

SECURITY REQUIREMENTS

As the object of the public procurement is located within the security area of the Defence Forces, the contracting partner shall be informed of the following conditions, rights and obligations in order to clarify the parties' rights and obligations regarding compliance with security requirements within the Defence Forces security area.

1. DEFINITIONS

- 1.1 **Security Requirements** – the general security requirements established for entry to and presence within a Defence Forces Security Area (Annex 5), as well as any other requirements established by applicable legislation for the purpose of ensuring the security of the Defence Forces.
- 1.2 **Person Responsible for Security** – the Defence Forces sub-unit or service member responsible for ensuring compliance with the Security Requirements applicable to the Object of the Public Procurement and/or the Work Area located within the relevant Defence Forces Security Area.
- 1.3 **Defence Forces Security Area (DFSA)** – any territory under the control of the Defence Forces, as well as Defence Forces vessels, aircraft and vehicles.
- 1.4 **Contracting Partner's Contact Person** – the person designated by the Contracting Partner and/or its subcontractor who is responsible for ensuring compliance with the requirements relating to the performance of the public contract (hereinafter also referred to as the "Contract") and with the Security Requirements.
- 1.5 **Consent** – the prior written consent required for conducting a Background Check, by which a person authorises the Defence Forces to collect data concerning that person and make relevant enquiries for a period of five years from the date on which the consent is given, pursuant to § 41⁶ of the Estonian Defence Forces Organisation Act (Annex 2 in Estonian and Annex 3 in English).
- 1.6 **ECDI Contact Person** – the person specified in the Contract through whom the performance of the contractual obligations is coordinated and the notices, requirements and other documents provided for in the Contract are transmitted on behalf of the Estonian Centre for Defence Investments (ECDI). The official English name and abbreviation are confirmed by ECDI.
- 1.7 **Object of the Public Procurement** – the object located within the Defence Forces Security Area at which the Service is provided.
- 1.8 **Access Request (e-mail)** – a request submitted by the Contracting Partner's Contact Person for permission for a Service Provider to enter the Defence Forces Security Area (Annex 4).
- 1.9 **Right of Access** – a person's right to be present at the Object of the Public Procurement and/or the Work Area located within the Defence Forces Security Area in connection with the performance of the Contract.

- 1.10 **Person Holding a Right of Access** – a person who has passed the Background Check, whose access to the Object of the Public Procurement and/or the Work Area located within the Defence Forces Security Area has been approved, and who is entitled to enter and remain within the Defence Forces Security Area unescorted in connection with the performance of the Contract.
- 1.11 **Background Check** – a check conducted pursuant to § 41³ of the Estonian Defence Forces Organisation Act and in the manner provided for in § 41⁵ thereof in order to determine the suitability of a person involved in providing services to the Defence Forces (hereinafter the “Service Provider”).
- 1.12 **Background Check Request (e-mail)** – a request submitted by the Contracting Partner’s Contact Person to initiate a Background Check in respect of a Service Provider (Annex 1).
- 1.13 **Service** – a service provided for the performance of the Contract at the Object of the Public Procurement and/or the Work Area located within the Defence Forces Security Area, or at another agreed location.
- 1.14 **Person Providing the Service (hereinafter also referred to as the “Service Provider”)** – an employee of the Contracting Partner and/or its subcontractor in respect of whom a Background Check is conducted, subject to that person’s prior written Consent, in order to assess their suitability to provide services to the Defence Forces.
- 1.15 **Secure Area** – an area authorised for the processing of state secrets or classified information of foreign states classified at the Confidential, Secret or Top Secret level, as well as classified media containing such information.
- 1.16 **Work Area** – an area located within the Defence Forces Security Area where the Service is provided.

2. RIGHTS AND OBLIGATIONS OF THE CONTRACTING PARTNER

- 2.1 The Contracting Partner, including the Service Provider and the Contracting Partner’s Contact Person, shall have the right to obtain from the Defence Forces the information necessary for compliance with the Security Requirements, including information concerning the right to provide the Service and the procedure for obtaining a Right of Access to the Defence Forces Security Area (DFSA). The ECDI Contact Person shall provide the Contracting Partner, at the earliest opportunity, with the contact details of the Person Responsible for Security for the relevant Object of the Public Procurement and/or Work Area.
- 2.2 **The Contracting Partner shall:**
 - 2.2.1 not assign nationals of countries subject to the notification obligation to provide services to the Defence Forces. At the time of entry into the Contract, the following countries are subject to the notification obligation pursuant to Order No. 1-3/112 of the Minister of the Interior dated 29 September 2023, are¹:
 - Republic of Armenia;
 - Republic of Azerbaijan;
 - People’s Republic of China, including the Hong Kong and Macao Special Administrative Regions;

¹https://kapo.ee/sites/default/files/content_page_attachments/Teatamiskohustusega%20v%C3%A4lisriikideni%20mekirja%20kehtestamine_0.pdf

Islamic Republic of Iran;
Republic of Kazakhstan;
Kyrgyz Republic;
Democratic People's Republic of Korea;
Republic of Tajikistan;
Turkmenistan;
Republic of Uzbekistan;
Republic of Belarus;
Russian Federation.

