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Protective Security Ordinance (2021:955)

Chapter 1 Scope of the Ordinance

Section 1

This Ordinance contains supplementary provisions to the Protective Security Act (2018:585).

The Ordinance does not apply to the Riksdag and its authorities.

Section 2

For the Government Offices, Sweden's missions abroad, and committees and inquiries referred to in the Committees Ordinance (1998:1474), only the following provisions apply:

1. in the Protective Security Act (2018:585):

- Chapter 1;
- Chapter 2, Sections 1–5, Section 7, first and second paragraphs, and Section 8;
- Chapter 3;
- Chapter 4, Sections 1–6;
- Chapter 5;
- Chapter 8, Sections 1–3 and Section 4, third paragraph; and

2. in this Ordinance:

- Chapter 1;
- Chapter 2, Sections 1–3;
- Chapter 3, Sections 1, 3–8 and 10;
- Chapter 4;
- Chapter 5;
- Chapter 6, Sections 1–3;
- Chapter 7;
- Chapter 8, Sections 6–9, 11 and 13.

Section 3

Words and expressions used in this Ordinance have the same meaning as in the Protective Security Act (2018:585).

'Classified document' means a document that contains information that is classified under Chapter 1, Section 2 of the Protective Security Act.

'Information system' means a system combining software and hardware that processes data.

Chapter 2 Fundamental provisions on protective security

Protective security analysis

Section 1

Under Chapter 2, Section 1 of the Protective Security Act (2018:585), an operator must conduct a protective security analysis.

The protective security analysis must identify what classified information and other security-sensitive activities the operation entails, and what threats and vulnerabilities are associated with these protective values. The protective security analysis must also contain an assessment of what protective security measures are necessary. The analysis must be updated as necessary and at least every other year.

Authorisation to take part in security-sensitive activities

Section 2

Unless otherwise prescribed by legislative provisions, authorisation to access classified information or other security-sensitive activities is only granted to those who:

1. have been assessed as reliable from a security standpoint;
2. have sufficient knowledge of protective security; and
3. need the information or other access to the activities to be able to carry out their work or take part in some other way in the security-sensitive activities.

Section 3

An operator must inform any person who is permitted to access classified information of the scope and implications of the secrecy and duty of confidentiality that follow from the Public Access to Information and Secrecy Act (2009:400) and Chapter 8, Section 2 of the Protective Security Act (2018:585).

Notification of security-threatening events or activities

Section 4

An operator must promptly notify the Swedish Security Service if:

1. there is reason to assume that classified information has been disclosed without authorisation;
2. an IT incident has occurred in an information system for which the operator is responsible and that is of significance to security-sensitive activities, and where the incident may have a serious impact on security in the system; or
3. the operator becomes aware of or suspects some other security-threatening activity that it considers serious.

If the operator is subject to the Swedish Armed Forces' supervisory area, the notification must also be made to the Swedish Armed Forces.

The Swedish Security Service must inform the operator's supervisory authority of any notification made under the first paragraph.

Section 5

An operator that is obliged to notify security-threatening events under Section 4, first paragraph, point 1 or 2 and that provides services to another operator must, in connection with a notification, inform and, where necessary, consult with any principals that are affected by the incident.

In the event of a notification under Section 4, first paragraph, point 1 or 2 that concerns classified information that is covered by an international protective security commitment under Chapter 7, Section 1, the Swedish Security Service must inform the authority that is the national security authority under the international protective security commitment.

Chapter 3 Information security

Preparatory measures before an information system becomes operational

Section 1

Before an information system of significance to security-sensitive activities becomes operational, the operator must, through a specific protective security assessment, consider what security requirements are warranted in the system and ensure that the protective security is designed such that these requirements are met. The protective security assessment must be documented.

Section 2

Before an information system that can be expected to process information that is classified as confidential or higher becomes operational or is altered in essential respects, the operator must consult in writing with the Swedish Security Service. If the operator is subject to the Swedish Armed Forces' or the Defence Materiel Administration's supervisory area, it must instead consult with the Swedish Armed Forces.

This obligation to consult also applies with regard to information systems other than those stated in the first paragraph, if unauthorised access to the systems could cause not insignificant harm to Sweden's security.

The Swedish Security Service and the Swedish Armed Forces must inform the operator's supervisory authority of any consultation undertaken under the first paragraph.

Section 3

An information system that is to be used in security-sensitive activities must not become operational before it has been approved from a protective security standpoint by the operator. This approval must be documented.

