

Warsaw, 26 August 2014
Reg. No. 14679

**NOTIFICATION OF THE MANAGEMENT BOARD DECISION 17/2014
ON THE APPROVAL OF THE DED REPORT TO THE MANAGEMENT
BOARD ON THE USE OF POWER TO GIVE INTERNAL INSTRUCTIONS
ON NON-CLASSIFIED SENSITIVE INFORMATION**

In accordance with Article 8(4) of the Rules of Procedure of the Management Board I hereby notify that, since there were no objections to the proposal, the Management Board of Frontex has taken the decision on the approval of the DED report to the Management Board on the use of power to give internal instructions on non-classified sensitive information.

The letter (Ref. No. 14324/18.08.2014) inviting the Management Board to take the decision was uploaded in FOSS on 18 August 2014. The decision was taken on 26 August 2014.

Yours sincerely,

[signed]
Klaus Rösler
Director of Operations

On behalf of the Chairman
of the Management Board

Report to the Management Board on the recent use of delegated power

By the Deputy Executive Director

Introduction

Pursuant to Article 11d(2) of Frontex Regulation, the Management Board established in 2013 measures to be implemented within Frontex for the purpose of applying the security principles relating to the processing of non-classified sensitive information¹.

In order to implement the related measures and security principles, this Decision vested on the Deputy Executive Director (DED) the power to give detailed internal instructions for Frontex staff members.

In addition, Article 3 of the Decision set upon the DED the obligation to report to the Management Board (in a MB meeting or via FOSS) on all instructions given as soon as the latter are communicated to the staff.

Therefore, with this note, the DED intends to report to the MB on the recent use of the abovementioned delegated power.

Background

Frontex adopted in 2012 a Security Notice No 6 "Information and document security in Frontex; The use and application of security designators and markings" which has provided guidance to Frontex staff members on the use of security designators and marking applicable to classified and non-classified sensitive information.

The Security Notice No 6 reflected the related Commission's Security Notice² which was adapted to Frontex organization.

Recent use of the delegated power pursuant to MB Decision 04/2013 by the DED

The years of implementation of the Security Notice have demonstrated a need for optimizing the markings applicable to non-classified sensitive information.

Indeed, having in mind the new tasks related to Eurosur, the coming development of a Document Management System in Frontex, as well as the potential reputational risk for Frontex in case of misuse of adequate markings, it was deemed useful to revise the abovementioned Security Notice with a more user-friendly approach.

For that purpose, the DED revised the Security Notice No 6 establishing the policy on protective marking of sensitive non-classified information.

Deputy Executive Director instructed the Security Officer to organise awareness sessions to all staff on the application of the updated policy.

The Security Notice No 6, revision 2, is attached as an annex to this report and forms an integral part of it.

Actions proposed to the Management Board

The MB is kindly invited to approve the Report as per Article 3, last sentence, of the MB Decision.

¹ MB Decision No 4/2013 of 21 February 2013 establishing measures for the application of the security principles relating to the processing of non-classified sensitive information

² HR.DS SN1 The Use and Application of Markings



SECURITY NOTICE

No. 6 Policy on protective marking of non-classified sensitive information

To:	All
Approved by:	<p>Gil Arias, Deputy Executive Director, as per delegation of power from Management Board Decision No 4/2013 of 21 February 2013</p> <p>[signed]</p> <p>Gil Arias Executive Director a.i. 13 August 2014</p>
Enters into force:	14 August 2014
Supersedes:	Security Notice No.6, rev. 1, 25.06.2012, Information and document security in Frontex; Use and application of security designators and markings
Contact person(s):	Orlin Belchev, Security Officer
Annex(es):	
Additional information:	revision 2

Frontex Non-Classified Sensitive-Basic Protection Level

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1 Introduction

Frontex processes large quantities of information that requires clear marking to protect it adequately in accordance with the relevant security framework.