Should the above-mentioned Order be amended, the Contracting Partner shall be notified thereof and these Security Conditions shall be amended as necessary;

- 2.2.2 ensure that, in the case of services for which the Defence Forces has determined that conducting a Background Check is justified, the Service is provided only by persons who have passed the Background Check and have been assessed as suitable to provide the Service. The Service shall be provided at the location agreed in advance, which may not be situated in any of the countries listed in clause 2.2.1;
- 2.2.3 maintain an up-to-date overview of the actual location or locations from which the Service is provided to the Defence Forces and, upon request, provide this information to the Defence Forces;
- 2.2.4 ensure that a Service Provider does not disclose, without the prior written permission of the Defence Forces, any restricted information that becomes known to them, including classified information, information intended for internal use, trade secrets, personal data concerning Defence Forces service members or employees, or any other information relating to the Defence Forces;
- 2.2.5 ensure that the Contracting Partner's Contact Person submits a duly completed Background Check Request (Annex 1 together with Annex 2 and/or Annex 3) at the earliest opportunity, taking into account the commencement date for the provision of the Service agreed in the Contract and the time required to conduct the Background Check, which may take up to 14 calendar days, to the e-mail address teenuseosutaja@mil.ee;
- 2.2.6 ensure that, in the case of a foreign national, the Contracting Partner's Contact Person attaches the following documents to the Background Check Request:
 - 2.2.6.1 a copy of the page of the person's identity document containing their photograph, including a copy of the visa or another document confirming the legal basis for their stay in Estonia;
 - 2.2.6.2 an extract from the criminal records register of the person's country of residence;
- 2.2.7 ensure that the Contracting Partner's Contact Person submits the Access Request for entry to the Defence Forces Security Area (Annex 4) at the earliest opportunity, taking into account the commencement date for the provision of the Service agreed in the Contract and the reasonable time that may be required to process the Access Request. The request shall be submitted to the e-mail address of the ECDI Contact Person or a person designated by them, who shall ensure that the request is forwarded to the relevant Person Responsible for Security;

- 2.2.8 immediately notify the ECDI Contact Person or a person designated by them and the Defence Forces background check contact at teenuseosutaja@mil.ee if a Service Provider ceases to provide the Service before the agreed date, specifying the Contract concerned;
- 2.2.9 immediately notify the ECDI Contact Person or a person designated by them when a Service Provider no longer requires access to the Defence Forces Security Area, specifying the Contract concerned. The ECDI Contact Person or the person designated by them shall ensure that the information is forwarded to the relevant Person Responsible for Security;
- 2.2.10 comply with the Security Requirements under the conditions established by the Defence Forces, ensure that the Service Provider complies with those requirements, and ensure compliance with those requirements by its subcontractor or subcontractors.

3. RIGHTS AND OBLIGATIONS OF THE DEFENCE FORCES

3.1 The Defence Forces shall have the right to:

- 3.1.1 assess whether conducting a Background Check in respect of a person providing services to the Defence Forces is justified;
- 3.1.2 conduct a Background Check in respect of a person involved in providing services to the Defence Forces;
- 3.1.3 grant or restrict the Service Provider's right to provide services to the Defence Forces on the basis of circumstances established in the course of the Background Check;
- 3.1.4 decline to examine a Background Check Request in accordance with the procedure provided for in the Administrative Procedure Act;
- 3.1.5 refuse, on security grounds, to grant a Right of Access to the Defence Forces Security Area to a person who has not undergone a Background Check, has failed the Background Check or in respect of whom it is not possible to conduct a Background Check;
- 3.1.6 restrict or refuse, on security grounds, to grant a Right of Access to the Defence Forces Security Area to a stateless person or a foreign national;
- 3.1.7 verify a Service Provider holding a Right of Access's compliance with the Security Requirements applicable at the Object of the Public Procurement and, in the event of non-compliance with or a breach of the Security Requirements, prohibit the Service Provider from remaining within the Defence Forces Security Area;
- 3.1.8 verify whether a person providing services to the Defence Forces has disclosed, without the prior written permission of the Defence Forces, any restricted information that has become known to them, including classified information, information intended for internal use, trade secrets, personal data concerning Defence Forces service members or employees, or any other information relating to the Defence Forces. In the event of a breach of this requirement, the Defence Forces shall have the right to prohibit the person from providing services to the Defence Forces;
- 3.1.9 verify that, in the case of services for which the Defence Forces has determined that conducting a Background Check is justified, the Service is provided only by persons who have passed the Background Check and have been assessed as suitable to

provide the Service, and that the Service is provided at the location agreed in advance. In the event of a breach of this requirement, the Defence Forces shall have the right to prohibit the provision of the Service to the Defence Forces.