Security requirements for information systems used in security-sensitive activities

Section 4

An operator that is responsible for an information system that is to be used in security-sensitive activities must take appropriate protective measures to be able to detect, prevent and manage harmful effects on the information system and unauthorised interception of, access to and use of the information system. The operator must also ensure traceability for events that are of significance to security in the system.

An operator that is responsible for an information system under the first paragraph must take account of compromising emanations and take appropriate protective measures for the system if the information system is intended to process information that is classified as confidential or higher.

Section 5

Before classified information is processed in an information system outside the operator's control, the operator must make sure that the protective security for information in the system is sufficient.

If classified information is to be communicated to an information system outside the operator's control, the information must be protected using cryptographic functions approved by the Swedish Armed Forces.

Section 6

The Swedish Armed Forces may issue regulations on exemptions from the requirements in Section 4, first paragraph within its own and the Defence Materiel Administration's supervisory areas. The Swedish Security Service may issue such regulations within other supervisory areas. The Government Offices may issue such regulations with regard to the Government Offices, Sweden's missions abroad, and committees and inquiries referred to in the Committees Ordinance (1998:1474).

The Swedish Armed Forces may also decide on exemptions from the requirements in Section 5, second paragraph, if there are special grounds to do so. The Armed Forces must consult with the Swedish Security Service before any decision on exemptions is announced if they apply to activities that are subject to a supervisory area other than those of the Swedish Armed Forces and the Defence Materiel Administration, and with the Government Offices (Ministry for Foreign Affairs) if the requirement follows from an international protective security commitment.

Processing of classified documents

Security classification

Section 7

A classified document must be labelled with the security classification that applies to the information in the document. If the document contains information with various security classifications, the highest security classification determines the label that the document should have. The Swedish Armed Forces may issue regulations on exemptions from the security classification labelling requirements within its own and the Defence Materiel Administration's supervisory areas. The Swedish Security Service may issue such regulations within other supervisory areas. The Government Offices may issue such regulations with regard to the Government Offices, Sweden's missions abroad, and committees and inquiries referred to in the Committees Ordinance (1998:1474).

If a classified document can be expected to be transferred to a foreign authority, international organisation or foreign contractor, it must be labelled with the country of origin, unless it is inappropriate to do so.

Section 8

Classified documents that contain information classified as top secret must be inventoried at least once a year. Classified documents that contain information classified as secret or confidential must be inventoried to the extent stated in the Swedish Security Service regulations or, regarding activities that are subject to the Swedish Armed Forces' or the Defence Materiel Administration's supervisory areas, in the Swedish Armed Forces regulations. The Government Offices may issue regulations on the extent to which documents must be inventoried with regard to the Government Offices, Sweden's missions abroad, and committees and inquiries referred to in the Committees Ordinance (1998:1474).

With regard to archived documents, the inventory requirement only applies to documents classified as top secret.

For operators to whom the Public Access to Information and Secrecy Act (2009:400) is applicable, the inventory requirement applies only to official documents.

Protection for classified information that is provided to foreign actors

Section 9

Classified information that is provided to a foreign authority or an international organisation must be covered by an international protective security commitment that Sweden has entered into with the other state or the organisation, unless there are special grounds allowing such information to be provided anyway.

Classified information must not be provided to a foreign contractor unless Sweden has entered into an international protective security commitment with the other state and the contractor has been approved through controls under the other state's protective security legislation.

Section 10

The Ministry for Foreign Affairs diplomatic courier service must be used for all shipments to or from abroad that contain classified documents and are not protected by cryptographic functions under Section 5.

The Swedish Armed Forces may issue regulations on exemptions from the requirement in the first paragraph within its own and the Defence Materiel Administration's supervisory areas. The Swedish Security Service may issue such regulations within other supervisory areas. The Government Offices may issue such regulations with regard to the Government Offices, Sweden's missions abroad, and committees and inquiries referred to in the Committees Ordinance (1998:1474).

Chapter 4 Physical security

Section 1

Areas, buildings and other facilities or objects where classified information is stored or otherwise processed, or where security-sensitive activities are otherwise conducted, must be equipped with functions to detect, hinder and manage unauthorised access and harmful impacts, based on identified protective security needs.

Chapter 5 Personnel security

Protective security training

Section 1

An operator must ensure that any person who is employed or otherwise participates in activities is trained in protective security. The need for training must be followed up during the period of participation in the security-sensitive activities.

