

Pursuant to Article 44 paragraph 2 item 19 of the Law on the Central Bank of Montenegro Law (OGM 40/10, 46/10, 6/13) and Article 69 paragraph 3 of the Statute of the Central Bank of Montenegro (OGM 66/10, 24/13), the Council of the Central Bank of Montenegro passed the

RULEBOOK ON SECRECY

(0101-4014/14-2-2010 of 30 May 2011, 0101-4014/84-3 of 25 March 2016,
0101-8380-4/2018 of 6 November 2018)

I. BASIC PROVISIONS

Article 1

This Rulebook shall more closely determine the data, information and documents considered to be secret, the manner of handling such data, information and documents, the measures for their protection and the procedure in case of their disappearance or disclosure.

Article 2

The secret shall be considered the following:

- data, information and documents which disclosure to an unrecognized person could cause damage to the achievement of the objectives and performance of the Central Bank of Montenegro functions (hereinafter: the Central Bank) or the Central Bank's reputation, which is contained in the List of Classified Documents, enclosed to this Rulebook and making its integral part;
- data, information and documents that are, in accordance with the law and/or other regulations, classified as secret.

Data, information and documents deemed to be secret (hereinafter: the secret document) within the meaning of this Rulebook are all types of data sources that can be transmitted and/or communicated in a verbal, written, audible or visual manner or in any other form using optical, electronic and magnetic recordings and/or technical and other means of communication.

Article 3

In addition to the information referred to in Article 2 of this Rulebook, the following documents shall also be considered a secret:

- minutes from the meeting of the Council of the Central Bank (hereinafter: the Council) until their verification, regardless of the content;
- minutes and notes from the meeting of the collegium convened by the Governor until putting those in implementation procedure, unless their

- content, in accordance with the law and/or other regulation, is considered a secret;
- notes containing data that are not considered secret if their publication, as preliminary and incomplete, could cause damage to the Central Bank interests.

II. MANNER OF HANDLING SECRET DOCUMENTS

1. SECRET DOCUMENT PRODUCED IN THE CENTRAL BANK

a) Marking

Article 4

The classified document is marked by one of the following levels of confidentiality, depending on the content:

- **“SECRET”** – if its disclosure could have an unavoidable damaging effects on the achievement of objectives and the performance of the Central Bank functions;
- **“CONFIDENTIAL”** – if its disclosure could have serious damaging effects on the achievement of objectives and performance of the Central Bank functions, or could seriously damage the reputation of the Central Bank;
- **“INTERNAL”** – if its disclosure could have damaging effects on the achievement of objectives and the performance of the Central Bank functions, or could damage the reputation of the Central Bank.

The level **“CONFIDENTIAL”** is also used to mark a secret document containing data that is legally prescribed to be a secret.

The documents referred to in Article 3 of this Regulation shall not be marked, unless the Council or the Governor decides otherwise.

The classified documents referred to in paragraph 1 and 2 of this Article, which are exchanged in international cooperation, shall be marked as follows:

- **“SECRET”** and
- **“CONFIDENTIAL”**.

Article 5

A classified document that is being produced in electronic form must be protected from unauthorized access and marked with a designation indicating the appropriate level of secrecy:

- designation "S" for the level of secrecy "SECRET"
- designation "C" for the level of secrecy "CONFIDENTIAL"
- designation "I" for the level of secrecy "INTERNAL".

Article 6

Marking the level of secrecy is done in a visible place, as a rule, above the title of the classified document and can be: written, stamped, painted, affixed to a label, sticker or other appropriate material.

A classified document containing data of a different level of secrecy is marked by the highest degree of secrecy the information contained therein has been marked with.

The level of secrecy used to mark the classified document shall also be used to mark all its enclosures.

The classified document contained in the List of Classified Documents has the level of secrecy determined for it, regardless of whether it has been marked.

Article 7

The classified document is marked by the level of secrecy and is packed, shipped and kept in a wrapper for a classified document (hereinafter: a wrapper) that is marked with the same level of secrecy as a classified document, making its integral part.

