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The Rt Hon. the Lord Goldsmith KC
Chair of the House of Lords International
Agreements Committee
London
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Dear Lord Goldsmith,

Thank you for your letter of 28 March to the former Minister of State for Europe, Leo Docherty MP, on behalf of the House of Lords International Agreements Committee, about the UK-Hungary Agreement concerning the Protection of Classified Information. I am replying as the Minister of State for Europe.

The UK Government does not require that a treaty be in place for its departments and agencies to exchange classified information with international partners. A treaty such as the proposed UK-Hungary General Security Agreement provides parties with additional reassurances on protections that will be applied to relevant exchanges. Unless it is specifically stipulated, parties are not compelled to exchange classified information. There is no such stipulation in the proposed UK-Hungary General Security Agreement.

Whether or not a treaty is in place, UK Government departments and agencies will risk assess the potential damage to UK interests of sharing classified information with an international partner in advance. This may lead to classified information being shared in full, tailored in some form (for example, to reduce the sensitivity of the information from a UK perspective) or not being shared. A treaty may set out options for more detailed protective security measures to call upon if needed.

The UK-Hungary General Security Agreement contains articles that explicitly address exchanges with third party states: Article 5(3) and Article 7. Article 11(4)(e) also addresses third party disclosure in the context of classified contracts. In all circumstances, the Agreement would require the Hungarian authorities to consult the UK originator. The release of classified information without consent would constitute a clear violation of the Agreement and raise the possibility of terminating the Agreement (Article 17.4).

Separately, Article 6 of the Agreement includes provisions governing the access of specified nationalities to classified information that may be exchanged bilaterally between the UK and Hungary in the future.

In particular, it would create an obligation on both parties to seek the consent of the originator if it is proposed that highly sensitive classified information, equivalent to UK SECRET and TOP SECRET, be shared with an individual who has a nationality other than British or Hungarian.

Finally, it should be noted that the UK and Hungary already formally exchange classified information via multilateral international organisations of which they are both member states, such as NATO. Arrangements underpinning collaboration within these organisations provide broad reassurances about protective security measures in place within the UK and Hungary.

Yours ever,



Nusrat Ghani MP
Minister for Europe