Performance of security vetting

Section 2

'Basic investigation' under Chapter 3, Section 3 of the Protective Security Act (2018:585) means an investigation of personal circumstances of significance to security vetting. The investigation must include certificates, testimonials, references and information submitted by the subject of the vetting, and any other information to the extent that this is relevant to the vetting. Where necessary, identity checks must be made.

Section 3

Provisions on record checks and special personal investigations undertaken following decisions on placement in security classes are found in Sections 11–20. If, following a basic investigation, it is already clear that the subject of the vetting does not meet the requirements to pass their security vetting under Chapter 3, Section 2 of the Protective Security Act (2018:585), record checks and special personal investigations should not be undertaken.

Section 4

The results of security vetting must be documented in cases where a person has been deemed reliable from a security standpoint and a decision has been made that they will be employed or otherwise participate in the activities.

Decisions on placement in security classes

Section 5

Unless otherwise stated in Sections 7–10, decisions on placement in security classes are made by the Government.

Section 6

If a person who takes decisions on placement in security class 2 or 3 under Section 8, 9 or 10 finds that it is necessary to place an employment appointment or other participation in security class 1, they must request that the Government take a decision to that effect.

Section 7

The Government Offices takes decisions on placement in security class 2 and 3 with respect to:

1. Sweden's missions abroad, and committees and inquiries referred to in the Committees Ordinance (1998:1474);

2. other employment, assignments or other participation in activities on which the Government takes decisions; and
3. assignments as members of the board of state-owned enterprises for which central government nominates all board members.

With regard to permanent judges at general courts, administrative courts and the Labour Court, and rent tribunal judges in rent and tenancy tribunals, the Government Offices only takes decisions on placement in security class 2 and 3 for employment in managerial positions in such courts and tribunals.

Section 8

Municipalities, regions and public authorities stated in the annex to this Ordinance take decisions on placement in security class 2 and 3 with respect to:

1. employment or other participation in their own activities; and
2. employment or assignments with an actor that has concluded a protective security agreement under Chapter 4, Section 1 of the Protective Security Act (2018:585).

Municipalities and regions also take decisions on placement in security class 2 and 3 with respect to employment or other participation with individual operators over which they exercise legally decisive influence under Chapter 2, Section 3 of the Public Access to Information and Secrecy Act (2009:400).

Decisions on placement in security class 2 and 3 under the first or second paragraph in activities covered by an international protective security commitment in the area of aviation security are instead taken by the Swedish Transport Agency.

Section 9

In cases other than those stated in Section 7, the Royal Court of Sweden, Sveriges Radio Aktiebolag, Sveriges Television Aktiebolag, Teracom Group AB and Teracom Group AB's wholly-owned subsidiaries take decisions on placement in security class 2 and 3 with respect to:

1. employment or other participation in their own activities; and
2. employment or assignments with an actor that has concluded a protective security agreement under Chapter 4, Section 1 of the Protective Security Act (2018:585).

Section 10

In cases other than those stated in Sections 7–9, the supervisory authorities take decisions on placement in security class 2 and 3 with respect to:

1. employment or other participation with an individual operator over which they exercise supervision; and
2. employment or assignments with an actor with whom such an individual operator has concluded a protective security agreement under Chapter 4, Section 1 of the Protective Security Act (2018:585).

Record checks and special personal investigations

Record checks and special personal investigations in security classification

Section 11

A decision whereby employment or other participation in security-sensitive activities is placed in a security class means that:

1. security vetting for such employment or other participation must include record checks in accordance with Chapter 3, Section 13 of the Protective Security Act (2018:585); and
2. special personal investigations must be undertaken in conjunction with record checks to the extent stated in Chapter 3, Section 17 of the Protective Security Act.

Record checks without placement in a security class

Section 12

Record checks may be undertaken concerning a person who is to take part in security-sensitive activities that are not placed in a security class, if there are extraordinary reasons to do so.

The Government decides on such record checks. For large events, state visits or other similar occasions in the presence of someone for whose security the Swedish Security Service is responsible, record checks may instead be ordered by the Swedish Security Service.

Conditions for record checks

Section 13

An application for record checks may only be made if it can be assumed that the subject of the security vetting will be employed or otherwise participate in the activities in question. If there are exceptional grounds to do so, an application may be made without such assumption.

Performance of record checks and special personal investigations

Section 14

The Swedish Security Service performs records checks upon application by the person who decides on placement in security classes or by the person who otherwise orders record checks.

