

Mongolian law

18th April, 1995
Ulaanbaatar city

On State Secrets

Chapter One

General Provisions

Article 1: The purpose of the law

The purpose of the present law is to regulate the relations arising from creating, guarding and utilizing state secrets.

Article 2: The legislation on state secrets

The state secret legislation shall consist of the Constitution, the present law and other related legal acts.

Article 3: The perception about state secrets

1. "State secrets" shall be reports, documents, substance, items and proceedings which were defined as state secrets according to Mongolian legislation, and contained in their selves information, divulgence of which will cause harm to national security, in forms of definition, illustration, signs, technological solution and related to matters of foreign policy, economics, science, technology, defense, intelligence, counter-intelligence and secret operations of Mongolia. (Amendments were made to this part according to the laws on 27th December 2001 and 2nd January 2004)
2. In order to guard national security some buildings, constructions (hereafter shall be referred as items) or particular activities carried out by competent state institutions may be defined as state secrets. (Amendments were made to this according to the laws on 27th December 2001)

Article 4: Principles for defining state secrets

Compliance with legislation and time appropriateness principles shall be complied in defining state secrets.

Article 5: Scopes of state secrets

1. within scope of the national security of Mongolia:
 - 1) The concept of the national security of Mongolia and confidential parts of information, documents and other matters for ensuring economic security as appropriate.

- 2) Vital information related to foreign policy and official opinion of Mongolia and agreements or their drafts of Mongolia, established with other foreign countries, which are appropriate to classify as confidential.
2. within scope of defense:
- 1) Defense policy and concept, military doctrine, and classified parts of other related documents as appropriate.
 - 2) Strategy, operative tactics, reports on their implementation, military strategy, operative and resource position, warfare operating documents for preparation for and performing battles, combat methods, readiness to military actions and mobilization, mobilization reserve, and information on its utilization.
 - 3) Scientific and research, experimental and construction works with purposes to create, purchase and renovate military equipment and programs implemented for these purposes and report of their implementation and their impacts.
 - 4) Titles and types of secret armament and equipment, technical specification and potentials during battles.
 - 5) Information on location, purposes, rating of readiness, protection, chart and accompanying documents, or expenditure budget of strategically important objects for the national defense, and territories assigned for constructing objects, and other related materials.
 - 6) Purpose, arms and technical supplies, classified or specially appointed locations, authentic titles, amount of weapons and troops of armed forces or other military troops.
 - 7) Target of recruits, annual recruits and plans by the ministry of Mongolia and special agents in provinces and the capital city.
 - 8) This provision has been demolished by the law on 20th June 2003.
 - 9) Organization, methods and operations of forces of the national borders, and border inspection authorities, other information related to them.
 - 10) Plans to utilize public mobilization of civic protection and to provide public security during public emergency and location and purposes of special objects and information and other items on ways to utilize infrastructure during the time. (amendments to this provision were made by the law on 2nd January 2004)
3. within scope of economy, science and technology:
- 1) Scientific and research works, experiments, discovery, charts and national and other technology that have vital bearing on state security, economy and defense. (amendments to this provision were made by the law on 27th December 2001)
 - 2) Real and potential mobilization capacity of military production, the real amount and location of national reserve.
 - 3) Reserves, extraction and supply amount of raw materials that are bearing vital importance on defense and economic security.
 - 4) Methods and tools to protect state secrets, and actions taken for this purpose and reports on them.
4. within scope of intelligence, counterintelligence and secret operations:

- 1) Intelligence and counterintelligence proceedings, and information on methods, types, tools and facility, sources of information, number of staff, organizational structure, documents, archive, database and financing used for secret operations.
 - 2) Codified system of the government communication, and other relevant documents to this system, its encryption, method and proceeding to use them.
 - 3) Information on supply and reserve of arms and special equipment to police, intelligence agencies, detention units, plans for operation during public disorder by police, intelligence agencies, and internal military units, information on tools and facility to protect vital important objects, plans for operation by detention units during war and within war period, and other relevant documents.
 - 4) Actions taken by state competent institutions in order to safeguard national security of Mongolia.
5. Proceeding on execution of the capital punishment, and objects, defined in subparagraphs 4 and 5 of paragraph 2, subparagraphs 2 and 3 of paragraph 3, subparagraph 1 of paragraph 4, that are necessary to be classified as state secrets.

