



INVESTMENT AND
TRADE AGENCY

**LAW ON STATE AND
OFFICIAL SECRETS**



LAW ON STATE AND OFFICIAL SECRETS

1 December, 2016.

Ulaanbaatar city.

CHAPTER ONE. GENERAL PROVISIONS

Article 1. Purpose of this 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 secrets

- 2.1. Legislation on state and official secrets shall consist of the Constitution of Mongolia, Law on National Security, this law and other legislative acts enacted in conformity with these laws.

Article 3. Applicability of this 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 secrets provided by foreign countries and international organizations.

Article 4. Principles of information pertaining to state and official secrets and classification

- 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

- 5.1. The following terms used in this law shall be understood as follows:
 - 5.1.1. '*State secret*' shall mean information classified in accordance with the legislation of Mongolia, a disclosure and a loss of which may present danger, threats and damage 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 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 information pertaining to state secrets or official secrets;
 - 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 for familiarization with state and official secrets*' shall mean a right to familiarity 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 technical, software, cryptographic and other devices used for the protection of state 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 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 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 secrets 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 citizens, foreign citizens and stateless persons authorized to access state and official secret shall not be obliged to disclose it.
- 6.3. The state agency shall submit information on the work regarding preservation and security of state and official secrets to the Intelligence Agency by 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 regulations for rewarding legal entities and individuals who prevent state and official secrets from unauthorized disclosure, giving substantial contribution to confidentiality and security, informing about illegal activities, and/or providing other contributions to intelligence and law enforcement agencies.

Article 7. Ownership of state and official secrets, and transfer 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. Information and the physical carrier of information possessed by an 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, independent expertise for the compensation price shall be sought.
- 7.5. Based on the opinion of an authorized organization and resolution of the Intelligence Agency, the Government shall decide whether to obtain the information and its physical carrier owned by a citizen and legal entities referred to in Paragraph 7.3 of this Article, as state property.
- 7.6. State and official secrets with all levels of classification, except '*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 the intelligence services.

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

CHAPTER TWO. POWER OF STATE ORGANIZATIONS AND OFFICIALS TO PROTECT STATE 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. approve state policy and legislation on the protection of state and official secrets and monitor their implementation;
 - 8.1.2. adjust and approve the state budget for funding programs, projects and activities aimed at protecting 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 power, under its authority, to control the protection of state and official secrets, to receive 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. organize the implementation of legislation on the state and civil secrecy and give commands and direction to relevant authorities and officials;
 - 10.1.2. develop and implement state policies, projects, programs and legal documents to protect state and official secrets;
 - 10.1.3. approve procedures and instructions concerning state and official secrets;
 - 10.1.4. establish intergovernmental treaties and agreements on mutual exchange and protection of state and official secrets;
 - 10.1.5. classify information on state and official secrets, transfer and declassify an information, establish and change levels of classification, and to extend the duration of secrecy.

Article 11. The power of organizations and officials

- 11.1. Organizations 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 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 branches and affiliated organizations;
 - 11.1.3. to update a methodology and tools for the protection of state and official secrets, and to submit proposals to the authorized organization to include the required funds in the budget;
 - 11.1.4. to prepare and approve plans to protect state and official secrets during 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 secrets by organizations and officials handling state and official secrets;
 - 12.1.3. to organize experiments, analyses, and verification of technical and cryptographic

- tools for the protection of state and official secrets;
 - 12.1.4. to provide professional and methodological assistance to organizations and officials 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 secrets, resolutions of the President of Mongolia and the Government of Mongolia, and to submit proposals to the Government to improve the performance of storage, protection and utilization of state and official secrets;
 - 12.1.6. to draft proposals to classify certain information, to transfer and declassify classified information, to establish and change a level of classification and to extend a duration of secrecy, and submit these drafts to the Government;
 - 12.1.7. to establish and use the unified database for registration of information on state and official secrets;
 - 12.1.8. to carry out a security check on the access of officials and citizens to state secrets, and to examine and screen legal entities before their action using 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, and research on the protection of state and official secrets;
 - 12.1.11. to give comments and conclusions on 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 Section 12.1.7 of this article.