When the Government has decided on placement in security classes, the checks are, unless otherwise stated in the decision, performed upon application by the person who takes decisions on placement in security class 2 and 3.

With regard to employment referred to in Section 25, first and second paragraphs of the Ordinance with Instructions for the Swedish Armed Forces (2007:1266), the checks are performed upon application by the Swedish Armed Forces.

With regard to employment as permanent judges and rent tribunal judges referred to in Chapter 3, Section 4a, first paragraph of the Protective Security Act (2018:585), the checks are performed upon application by the Judges Proposals Board.

Section 15

The operator is responsible for obtaining consent under Chapter 3, Section 18 of the

Protective Security Act (2018:585). If record checks concern employment or other participation in activities that have been placed in security class 1 or 2, the application for record checks must state information about the personal circumstances of the subject of the record checks.

Section 16

The Swedish Security Service's assignment to perform record checks also includes an assignment to undertake special personal investigations under Chapter 3, Section 17 of the Protective Security Act (2018:585).

Section 17

When a special personal investigation concerns employment or other participation in activities that has been placed in security class 1, the Swedish Security Service must conduct a personal interview with the subject of the vetting, unless it is clear that this interview is not necessary.

Where necessary, a personal interview must also be conducted when the investigation concerns employment or other participation in activities that has been placed in security class 2.

The Swedish Security Service may, where necessary, request a follow-up interview with the subject of the vetting.

Disclosure of information

Section 18

If, in record checks or a special personal investigation, information emerges that can be assumed to be of significance to the security vetting, the Swedish Security Service must, after consulting the Swedish Commission on Security and Integrity Protection, give the subject of the information the opportunity to comment in accordance with the conditions in Chapter 3, Section 20 of the Protective Security Act (2018:585). In urgent cases, the Swedish Security Service may obtain such comment without consulting the Commission.

The Swedish Security Service must then submit to the Swedish Commission on Security and Integrity Protection the question of whether the information should be disclosed for security vetting under Chapter 3, Section 19 of the Protective Security Act.

The Swedish Security Service must give the Swedish Commission on Security and Integrity Protection access to all information that may be of significance to the vetting. The Swedish Security Service must document and enforce the Commission's decisions.

Section 19

Information that, following a decision by the Swedish Commission on Security and Integrity Protection, is to be disclosed for security vetting must not be accompanied by any statement other than an explanatory comment on the information. A response to an application for record checks must not indicate that there is any information about the vetted person that is not disclosed.

Cancellation

Section 20

When employment or other participation that gave rise to placement in a security class ceases, or if it is placed in a different security class, the person who decides on placement in security classes must promptly notify the Swedish Security Service that the record checks should cease. If the operator is not entitled to take decisions on placement in security classes, the operator must promptly inform the person who has that decision-making right, to be relayed to the Swedish Security Service.

Chapter 6 Obligations when another actor may access security-sensitive activities

Exemptions from such obligations

Section 1

Provided that protective security can still be ensured, the obligation to conclude protective security agreements under Chapter 4, Section 1 of the Protective Security Act does not apply to:

1. processes that require permits under the Military Equipment Act (1992:1300) or the Act on Controls of Dual-use Products and of Technical Assistance (2000:1064);
2. acquisitions between public authorities within the Swedish Armed Forces' supervisory area;
3. central government agencies' agreements, collaboration or cooperation with another state or an international organisation; and
4. agreements, collaboration or cooperation within military security services, foreign intelligence activities or security intelligence activities, and Swedish Armed Forces or National Defence Radio Establishment agreements, collaboration or cooperation within cyber defence.

Section 2 /Enters into force on 1 October 2022/

The obligation to conduct a specific protective security assessment and suitability examination and to engage in consultation under Chapter 4, Section 7, first paragraph and Sections 8 and 9 of the Protective Security Act (2018:585) does not apply to cooperation and collaboration between operators within total defence planning and contingency planning pursuant to:

1. the Act on the Obligation for Business Operators, Labour Market Organisations, etc. to Participate in Total Defence Planning (1982:1004);
2. Chapter 2, Section 7 of the Act on Municipal and Regional Measures prior to and during Extraordinary Events in Peacetime and in Times of Heightened Alert (2006:544);
3. Section 7 of the Ordinance with Instructions for the Swedish Armed Forces (2007:1266);
4. the Ordinance on County Administrative Boards' Contingency Planning and Information Ahead of and in Times of Heightened Alert (2017:870); or
5. Section 10, second paragraph and Section 20, second paragraph, point 3 of the Ordinance on Central Government Authorities' Preparedness (2022:524).
Ordinance 2022:1005.