Article 6: A list of State secrets

1. A list of state secrets, as defined in article 5 of the present law shall be adopted by a law. (this part was amended by the law on 2nd January 2004)
2. It shall be prohibited to classify any information or items as a state secret without approving law provisions.

Chapter Two

Classification of state secrets

Article 7: To generate state secrets

The process to generate state secrets shall consist of issuing decision to include information, documents or items into the list of state secrets, formulation, and classification of them.

Article 8: Formulation of state secrets

1. Entities or civil servants shall obey the procedure defined in subparagraph 2 b of paragraph 1 of article 13 of the present law in order to formulate information or documents, produce any items, construct objects or conduct any activities that belong to state secrets (hereinafter shall be referred as formulation of state secrets).
2. If comments and conclusions on formulation of state secrets by entities or civil servants contain information that make the discussed matter to belong to state secrets, the information shall be considered as a state secret and guarded accordingly.

3. Discussion of matters that belong to state secrets shall occur in camera as described in the procedure defined in subparagraph 2 “b” of paragraph 1 of article 13 of the present law.

Article 9: Deliver a decision to classify as state secrets

1. Entities, civil servants or citizens shall initiate and submit proposals to include information or items into the list of state secrets to the Central Intelligence Agency.
2. The Central Intelligence Agency shall consider and formulate the above mentioned proposals and present to the Government Cabinet within two weeks.
3. The Government Cabinet shall thoroughly review the proposals and submit to the State Great Khural after presentation at the National Security Council within 30 days.
4. While delivering decision to include information, documents or items into the list of the state secrets, their authentic titles may be replaced by alternative titles, codes or numbers depending on their categories of confidentiality.

Article 10: To classify to state secrets

1. The relevant entity or civil servants shall carry out activities to classify information, documents and items as state secrets from the date when the law to incorporate them to list of state secrets has become enforceable.
2. In order to classify information or document as state secrets, they shall be stamped by a seal identifying categories of confidentiality and alternative titles, codes and numbers.
3. In order to classify items as state secrets, a seal of confidentiality and a alternative title, code and number shall be stamped on package, coverage, or accompanying documents.
4. Cover activities, taken with purposes to satisfy confidentiality of particular objects or operation shall be carried out according to the procedure approved the president of Mongolia.

Article 11: Categories of state secrets

1. The category of confidentiality of state secrets shall depend on the seriousness of harms to state security and interests that occur as result of divulgence of them.
2. State secrets shall fall into the following categories:
 - 1) Most confidential
 - 2) Confidential
 - 3) Classified
3. If it is considered necessary, information, documents or items shall be classified and guarded as the most confidential from the date of submission of proposals to include them into the list of state secrets to the Central Intelligence Agency.

4. It shall be prohibited to use seals identifying category of confidentiality on information, documents or items that do not belong to state secrets.

Chapter Three

To guard and be responsible for state secrets

1. State secrets shall be under protection of the state.
2. The expression “to guard state secrets” shall mean a set of activities, and tools and facilities taken by state entities and civil servants of each level and hierarchy with the purpose not to leak state secrets.
3. The expression “to be responsible for state secrets” shall mean activities, carried out by authorized entities and civil servants, including protecting, keep and utilize state secrets.
4. No civil servants or citizens, who is responsible for or became aware of state secrets according to his or her official duties shall divulge or utilize state secrets for personal purposes.
5. No one shall search for to possess or distribute state secrets.

