

SECURITY REQUIREMENTS

As the object of the public procurement is located within the security area of the Defence Forces, the contracting partner shall be informed of the following conditions, rights and obligations in order to clarify the parties' rights and obligations regarding compliance with security requirements within the Defence Forces security area.

1. DEFINITIONS

- 1.1 Person responsible for security (hereinafter „PRS“)** – the Defence Forces sub-unit or service member responsible for ensuring compliance with the security requirements applicable to the public procurement object located within the relevant Defence Forces security area (hereinafter „DFSA“).
- 1.2 Security requirements** – the general security requirements established for entry to and presence within the Defence Forces security area (Annex 5), as well as the requirements laid down in other legislation for the purpose of ensuring the security of the Defence Forces.
- 1.3 Defence Forces Security Area (hereinafter “DFSA”)** – the territory under the control of the Defence Forces and the vessels, aircraft and vehicles of the Defence Forces.
- 1.4 Contracting Partner’s Contact Person** – the person designated by the Contracting Partner and/or its subcontractor who is responsible for compliance with the contractual performance requirements and the Security Requirements.
- 1.5 Consent** – the prior written consent required for the conduct of a background check, by which the person authorises the Defence Forces to collect data concerning him or her and to make enquiries for a period of five years from the giving of the consent (pursuant to § 41⁶ of the Military Service Act) (Annex 3 in English).
- 1.6 ECDI Contact Person** – the person designated under the contract through whom the organisation of the performance of the contractual obligations and the transmission of notices, claims and other documents provided for in the contract shall be carried out on behalf of the Estonian Centre for Defence Investment (ECDI).
- 1.7 Object of the Public Procurement** – the work area located within the Defence Forces Security Area designated for the performance of the contract.
- 1.8 Background Check** – a check carried out pursuant to § 41³ of the Defence Forces Organisation Act (EDFOA) and in the manner provided in § 41⁵ thereof, for the purpose of deciding whether to permit a person associated with the provision of services to the Defence Forces (the “Service Provider”) to access the Defence Forces Security Area (DFSA).
- 1.9 Background Check Request (e-mail)** – a request submitted by the Contracting Partner’s Contact Person to the Service Provider to initiate the conduct of a background check (Annex 1).
- 1.10 Service Provider** – an employee of the Contracting Partner and/or its subcontractor in respect of whom a background check is conducted, subject to his or her prior written consent, in connection with an application for access rights to the DFSA.

- 1.11 Secure Area** – an area authorised for the processing of state secrets or classified foreign information at the level of confidential, secret or top secret, and for the processing of classified information carriers containing such information.
- 1.12 Access Application (e-mail)** – a request submitted by the Contracting Partner’s Contact Person for permitting the Service Provider to access the Defence Forces Security Area (Annex 4)
- 1.13 Right of Access** – the right to be present at the object of the public procurement located within the Defence Forces Security Area in connection with the performance of the contract.
- 1.14 Person Holding a Right of Access** – a person who has passed the background check, whose entry to the object of the public procurement located within the Defence Forces Security Area has been approved, and who is entitled to enter and remain at that object unescorted in connection with the performance of the contract.

2. RIGHTS AND OBLIGATIONS OF THE CONTRACTING PARTNER

2.1 The Contracting Partner, including the Service Provider and the Contracting Partner’s Contact Person, shall have the right to obtain from the Person Responsible for Security (PRS) of the object of the public procurement the information necessary for complying with the Security Requirements and information concerning the obtaining of access rights to the Defence Forces Security Area (DFSA). The ECDI Contact Person shall provide the Contracting Partner with the contact details of the PRS for the specific object at the earliest opportunity.

2.2 The Contracting Partner shall:

2.2.1 The Contracting Partner shall not plan to assign to the Defence Forces Security Area any foreign nationals who are subject to a notification obligation. At the date of conclusion of the contract, the states subject to such notification obligation, pursuant to Order No. 1-3/112 of the Minister of the Interior of 29 September 2023, are¹:

Republic of Armenia;

Republic of Azerbaijan;

People’s Republic of China (including the Hong Kong and Macao Special Administrative Regions);

Islamic Republic of Iran;

Republic of Kazakhstan;

Kyrgyz Republic;

Democratic People’s Republic of Korea;

Republic of Tajikistan;

Turkmenistan;

Republic of Uzbekistan;

Republic of Belarus;

Russian Federation.