Section 3

The obligation to conduct a specific protective security assessment and suitability examination and to engage in consultation under Chapter 4, Section 13, first paragraph and Sections 14 and 15 of the Protective Security Act (2018:585) does not apply to transfers:

1. that require permits under the Military Equipment Act (1992:1300) or the Act on Controls of Dual-use Products and of Technical Assistance (2000:1064);
2. between two public authorities within the Swedish Armed Forces' supervisory area or in collaboration in the foreign intelligence area;
3. of permits or parts of permits to use radio transmitters that require permission under Chapter 3, Section 25 of the Electronic Communications Act (2022:482); or
4. to a supervisory authority. *Ordinance 2022:523.*

Notification of protective security agreements

Section 4

An operator that intends to conclude a protective security agreement under Chapter 4, Section 1 of the Protective Security Act (2018:585) must without delay notify this to the person who decides on placement in security classes and to the supervisory authority.

Section 5

An operator that has concluded a protective security agreement under Chapter 4, Section 1 of the Protective Security Act (2018:585) must notify this to the person who decides on placement in security classes and to the supervisory authority. Such notification must also be made when a protective security agreement ceases to apply. The person who decides on placement in security classes must promptly forward the notification to the Swedish Security Service.

Information and opportunity to comment

Section 6

As soon as a question of an injunction under Chapter 4, Section 12 or 19 of the Protective Security Act (2018:585) or a prohibition under Chapter 4, Section 18, second paragraph of the same Act arises at the supervisory authority, the supervisory authority must inform the Swedish Armed Forces if the operator is subject to the Swedish Armed Forces' or the Defence Materiel Administration's supervisory areas, and otherwise inform the Swedish Security Service.

The supervisory authority must, if it is not manifestly unnecessary to do so, give the Swedish Security Service the opportunity to comment before the supervisory authority concludes any consultation referred to in Chapter 4, Section 9, 10, 15 or 16 of the Protective Security Act in any other way than through a decision that the process may not be undertaken. The supervisory authority must not take a decision on the matter before the deadline for comment has passed. If the consultation concerns an operator that comes under the Swedish Armed Forces' or the Defence Materiel Administration's supervisory areas, the Swedish Armed Forces must instead be given the opportunity to comment.

Collaboration in consultation prior to transfers of security-sensitive activities and certain property

Section 7

In cases of consultation under Chapter 4, Section 15 of the Protective Security Act, the supervisory authority must, where necessary, collaborate with the Inspectorate of Strategic Products.

Protective security agreements in international cooperation

Section 8

The national industrial security authority may conclude a protective security agreement with a contractor if this is necessary for the contractor to participate in international cooperation and in order to issue security certificates under Chapter 5, Section 1 of the Protective Security Act (2018:585). The protective security agreement must be notified to the Swedish Security Service.

Chapter 7 International cooperation and security certificates

Section 1

The Government Offices is the national security authority for international protective security commitments with respect to the European Union and its Member States within the framework of EU activities, NATO and the European Space Agency, and fulfils the tasks for which such an authority is responsible in accordance with these international protective security commitments. Supervision of the protective security of an operator that operates activities covered by an international protective security commitment is exercised by the supervisory authority.

For other general international protective security commitments, the Government decides which public authority will be the national security authority and fulfil the tasks for which such an authority is responsible in accordance with the international protective security commitment.

Section 2

The Defence Materiel Administration is the national industrial security authority and fulfils the tasks for which such an authority is responsible in accordance with international protective security commitments.

Section 3

The Government Offices orders record checks, issues certificates and provides material under Chapter 5, Sections 1, 2 and 4 of the Protective Security Act (2018:585). The Government Offices may decide that other public authorities, listed in the annex to this Ordinance, must also perform these tasks for persons participating in those authorities' own activities.

If record checks are occasioned due to a matter concerning a security certificate for a contractor, it is the Defence Materiel Administration that orders record checks and issues certificates under Chapter 5, Section 1 of the Protective Security Act.

Section 4

If a person or a contractor applies for a security certificate under Chapter 5, Section 1 of the Protective Security Act (2018:585), previous security vetting or a previous protective security agreement may, to the extent appropriate, be used as a basis for issuing such a certificate.