CHAPTER THREE. INFORMATION TO BE ASSIGNED INTO STATE AND OFFICIAL SECRETS

Article 13. Information to be assigned into state secrets

- 13.1. The following information shall be assigned as state secrets:
- 13.1.1. within the scope of state national policy:
 - 13.1.1.a. concepts and doctrines of national security and foreign policy of Mongolia, are obliged to be assigned as state secrets;
 - 13.1.1.b. information discussed in sessions of the State Great Khural, the National Security Council and Cabinet, 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 the Government and Central Bank relating to cooperation, debt, loans and grants with foreign countries and international organizations in the financial sector, and information regarding their 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 international treaties, agreements and protocols concluded with foreign governments and organizations on issues will be assigned as state secrets; including their drafts and implementations;
 - 13.1.1.g. working plans and guidance for emergency situations in the diplomatic missions abroad;
 - 13.1.1.h. directions and guidance for delegates of international conferences, meetings and forums organized on issues pertaining to state secrets under this law;
 - 13.1.1.i. information on the actions and measures taken by competent authorities during crimes, accidents and emergency situations on manufacturing plants and important objects with vital importance which have significant benefits to national defense and the economy.
 - 13.1.2. within the scope of the economy, science and technology:
 - 13.1.2.a. information on policy and actions for ensuring economic security;
 - 13.1.2.b. information on the resources of the, banknote, and location of the resources fund and their security;
- /The amendment to this paragraph was made according to the law as of April 22, 2022/*

- 13.1.2.c. information which has significant benefits for ensuring national security such as science and technology achievements; research and development works; projects, installations and tests on the research works; and technology;
- 13.1.2.d. information on creating, producing and destroying the original designs of the banknotes and supplying, exchange and the decommissioning of banknotes;
- 13.1.3. within the scope of defense:
 - 13.1.3.a. information, is obliged to be classified, on defense policy and military doctrine;
 - 13.1.3.b. integrated indicators and information describing the organizational charts of the armed force during peacetime and war, combat resources, real names, organizations, structures, their combat ability, and preparedness of combat of the military units of the armed forces;
 - 13.1.3.c. information on the strategic direction and the preparedness plan of state military organizations, their implementation and estimation, documents on the strengthening and utilization of armed forces, strategic planning documents, plans for transferring levels of readiness, preparing for combat and transferring units, and protection tactics against armed attacks and aggression;
 - 13.1.3.d. information relating to combat readiness and border protection readiness, operations instructions and orders, and equipping a location for combat operations;
 - 13.1.3.e. topographic maps containing information relating to defense and border protection and information pertaining to state secrets pursuant to this law;
 - 13.1.3.f. information relating to instructions, plans, resources, estimations of placements of state and military mobilizations; weaponry, armaments, and material of state military organizations; support, orders and resources for firearms;
 - 13.1.3.g. statistics and records of military personnel of state military units, combined information of the military personnel in reserve and persons subject to conscription and demobilization, military career classifications, aggregate amount and estimation of registered military personnel and vehicles at the national, capital city and aimag level.
 - 13.1.3.h. information on the structure, organization and supply of automated and behind-the-scenes command communications and command systems of state military units;
 - 13.1.3.i. information on the location of command centers, information and communications networks, and radio frequency allocations;
 - 13.1.3.j. information on the purpose and range of state and military demobilization, type, capacity and method of the mobilization, combined plan of state mobilization, and instructions and plans of the mobilization of the government central organizations, the capital city and the aimags.
 - 13.1.3.k. information relating to organizing the national border protection and border check service's activities and supply;
 - 13.1.3.l. information relating to volume, location, reporting and financing of the state and defense reserves;
 - 13.1.3.m. estimation and sources of the draft guidelines (year, mid-term, long-term) of the state and defense reserves, and documents issued by authorized organizations for the implementation of the guidelines;
 - 13.1.3.n. plan for shifting the nation into a 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 emergency situations; operational arrangements for communications and warnings; information relating to using infrastructure for warnings and communications; and information relating to command bunkers, and their budgets, locations and capacities.
 - 13.1.3.p. information that shall be classified and related to income and expenditure of the armed force development fund.