Should the above-mentioned Order be amended, the Contracting Partner shall be notified thereof and these Security Conditions shall be amended as necessary;

2.2.2 shall ensure that the Contracting Partner’s Contact Person submits the Background Check Request (Annex 1 together with Annex 3) at the earliest opportunity, taking into

¹https://kapo.ee/sites/default/files/content_page_attachments/Teatamiskohustusega%20v%C3%A4lisriikideni_mekirja%20kehtestamine_0.pdf

- account the contractually agreed commencement date of performance and the time required for the background check (14 calendar days), to the e-mail address teenuseosutaja@mil.ee;
- 2.2.3 shall ensure that, in the case of a foreign national, the Contracting Partner's Contact Person attaches to the background check initiation request:
- 2.2.3.1 a copy of the page of the identity document containing the photograph, including the visa or other document evidencing a lawful basis for stay in Estonia;
- 2.2.3.2 an extract from the criminal records register of the person's country of residence;
- 2.2.4 shall ensure that the Contracting Partner's Contact Person submits the Access Application (Annex 4) at the earliest opportunity—taking into account the contractually agreed commencement date of performance and a reasonable time for processing the application—to the e-mail address of the ECDI Contact Person or the person designated by the latter;
- 2.2.5 shall immediately notify, by e-mail, of the early cessation of the Service Provider's need for access to the DFSA, to the Defence Forces background check address teenuseosutaja@mil.ee and to the ECDI Contact Person;
- 2.2.6 shall comply with, and ensure the Service Provider's compliance with, the Security Requirements under the conditions established within the DFSA, and shall ensure such compliance by its subcontractor(s).

3. RIGHTS AND OBLIGATIONS OF THE DEFENCE FORCES

3.1 The Defence Forces shall have the right to:

- 3.1.1 conduct a Background Check on a person associated with the provision of services to the Defence Forces for the purpose of deciding whether to permit access to the DFSA;
- 3.1.2 grant or restrict the Service Provider's Right of Access to the DFSA on the basis of circumstances established in the course of the Background Check²;
- 3.1.3 leave a Background Check Request unexamined in accordance with the Administrative Procedure Act;
- 3.1.4 refuse, on security grounds, to grant a Right of Access to a person who has not undergone a Background Check, has failed the Background Check, or for whom it is not possible to conduct a Background Check;
- 3.1.5 restrict or refuse to grant a Right of Access to the DFSA and to Secure Areas to stateless persons or foreign nationals on security grounds;
- 3.1.6 verify compliance with the Security Requirements applicable at the object of the public procurement by any Service Provider holding a Right of Access and, in the event of non-compliance or breach, prohibit the Service Provider from being present within the DFSA.

3.2 The Defence Forces shall:

- 3.2.1 notify, in a form reproducible in writing, the person who submitted the Background Check Request of the outcome of the Service Provider's Background Check;

² <https://www.riigiteataja.ee/akt/106072023031#para14>

- 3.2.2 notify, in a form reproducible in writing, the person who submitted the Access Application of the Service Provider's obtaining a Right of Access to the DFSA, including any restrictions thereto;
- 3.2.3 brief the Service Provider on the Security Requirements in force at the object of the public procurement located within the DFSA;
- 3.2.4 notify ECDI if the Service Provider and/or the Contracting Partner breaches the Security Conditions or fails to comply with the Security Requirements applicable at the object of the public procurement (Annex 5);
- 3.2.5 where a request is left unexamined pursuant to clause 3.1.3, provide written notice thereof.

4. FINAL PROVISIONS

- 4.1** The contact persons referred to in the security conditions shall be designated upon conclusion of the procurement contract and any changes thereto shall be notified to the parties by e-mail.
- 4.2** The processing of personal data shall be carried out in accordance with the requirements laid down in the applicable legislation.