Section 5

The provisions in Chapter 5 concerning security vetting, record checks and special personal investigations apply to matters under Chapter 5, Sections 1 and 4 of the Protective Security Act (2018:585).

Chapter 8 Supervision, regulations and support

Supervision

Section 1

The following public authorities are supervisory authorities under the Protective Security Act (2018:585) and this Ordinance for the stated supervisory areas.

<i>Supervisory authority</i>	<i>Supervisory area</i>
Swedish Armed Forces	Swedish Fortifications Agency. Swedish Defence University and the authorities under the Ministry of Defence
Swedish Security Service	Swedish Psychological Defence Agency, Swedish National Grid, Courts not under the Ministry of Defence, Swedish National Courts Administration, Judges Proposals Board, Swedish Prosecution Authority, Swedish Police Authority, Swedish Economic Crime Authority, Swedish Prison and Probation Service, Swedish Coast Guard, Swedish Customs, Swedish Tax Agency, Swedish Social Insurance Agency, Swedish Pensions Agency, National Government Service Centre, Swedish National Debt Office, National Archives, Swedish Financial Supervisory Authority, National Property Board, Inspectorate of Strategic Products, Swedish Civil Contingencies Agency, Lantmäteriet, Swedish Post and Telecom Authority, Swedish Transport Agency, Swedish National Grid, Swedish Radiation Safety Authority, Swedish Energy Agency, Swedish Food Agency, LFV Group – Air Navigation Services of Sweden, Swedish Maritime Administration, Swedish Transport Administration, Public Health Agency of Sweden, National Board of Health and Welfare, Swedish Board of Agriculture, National Veterinary Institute, Swedish eHealth Agency, Medical Products Agency, Swedish Migration Agency and the county administrative boards

Swedish National Grid	Individual operators in the areas of electricity supply and dam facilities, with the exception of nuclear activities
Swedish Transport Agency	Individual operators in the areas of road traffic, shipping, rail traffic, civil aviation, air traffic services for civil aviation, and air traffic control services for military aviation
Swedish Post and Telecom Authority	Individual operators in the areas of electronic communications and postal services
Swedish Defence Materiel Administration Swedish Financial Supervisory Authority	Individual operators in the area of defence materiel Individual operators in the area of financial companies, and corresponding foreign companies that are established in Sweden
Swedish Energy Agency	Individual operators in the areas of district heating, natural gas, oil and fuel supply
Swedish Radiation Safety Authority Stockholm County Administrative Board	Individual operators in the area of nuclear activities Municipalities and regions in Stockholm, Uppsala, Södermanland, Västmanland, Värmland, Gotland, Örebro, Dalarna or Gävleborg counties, and central government agencies (apart from the Swedish Security Service and the Office of the Chancellor of Justice) and individual operators with their headquarters in any of these counties, unless they are subject to the supervisory area of another supervisory authority
Skåne County Administrative Board	Municipalities and regions in Kronoberg, Blekinge, Kalmar or Skåne counties, and central government agencies and individual operators with their headquarters in any of these counties, unless they are subject to the supervisory area of another supervisory authority
Västra Götaland County Administrative Board	Municipalities and regions in Halland, Jönköping, Västra Götaland or Östergötland counties, and central government agencies and individual operators with their headquarters in any of these counties, unless they are subject to the supervisory area of another supervisory authority
Norrbotten County Administrative Board	Municipalities and regions in Västernorrland, Jämtland, Västerbotten or Norrbotten counties, and central government agencies and individual operators with

their headquarters in any of these counties, unless they are subject to the supervisory area of another supervisory authority

A supervisory authority may exercise supervision over an actor with which an operator within the supervisory authority's supervisory area has concluded a protective security agreement under Chapter 4, Section 1 of the Protective Security Act (2018:585). *Ordinance 2022:659*.

Section 2

The Swedish Security Service and the Swedish Armed Forces are coordination authorities. These authorities:

1. cooperatively follow up, evaluate and develop the work on supervision and consultation;
2. concertedly produce and provide methodological support for supervision and consultation;
3. provide relevant threat information to the supervisory authorities; and
4. lead a cooperation forum comprising the supervisory authorities, with a view to facilitating coordination and achieving efficient and equal supervision.