/This sub-paragraph was added according to the law as of January 29, 2021/

- 13.1.4. within the scope of intelligence, counter-intelligence and law enforcement:
- 13.1.4.a. information relating to sources of intelligence, counter-intelligence and covert operations;
 - 13.1.4.b. information relating to consolidated data of intelligence operations and special data;
 - 13.1.4.c. information relating to registration data of operational and special equipment, and information kept on special equipment, software, codes, keys, data and carriers of classified information;
 - 13.1.4.d. information relating to units and affiliates, buildings and premises, locations, plate numbers of vehicles, and special equipment for the operation of the organization authorized to perform intelligence, counter-intelligence and covert operations, which information is obliged to be classified;
 - 13.1.4.e. materials, facts, data and information on criminal investigations which are done or ongoing;
 - 13.1.4.f. decisions, instructions, regulations, and other documents relating to the accomplishment of undercover operations issued by the management of the authorized organizations;
 - 13.1.4.g. information on basic plans, reports, and workplace definitions of undercover officers;
 - 13.1.4.h. information of the organizational structure and job positions of units, authorized to perform intelligence operations, of the intelligence, counter-intelligence and other authorized organizations;
 - 13.1.4.i. the budget of the Intelligence Agency, operational expenses of other organizations authorized in intelligence operations, and the implementation reports of the expenses;
 - 13.1.4.j. information relating to the profile and duty of intelligence officers and covert 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. accounts, accounting books and material of the special archive of the organization authorized for intelligence operations;
 - 13.1.4.m. plans to transfer the organization authorized for intelligence operation into a high security situation; operational plans, instructions and alerts for the combating of terror, sabotage and organized crime;
 - 13.1.4.n. activities of the Intelligence Agency relating to ensuring the national security of Mongolia;
 - 13.1.4.o. information relating to organizations, methods, tactics, forces, techniques and plans of the internal security of the organizations authorized for intelligence, counter intelligence and operation activities;
 - 13.1.4.p. information relating to the supply and resources of the weapons, special equipment, materials, vehicles and reserves used in intelligence operations by intelligence and counter intelligence organizations and other organizations authorized in intelligence operation;
 - 13.1.4.q. information relating to cooperation of the Intelligence Agency with the special services of foreign countries;
 - 13.1.4.r. progress of measures such as evacuation, change of document and appearance specified in the Law on Protection of Witnesses and Victims, and information of a person protected by these measures, that shall be classified.
- /The amendment to this sub-paragraph was made according to the law as of April 24, 2020/*
- 13.1.5. within the scope of information security and other fields:
- 13.1.5.a. information on the structure, organization, software, ciphering equipment and operational concept, and radio frequency spectrum allocation of the information and communication network of state special services;
 - 13.1.5.b. special purpose equipment and software of the state information network

- management center;
- 13.1.5.c. state cypher communications policy; processing, data, resources, cypher method and methodology, guidance, codes, keys and other relevant information of the state special purpose information, communications 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 location, transferring and inspecting of a carrier of state secrets;
- 13.1.5.f. books; study books; work; science and research works; reports; presentations; information; statements; schedules and note of meetings, workshops, seminars and trainings prepared using information pertaining to state secrets, and carriers of secrets;
- 13.1.5.g. documents and information, which is obliged to be classified, of the inquiries, investigations, prosecutions and court jurisdiction processes on cases involving state secrets;
- 13.1.5.h. information on the health condition of officials provided first-level state protection by the law;
- 13.1.5.i. information on the location, place name, map, security structure and reserves of high-security state and special objects;
- 13.1.5.j. cartographic location of the buildings and premises of clean water resources;
- 13.1.5.k. delivery process of the special state and diplomatic couriers;
- 13.1.5.l. notes and documents of the closed meetings on classified issues;
- 13.1.5.m. information on the permanent and temporary structure, force, device for the officer, citizen, meeting, session, vehicle and other objects which are under the state special protection; and information on the structure, job positions and budget of the State Special Protection Agency;
[/The amendment to this sub-paragraph was made according to the law as of May 14, 2020/](#)
- 13.1.5.n. instructions for the covert actions of state importance and special objects and operations.
- 13.2. State organizations and other legal entities shall develop a list of state secrets with classification limited to certain sectors and organizations within the list specified in Paragraph 13.1 of this Article and the Intelligence Agency shall give suggestions on the list and the Government shall approve the list.
- 13.3. The list of confidential information within the industry and organization shall reflect the duration of classification and the level of classification.

