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# Protective Security Act (2018:585)

## Chapter 1 Scope of the Act

### **This Act applies to operators of security-sensitive activities**

#### **Section 1**

This Act applies to anyone who to any extent conducts activities that are of significance to Sweden's security or are covered by an international protective security commitment that is binding on Sweden ('security-sensitive activities').

The Act also contains provisions concerning anyone who intends to transfer shares in a legal person that operates security-sensitive activities and concerning international cooperation in the area of protective security.

*Act 2020:1007.*

### **The meaning of 'protective security'**

#### **Section 2**

'Protective security' means protection of security-sensitive activities against espionage, sabotage, terrorist offences and other offences that may threaten those activities, and protection in other cases of classified information.

'Classified information' means information that concerns security-sensitive activities and is thus covered by secrecy under the Public Access to Information and Secrecy Act (2009:400), or that would have been subject to secrecy under that Act if it had been applicable.

### **Exemptions from the protective security provisions**

#### **Section 3**

The only provisions of this Act that apply to the Riksdag and its authorities are those on security classification in Chapter 2, Section 5, on security vetting in Chapter 3 and on security certificates in Chapter 5. Otherwise, the Act on Protective Security in the Riksdag and its Authorities (2019:109) applies.

As regards the Government Offices, Sweden's diplomatic missions abroad and government commissions, committees and inquiries, the Government may issue regulations on exemptions to provisions in this Act other than those referred to in the first paragraph. *Act 2021:952.*

### **Special provisions on the Prime Minister's official residences and facilities with protected status**

#### **Section 4**

The Act on Responsibility for Certain Security Matters in the Prime Minister's Official Residences (2014:514) contains provisions on responsibility for physical security and on the obligation to consult before protective security agreements are concluded and ahead of decisions on placement in security classes.

#### **Section 5**

The Installations Protection Act (2010:305) contains provisions on prohibitions on access to certain buildings, other facilities, areas and other objects.

## **Chapter 2 Fundamental provisions on protective security**

### **Obligations for operators of security-sensitive activities**

#### **Section 1**

A person who conducts security-sensitive activities (operator) must investigate the need for protective security (protective security analysis). The protective security analysis must be documented.

Based on this analysis, the operator must plan and take any protective security measures required considering the nature and scope of the activities, the presence of classified information and other circumstances.

The operator must also undertake controls of protective security in its own activities, notify and report anything that is of significance to protective security and otherwise take any measures required under this Act.

As far as possible, protective security measures must be designed so they do not result in harm or inconvenience to other public or private interests. *Act 2021:952.*

### **Protective security measures**

#### **Section 2**

Information security is intended to:

1. prevent classified information being improperly disclosed, altered, made unavailable or destroyed; and
2. prevent other harmful impacts on information and information systems relating to security-sensitive activities.

#### **Section 3**

Physical security is intended to:

1. prevent unauthorised persons obtaining access to areas, buildings and other facilities or objects where they might access classified information or where security-sensitive activities are otherwise conducted; and
2. prevent harmful impacts on areas, buildings, facilities or objects referred to in point 1.

#### **Section 4**

Personnel security is intended to:

1. prevent persons who are not reliable from a security standpoint participating in activities where they might access classified information or in activities that are security-sensitive for some other reason; and
2. ensure that those who participate in security-sensitive activities have sufficient knowledge of protective security.

## **Security classification**

### **Section 5**

Classified information is divided into security classification levels based on the harm that disclosing the information could cause to Sweden's security. Security classification levels are assigned as follows:

1. top secret for exceptionally serious damage;
2. secret for serious damage;
3. confidential for not insignificant damage; or
4. restricted for only minor damage.

Classified information that is covered by an international protective security commitment is correspondingly divided into security classification levels if it has not already been classified by another state or an international organisation. In such cases, security classification levels are assigned based on the damage that disclosure of the information could cause to Sweden's relations with another state or an international organisation.