Section 3

If there are special grounds to do so, the Swedish Security Service and the Swedish Armed Forces may take over supervisory responsibility for an operator that is subject to one of the other supervisory authorities' supervisory area or for an actor with which such an operator has concluded a protective security agreement under Chapter 4, Section 1 of the Protective Security Act (2018:585). When there are no longer grounds to take over supervisory responsibility, it returns to the supervisory authority. The supervisory authority must be informed when supervisory responsibility is taken over and when it is returned.

Section 4

The supervisory authorities must identify, through systematic survey, which operators and other supervised entities are subject to their respective supervisory areas. This survey must be conducted regularly.

The supervisory authorities must have up-to-date lists of their supervised entities.

The first and second paragraphs do not apply to the Swedish Security Service and the Swedish Armed Forces.

Section 5

What is stated about exemptions for law enforcement activities in Section 3 of the Administrative Procedure Act (2017:900) does not apply to the Swedish Security Service's processing of matters concerning consultation, injunctions and prohibitions under the Protective Security Act (2018:585). The same applies to supervision and penalty of a fine under the Protective Security Act.

Right to issue regulations

Section 6

The Swedish Security Service may issue regulations concerning:

1. protective security analysis, notification and reporting obligations, protective security measures, security classification and protective security agreements under the Protective Security Act (2018:585) and this Ordinance; and
2. enforcement of the Protective Security Act.

The right of the Swedish Security Service to issue regulations under the first paragraph does not apply in cases where the Swedish Armed Forces, the Defence Materiel Administration or the Government Offices has the right to issue regulations under this Ordinance.

Before regulations are issued, the Swedish Security Service must give the Swedish Armed Forces the opportunity to comment. The same applies before regulations are issued under Chapter 3, Section 6, first paragraph, or Section 7 or 10. The Government Offices must be informed of the substance of the Swedish Security Service's regulations.

Section 7

The Swedish Armed Forces may issue regulations concerning:

1. cryptographic functions intended to protect security-sensitive activities, beyond the authority's authorisation under Section 33 of the Ordinance with Instructions for the Swedish Armed Forces (2007:1266);
2. protective security analysis, notification and reporting obligations, protective security measures, security classification and protective security agreements under the Protective Security Act (2018:585) and this Ordinance within its own and the Defence Materiel Administration's supervisory areas; and
3. enforcement of the Protective Security Act within its own and the Defence Materiel Administration's supervisory areas, with the exception of regulations concerning the process for record checks.

The right of the Swedish Armed Forces to issue regulations under the first paragraph does not apply in cases where the Government Offices or the Defence Materiel Administration has the right to issue regulations under this Ordinance.

Before regulations are issued, the Swedish Armed Forces must give the Swedish Security Service the opportunity to comment. The same applies before regulations are issued under Chapter 3, Section 6, first paragraph, or Section 7 or 10. The Government Offices must be informed of the substance of the Swedish Armed Forces' regulations.

Section 8

The Government Offices may issue regulations concerning protective security analysis, notification and reporting obligations, protective security measures, security classification and protective security agreements under the Protective Security Act (2018:585) and this Ordinance, and enforcement of the Protective Security Act in other respects, for the Government Offices, Sweden's missions abroad, and committees and inquiries referred to in the Committees Ordinance (1998:1474).

The Government Offices may issue regulations concerning enforcement of the Protective Security Act with respect to issuing security certificates under Chapter 5, Section 1 of the Protective Security Act for persons who are habitually resident in Sweden. Before such regulations are issued, the Government Offices must consult with the Swedish Security Service, the Swedish Armed Forces and the Defence Materiel Administration.

Section 9

The Defence Materiel Administration may issue regulations concerning enforcement of the Protective Security Act (2018:585) with respect to issuing security certificates under Chapter 5, Section 1 of the Protective Security Act for contractors domiciled in Sweden. Before such regulations are issued, the Defence Materiel Administration must consult with the Swedish Security Service and the Swedish Armed Forces. The Government Offices (Ministry for Foreign Affairs) must be informed of the substance of the regulations.

Section 10

A supervisory authority that exercises supervision over individual operators may, within its supervisory area, issue regulations to supplement regulations issued pursuant to Section 6, 7 or 9. Before a supervisory authority issues such regulations, it must consult with the Swedish Security Service and the Swedish Armed Forces.

Advice and guidance

Section 11

Upon request, the Swedish Security Service and the Swedish Armed Forces must provide advice on protective security to the Government Offices, the Riksdag and its authorities, and the Office of the Chancellor of Justice.

The Swedish Security Service and the Swedish Armed Forces must inform each other when advice has been provided under the first paragraph.

