

SECURITY REQUIREMENTS

The location of the public procurement object is in the restricted military area of the Defence Forces and due to that, the contracting party is notified of the following conditions:

1. Purpose of giving notice of security conditions

The purpose of giving the contracting party notice is to explain to the contracting party the relations, rights and obligations of the parties in adhering to security requirements in the restricted military area of the Defence Forces.

2. Definitions

2.1. Giving notice, the following definitions shall apply:

- 2.1.1. **Person to be checked** – employee of the contractor or subcontractor who is subject to a background check, having given his or her prior written consent when applying for the right to enter to the restricted military area of the Defence Forces.
- 2.1.2. **Background check** – inspection of the circumstances provided for in § 41³ of the Estonian Defence Forces Organisation Act with the purpose of ensuring the security of the Defence Forces and to decide on allowing the person to be checked to enter the restricted military area of the Defence Forces.
- 2.1.3. **Structural unit of the Defence Forces** – in the meaning of § 12 and § 13 of the Estonian Defence Forces Organisation Act.
- 2.1.4. **Restricted military area of the Defence Forces** – in the meaning of § 50 of the Estonian Defence Forces Organisation Act.
- 2.1.5. **Subject-matter of the public procurement** – the area of work located in the restricted military area of the Defence Forces intended for performing the contract.
- 2.1.6. **Security requirements** – the general security requirements specified in this document, incl. the requirements related to conducting background checks and the requirements established to ensure the security of the Defence Forces arising from other legal acts.
- 2.1.7. **Access application – document**, that the contractor's responsible person is obligated to submit in order to initiate a background check of the person to be checked and for that person to obtain a right to access the site. Access application can be submitted using the attached sample or by sending a free-form e-mail to the e-mail address: teenusepakkujad@mil.ee. Completed background check consent forms shall be attached to the application.
- 2.1.8. **Consent form** – document form accompanying the access application that the person to be checked is required to complete.
- 2.1.9. **Right of access** – the right to be present at the site in connection to performing the contract. One of the prerequisites for obtaining the right of access is to pass a background check.
- 2.1.10. **Person with the right of access** – employee of the contractor or subcontractor who has passed the background check and who has the right to enter and stay at the site unaccompanied in connection with performing the contract. Person with the right of access shall be admitted to the object under the conditions established by the specific structural unit of the Defence Forces.
- 2.1.11. **Person with a special right of access** – person with the right of access who, only in exceptional cases and with the prior approval of the responsible person of the Defence

Forces, has the right to enter and stay at the site with an escort of the contractor in connection with performing the contract.

2.1.12. **Responsible person of the Defence Forces** – person appointed by the Defence Forces who is responsible for compliance with the security requirements at a site in a specific restricted military area of the Defence Forces.

2.1.13. **Responsible person of the Estonian Centre for Defence Investments** – contractual contact person, through whom the performance of contractual obligations and the forwarding of the notices, requirements and other documents prescribed in the contract is organized.

2.1.14. **Responsible person of the contractor** – person appointed by the contractor responsible for compliance with security requirements.

2.1.15. **Responsible person at the site** – person appointed by the contractor responsible for compliance with security requirements at the site located in the restricted military area of the Defence Forces.

Person referred to in clauses 2.1.14 and 2.1.15 may be the same person.

3. Rights and obligations of the contractor

3.1. **Contractor has the right to:**

3.1.1. receive from the responsible person of the Defence Forces information necessary for fulfilling security requirements;

3.1.2. receive information on obtaining a right of access from the responsible person of the Defence Forces, dependent on the results of the background check.

3.2. **Contractor is obligated to:**

3.2.1. ensure the provision of the service agreed upon in the contract only by a person with a right of access;

3.2.2. ensure the compliance of the person with a right of access, incl. a person with a special right of access, with the conditions established in the restricted military area of the Defence Forces and to ensure the compliance of the subcontractor as well;

3.2.3. not to make a plan whereby the service would be provided by a person:

3.2.3.1. to whom a right of access has not been granted;

3.2.3.2. who has not undergone a background check; or

3.2.3.3. who has a special right of access but the right of access has not been coordinated;

3.2.4. submit the following documents to the e-mail address teenusepakkujad@mil.ee, that are required to be presented in order to obtain a right of access and initiate the background check as soon as possible, ad not later than seven (7) working days before the commencement of the work agreed upon in the contract, of the physical person providing a service at the site

3.2.4.1. access application (see example), and

3.2.4.2. completed and handwritten (scanned) or digitally signed consent of the person to be checked;

3.2.5. forward the original documents of the consents indicated in the aforementioned clause to the postal address: Defence Forces, Magasini 31A, 10138, Tallinn;

3.2.6. indicate in the free-form access application:

3.2.6.1. the forename and surname, personal identification code of the natural person providing the service and the name of the contractor and / or subcontractor;

3.2.6.2. justification for obtaining the right of access, i.e. description of the service or work to be performed at the specific site;

3.2.6.3. reference to the contract concluded and the term of the contract;

- 3.2.6.4. information on the vehicle (make/model and registration number) with which the restricted military area of the Defence Forces would be accessed;
- 3.2.6.5. contact details of the contractor's representative (e-mail address, phone number);
- 3.2.6.6. signed consent of the person to be checked; attach it to the application
- 3.2.7. add the following to the application for gaining right of access and initiating a background check for an alien: copy of the picture page of the identity document, incl. a visa or other document confirming the legal basis for staying in Estonia;
- 3.2.8. confirmation and certification of granting, possessing and extending the legal basis for the employment of an alien in Estonia (Aliens Act § 19 and § 20);
- 3.2.9. submit a new access application together with the person's consent, if, as a result of the background check of the person being checked, a right of access has not been obtained;
- 3.2.10. maintain an up-to-date list of persons with a right of access, and to update, at the end of each calendar year, the list of employees who will continue to provide the service during the new calendar year, to this end an up-to-date list shall be sent to the e-mail address teenusepakkujad@mil.ee;
- 3.2.11. notify without delay of a person with a right of access no longer needing access to the site, by sending an e-mail to teenusepakkujad@mil.ee;
- 3.2.12. notify without delay the responsible person of the Defence Forces of any security requirement violations or suspicions of violations at the site.

4. Rights and obligations of the Defence Forces

- 4.1. **The Defence Forces have the right to:**
 - 4.1.1. conduct a background check on the person to be checked, this is generally done within seven (7) working days of receiving a proper access application and consent;
 - 4.1.2. **conduct a new background check if the conditions specified in clause 3.2.9 are met, following the deadlines set forth in clause 4.1.1;**
 - 4.1.3. **in other justified cases, extend the deadline for a background check by up to seven (7) working days, giving notice of this to the responsible person of the Contractor in a form that can be reproduced in writing;**
 - 4.1.4. establish security requirements, notifying the responsible person of the Contractor of these without delay;
 - 4.1.5. grant a right of access to the person being checked or restrict that person's right of access or grant the right of access to that person with a special condition on the basis of circumstances revealed in the background check;
 - 4.1.6. refuse to grant a right of access for security reasons, incl. to a person who has not been a subject of a background check or to a person who cannot be subjected to a background check, but also to refuse to coordinate the right of access of a person with a special right of access;
 - 4.1.7. restrict access to military restricted areas for stateless persons or persons with foreign citizenship, adhering to right of access to state secrets, the need to know and other requirements provided for in the State Secrets and Classified Foreign Information Act;
 - 4.1.8. prohibit the person checked from entering the site if no consent was submitted or if it was submitted incorrectly;
 - 4.1.9. check the observance of security requirements established at the site with regard to a person with a right of access and / or to a person with a special right of access;
 - 4.1.10. prohibit the person referred to in clauses 2.1.10 and 2.1.11 from staying in the restricted military area of the Defence Forces in the event of non-compliance with or violation of security requirements.

- 4.2. **The Defence Forces undertakes to:**
 - 4.2.1. notify, in a form reproducible in writing, the responsible person of the Contractor in writing of a person checked being given a right of access, incl. the relevant restrictions at the site;
 - 4.2.2. notify the responsible person of the Contractor of determining a violation of the security requirements by a person with a right of access or a special right of access, which excludes him or her from acquiring a further right of access to the site;
 - 4.2.3. introduce the security requirements established at the site or amendments thereto to the person with a right of access, incl. person with a special right of access.
- 4.3. The contacts of the responsible person of the Defence Forces (clause 2.1.12), the responsible person of the Centre for Defence Investment (clause 2.1.13), the responsible person of the contractor (2.1.14), the responsible person at the site (clause 2.1.15) shall be determined upon concluding the contract.

5. Final provisions

- 5.1. A party shall notify the other party in writing of a change of responsible persons in a format which can be reproduced in writing.
- 5.2. During the processing of personal data, the requirements of the applicable legislation are adhered to.
- 5.3. The Defence Forces have the right to make extraordinary proposals to the Estonian Centre for Defence Investments to terminate the contract regardless of the period for giving notice, if the contractor violates the obligations specified in clauses 3.2.1. – 3.2.4, the confidentiality requirement provided in the contract is not observed or the contractor's or subcontractor's employees do not comply with the requirements established in the restricted military area of the Defence Forces.

APPLICATION FOR GAINING ACCESS TO THE RESTRICTED MILITARY AREA OF THE DEFENCE FORCES

ACCESS APPLICATION

[Registration number]

[.....] date

With this application, I confirm that [company name] has concluded a contract with [name of the institution] and has a need to gain access to the restricted military area of the Defence Forces in connection with Contract No. [Contract No.]. The Contract shall remain in force from [start date of the contract] to [end date of the contract].

[Name of the company] performs in the restricted military area of the Defence Forces [purpose of the contract, nature of the works] and applies for a right of access to the following sites:

1. Name of the site: [name of the site]

Address: [address]

Responsible person at the site: [forename and surname], [phone number], [e-mail address]

Responsible person of the Defence Forces: [forename and surname]

2. etc.

With regard to need to access the aforementioned sites of the Defence Forces, the contractor [company name] requests that a background check be initiated on the following person(s) as employees of the contractor [company name] [and name of the subcontractor], based on the consent of the persons (signed consent forms attached to the application) and vehicles noted in the access application.

Employees of the main contractor [company name]:

1. [forename and surname, personal identification code]
2. etc.

Employees of the subcontractor [company name]:

1. [forename and surname, personal identification code]
2. etc.

Vehicles:

1. Registration number Make / model
2. etc.

The contractor is aware that, depending on the result of the background check, the Defence Forces has the right to restrict the access of persons to the restricted military area of the Defence Forces and that successfully passing the background check does not guarantee automatic access to the restricted military area of the Defence Forces.

[Signature]

[forename and surname]

[Position]

**AUTHORISATION FOR CONDUCTING A PERSONAL BACKGROUND INVESTIGATION ON A NATURAL
PERSON FOR THE PURPOSES OF OBTAINING CLEARANCE
TO ACCESS RESTRICTED MILITARY AREAS OF THE ESTONIAN DEFENCE FORCES
IN ORDER TO PROVIDE SERVICES TO THE ESTONIAN DEFENCE FORCES**

(First Name and Last Name)

Personal identification code:

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I hereby authorise the Estonian Defence Forces to process my personal data in the manner provided for in § 41⁵ of the Estonian Defence Forces Organisation Act (hereinafter: EDFOA) in order to obtain clearance to access restricted military areas for the duration of the validity of the service provision contract but no longer than five years as of receiving this authorisation.

By giving this Authorisation I acknowledge the following:

1. I have the right to refuse to give my authorisation (clause 41⁶ (2) 1 of EDFOA);
2. I have the right to refuse to provide any information that may result in offence proceedings being brought against me or people close to me or my domestic partner (clause 41⁶ (2) 2 of EDFOA);
3. I have the right to request the termination of any data collection or queries concerning me (clause § 41⁶ (2) 3 of EDFOA);
4. I have the right to provide explanations for the information collected about me (clause 41⁶ (2) 4 of EDFOA);
5. if I should refuse to authorise a background investigation or request to terminate data collection or inquiries, it may constitute grounds for refusal to grant me clearance to access restricted military areas of the Estonian Defence Forces (subsection 41³ (4) of EDFOA);
6. I have the right to protect my rights by having recourse to the courts, the Chancellor of Justice or the Data Protection Inspectorate to challenge any decisions made on the basis of information collected in accordance with section 41⁶ of EDFOA in order to ascertain whether the Estonian Defence Forces have safeguarded my basic rights and liberties and followed good administrative practice (clause 41⁶ (2) 5 of EDFOA);
7. the Estonian Defence Forces retain the right to restrict my rights with regard to the personal data being processed (subsections 41¹⁰ (3) and (4) of EDFOA).

(day, month, year)

[signed digitally]¹

¹ handwritten signature also allowed