## **Obligation to notify**

### **Section 6**

An operator must without delay notify the supervisory authority of the fact that it is conducting security-sensitive activities.

When the security-sensitive activities cease, the operator must notify the supervisory authority of this without delay. *Act 2021:952.*

## **Protective security manager**

### **Section 7**

Activities covered by this Act must have a protective security manager unless this is manifestly unnecessary.

The protective security manager leads and coordinates the protective security work and undertakes controls of the activities' compliance with this Act and any regulations issued in connection with it. This responsibility cannot be delegated.

The protective security manager must be directly subordinate to the operator's operational manager, where such a manager exists, or otherwise to the operator's management. *Act 2021:952.*

## **Authorisation**

### **Section 8**

The Government or the public authority designated by the Government may issue additional regulations on protective security analysis and notification and reporting obligations under Section 1, protective security measures under Sections 2–4 and security classification under Section 5. *Act 2021:952.*

### **Section 9**

Repealed by Act 2021:952.

### **Section 10**

Repealed by Act 2021:952.

### **Section 11**

Repealed by Act 2021:952.

### **Section 12**

Repealed by Act 2021:952.

### **Section 13**

Repealed by Act 2021:952.

### **Section 14**

Repealed by Act 2021:952.

### **Section 15**

Designated Chapter 2, Section 8 through Act 2021:952.

### **Section 16**

Repealed by Act 2021:952.

## **Chapter 3 Security vetting**

### **Who is to undergo security vetting**

#### **Section 1**

Any person who, by virtue of their employment or in some other way, is to participate in security-sensitive activities must undergo security vetting. However, security vetting is not undertaken with regard to:

1. assignments as a government minister or as a member of the European Parliament, the Riksdag or a municipal or regional council; or
2. any assignment as a public defence counsel or legal representative before a court other than as a public legal representative under Chapter 27, Section 27 of the Swedish Code of Judicial Procedure or as a privacy protection representative under Section 6 of the Foreign Intelligence Court Act (2009:966).

*Act 2019:985.*

### **Aim and substance of security vetting**

## **Section 2**

Security vetting aims to establish whether a person can be assumed to be loyal to the interests protected in this Act and to be otherwise reliable from a security standpoint. During the security vetting, all circumstances that may be assumed to imply security vulnerabilities must be taken into account.

## **Section 3**

The security vetting is undertaken before participation in the security-sensitive activities commences, and must include a basic investigation and record checks, and a special personal investigation to the extent stated in Sections 13, 14 and 17. If there are special grounds, the security vetting may be less extensive.

Security vetting must be followed up during the period of participation in the security-sensitive activities.

## **Responsibility for security vetting**

### **Section 4**

The security vetting process is based on information that has emerged in the basic investigation and any knowledge that otherwise exists about the person being vetted, information disclosed following record checks and the special personal investigation, the nature of the activities that the vetting concerns, and other circumstances.

The assessment is made by the person who decides on the employment or other participation in the security-sensitive activities, unless otherwise stipulated in the third paragraph, Section 4a, Section 4b or Section 4c.

If a public authority has the controlling influence over the vetted person's suitability to participate in the security-sensitive activities of a private operator, it is the authority that makes the final assessment.

If there is reason to do so, a previous assessment of a person's suitability to participate in the security-sensitive activities must be re-examined. *Act 2022:443*

### **Section 4a**

The assessment under Section 4 is made by the Judges Proposals Board when it concerns a person who is head of:

1. a general court or administrative court;
2. the Labour Court; or
3. the rent and tenancy tribunal in Stockholm, Gothenburg or Malmö.

For other permanent judges at general courts, administrative courts and the Labour Court, and rent tribunal judges in rent and tenancy tribunals, the assessment is made by the relevant court or tribunal. *Act 2021:76*.