Section 12

The supervisory authorities must provide guidance on protective security within their supervisory areas.

Appeals

Section 13

Decisions under this Ordinance cannot be appealed.

Transitional provisions

2021:955

1. This Ordinance enters into force on 1 December 2021.
2. This Ordinance repeals the Protective Security Ordinance (2018:658).
3. This Ordinance does not apply to international protective security commitments referred to in Chapter 7, Section 1 that were entered into prior to 1 April 2019.

4. The provision in Chapter 3, Section 7 does not apply to documents archived prior to 1 April 2019. Chapter 3, Section 7 applies as of 1 January 2022 to other documents marked under the Protective Security Act (1996:627).
5. Decisions on record checks under Section 26 or 27 of the Protective Security Ordinance (1996:633) are, unless otherwise decided, equivalent to placement in security class 3 under Chapter 3, Section 8 of the Protective Security Act (2018:585), but only until a decision on placement in a security class is issued under that Act. Such a decision must be issued no later than the end of 2024.
6. The provision in Chapter 3, Section 9 concerning classified information provided to a foreign authority, international organisation or foreign contractor need not be applied until 1 January 2025.

Annex

The following central government authorities decide on placement in security classes in accordance with what is stated in Chapter 5, Section 8.

Swedish National Grid
General courts
General administrative courts
Labour Court
Arbetsförmedlingen (Swedish Public Employment Service)
Swedish Agency for Government Employers
Swedish Work Environment Authority
Swedish National Council for Crime Prevention
National Board of Student Aid
Judges Proposals Board
Swedish National Courts Administration
eHealth Agency
Swedish Economic Crime Authority
National Financial Management Authority
National Electrical Safety Board
Swedish Energy Markets Inspectorate
Swedish Export Credit Agency
Swedish Financial Supervisory Authority
Folke Bernadotte Academy
Public Health Agency of Sweden
Swedish Fortifications Agency
Swedish Defence Materiel Administration
National Defence Radio Establishment
Swedish National Defence College
Swedish Armed Forces
Swedish Foreign Intelligence Court
Försäkringskassan (Swedish Social Insurance Agency)
Granskningsnämnden för försvarsuppfinningar
University of Gothenburg
Swedish Agency for Marine and Water Management
Regional rent and tenancy tribunals
Swedish Inspectorate of Strategic Products
Swedish Institute of Space Physics
Swedish Authority for Privacy Protection

Office of the Chancellor of Justice
Kammarkollegiet (Legal, Financial and Administrative Services Agency)
Swedish Chemicals Agency
Swedish Competition Authority
Swedish Prison and Probation Service
Swedish Enforcement Authority
Royal Institute of Technology
Swedish Coast Guard
Lantmäteriet (Swedish mapping, cadastral and land registration authority)
Linköping University
Swedish Food Agency
LFV Group – Air Navigation Services of Sweden
Lund University
Medical Products Agency
County administrative boards
Swedish Migration Agency
Agency for Digital Government
Swedish Civil Contingencies Agency
Swedish Agency for Growth Policy Analysis
Mälardalen University
Swedish Environmental Protection Agency
Swedish Patent and Registration Office
Swedish Pensions Agency
Swedish Polar Research Secretariat
Swedish Police Authority
Swedish Post and Telecom Authority
Government Offices
Swedish National Heritage Board
National Archives
Swedish National Debt Office
Swedish National Space Agency
National Legal Aid Authority
Swedish Maritime Administration
Swedish Tax Agency
National Board of Health and Welfare
Swedish Energy Agency
National Property Board
Swedish Accident Investigation Authority
Swedish Foreign Intelligence Inspectorate
Swedish Board of Agriculture
National Government Service Centre
National Government Employee Pensions Board
National Veterinary Institute
National Board of Appeal
Statistics Sweden
Swedish Agency for Public Management
Stockholm University
Swedish Radiation Safety Authority
Swedish International Development Cooperation Agency
Geological Survey of Sweden

Swedish University of Agricultural Sciences
Swedish Meteorological and Hydrological Institute
Swedish Commission on Security and Integrity Protection
Swedish Security Service
Swedish Defence Research Agency
Swedish Defence Conscription and Assessment Agency
Swedish Transport Administration
Swedish Transport Agency
Swedish Customs
Umeå University
Uppsala University
Election Authority
Vinnova (Swedish Governmental Agency for Innovation Systems)
Swedish Research Council
Swedish Prosecution Authority