The front cover has a coloured frame, 3 cm wide, measured from the outer edges to the inside of the cover, for the document of the following level of secrecy:

„SECRET“– Yellow
„CONFIDENTIAL“– Blue
„INTERNAL“– Grey

The following information shall be entered on the cover referred to in paragraph 2 of this Article, the appearance of which is given in Forms 1, 2 and 3, which are printed with this Rulebook and constitute its integral part: the manner of cessation, the basis for determining the secrecy of the document, the number of copies and the total number of pages of the document, the enclosures, the obligation to return, and the manner of delivering the classified document and the treatment warning.

The classified document on the media on which the level of data secrecy cannot be marked shall be packed, shipped and stored in an adequate manner and in the cover of the appropriate level of secrecy.

The employee who produces a classified document shall be responsible for marking and packing it in accordance with the provisions of this Rulebook.

b) Recording and shipping

Article 8

The records of classified documents are kept in a registry separately from documents that are not marked by the level of secrecy.

The classified document is delivered by courier and handed over personally, with signature, to the person to whom it is addressed or to another authorized person.

If a courier fails to deliver a classified document during the working day, he must return it to the Central Bank's records office before the end of working hours and keep it in a safe place.

Notwithstanding paragraph 2 of this Article, a classified document may be dispatched via registered mail.

c) Cancelling the level of secrecy

Article 9

The level of secrecy the classified document has been marked with shall be cancelled:

- at the expiration of the period for which there was an obligation to keep the secrecy;
- by the Council or the Governor act which determines that the need to keep the secrecy has ceased.

The Central Bank shall periodically, and at least once in five years, conduct an assessment of the need to amend the list of classified documents and the level of secrecy and decide on the cancellation of the level of secrecy, and on such basis, on the release of the obligation to keep the secret.

Article 10

Cancelling the level of secrecy shall be done by crossing the level of secrecy on a classified document and its cover and writing the mark "SECURITY CANCELLATION", the date and basis of the cancellation of the level of secrecy.

d) Time of keeping and destruction

Article 11

The classified document shall be stored for the term set out in the List of categories of the registry material of the Central Bank with the terms of storage, unless a different term is indicated on the cover of the classified document.

After the expiration of the terms set out in the list referred to in paragraph 1 of this Article and the selection of archival records, the classified documents allocated as junk registry material shall be destroyed.

2. SECRET DOCUMENT SUBMITTED TO THE CENTRAL BANK

Article 12

A document submitted to the Central Bank with the level of secrecy shall retain the type and level of secrecy determined by the sender of the file, unless they decide otherwise.

If a classified document submitted to the Central Bank is insufficiently secured or open, the person who received the classified document shall determine the identity of the carrier, make an official note signed by carrier and notify the sender accordingly.

The document referred to in paragraph 1 of this Article shall be handled in the manner prescribed by this Rulebook for a classified document of the level of secrecy that is being produced in the Central Bank, and if there is no such level of secrecy, it shall be treated as a classified document marked by the level of secrecy as "SECRET".

III. PROTECTION MEASURES

a) General protection measures

Article 13

The classified document, produced in paper form, contains a warning on the cover that states: "The document and enclosures which make its integral part can only be used by authorized persons. The recipient of the document shall take care of the protection of the classified document in accordance with the regulations on protection of the confidentiality of the data. Unauthorized publishing or making available this document to a third party is forbidden."

A classified document made in electronic form shall be kept and protected against the access of unauthorised persons by applying the general protection measures set out in the Security Policy of the Central Bank of Montenegro and the Information Security Rules of the Central Bank of Montenegro, and by appropriate technical protection measures, including crypto protection methods and means.

Article 14

An employee in charge of the creation of a classified document shall take all necessary measures, including technical protection measures for a classified document in electronic form, that the classified document during the preparation, production, reproduction and dissemination does not come into possession of the person to whom it is not intended, i.e. that unauthorized persons are not familiar with the content of the classified document.

Article 15

The recipient of a classified document shall use the document in accordance with its purpose and may not copy or otherwise duplicate it, give public statements or ratings, or allow other persons to use it.

Upon termination of the need for using a classified document, its recipient shall ensure that the document does not come into possession of unauthorized persons.

Article 16

A person authorized to communicate the content of a classified document verbally must, prior to the disclosure of the contents of a classified document, communicate a secrecy warning and make the official note about it.