### **Section 4b**

The final assessment under Section 4 is made by the Swedish Transport Agency when it concerns a person who is to undergo security vetting due to an

international protective security commitment in the area of aviation security.  
*Act 2021:952.*

### **Section 4c**

The final assessment under Section 4 is made by the Riksdag Administration when it concerns employees of offices referred to in Chapter 3, Section 6 of the Act concerning Support to Party Groups for the Parliamentary Work of Members of the Riksdag (2016:1109) who have been placed in a security class for participation in activities of the Riksdag or the Riksdag Administration. *Act 2022:443.*

## **Placement in security classes**

### **Section 5**

Employment or other participation in security-sensitive activities is placed in a security class to the extent stipulated in Sections 6–10.

### **Section 6**

Employment or other participation in security-sensitive activities is placed in security class 1 if the employee or person otherwise participating in the activities:

1. has, to a not insignificant extent, access to information that is classified as top secret; or
2. could, as a result of their participation in the activities, cause exceptionally serious damage to Sweden's security.

### **Section 7**

Employment or other participation in security-sensitive activities is placed in security class 2 if the employee or person otherwise participating in the activities:

1. has, to a not insignificant extent, access to information that is classified as secret;
2. has, to a minor extent, access to information that is classified as top secret; or
3. could, as a result of their participation in the activities, cause serious damage to Sweden's security.

### **Section 8**

Employment or other participation in security-sensitive activities is placed in security class 3 if the employee or person otherwise participating in the activities:

1. has access to information that is classified as confidential;
2. has, to a minor extent, access to information that is classified as secret; or
3. could, as a result of their participation in the activities, cause not insignificant harm to Sweden's security.

### **Section 9**

In cases other than those stipulated in Sections 6–8, employment or other participation in security-sensitive activities is also placed in a security class corresponding to the security vetting requirements stipulated in an international protective security commitment.

### **Section 10**

Employment or other participation in security-sensitive activities may only be

placed in a security class if the need for protective security cannot be met in any other way.

### **Section 11**

Employment in central government, a municipality or a region that is placed in security class 1 or 2 may only be held by a person who is a Swedish citizen.

If there are special grounds, the Government may in individual cases grant exemptions from the requirement of Swedish citizenship.

*Act 2019:985.*

## **Decisions on placement in security classes**

### **Section 12**

The Riksdag and its authorities take decisions on placement in security classes concerning the Riksdag's administrative area.

Otherwise, the Government takes decisions on placement in security classes. The Government may issue regulations whereby public authorities and others may take decisions on placement in security classes. Such decision-making powers may only be delegated to private parties if there are special grounds to do so.

## **Record checks**

### **Section 13**

'Record checks' means the collection of information from registers covered by the Criminal Records Act (1998:620) or the Register of Suspected Offenders Act (1998:621). Record checks also means the collection of information processed pursuant to:

1. the Act on Police Processing of Personal Data within the area of the Criminal Data Act (2018:1693); or
2. the Act on Swedish Security Service Processing of Personal Data (2019:1182). *Act 2019:1187.*

### **Section 14**

Record checks are undertaken if the employment or participation in activities has been placed in a security class. Information is collected regularly during the period of participation in the security-sensitive activities.

For security classes 1 and 2, information about the vetted person from the criminal records or the register of suspected offenders or that is processed pursuant to the Act on Police Processing of Personal Data within the area of the Criminal Data Act (2018:1693) or the Act on Swedish Security Service Processing of Personal Data (2019:1182) may be collected. Corresponding information about the vetted person's spouse or cohabiting partner may also be collected.

For security class 3, information about the vetted person from the criminal records or the criminal suspect register or that is processed by the Swedish Security Service pursuant to the Act on Police Processing of Personal Data within the area of the

Criminal Data Act or the Act on Swedish Security Service Processing of Personal Data may be collected.

