, through the NSC, without prejudice to the attributions of public agents authorized by law.

Sole Paragraph. Access to classified information at any level of secrecy by a person who is not accredited or not authorized by law may, exceptionally, be permitted upon signing a Term of Commitment to Maintain Secrecy - TCMS, in accordance with Annex I of Decree nº 7,845, of 2012, by which the person agrees to maintain the secrecy of the information, under penalty of criminal, civil and administrative liability, in accordance with the law.

Art. 8. The Security Clearance, issued by the NSC and by the Level 1 and 2 Registration Bodies, is considered restricted access material, being personal and non-transferable, and with an explicit validity period.

Art. 9. The authorities referred to in items I, II and III of art. 30 of Decree nº 7,724, of 2012, are considered ex officio accredited in the exercise of their position within their competences and in their respective levels of secrecy, respecting the need to know.

Sole Paragraph. Any authority referred to in items II and III of art. 30 of Decree nº 7,724, of 2012, who needs to know classified information at a level of secrecy higher than that for which they are ex officio accredited, must have a security credential at the respective level of secrecy, to be granted by the registration body to which they are linked.

Art. 10. The alternate designated and public or military agent designated to perform functions with the Joint Commission for the Reevaluation of Classified Information must have a Security Clearance for the handling of classified information at any level of secrecy, valid exclusively within the scope of the work of the aforementioned Commission.

Art. 11. Security accreditation will be carried out in accordance with the procedures established in the complementary rules to be issued by the GSI/PR.

Art. 12. The verification of the Security Clearance or similar document issued by another country, when necessary, will be carried out by the GSI/PR through the NSC.

Art. 13. The Registration Bodies may enter into agreements, covenants or terms of cooperation with other enabled public bodies or entities, for the purposes of Security Accreditation, handling of classified information and carrying out inspection for enabling or investigation for Security Accreditation, observing the current legislation.

Art. 14. The act of enabling the Registration Bodies and Control Points gives them the competence provided for in art. 7, art. 8 and art. 9 of Decree n° 7,845, of 2012, respectively.

Art. 15. Areas and facilities that contain documents with classified information at any level of secrecy, or that, due to their use or purpose, require protection, will have their access restricted to people authorized by the body or entity.

Sole Paragraph. The areas or facilities of the Control Point of each registration body and private entities are considered restricted access.

Art. 16. A private sector body or entity may only be enabled as a Control Point, upon request to the Level 1 Registration Body with which it has any kind of link.

Art. 17. The Security and Accreditation Manager is responsible for:

I. Maintaining the technical qualification necessary for the security of classified information, at any level of secrecy, within the scope of the body or entity with which it has a link;

II. The implementation, control and operation of the Controlled Documents - DC and classified documents protocols;

III. The administrative compliance and secrecy of the accreditation and enabling processes within the competence of the body or entity with which it has a link;

IV. Proposing to the Senior Management norms within the scope of the body or entity with which it has a link, for the handling of classified information and for access to restricted areas, facilities and materials;

V. Managing cryptographic resources, Security Clearances and restricted access materials;

VI. Advising the Senior Management of the body or entity with which it has a link, for the handling of classified information, at any level of secrecy; and,

VII. Promoting the training of public or military agents responsible for the handling of classified information, at any level of secrecy.

Sole Paragraph. The security and accreditation management in relation to the handling of classified information, at any level of secrecy, encompasses actions and methods that aim at the integration of risk management activities and continuity of control, access, accreditation and their training.

Art. 18. Ministries and bodies of equivalent level that require the handling of classified information, at any level of secrecy, should, as soon as they wish, request the GSI/PR to enable them as a Level 1 Registration Body.

Sole Paragraph. Level 1 Registration Bodies may enable as many Level 2 Registration Bodies as they deem necessary and convenient.

Art. 19. The inspection provided for in item VI of art. 3 of Decree nº 7,845, of 2012, will be carried out through technical visits by a team of the NSC, when necessary, as well as by monitoring the reports of compliance with this Normative Instruction and respective Complementary Norms, which will be periodically sent by the Registration Bodies and Control Points to the NSC.

Art. 20. It is up to the Senior Management of the registration bodies to provide a specific budgetary resource for the cost of inspections, investigations, support and technical visits, determined in items V of art. 3, IV of art. 7 and art. 8 of Decree nº 7,845, of 2012, and art. 19 of this Normative Instruction.

Art. 21. In the case of exchange and handling of classified information at any level of secrecy, with a foreign country or organization, security accreditation in the national territory will only be granted if there is a treaty, agreement, memorandum of understanding or technical agreement signed between the foreign country or organization and the Federative Republic of Brazil.

Art. 22. The negotiations for the achievement of international acts involving the exchange of classified information, after the manifestation of the interested country and the consent of the Ministry of Foreign Affairs, will be forwarded to the GSI/PR for articulation and understandings for formalization.

Sole Paragraph. The renegotiation of international acts in force that involve the exchange of classified information must follow the same procedures as the caput.

Art. 23. The bodies and entities may issue complementary instructions, within the scope of their competences, which will detail their particularities and procedures related to security accreditation and the handling of classified information at any level of secrecy.

Art. 24. Any breach of security of classified information, at any level of secrecy, must be reported, promptly, by the Senior Management of the body or entity to the GSI/PR, reporting the circumstances in as much detail as possible.

Art. 25. This Normative Instruction comes into force on the date of its publication.

**JOSÉ ELITO CARVALHO SIQUEIRA**