Article 17

Classified documents exchanged in international cooperation with foreign institutions authorized to supervise banks and financial institutions and/or forwarded to representatives of international financial institutions and/or organizations in addition to the secrecy designation in English, must include the following warning: "This document and all enclosures provided therein may be used only for the purpose for which they were delivered. The recipient of the document shall take care of the protection of the classified document in accordance with its own regulations on protection of the data secrecy. The classified document must not be published or given for use to a third party without the special consent of the Central Bank of Montenegro. Once the need for its use ceases, the document must be destroyed."

The organizational unit in which a classified document has been created shall be responsible for marking, packaging and delivering a secret document to the international financial institutions and/or organisations referred to in paragraph 1 of this Article.

b) Non disclosing

Article 18

The contents of a classified document must not be disclosed or made available to third parties, except in accordance with the law and the Rulebook.

Members of the Council and employees of the Central Bank, regardless of the manner in which they have obtained possession of a classified document, shall keep its contents secret after the termination of their functions or employment in the Central Bank, until secrecy designation is cancelled.

Article 19

If a member of the Council and/or employees of the Central Bank make a classified document available to third parties in accordance with the law and the provisions of the Rulebook, it shall not be considered a breach of secrecy.

c) Availability of a secret document to third parties

Article 20

In cases determined by law, access to a classified document may be granted to third parties, in accordance with the provisions of the Rulebook.

Access to a classified document may be granted on the basis of a written request that, in addition to information on the applicant and the name of the classified document, contains justified reasons for requesting access to it.

Article 21

At a written request, a classified document will be made available when:

- the request was accompanied by the explicit written approval of the person the classified document relates to;
- the request is based on a court order;
- the request is submitted by an independent external auditor, during an audit in the Central Bank.

Article 22

A classified document may be made available on the basis of a reasoned request:

- at the request of the competent authority, if deemed necessary for the law enforcement;
- at the request of the supervisory authority of a foreign bank and a financial institution or representative of an international financial institution if deemed necessary for the performance of their duties;
- if assessed as being an interest of the Central Bank to disclose a classified document in court proceedings.

The justification of the request referred to in paragraph 1 of this Article shall be verified by the Governor or the person authorized by him.

Article 23

An act permitting access to a classified document contains information on classified document, a person authorized to make the classified document available, a person to whom the classified document will be made available as well as the manner in which the classified document will be made available.

A classified document can be made available via courier or registered mail, electronically (through a web portal, web service, e-mail and transmission media) or in another appropriate manner.

A third party who is allowed access to a classified document shall be bound by the secrecy of a document which, in accordance with the law and the Rulebook, constitutes a secret.

Article 24

Separate records shall be kept on the performed access in accordance with the act referred to in Article 23 of this Rulebook, containing the following:

- Identification of the person to whom the data was communicated or classified document were given;
- Time of communicating the data or giving the classified document, the name and scope of the given data;
- Purpose for which the data is given;
- Level of secrecy by which the classified document is designated.

IV. PROCEDURE IN CASE OF DISSAPEARANCE OR DISLOSURE OF A SECRET DOCUMENT

Article 25

If an employee or a recipient of a document reports that a classified document has disappeared or is disclosed, the Governor or person authorized by him will immediately do the following:

- Take measures to eliminate possible damaging effects;
- Initiate a procedure to determine the circumstances under which disappearance or unauthorized disclosure of a classified document occurred;
- Take measures to prevent repeated disappearance or unauthorized disclosure of a classified document and
- Initiate a procedure for determining liability of the employee or recipient of the document responsible for the disappearance and/or disclosure of a classified document.

Article 26

Actions contrary to the provisions of this Rulebook constitute a serious breach of work obligations and shall entail disciplinary and criminal liability in accordance with the law, other regulations and general acts of the Central Bank.

V. FINAL PROVISIONS

Article 27

The Rulebook on Data Secrecy (Conf.No.0101-323/13-34 of 19 November 2008) shall be repealed as from the date of entry into force of this Rulebook.

Article 28

This Rulebook shall enter into force on the eighth day after the date of its publication.

COUNCIL OF THE CENTRAL BANK OF MONTENEGRO

**CHAIRMAN
GOVERNOR
Radoje Žugić**