If there are extraordinary reasons to do so, information other than that referred to in the second and third paragraphs may also be collected.  
*Act 2019:1187.*

### **Section 15**

If there are extraordinary reasons to do so, record checks may be undertaken for a person who is to participate in security-sensitive activities without prior placement in a security class. For these checks, the information about the vetted person referred to in Section 14, third paragraph may be collected.

The Government may issue regulations on record checks referred to in the first paragraph. However, these regulations cannot apply to the Riksdag and its authorities.

### **Section 16**

Provisions concerning record checks are also found in Chapter 5 with regard to international protective security cooperation and security certificates.  
*Act 2021:952.*

## **Special personal investigations**

### **Section 17**

A special personal investigation is undertaken as part of record checks concerning employment or other participation in activities that have been placed in security class 1 or 2. The investigation includes an examination of the vetted person's financial circumstances. The investigation otherwise takes place to the extent required.

## **Requirement of consent**

### **Section 18**

Record checks and special personal investigations may only be undertaken if the subject of the security vetting has given their consent. This consent is considered to also apply to checks and vetting undertaken during the period of participation in the security-sensitive activities.

## **Disclosure of information for security vetting**

### **Section 19**

Information that has emerged in record checks or a special personal investigation may only be disclosed for security vetting if, in the individual case, the information can be assumed to be of significance to vetting under Chapter 3, Section 2. For information concerning the vetted person's spouse or cohabiting partner to be disclosed, the disclosure must also be absolutely necessary.



The Swedish Commission on Security and Integrity Protection decides whether information that has emerged in record checks and a special personal investigation can be disclosed for security vetting.

### **Section 20**

Before information is disclosed for security vetting, the subject of the information must be given the opportunity to comment on the information. However, this does not apply if the information is subject to secrecy in relation to the individual under a provision of the Public Access to Information and Secrecy Act (2009:400) other than Chapter 35, Section 3.

Even if the information is subject to such secrecy, the subject of the information must be given the opportunity to comment before the information is disclosed if their interest in commenting should reasonably take precedence over the interest the secrecy is intended to protect.

### **Section 21**

When a decision has been taken following security vetting, the documents that have been transferred must immediately be returned to the transferring authority, unless it has been decided otherwise.

## **Chapter 4 Obligations when another actor may access security-sensitive activities**

### **Protective security agreements**

#### **Section 1**

An operator that intends to undertake a procurement, conclude an agreement or initiate collaboration or cooperation with another actor must conclude a protective security agreement with the actor if, through that process, the actor may access:

1. information that is classified as confidential or higher; or
2. other security-sensitive activities of corresponding significance to Sweden's security.

The operator must also conclude a protective security agreement with any sub-contractor engaged to fulfil the other actor's obligations if, through their assignment, the sub-contractor may access security-sensitive activities referred to in the first paragraph.

A protective security agreement must be concluded before the other party can access the security-sensitive activities. *Act 2021:952.*

#### **Section 2**

Between central government authorities, the protective security agreement requirement under Section 1 applies only to the procurement of goods, a service or a construction contract. *Act 2021:952.*

#### **Section 3**

A protective security agreement must contain all requirements that must be placed

on the other party so as to ensure that the protective security requirements under Chapter 2, Section 1 are met.

A protective security agreement must also regulate how the operator will be able to conduct controls of the other party's compliance with the protective security agreement, and stipulate that the operator is entitled to revise the agreement if necessary due to a change of circumstances. *Act 2021:952.*

#### **Section 4**

The provisions in Chapter 3 and any regulations issued in connection with them apply to security vetting undertaken under a protective security agreement. *Act 2021:952.*

#### **Section 5**

The operator must undertake controls of the other party's compliance with the protective security agreement and revise the agreement if necessary due to a change of circumstances.

If the other party fails to comply with the protective security agreement, the operator must take any measures necessary to meet the need for protective security. *Act 2021:952.*

#### **Section 6**

The Government or the public authority designated by the Government may issue more detailed regulations on protective security agreements under Sections 1 and 3–5.