Article 13: Powers of the State great Khural, The president and the Government in guarding state secrets

1. The State Great Khural, the President and the government shall exercise the following rights:
 - 1) The State Great Khural:
 - a. To establish legal ground to guard state secrets;
 - b. To approve the categories of, establish terms for and decide on extension or issue to declassify state secrets on basis of proposals submitted by the National Security Council and the Government Cabinet;
 - c. To monitor on application of the legislation of state secrets;
 - 2) The President as the Chairman for the National security Council:
 - a. To be reported on guarding of state secrets by the Government, provide directions, to be introduced by proceedings of relevant entities or civil servants in regards with state secrets;
 - b. To approve procedure to formulate, store, guard and utilize state secrets, cover particular operations or objects, get familiarized with, transfer, subtract state secrets and to discuss them in camera.
 - 3) The Government of Mongolia:
 - a. To direct measures to guard states secrets, and organize implementation measures of the legislation of state secrets;
 - b. To monitor and inspect on preserving and guarding of state secrets;

2. The State Great Khural, the President and the Government shall exercise other rights described by other legislation to guard state secrets.

Article 14: The rights of state secrets-guarding institutes

1. The state secret guarding institutions at all level shall exercise the following rights:
 - 1) To monitor on guarding and utilization of state secrets that are kept within its own establishment and relevant to their field of duties but kept by other establishments.
 - 2) To submit proposals to The Central Intelligence Agency to include information, documents or items into the list of state secrets, establish categories for or declassify state secrets.
 - 3) To submit proposals to transfer or extract state secrets.
 - 4) To refuse to provide any comment to third party on whether they are responsible for a particular state secret.
 - 5) To exercise other rights to guard state secrets within their powers.
2. Local representative bodies and governor at each level shall implement measure to guard state secrets according to the legislation and submit matters to the competent agency for resolution in accordance with relevant procedure if it is considered necessary.
3. Entities shall be responsible for those state secrets, which are preserved by them and undertake measures to guard them in accordance with the legislation and procedures approved by the President of Mongolia.

Article 15: Rights of the Central Intelligence Agency

1. The Central Intelligence Agency shall be in charge to coordinate activities to maintain, guard and utilize state secrets and provide professional and methodological guidance nationwide in this regards, and exercise the following rights:
 - 1) To take measures to prevent any disclosure of state secrets;
 - 2) To monitor and inspect entities or civil servants that are responsible for state secrets on utilization and guarding state secrets;
 - 3) To cooperate with relevant bodies in order to apply legislation, decisions delivered by the President or the Government to guard state secrets, and submit proposals to the Government to improve procedures to maintain, guard, and utilize state secrets;
 - 4) To submit proposals to the Government to classify, dispatch, transfer or declassify information, documents or items as state secrets, to determine categories of confidentiality, or to extend periods for state secrets;
 - 5) To provide state communication service, post, codification and digital communication net with purposes to transfer state secrets;
 - 6) To provide inquiry and investigation for cases concerning eradication or disclosure of information, documents or items that belong to state secrets;

- 7) To exercise other rights defined by other legislation;
2. Procedures for operating state communication service, post, codification and digital communication net shall be adopted by the Government.

Article 16: Responsibility for state secrets

1. The intelligence office shall check and issue clearance to a civil servant who will be responsible for state secrets.
2. No one shall be responsible for state secrets without formal clearance of the intelligence office.

Article 17: Legal status of secret guarding officer

Legal status of secret guarding officers shall be as the following:

- 1) To get formal consent from the component body in order to leave overseas;
- 2) To inform his or her entity if he or she has established informal contact with alien citizens or entities;
- 3) To get additional remuneration to his or her salary in accordance with categories of state secrets for which he or she is responsible and period of experience;

Article 18: Termination of responsibility for state secrets

1. Responsibility for state secrets shall be terminated for violation of duties born as a secret guarding officer in administrative procedure and be liable in accordance with relevant legislation.
2. Termination responsibilities for state secrets shall not be grounds for him or her to be released from duties not to divulge state secrets.

