

EXPLANATORY MEMORANDUM ON THE PROTOCOL AMENDING THE AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF JAPAN ON THE SECURITY OF INFORMATION

Title of Agreement

1. Protocol amending the Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Japan on the Security of Information.

Command Paper Number: 8957

Subject Matter

2. The bilateral Agreement, signed in London on 4 July 2013 by the Secretary of State for Foreign and Commonwealth Affairs, Rt Hon William Hague MP, and the Japanese Ambassador, Mr Keiichi Hayashi, concerns the mutual protection of classified information exchanged between the Government of the United Kingdom and the Government of Japan, or passed to commercial and industrial organisations in either of the two countries under the scope of a joint government programme/project.
3. The Agreement addresses the following subjects: equivalent markings and security standards for the protection of classified information; a commitment to keep each country informed of any changes to national laws and regulations that may affect the protection of classified information exchanged; details on how and when such classified information can be accessed, used, stored, transmitted, reproduced, translated, disclosed and destroyed; the rules governing visits by officials and contractors and the access and handling of classified material by contractors; protocols following the loss or compromise of classified material; dispute resolution procedures; and provisions permitting that Implementing Arrangements can be negotiated and agreed pursuant to the Agreement.
4. On 2 April 2014 the UK changed its classification policy. The purpose of the Protocol is to give effect to these changes and to speed up the process of making future amendments to the Agreement.

Ministerial Responsibility

5. The Secretary of State for Foreign and Commonwealth Affairs has overall responsibility for policy concerning the United Kingdom's relations with the Government of Japan; however the Cabinet Office has responsibility for the implementation of protective security policy in the UK. The Home Secretary has responsibility for policy matters relating to national security (except in Scotland). The Secretary of State for Defence also has a policy interest in this area.

Policy Considerations

General

6. This Agreement (as amended by the Protocol) provides a legal basis for the protection of classified information exchanged between the United Kingdom and Japan, including in areas such as defence, law enforcement, counter-terrorism and security. The Agreement does not oblige either Party to exchange classified information with the other, it only provides a legal mechanism for Government authorities, and Government authorised companies participating in a joint government programme/project, to facilitate any exchanges.

Financial

7. There are no significant direct financial implications for the United Kingdom. Any costs incurred by either party in the application of the security provisions of this Agreement would be borne by that party.

Reservations and Declarations

8. Not applicable.

Implementation

9. The Protocol (and therefore the Amendments to the Agreement) will come into effect on the first day of the second month only when notifications have been exchanged between both countries informing each other that their respective internal procedures necessary to give effect to the Protocol have been completed..
10. No new legislation is required in the UK to implement the Protocol.

Consultations

11. Relevant Government departments were consulted throughout the negotiations.

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13th October 2014