The Government may issue regulations on exemptions to the obligation to conclude protective security agreements. If there are special grounds to do so, the Government may also grant such exemptions in individual cases. *Act 2021:952.*

### **Obligations prior to processes requiring protective security agreements**

#### **Section 7**

An operator that intends to undertake a process that entails a protective security agreement requirement under Section 1, first paragraph, must conduct a specific protective security assessment and a suitability examination under Section 8. The operator must also engage in consultation in accordance with Section 9.

The Government may issue regulations on exemptions from the first paragraph. If there are special grounds to do so, the Government may also grant such exemptions in individual cases.

Sections 13–20 apply to transfers of security-sensitive activities and certain property. *Act 2021:952.*

#### **Section 8**

Before a process referred to in Section 1 is initiated, the operator must, through a specific protective security assessment, identify any classified information or other

security-sensitive activities that the other actor may access and that require protective security.

Based on the specific protective security assessment and other circumstances, the operator must examine whether the planned process is appropriate from a protective security standpoint.

The specific protective security assessment and suitability examination must be documented.

If the suitability examination leads to the assessment that the planned process is inappropriate from a protective security standpoint, it must not be initiated. *Act 2021:952.*

### **Section 9**

If the suitability examination under Section 8 leads to the assessment that the planned process is not inappropriate from a protective security standpoint, before the process is initiated the operator must consult with the supervisory authority if the planned process means that the other actor may access:

1. information that is classified as secret or higher; or
2. other security-sensitive activities of corresponding significance to Sweden's security.

The supervisory authority may decide to impose injunctions on the operator to take measures under this Act and regulations issued in connection with it. *Act 2021:952.*

### **Section 10**

If the operator does not consult with the supervisory authority despite being obliged to do so, the authority may initiate such consultation. *Act 2021:952.*

### **Section 11**

If a decision to impose injunctions under Section 9 is not complied with or if the planned process is inappropriate from a protective security standpoint even if additional measures are taken, the supervisory authority may decide that the planned process must not be undertaken (prohibition). *Act 2021:952.*

### **Section 12**

If an ongoing process covered by a protective security agreement requirement under Section 1 is inappropriate from a protective security standpoint, the supervisory authority may impose any injunctions on the operator and the other actor in the process that are necessary to prevent damage to Sweden's security. A decision to impose injunctions may be combined with a penalty of a fine. *Act 2021:952.*

## **Obligations prior to transfer of security-sensitive activities and certain property**

### **Section 13**

An operator must conduct a specific protective security assessment and a suitability examination under Section 14 and engage in consultation under Section 15 if the operator intends to transfer:

1. all or any part of the security-sensitive activities; or
2. property that is of significance to Sweden's security or an international protective security commitment that is binding on Sweden.

The first paragraph does not apply to transfers of real property.

The Government may issue regulations on further exemptions from the first paragraph. If there are special grounds to do so, the Government may also order such exemptions in individual cases. *Act 2021:952.*

#### **Section 14**

Before a procedure for a transfer referred to in Section 13 is initiated, the operator must, through a specific protective security assessment, identify any classified information or other security-sensitive activities to which the transferee may gain access and that require protective security measures.

Based on the specific protective security assessment and other circumstances, the operator must examine whether the transfer is appropriate from a protective security standpoint.

The specific protective security assessment and suitability examination must be documented.

If the suitability examination leads to the assessment that the transfer is inappropriate from a protective security standpoint, the transfer must not be undertaken. *Act 2021:952.*

#### **Section 15**

If the suitability examination under Section 14 leads to the assessment that the transfer is not inappropriate from a protective security standpoint, the operator must consult with the supervisory authority.

The supervisory authority may decide to impose injunctions on the operator to take measures to fulfil its obligations under this Act and regulations issued in connection with it.