Annex 1: Sample Background Check Request (e-mail)

Send the request to: teenuseosutaja@mil.ee

SUBJECT: Background Check Request (name of campus and object)

TEXT:

FOR INTERNAL USE
ESTONIAN DEFENCE FORCES
Restrictions on access apply
as of the date the form is completed
and as long as required but no longer than 75 years.
Legal grounds: Public Information Act clause 35 (1) 12)

Hello,

In connection with ECDI contract [contract name], No. [xxxxxxxx], concluded on [dd.mm.yyyy], I hereby submit to the Defence Forces the details of the persons listed below for the purpose of conducting a Background Check.

Background Check documents are attached to this e-mail.

Additional information is provided in the table:

First name	Surname	Personal ID code	Company	Service to be provided	Object where the service will be provided	Start date of service period (dd.mm.yyyy)	End date of service period (dd.mm.yyyy)	Provision of service in a Secure Area YES/NO

I am aware that the Background Check may take up to 14 calendar days from the submission of a compliant request.

Kind regards,

[First name Surname of the requester]

[Position]

[Company name]

[Contact phone, e-mail address]

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ANNEX 3: CONSENT FORM (English)

FOR INTERNAL USE
ESTONIAN DEFENCE FORCES
Restrictions on access apply
as of the date the form is completed
and as long as required but no longer than 75 years.
Legal grounds: Public Information Act clause 35 (1) 12)

APPROVED
With the Commander of the
Defence's Order No. 223 of 07.02.2025
Annex No. 4

AUTHORISATION FOR BACKGROUND CHECK FOR A PERSON APPLYING TO GET CLEARANCE TO ENTER THE RESTRICTED MILITARY AREAS OF THE ESTONIAN DEFENCE FORCES FOR THE PROVISION OF SERVICES

(first and last name)

Personal identification code:

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I hereby authorise the Estonian Defence Forces to process my personal data in order to obtain clearance to access restricted military areas for the duration of my service provision agreement but no longer than five years after I gave authorisation.

By giving this authorisation, I confirm that I am aware of the following conditions:

1. The Estonian Defence Forces (EDF) has the right to conduct a background check in accordance with section 41⁵ of the Estonian Defence Forces Organisation Act (hereinafter the EDFOA).
2. I have the right to refuse to authorise the background check (clause 41⁶ (2) 1) of the EDFOA).
3. I have the right to refuse to disclose information that might cause myself, my partner or a person close to me to become subject to offence proceedings (clause 41⁶ (2) 2) of the EDFOA).
4. I have the right to request the termination of collecting my data or making queries about me (clause 41⁶ (2) 3) of the EDFOA).
5. I have the right to give explanations about the information collected about me (clause 41⁶ (2) 4) of the EDFOA).
6. I have the right to turn to the court, the Chancellor of Justice and the Data Protection Inspectorate to protect my rights and challenge the decisions made about me based on the data collected in accordance with section 41⁶ of the EDFOA to verify that my data is collected in compliance with my fundamental rights and freedoms and the principle of good governance (clause 41⁶ (2) 5) of the EDFOA).