Article 14. Information relating to official secrets

- 14.1. The list of information pertaining to official secrets shall be prepared by the responsible body and approved by the decisions of the Cabinet Member or head of the organization in charge of issues.
- 14.2. In the approval of the list specified in Paragraph 14.1, the proposal of the Intelligence Agency shall be taken in consideration.

CHAPTER FOUR. CLASSIFICATION AND DECLASSIFICATION OF INFORMATION

Article 15. Classification of Information

- 15.1. Organizations and officials shall take measures to ensure the confidentiality of information from the date of the entry into force of the law pertaining the information on the state and official secrets.
- 15.2. Information shall be classified by marking with a level of classification and other signage specified in this law.
- 15.3. Concealment of objects and specific operations shall be implemented in accordance with 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 Paragraphs 13.2 and 14.1 of this law, but 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 a 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 procedures approved by the Government.

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

- 16.1. Classifications of 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. 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 levels 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 consequences 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 damage to the interests and activities of the industry and state and other legal entities, or cause danger of a compromise of information pertaining to state secrets.
- 16.7. The Government shall approve procedures for the determination the level of state and official secrets.

Article 17. Duration of information secrecy

- 17.1. State and official secrets other than those specified in Paragraphs 17.4 and 17.5 of this Article shall be kept secret for the following durations:
- 17.1.1. information classified '*Extra top secret*' for 30 years;
 - 17.1.2. information classified '*Top secret*' for 20 years;
 - 17.1.3. information classified '*Secret*' for 10 years.
- 17.2. The duration 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 duration of classification shall be calculated by the latest classification.
- 17.4. Information which is obliged to be classified, on the covert intelligence officer of an agency authorized to implement intelligence, counter-intelligence and covert 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 cases where a specific duration for classification cannot be established and the secrecy would be exposed by a specific act or event, the duration of classification shall be calculated in accordance with the conditions.
- 17.6. If the duration of classification needs to be extended due to national security and interests, the organization and official in charge of classified information shall extend the duration pursuant to Paragraph 17.1 of this Article based on the proposal of the Intelligence Agency.
- 17.7. Although the duration of classification may be finished, the information shall not be disclosed until the decision to disclose takes place.
- 17.8. Unless otherwise provided in an international agreement to which Mongolia is a party, the duration 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 of the appropriate documents and other confidential carriers:
 - 18.1.1. level of classification;
 - 18.1.2. registration number;
 - 18.1.3. date and duration 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 applied 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 levels of classification specified in Paragraph 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 on the outer side of the body.
- 18.5. Use of the marking on the carrier of information other than for state and official secrets shall be prohibited.

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

- 19.1. 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 changes of circumstances;
 - 19.1.3. the law declassifying information was approved and entered into force.
 - 19.1.4. it has been revealed that the information classification is groundless.
- 19.2. State and official secrets shall be declassified in accordance with the procedures set forth in Paragraph 19.6 of this Article.
- 19.3. The government shall decide upon the declassification of information pertaining to state and official secrets before the expiration date on the basis of Paragraph 19.1.2 of this Article on the basis of a proposal of the Intelligence Agency.
- 19.4. If the duration of classification is not extended, state organizations and officials in charge of classification information shall disclose the information after the expiry date in accordance with the relevant procedures.
- 19.5. After the declassification, the carrier of information which has no historical, research or 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 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 be familiar with official secrets and authorized officials shall submit a written pledge right after they are voted or appointed to their 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 familiar with or handle state secrets in the charge of the organization.

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

- 21.1. If it is not prohibited by law, the President, the Speaker of Parliament, and the Prime

- Minister of Mongolia shall be familiar with state and official secrets regardless of their level of classification.
- 21.2. If it is not prohibited by law, Members of Parliament and the Cabinet of Ministers shall be familiar with state and official secrets within the scope of issues discussed and decided during their sessions regardless of their level of classification
 - 21.3. Members of working groups established by Parliament for the purposes of examining issues pertaining to state and official secret information, or any person authorized for this purpose, shall be familiar with state or official secrets regardless of their level of classification other than those prohibited by law.
 - 21.4. With the approval of Parliament, the Chairman and members of the Special Review Subcommittee of Parliament shall be familiar with information relating to sources of information and combined data of undercover operations within the scope of ongoing investigation cases, and any other person shall be prohibited.
 - 21.5. A member of the Constitutional Tsets, a judge, a prosecutor and an investigator shall be familiar with 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 Paragraphs 21.1 - 21.5 of this Article, the President of the Bank of Mongolia, heads of organizations established by Parliament, heads of government agencies, governors of all levels shall not be subject to security examinations and shall submit a written pledge not to disclose state and official secrets.