The obligation to engage in consultation and what is stated about the operator in the second paragraph also apply to anyone who intends to transfer shares in security-sensitive activities, except for shares in limited companies that are public under the Swedish Companies Act (2005:551). *Act 2021:952.*

#### **Section 16**

If the transferor does not consult with the supervisory authority despite being obliged to do so, the authority may initiate the consultation. *Act 2021:952.*

#### **Section 17**

If a decision to impose injunctions under section 15 is not complied with or if the transfer is inappropriate from a protective security standpoint even if additional measures are taken, the supervisory authority may decide that the transfer must not be undertaken (prohibition). *Act 2021:952.*

## **Section 18**

A transfer in contravention of a prohibition under Section 17 is invalid.

If a transfer has been undertaken without consultation under Section 15 or 16 and the conditions for a prohibition under Section 17 are fulfilled, the supervisory authority may impose such a prohibition after the transfer has been made. The transfer is then invalid. *Act 2021:952.*

## **Section 19**

If a transfer is invalid under Section 18, the supervisory authority may impose any injunctions against the transferor and the transferee that are necessary in order to prevent damage to Sweden's security. A decision to impose injunctions may be combined with a financial penalty. *Act 2021:952.*

## **Section 20**

An operator that intends to transfer all or any part of security-sensitive activities must notify the transferee that this Act applies to the activities. This notification must contain information about the obligations that apply to an operator under Chapter 2, Section 1.  
*Act 2021:952.*

# **Chapter 5 International protective security cooperation and security certificates**

## **Security certificates**

### **Section 1**

A security certificate may be issued for persons who are habitually resident in Sweden and contractors domiciled in Sweden when another state or an international organisation has applied for such a certificate, if:

1. there is a need for such a certificate in international cooperation concerning security-sensitive activities under this Act; or
2. in addition to what follows from point 1, the certificate may facilitate the participation of a person or contractor in activities that another state or an international organisation deems to require protective security.

A certificate under the first paragraph may only be issued if the participation concerns activities in or for a state or international organisation that is covered by an international security protection commitment. If there are special grounds to do so, the Government may decide that a certificate may be issued despite the absence of an international security protection commitment. *Act 2021:952.*

### **Section 2**

If it is necessary in order for a security certificate to be issued, security vetting involving record checks under Chapter 3, Section 13 may be undertaken. As part of such security vetting, a special personal investigation under Chapter 3, Section 17 may also be undertaken. *Act 2021:952.*

### **Section 3**

The provisions on security vetting in Chapter 3, Section 2, Section 4, first paragraph, Section 13, Section 14, second to fourth paragraphs, and Sections 17–21 apply to matters concerning security certificates. *Act 2021:952.*

## **Record checks upon application by another state or an international organisation**

### **Section 4**

Record checks under Chapter 3, Section 13 may be undertaken when another state or an international organisation has applied for such material, if:

1. the person whom the application concerns is or has been habitually resident in Sweden; and
2. by virtue of their employment or in some other way, the person is to participate in activities where participation is subject to requirements corresponding to provisions in this Act concerning record checks as part of security vetting.

As part of record checks under the first paragraph, a special personal investigation under Chapter 3, Section 17 may also be undertaken. *Act 2021:952.*

### **Section 5**

The provisions concerning record checks, special personal investigations and consent in Chapter 3, Section 13, Section 14, second to fourth paragraphs, and Sections 17–21 apply to matters under Section 4.  
*Act 2021:952.*

## **Who orders record checks and issues certificates**

### **Section 6**

The Government may, pursuant to Chapter 8, Article 7 of the Instrument of Government, issue regulations concerning which authority decides on record checks under Sections 2 and 4, issues certificates under Section 1 and provides material under Section 4. *Act 2021:952.*

## **Chapter 6 Supervision**

### **Tasks of the supervisory authority**

#### **Section 1**

The supervisory authority is the authority designated by the Government.

The supervisory authority exercises supervision of operators' compliance with this Act and regulations issued in connection with it. To this end, the supervisory authority may also exercise supervision over any actors with whom operators have concluded protective security agreements.