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7. If I refuse to authorise or request the termination of collecting my data or making queries about me, this serves as the grounds for not giving me clearance to enter the restricted military area of the EDF (section 41⁷ of the EDFOA).
8. The EDF has the right to restrict my rights regarding the personal data being processed (clause 41¹⁰ (3) 4) of the EDFOA).
9. When I am on the restricted military area of the EDF (subsection 52 (3) of the EDFOA), I am obligated to follow the order in force in the EDF (including the order for fire safety, traffic and parking) and the orders of representatives of the EDF (subsection 52(2) of the EDFOA), and I am aware that
 - 9.1. it is forbidden to enter the restricted military area of the EDF while in the possession of alcohol or narcotic or psychoactive substances, firearms, explosives, partially or fully automatic or remote-controlled flying objects (e.g. drones), radioactive and easily flammable substances or items that contain such substances, and other things that might endanger myself or other persons, technology and equipment on the premises;
 - 9.2. third persons cannot be brought to or allowed to enter the restricted military area of the EDF without the permission of the EDF;
 - 9.3. the person entering the restricted military area of the EDF in a vehicle is obligated to cover up, turn off or remove all on-board cameras with video and/or audio recording;
 - 9.4. the EDF has the right to detain a person (or a vehicle) entering, staying in or leaving the restricted military area of the EDF to conduct a security inspection and check the person (including their clothing, possessions and vehicle) by visual inspection, groping, or with a technical device or a trained service dog;
 - 9.5. for security and safety reasons, the EDF can temporarily prohibit a person from entering the restricted military area, or to order the persons staying in the restricted military area of the EDF to leave, or to prohibit them from leaving;
 - 9.6. without a prior consent of the EDF, it is forbidden to take photographs or videos or make audio recordings in the restricted military area or buildings of the EDF, and to share/upload such recordings in any form or environment;
 - 9.7. it is forbidden to stay in the restricted military area of the EDF under the influence of alcohol, narcotic, or psychoactive substances, or with the suspicion or signs of such influence;
 - 9.8. it is forbidden to display symbols of aggression (including in vehicles) in the restricted military area of the EDF.

(day, month, year)

[signed digitally]³

³ Can also be signed on paper

ANNEX 4: Sample Access Application (e-mail)

The request shall be sent to the e-mail address of the ECDI Contact Person designated in the contract or to the person designated by the latter.

SUBJECT: Access Application (name of campus and object)

TEXT:

Hello,

FOR INTERNAL USE
ESTONIAN DEFENCE FORCES
Restrictions on access apply
as of the date the form is completed
and as long as required but no longer than 75 years.
Legal grounds: Public Information Act clause 35 (1) 12)

In connection with ECDI contract [contract name], Contract No. [xxxxxxxx], concluded on [dd.mm.yyyy], I hereby submit an Access Application.

Additional information is enclosed as an attachment (to be provided in Microsoft Excel format):

First name	Surname	Personal ID code	Company	Service to be provided	Object where the service will be provided	Start date of service period (dd.mm.yyyy)	End date of service period (dd.mm.yyyy)	Vehicle make and registration number

The applicant is aware that:

1. passing the **Background Check** does not guarantee automatic access to the **Defence Forces Security Area (DFSA)**;
2. the Defence Forces are entitled to restrict persons' access to the DFSA.

Kind regards,

[First name Surname of the requester]
[Position]
[Company name]
[Contact phone, e-mail address]

ANNEX 5: The general EDF security requirements established for entry to and presence within the security area.

When present in the EDF security area (subsection 52 (3) of the EDFOA), one must comply with the rules in force in the EDF (including fire safety, traffic and parking regulations) and the instructions of the representative of the EDF (subsection 52 (2) of the EDFOA), including:

1. it is forbidden to enter the restricted military area of the EDF while in the possession of alcohol or narcotic or psychoactive substances, firearms, explosives, partially or fully automatic or remote-controlled flying objects (e.g. drones), radioactive and easily flammable substances or items that contain such substances, and other things that might endanger myself or other persons, technology and equipment on the premises;
2. third persons cannot be brought to or allowed to enter the restricted military area of the EDF without the permission of the EDF;
3. the person entering the restricted military area of the EDF in a vehicle is obligated to cover up, turn off or remove all on-board cameras with video and/or audio recording;
4. the EDF has the right to detain a person (or a vehicle) entering, staying in or leaving the restricted military area of the EDF to conduct a security inspection and check the person (including their clothing, possessions and vehicle) by visual inspection, pat-down, or with a technical device or a trained service dog;
5. for security and safety reasons, the EDF can temporarily prohibit a person from entering the restricted military area, or to order the persons staying in the restricted military area of the EDF to leave, or to prohibit them from leaving;
6. without a prior consent of the EDF, it is forbidden to take photographs or videos or make audio recordings in the restricted military area or buildings of the EDF, and to share/upload such recordings in any form or environment;
7. it is forbidden to stay in the restricted military area of the EDF under the influence of alcohol, narcotic, or psychoactive substances, or with the suspicion or signs of such influence;
8. it is forbidden to display symbols of aggression (including in vehicles) in the restricted military area of the EDF.