Article 22. Issue of authorization for familiarization with state secrets

- 22.1. Authorization to be familiarized with state secrets shall be issued to the following persons:
 - 22.1.1. those who submit written permission for security screening relating to authorization to be familiar with state secrets;
 - 22.1.2. those who participate and pass the security exam organized by the authorized agency;
 - 22.1.3. those who submit a written pledge not to disclose state secrets.

Article 23. Authorization for familiarization with state and official secrets

- 23.1. Authorization for familiarization with state and official secrets shall have levels regarding the level of classification of familiarization and the procedure for the authorization shall be regulated by guideline for the protection of state and official secrets.

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

- 24.1. Officials and citizens shall be denied the right to access state secrets on the following basis:
 - 24.1.1. who does not meet the requirements and conditions for familiarization with state secrets;
 - 24.1.2. who refuses to participate in the security screening and to submit the written pledge to protect state and official secrets;
 - 24.1.3. who does not present about himself/herself other relevant information in the security screening, or informs wrongfully;
 - 24.1.4. who violates the procedure for the protection of state and official secrets repeatedly or severely;
 - 24.1.5. who is sentenced for an intentional crime, or investigated for a criminal crime;
 - 24.1.6. who submits a renunciation of citizenship of Mongolia;
 - 24.1.7. who has a mental illness and disorder;
 - 24.1.8. who is addicted to drugs, substances and alcohol.

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

- 25.1. The Intelligence Agency may suspend the authorization to be familiar with state and official secrets of officials and citizens who are suspected in a criminal case or suspected of breaching the regulation on protection of state and official secrets until the court decision becomes effective or the decision of the official examination is finalized.
- 25.2. In the case of dismissal from a job or official position, circumstances specified in Article

24 of this law, termination of contract, and serious and repeated violation of regulations of any duty to protect state and official secrets, the Intelligence Agency shall invalidate the authorization to be familiar 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 except for those specified in Paragraph 21.6 and 26.3 of this Law
- 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. Citizens to be selected for the position of an employee of the organization authorized to carry out executive work shall be examined in accordance with the relevant legislation.

Article 27. Duty of officials and citizens

- 27.1. Officials and citizens authorized to be familiar with state and official secrets shall have the following common obligations:
 - 27.1.1. to abide by legislation protecting state and official secrets;
 - 27.1.2. to protect state and official secrets that have been seen or discovered during the implementing of their official duty and not to disclose it during their working period and after their dismissal or release until the official declassification of secrets;
 - 27.1.3. to take preventive measures to prevent 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 that has occurred, or a breach of regulations for protection of secrecy;
 - 27.1.5. if the official and labor relations with the employee finished or is transferred to another job or position, to hand over to a carrier of state and official secrets entrusted to him/her and give a written pledge not to disclose state and official secrets;
 - 27.1.6. Unless otherwise provided by law, in the case of traveling abroad for private purposes, to give written notice to the organization in advance.

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

- 28.1. Officials authorized to protect state and official secrets shall have the following obligations:
 - 28.1.1. to ensure implementation of legislation to protect state and official secrets and to organize and implement the secrets documentation;
 - 28.1.2. to give methodological and professional advice to officials and officers for the handling and protection of state and official secrets;
 - 28.1.3. to monitor the storage and protection of state and official secrets within the industry sector and affiliated organizations and to organize inspection and counting;
 - 28.1.4. to take guarantees from officials and citizens authorized to be familiar with state and official secrets;
 - 28.1.5. if officials establish informal relations with foreign citizens and organizations, to inform about this to the Intelligence Agency;
 - 28.1.6. to inform the Intelligence Agency about the transfer and movement of officials authorized to be familiar with state secrets;
 - 28.1.7. in the case of breaking regulations for the protection of state and official secrets, to organize inquiries and submit results to the senior management of the organization and if necessary, submit the results 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 the senior management of the organization and the Intelligence Agency.

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

- 29.1. State organizations and other legal entities shall take suggestions from the Intelligence Agency on the dismissal or transferring of officials authorized to protect secrets.
- 29.2. Officials authorized to protect secrets shall have a salary addition pursuant to the procedures approved by the Government and the amount of addition depends upon the level of classification and the duration of time handling secrets.