*Act 2021:952.*

### **Investigatory powers of the supervisory authority**

## **Section 2**

Subjects under supervision must provide any information needed for the supervision to the supervisory authority upon request.

*Act 2021:952.*

## **Section 3**

The supervisory authority is entitled to access areas, premises and other spaces, but not homes, used in activities covered by the supervision to the extent required by the supervision. *Act 2021:952.*

## **Section 4**

The supervisory authority may decide to impose injunctions on the person under supervision to provide information and access under Sections 2 and 3. A decision to impose injunctions may be combined with a penalty of a fine. *Act 2021:952.*

## **Section 5**

The supervisory authority may request the assistance of the Swedish Enforcement Authority to implement measures referred to in Sections 2 and 3. The provisions of the Debt Enforcement Code on enforcement of obligations not relating to payment obligations, evictions or removals apply to such assistance.

*Act 2021:952.*

## **Remedial injunctions**

### **Section 6**

The supervisory authority may decide to impose injunctions on an operator to take measures to fulfil its obligations under this Act and regulations issued in connection with it. A decision to impose injunctions may be combined with a penalty of a fine. *Act 2021:952.*

## **Chapter 7 Administrative sanction charges**

### **Infringements that can lead to sanction charges**

#### **Section 1**

The supervisory authority may impose a sanction charge on an operator that:

1. has neglected its obligations under any of:

a) Chapter 2, Section 1, first or second paragraph, Section 5, Section 6, first paragraph, or Section 7, or regulations issued in connection with these provisions;

b) Chapter 3, Sections 1–4 or 6–9, or Section 11, first paragraph, or regulations issued in connection with these provisions;

c) Chapter 4, Section 1 or 3, Section 9, first paragraph, or Section 15, first paragraph, or regulations issued in connection with these provisions;

2. has not undertaken controls regarding protective security of its own activities under Chapter 2, Section 1, third paragraph, or regulations issued in connection with that provision;

3. has not undertaken controls of the other party's compliance with a protective security agreement under Chapter 4, Section 5, first paragraph, or regulations issued in connection with that provision;

4. has initiated a process in contravention of a prohibition issued pursuant to Chapter 4, Section 11 or has undertaken a transfer in contravention of a prohibition issued pursuant to Chapter 4, Section 17; or
5. has submitted incorrect information in connection with consultation under Chapter 4, Section 9 or 15, or with supervision. *Act 2021:952.*

## **Section 2**

The supervisory authority may impose a sanction charge on a shareholder who:

1. has not engaged in consultation under Chapter 4, Section 15, or regulations issued in connection with that provision;
2. has undertaken a transfer in contravention of a prohibition issued pursuant to Chapter 4, Section 17; or
3. has submitted incorrect information in connection with consultation under Chapter 4, Section 15. *Act 2021:952.*

## **Imposing sanction charges**

### **Section 3**

When assessing whether to impose a sanction charge, particular consideration is given to:

1. the damage to, or vulnerability of, Sweden's security that arose due to the infringement;
2. whether the infringement was intentional or due to negligence;
3. what the operator or shareholder has done to bring the infringement to an end and to limit its effects; and
4. whether the operator or shareholder has previously committed an infringement. *Act 2021:952.*

## **How the scale of a sanction charge is decided**

### **Section 4**

A sanction charge is set at no less than SEK 25 000 and no more than SEK 50 million. However, a sanction charge for a central government authority, municipality or region is set at no more than SEK 10 million. *Act 2021:952.*

### **Section 5**

When deciding on the scale of the sanction charge, particular consideration is given to the circumstances stated in Section 3 and to the gains made by the liable party as a result of the infringement.