Frontex, in fulfillment of its mandate, protects two main categories of information:

- EU Classified Information (EUCI) RESTREINT UE/EU RESTRICTED; CONFIDENTIEL UE/EU CONFIDENTIAL; TRES SECRET UE/EU TOP SECRET; unauthorised access to which could cause various levels of damage to EU Member States and Frontex and as such falls under very strict handling restrictions; and,
- Non-classified sensitive information which is the information which falls outside the EUCI framework but needs to be protected because of public and private interests and the entitlement of Frontex to protect internal consultations and deliberations to safeguard its ability to carry out its mandated tasks.

The Security Officer is responsible for raising awareness of the staff members on the content of the Security Notice and ensuring compliance, as well as reporting to the line managers as appropriate.

Marking of classified information is not within the scope of this notice and is dealt with in other relevant rules and policies¹.

1.1 Aims

The main aims of this policy are as follows:

- To revise and update the existing Security Notice No 6 which provides a framework for the protective marking and handling of non-classified sensitive information. This revision is undertaken within the context of the possibilities offered by the Document Management System (DMS) for the automatic linking of markings to documents within a template driven document management system;
- To ensure that non-classified sensitive information, when disseminated by Frontex to recipients outside of the Agency, is clearly marked indicating the restrictions to be applied as regards the handling and further releasability of the information;
- To facilitate the compilation of a Frontex public access register of documents as laid down in relevant EU Regulations²; and,
- To simplify the marking system for Frontex unclassified information, providing a user-friendly approach to the protection of Frontex information.

1.2 Scope

This policy applies to all sensitive non-classified information generated by Frontex, in hardcopy or as an electronic file, and exchanged internally and/or externally in the course of the execution of Frontex tasks.

This policy does not apply to the public information. In principle, it is not within the authority of the staff members to release information to the general public. Only Executive Management and Information and Transparency Unit may decide on which information is public and may be released as such.

2 Marking of Non-Classified Sensitive Information

The markings for non-classified sensitive information will be reduced to one: Frontex Unclassified-Basic Protection Level. The latter can be supplemented with supplementary markings.

In accordance with the defined Frontex visual identity standards, the markings are visible at the top (in the header) of the every page of the document, using the font color black (Trebuchet 10). All templates in the DMS have the appropriate marking displayed as default.

2.1 Mandatory Marking of Non-Classified Sensitive Frontex Information

All non-classified sensitive information will bear the following marking:

¹ Frontex Security Manual ED 2011/23, Security Notices No. 7, 8 and 9

² Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents, OJ L 145/43, 31.5.2001

Frontex Non-Classified Sensitive-Basic Protection Level

Frontex Non-Classified Sensitive-Basic Protection Level

The designation of Frontex Non-Classified Sensitive-Basic Protection Level stipulates:

- A general obligation of discretion and confidentiality
- Limiting access to information to authorized personnel (on a need-to-know basis)
- General technical and procedural measures to safeguard the security of information

2.2 Supplementary Marking of Non-Classified Sensitive Frontex Information

If there is a need to disseminate non-classified sensitive information outside Frontex, a supplementary marking may be considered indicating the external recipients using a releasability marking as follows:

Releasable to XXX

The marking Releasable to ... is used to indicate that the document may be given to a particular organisation or third party.

XXX in this context should directly indicate the recipient(s), e.g. a particular Member State, Third Countries, International Organisations, Council or Commission Institutions, EU Bodies or agencies, or contractor/ other party exchanging information with Frontex in the execution of its official business.

Some information, because of its sensitivity, will need to have an addition supplementary marking e.g. further defining the need-to-know-basis or personal information such as medical information, etc. In such cases, it is at the discretion of the Executive Director, Executive Support or Division/Unit/Sector to apply a supplementary marking indicating the respective area concerned and its sensitivity, as indicated in the examples below:

HR in Confidence

ED in Confidence

LAU in Confidence

3 Example Markings:

