

## Security conditions

As the object of the public procurement is located in a restricted military area of the Estonian Defence Forces, the contractual partner is notified of the following conditions:

### 1. Purpose of notifying of the security conditions

- 1.1. The purpose of notifying is to explain to the contractual partner the relationships between the parties and their rights and obligations in observing the security-related requirements in the restricted military area of the Estonian Defence Forces.

### 2. Definitions

- 2.1. Definitions are used in the notice in the following meanings:
  - 2.1.1. **Person checked** – an employee of the contractor or subcontractor who is subjected to a background check with their prior written consent in connection with applying for an entry permit to a restricted military area of the Estonian Defence Forces.
  - 2.1.2. **Background check** – verifying the circumstances specified in section 41<sup>3</sup> of the Estonian Defence Forces Organisation Act by the Estonian Defence Forces for the purpose of ensuring the security of the Estonian Defence Forces to decide whether or not to allow the person checked into a restricted military area of the Estonian Defence Forces.
  - 2.1.3. **Structural unit of the Estonian Defence Forces** – as defined in section 12 and section 13 of the Estonian Defence Forces Organisation Act.
  - 2.1.4. **Restricted military area of the Estonian Defence Forces** – as defined in section 50 of the Estonian Defence Forces Organisation Act.
  - 2.1.5. **Object of the public procurement** – a work area in the restricted military area of the Estonian Defence Forces which is designated for the performance of the contract.
  - 2.1.6. **Security requirements** – the general security requirements specified in this document, incl. the requirements which are related to conducting background checks and other requirements established to ensure the security of the Estonian Defence Forces which arise from other pieces of legislation.
  - 2.1.7. **Application for entry – a document** which the responsible person of the contractor must submit to launch the process of conducting the background check of the person checked and for being granted the right of entry to the site. An application for entry may be submitted based on the example enclosed or emailed as free-form text to teenusepakkujad[at]mil.ee. **Filled-in consent forms for conducting the background check must be enclosed to the application.**
  - 2.1.8. **Consent form** – a document form **accompanying the application for entry**, which must be filled in by the person checked.
  - 2.1.9. **Right of entry** – the right to be on the site in connection with performing a contract. Passing the background check is one of the prerequisites for being granted the right of entry.
  - 2.1.10. **Person with the right of entry** – an employee of a contractor or subcontractor who has passed the background check and has the right to enter the site and remain on the site without an escort in connection with the performance of the contract. The person with the right of entry will be permitted to enter the site under the terms and conditions established by the specific structural unit of the Estonian Defence Forces.

- 2.1.11. **Person with the right of entry under special circumstances** – a person with the right of entry who may only enter and remain on the site in connection with the performance of the contract with an escort provided by the contractor in exceptional cases based on a prior agreement with a responsible person of the Estonian Defence Forces.
- 2.1.12. **Responsible person of the Estonian Defence Forces** (hereinafter referred to as the responsible person of the EDF) – a person appointed by the Estonian Defence Forces who is responsible for fulfilling the security requirements on the site in a specific restricted military area of the Estonian Defence Forces.
- 2.1.13. **Responsible person of the Estonian Centre for Defence Investment (hereinafter referred to as the responsible person of the ECDI)** – a contractual contact person through whom the fulfilment of the contractual obligations is organised and the messages, claims, and other documents specified in the contract are sent.
- 2.1.14. **Responsible person of the contractor** – a person responsible for observing the security requirements appointed by the contractor.
- 2.1.15. **Person responsible for the site** – a person appointed by the contractor who is responsible for observing the security requirements on a site in a restricted military area of the Estonian Defence Forces.  
The same individual may be appointed as the person responsible specified in clauses 2.1.14 and 2.1.15.

### 3. Rights and obligations of the contractor

- 3.1. **The contractor has the right to:**
  - 3.1.1. receive the information required to observe the security requirements from a responsible person of the EDF;
  - 3.1.2. depending on the results of the background check, receive information about being granted the right of entry from the responsible person of the EDF.
- 3.2. **The contractor undertakes to:**
  - 3.2.1. ensure the provision of the service agreed on by the contract only by the person who has the right of entry;
  - 3.2.2. observe the security requirements applicable to a person with the right of entry, incl. a person with the right of entry under special circumstances under the conditions established in the restricted military area of the Estonian Defence Forces and ensure observing of the requirements by the subcontractor;
  - 3.2.3. refrain from planning to use in the provision of a service:
    - an individual with no right of entry,
    - an individual who has not passed the background check, or
    - an individual with the right of entry under special circumstances whose right of entry has not been coordinated;
  - 3.2.4. send the following documents to the email address teenusepakkujad[at]mil.ee to obtain the right of entry to the site and initiate the background check for the natural person providing services on the site as soon as possible but not later than seven (7) working days before the date of commencement of the works specified in the contract:
    - an application for entry (see the specimen) and
    - the consent form filled in by the person checked and signed manually (scanned) or digitally;
  - 3.2.5. send the original of the consents referred to above by post to the following address: Kaitsevägi, Magasini 31A, 10138, Tallinn;
  - 3.2.6. specify in a free-form application for entry:

- the first name and surname and personal identification code of the natural person providing the service and the name of the contractor and/or the subcontractor;
  - the reason for applying for the right of entry, i.e. the description of the service or work which will be performed on the specific site;
  - a reference to the contract concluded and the period of the contract;
  - the details of the vehicle (make/model and registration number) which the individual intends to use to enter the restricted military area of the Estonian Defence Forces;
  - the contact details of the representative of the contractor (email address, telephone);
  - enclose to the application the signed consent of the person checked;
- 3.2.7. also enclose the following with the application for granting the right of entry for a foreign national and for the initiation of the respective background check:
- a copy of the photo page of the identity document of the person, incl. the visa or another document which proves that the individual is in Estonia legally;
- 3.2.8. confirm and prove the granting, possession, and extension of the legal basis for the employment of a foreign national in Estonia (section 19 and section 20 of the Aliens Act);
- 3.2.9. in the event of the right of entry being refused as a result of the background check of the person checked, if necessary, submit a new application for entry for the background check with the consent of the person;
- 3.2.10. keep an updated list of the persons with the right of entry and update the list of the individuals who will continue to provide the service in the new calendar year at the end of each calendar year, sending the updated list by email to teenusepakkujad[at]mil.ee;
- 3.2.11. immediately notify the Estonian Defence Forces of a person with the right of entry no longer requiring this right by sending an email to teenusepakkujad[at]mil.ee;
- 3.2.12. immediately report any actual or suspected breaches of the security requirements to the responsible person of the EDF on the site.

#### **4. Rights and obligations of the Estonian Defence Forces**

- 4.1. **The Estonian Defence Forces have the right to:**
- 4.1.1. subject the person checked to a background check within up to seven (7) days after receiving a proper application for entry and consent from;
- 4.1.2. **repeat the background check in the case specified in clause 3.2.9, taking into consideration the terms specified in clause 4.1.1;**
- 4.1.3. **in other relevant cases, extend the deadline for completing the background check by up to seven (7) working days by notifying the responsible person of the contractor thereof in a format which can be reproduced in writing;**
- 4.1.4. enforce security requirements notifying the responsible person of the contractor of any significant restrictions as soon as possible;
- 4.1.5. grant the right of entry to the person checked or restrict their right of entry based on the facts found in the course of the background check or grant the rights of a person with the right of entry under special circumstances;
- 4.1.6. refuse to grant the right of entry due to security-related considerations, incl. to a person who has not been or cannot be subjected to the background check, and refuse from coordinating the right of entry of a person with the right of entry under special circumstances;
- 4.1.7. restrict the access or foreign nationals or stateless persons to restricted military areas, based on the rights of access to a state secret, the need to know, and other requirements established by the State Secrets and Classified Information of Foreign States Act;

- 4.1.8. refuse to allow the person checked to enter the site if the consent is not submitted or is submitted improperly;
- 4.1.9. inspect compliance with the security requirements established on the site in connection with a person with the right of entry and/or a person with the right of entry under special circumstances;
- 4.1.10. in the event of a failure to observe or violation of the security requirements, prohibit the individuals referred to in clauses 2.1.10 and 2.1.11 to stay in a restricted military area of the Estonian Defence Forces.
- 4.2. **The Estonian Defence Forces undertake to:**
  - 4.2.1. notify the person responsible of the contractor in a format which can be reproduced in writing of granting the right of entry to the person checked, incl. of any relevant restrictions applicable on the site;
  - 4.2.2. notify the responsible person of the contractor of identifying a violation of the security requirements of a person with the right of entry or a person with the right of entry under special circumstances, which will prevent further access of this person to the site;
  - 4.2.3. introduce to the person with the right of entry, incl. the person with the right of entry under special circumstances, the security requirements established on the site or any changes in these requirements.
- 4.3. The contact details of the responsible person of the Estonian Defence Forces (clause 2.1.12), the responsible person of the ECDI (clause 2.1.13), the responsible person of the contractor (clause 2.1.14), and the responsible person on the site (clause 2.1.15) will be specified upon entry into the contract.