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 for the protection of state and official secrets.
- 30.3. Management of 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 a 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 units authorized to protect state and official secrets shall be determined in the organization's internal regulations.
- 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 destroying state and official secrets, and their carriers

- 31.1. Creating, processing, storing, utilizing, transferring, registering, transporting, sending, destroying, ensuring entirety and other relevant activities of state and official secrets, and their carriers shall be executed as 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 procedures for protection of state and official secrets, in accordance with the general regulations specified in Paragraph 31.1 of this Article, within the organization due to its distinct characteristics of activity.
- 31.3. Special couriers may be used for sending and receiving state secrets to and from organizations and officials of Mongolia positioned in foreign countries.
- 31.4. Procedures 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 state and official secrets to state organizations and other legal entities

- 32.1. State and official secrets shall be transferred to other 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 state and official secrets according to 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 contracts

- 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 entities receiving the transferred secrets 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 be authorized to be familiar with the state and official secrets.
- 33.3. If the contractor does not fulfill obligations to protect state and official secrets, or fulfilled

insufficiently during the contract, the subscriber shall perform actions 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 regulations 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 protecting the information.
- 34.3. Application of cryptographic equipment for protection of state and official secrets shall be regulated by the regulation for state cypher communications 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 is reorganized, disbanded, or duties relating to use of state and official secrets is completed, the organization or legal entity shall execute actions to protect the carrier of the state and official secrets.
- 35.2. In the case specified in Paragraph 35.1 of this Article, the organization or legal entity shall destroy the carrier of the state and official secrets according to determined regulation or shall take action to transfer to the following organizations:
 - 35.2.1. the successor of the state organization and legal entity;
 - 35.2.1. the state organization and other legal entity authorized to handle the state and official secrets;
 - 35.2.3. the National Central Archive.
/The amendment to this sub-paragraph was made according to the law as of April 24, 2020/
- 35.3. The Intelligence agency shall monitor the action of destroying and transferring the state and official secrets specified in Paragraph 35.2 of this Article.

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

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

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

- 37.1. The protection of state and official secrets in the organizations financed by state and local budgets shall be financed by the 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. The 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 their affiliated branch or affiliate organization.
- 38.2. Subscribers of the contract shall be responsible to monitor the protection of state and official secrets transferred to the contractor concerning 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 instructions to correct errors and faults and ensure their performance.
- 38.4. The official instructions of the Intelligence Agency shall be mandatory and organizations and officials shall execute immediately and submit notification of their execution.
- 38.5. The Government shall approve the regulation for monitoring and examinations specified in Paragraph 38.3 of this Article.

CHAPTER SEVEN. OTHER PROVISIONS

Article 39. Liability for breach of the Law on the State Secrets and Official Secrets

- 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 suggestions 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 Paragraphs 6.2, 6.3, 15.1 and Articles 27, 28 of this law shall be subject to a liability of a cut the amount of wages up to 20 per cent for up to three months;
 - 39.2.2. an official, who repetitively fails to perform duties specified in Paragraphs 6.2, 6.3, 15.1 and Articles 27, 28 of this law and fails to perform duties specified in Paragraph 38.4 of this law shall be subject to liability for decrease of the level of their 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 Paragraph 39.2 of this law to the violator and shall notify the Intelligence Agency within 14 days.
- 39.4. If the organization or official with the higher level of position did not perform the duty specified in Paragraph 39.2 of this law or groundlessly refused to perform this duty, the Intelligence Agency shall submit a suggestion to the organization or official authorized to appoint and discharge, to impose a liability.
- 39.5. The official instruction and decision of the Intelligence Agency shall be mandatory and organization, official and citizen who receives it shall have the obligation to perform the necessary action.
- 39.6. Any person or legal entity who breaches the Law on State Secrets and Official Secrets shall be liable to sanctions stipulated in the Law on Infringement.
- 39.7. The imposition of a fine on a violator of the Law on State Secrets and Official Secrets shall not be grounds for eliminating the violation or relieving him/her of liability for damages caused to others as a result of the violation.

Article 40. Entry into force of the Law

- 40.1. This law shall enter into force on the 1 September, 2017.

M. Enkhbold

Chairman, State Great Khural