Chapter Four

To extract, dispatch and comprehend with state secrets

Article 19: Civil servants who exercise rights to comprehend with state secrets

1. The President, The chairman of the State Great Khural and the Prime Minister shall enjoy the right to comprehend with all state secrets regardless of their categories unless it is prohibited by a law.
2. Members of the State great Khural and the Government Cabinet and other civil servants who are holding same hierarchy ranks shall enjoy rights to comprehend with state secrets by necessity of their duties in accordance with the procedure described in subparagraph 2 "b" of paragraph 1 of article 13 of the present law.
3. Members of committees, established with purpose to carry out inspection on state secrets related matters and a designated person for the same purpose shall exercise

right to comprehend state secrets within the scope of the inspected matters regardless of categories of them.

No one shall exercise right to comprehend information on resources of secret operations, information and documents on unified data and registration of secret operations, except that if chairman of the special inspection subcommittee of the State Great Khural has a formal consent from the Great State Khural to do so within scope of the inspected matters.

(This paragraph was amended by the law on 2nd January 2004)

4. Supervisors of state central, local and other entities that are responsible for the state secrets, shall exercise right to approve lists of civil servants who will enjoy right to comprehend with state secrets, held by those entities, on basis of suggestions of the intelligence body.

Article 20: To dispatch and extract state secrets

1. State secrets can be dispatch on the following grounds:
 - 1) For purposes to utilize state secrets with collaboration of other entities in connection with to safeguard state security;
(This paragraph was amended by the law on 27th December 2001)
 - 2) On grounds specified in paragraph 2 of this article;
2. In the following case the central body shall extract state secrets:
 - 1) If there is real danger for disclosure of state secrets due to not properly obedience duties to guard state secrets;
 - 2) If an entity has become not any more responsible for state secrets due to insolvency or restructuring;
 - 3) If an entity has become not any more capable to guard state secrets due to new circumstances;

Chapter Five

Miscellaneous

Article 21: Declassification of state secrets

1. "Declassification of state secrets" means remove state secrets from the state protection in accordance with decision of the State Great Khural.
2. State secrets shall be declassified on the following grounds:
 - 1) No ground to classify due to new circumstances;
 - 2) Expiration of period;

- 3) Other grounds defined in laws;
3. The Government shall submit proposals to declassify state secrets to the state Great Khural on basis of the National Security Council's proposition.
4. In special circumstances, where there is necessity to immediately disclose state secrets for interests of state security, the President of Mongolia shall resolve that issue on basis of proposals submitted by the chairman of the Central Intelligence Agency.
- (This paragraph was amended by the law on 27th December 2001)

Article 22: to classify secrets of individuals or NGOs as state secrets

In necessary circumstances for purposes to protect state security, secrets of individuals or NGOs can be classified as state secrets according to procedure define in the present law. Real damages, which may occur as result of the above mentioned classification, shall be compensated by the state on basis of agreements concluded with damage bearers.

(This paragraph was amended by the law on 27th December 2001)

Article 23: financing for measures to guard state secrets

Activities to guard state secrets shall be financed from the central state budget.

Article 24: Sanctions to the violators of the law

A judge shall impose on him/her the following administrative sanctions:

- 1) 500-2500 MNT for violation of paragraph 2 of article 6;
- 2) 1000-5000 MNT for violation of article 9, 2 or 3 paragraphs of article 10, 3 or 4 paragraphs of article 11;
- 3) 5000-10000 MNT for violation of 1 paragraph of article 10, 2 paragraphs of article 16, and 1 or 2 subparagraphs of paragraph 1 of article 17;
- 4) 20000-50000 MNT for use of state secrets fro personal purposes;

Article 25: Validating the Law

The present Law shall be enforcable from the 1st July, 1995.

CHAIRMAN OF THE STATE
GREAT KHURAL

N.BAGABANDI