*Act 2021:952.*

### **Section 6**

A sanction charge may be reduced or remitted if the infringement is minor or excusable, or if, in view of the circumstances, it would otherwise be unreasonable to impose the charge. *Act 2021:952.*

## **Decisions on sanction charges**



## **Section 7**

A sanction charge may not be imposed if the infringement is subject to an injunction of a conditional fine and the infringement is the basis of an application for imposition of the conditional fine. *Act 2021:952.*

## **Section 8**

A sanction charge may only be imposed if the person upon whom the charge is to be imposed has had the opportunity to comment within two years of the date on which the infringement occurred.

A decision to impose a sanction charge must be served. *Act 2021:952.*

## **Payment of a sanction charge**

### **Section 9**

Sanction charges are paid to the supervisory authority within 30 days of the decision to impose the charge becoming final and non-appealable, or within a longer period specified in the decision.

If the sanction charge is not paid within the time stated in the first paragraph, the authority refers the unpaid charge for recovery. Provisions concerning recovery are found in the Act on the Collection of Debts to the State (1993:891). Recovery is enforced under the Debt Enforcement Code.

Sanction charges accrue to the state. *Act 2021:952.*

### **Section 10**

A sanction charge that has been ordered is annulled in so far as the order has not been enforced within five years of the date on which it became final and non-appealable. *Act 2021:952.*

## **Chapter 8 Other provisions**

### **Duty of confidentiality**

#### **Section 1**

A person who, pursuant to this Act, has had access to information in connection with a matter concerning security vetting must not disclose or utilise that information without authorisation.

In activities of public institutions, the provisions of the Public Access to Information and Secrecy Act (2009:400) apply instead. *Act 2021:952.*

#### **Section 2**

A person who, due to employment or otherwise, participates in or has participated in security-sensitive activities must not disclose or utilise classified information without authorisation.

In activities of public institutions, the provisions of the Public Access to Information and Secrecy Act (2009:400) apply instead. *Act 2021:952.*

## **Provision overriding secrecy**

### **Section 3**

Secrecy does not prevent the authority referred to in Chapter 5, Section 6, in a case concerning security vetting material under Chapter 5, Section 4, disclosing information that has emerged in record checks or a special personal investigation to a foreign authority or international organisation, if it is clear that such disclosure is compatible with Sweden's interests. *Act 2021:952.*

## **Appeals**

### **Section 4**

Decisions to impose injunctions under Chapter 4, Sections 9 and 15 and Chapter 6, Sections 4 and 6, or to impose sanction charges under Chapter 7, may be appealed to the Stockholm Administrative Court. When such a decision is appealed, the supervisory authority is the opposite party. Leave to appeal is required for an appeal to the administrative court of appeal.

Decisions to impose prohibitions under Chapter 4, Sections 11, 17 and 18, or to impose injunctions under Chapter 4, Sections 12 and 19, may be appealed to the Government.

Other decisions pursuant to this Act are not subject to appeal.  
*Act 2021:952.*

## **Transitional provisions**

2018:585

1. This Act enters into force on 1 April 2019.
2. This Act repeals the Protective Security Act (1996:627).
3. However, the repealed Act still applies to decisions on placement in security classes issued prior to entry into force, but only until a corresponding decision on placement in a security class is issued under this Act. Such a decision must be issued no later than the end of 2024.
4. Decisions on record checks under Section 14 of the repealed Act are, to the extent prescribed by the Government, equivalent to placement in security class 3 under this Act, but only until a new decision on placement in a security class is issued under this Act. Such a decision must be issued no later than the end of 2024.
5. Older provisions continue to apply to information that is collected from the Swedish Security Service and processed pursuant to the Police Data Act (2010:361). *Act 2018:1715.*

2021:952

1. This Act enters into force on 1 December 2021.
2. Older provisions still apply to matters concerning consultation initiated prior to

entry into force.

3. The repealed Chapter 2, Section 6 applies to protective security agreements concluded prior to entry into force.

4. A sanction charge under Chapter 7 may only be ordered for infringements that occurred after entry into force.