## 5. Final provisions

- 5.1. The party will promptly notify the other party in a form that can be reproduced in writing of any change in the persons responsible.
- 5.2. Processing of personal data will be based on the requirements of the legislation in force.
- 5.3. The Estonian Defence Forces may submit extraordinary proposals to the Centre for Defence Investment for the cancellation of the contract without taking into consideration the term for advance notice if the contractor violates the obligations specified in clauses 3.2.1–3.2.4 of the contract, fails to observe the confidentiality obligation established in the contract, or if the employees of the contractor and the subcontractor fail to observe the requirements established in the restricted military area of the Estonian Defence Forces.

APPLICATION FOR ENTRY TO A RESTRICTED MILITARY AREA OF THE ESTONIAN DEFENCE FORCES FOR  
THE PROVISION OF A SERVICE

APPLICATION FOR ENTRY

[Registration number]

[.....] date

By this application, I confirm that [***name of the company***] has entered into a contract with [***name of the authority***] and requires access to a restricted military area of the Estonian Defence Forces in connection with contract no. [*contract no.*]. The contract is valid from [***date of beginning of the contract***] to [***date of expiry of the contract***].

[*Name of the company*] will be performing [*purpose of the contract, nature of the works*] on the restricted military area of the Estonian Defence Forces and hereby applies for the right of entry to the following sites;

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

Address: [***address***]

Person responsible for the site: [***first name and surname***], [***telephone***], [***email address***]

Responsible person of the Estonian Defence Forces: [***first name and surname***]

2. etc.

In connection with the need to access the aforementioned sites of the Estonian Defence Forces, the contractor [***name of the company***] hereby requests the initiation of the background check for obtaining the right of entry for the following person(s) as employees of [***name of the company***] [***and name of the subcontractor***] based on the consent of those individuals (the signed consent sheets are enclosed to the application), and the right of entry for the vehicles specified in the application.

Employees of the **main contractor** [***name of the company***]:

1. [*First name and surname, personal identification code*]

2. etc.

Employees of the **subcontractor** [***name of the company***]:

1. [*First name and surname, personal identification code*]

2. etc.

**Vehicles:**

1. Registration numberMake/model

2. etc.

The contractor is aware that the Estonian Defence Forces may restrict the access of the persons to the restricted military area of the Estonian Defence Forces based on the results of the background check and that passing the background check will not automatically ensure access to the restricted military area of the Estonian Defence Forces.

[Signature]

SPECIMEN

[ADD THE HEADER OF THE  
COMPANY]

[First name and surname]

[Position]

Annexes: consents on ... pages.

**CONSENT FOR BEING SUBJECTED TO A BACKGROUND CHECK OF A NATURAL PERSON APPLYING  
FOR  
ENTRY TO A RESTRICTED MILITARY AREA OF THE ESTONIAN DEFENCE  
FORCES IN CONNECTION WITH THE PROVISION OF A SERVICE**

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(first name and surname)

Personal identification code:

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**I give my consent to the Estonian Defence Forces for processing my personal data for the purpose deciding on granting me permission to enter a restricted military area of the Estonian Defence Forces in a manner specified in section 41<sup>5</sup> of the Estonian Defence Forces Organisation Act for the duration of the validity of the contract for performing a service to the Estonian Defence Forces, but not longer than for five years after granting the permission.**

Upon giving my consent, I am aware of the following:

1. I have the right to refuse to give my consent (clause 41<sup>6</sup> (2) 1) of the Estonian Defence Forces Organisation Act);
2. I have the right to refuse to provide data that could lead to offence proceedings in respect of myself, persons who are close to me, or my domestic partner (clause 41<sup>6</sup> (2) 2) of the Estonian Defence Forces Organisation Act);
3. I have the right to request the termination of the data collection or query with regard to me (clause 41<sup>6</sup> (2) 3) of the Estonian Defence Forces Organisation Act);
4. I have the right to submit explanations for the data collected with regard to me (clause 41<sup>6</sup> (2) 4) of the Estonian Defence Forces Organisation Act);
5. if I refuse to give my consent or request the termination of the data collection or query with regard to me, this will be used as the basis for refusing my access to the restricted military area of the Estonian Defence Forces (section 41<sup>3</sup> of the Estonian Defence Forces Organisation Act);
6. I have the right to seek to protect my rights and challenge the decision made on the basis of data collected pursuant to section 41<sup>6</sup> of the Estonian Defence Forces Organisation Act with the court, Chancellor of Justice, or the Data Protection Inspectorate to check the compliance with my fundamental rights and freedoms and the principle of good governance (clause 41<sup>6</sup> (2) 5) of the Estonian Defence Forces Organisation Act);
7. The Estonian Defence Forces may restrict my rights with respect to the personal data processed (subsections 41<sup>10</sup> (3) and (4) of the Estonian Defence Forces Organisation Act).

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( day, month, year )

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[ signed digitally ]<sup>1</sup>

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<sup>1</sup> May also be signed on paper