3.2 The Defence Forces shall:

- 3.2.1 notify the person who submitted the Background Check Request, in a form reproducible in writing, of the outcome of the Service Provider's Background Check;
- 3.2.2 notify the person who submitted the Access Request for entry to the Defence Forces Security Area, in a form reproducible in writing, of the granting of a Right of Access to the Service Provider, including any restrictions imposed on that right;
- 3.2.3 brief the Service Provider on the Security Requirements established by the Defence Forces, including those applicable at the Object of the Public Procurement and/or the Work Area located within the Defence Forces Security Area;
- 3.2.4 notify ECDI if the Service Provider and/or the Contracting Partner breaches these Security Requirements or fails to comply with the Security Requirements applicable within the Defence Forces Security Area;
- 3.2.5 provide written notification if a Background Check Request is declined without examination in accordance with clause 3.1.4.

4. FINAL PROVISIONS

- 4.1 The contact persons referred to in these Security Conditions shall be designated upon entry into the Contract. The parties shall be notified of any changes to the contact persons by e-mail.
- 4.2 Personal data shall be processed in accordance with the requirements of the applicable legislation.

Annex 1: Sample Background Check Request (e-mail)

The electronically fillable background check consent form is available on the RKIK website:
<https://www.kaitseinvesteeringud.ee/hanked/kaitsevaele-teenust-osutavate-isikute-taustakontroll/>

Send the request to: teenuseosutaja@mil.ee

SUBJECT: Background Check Request

TEXT:

FOR INTERNAL USE
ESTONIAN DEFENCE FORCES
The restriction on access applies from the date on which the document is prepared until the need for the restriction ceases, but for no longer than 75 years.
Legal basis: § 35 (1) 12) of the Public Information Act

Hello,

In connection with ECDI Contract [name of the Contract], No. [xxxxxxx], entered into on [dd.mm.yyyy], I hereby submit to the Defence Forces the details of the persons listed below for the purpose of conducting Background Checks.

The documents required for conducting the Background Checks are attached to this e-mail.

Additional information is provided in the table below:

First name	Surname	Personal ID code	Company	Service to be provided	Actual location where the Service will be provided (address)	Start date of the Service provision period (dd.mm.yyyy)	End date of the Service provision period (dd.mm.yyyy)	Service provided in a Secure Area YES/NO

I acknowledge that the Background Check may take up to 14 calendar days from the date on which a duly completed request is submitted.

Kind regards,

[Requester's first name and surname]

[Position]

[Company name]

[Contact telephone, e-mail address]

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Annex 3: Consent Form

The electronically fillable background check consent form is available on the RKIK website:
<https://www.kaitseinvesteeringud.ee/hanked/kaitsevaele-teenust-osutavate-isikute-taustakontroll/>

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Information owner: ESTONIAN DEFENCE FORCES

Restrictions on access to information were enforced when
this document was created and are valid as long as
necessary but no longer than 75 years

Legal grounds: Public Information Act clause 35 (1) 12)

Annex 3

APPROVED

With the 23.03.2026 Directive of
the Commander of the Estonian
Defence Forces

No 0.1-3.1/26/63

AUTHORISATION FOR BACKGROUND CHECK

(first and last name)

Personal identification code:

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I hereby authorise the Estonian Defence Forces to perform a background check on me in accordance with section 41³ of the Estonian Defence Forces Organisation Act and in the manner specified in section 41⁵ of the Estonian Defence Forces Organisation Act during five years as of my authorisation.

I am aware of the following conditions.

1. I have the right to refuse authorisation (clause 41⁶ (2) 1) of the Estonian Defence Forces Organisation Act).
2. I have the right to refuse to disclose information that might cause me being released from service or my position, or my employment contract being terminated, or that might lead to an offence or disciplinary proceeding for my loved ones or partner (clause 41⁶ (2) 2) of the Estonian Defence Forces Organisation Act).
3. I have the right to request the termination of data collection and inquiries about me (clause 41⁶ (2) 3) of the Estonian Defence Forces Organisation Act).
4. I have the right to provide explanations about the information collected about me (clause 41⁶ (2) 4) of the Estonian Defence Forces Organisation Act).
5. I have the right to turn to the court, the Chancellor of Justice, the Data Protection Inspectorate, and the labour dispute committee to protect my rights and dispute the decision made about me based on the information collected on the grounds of section 41⁵ to confirm whether the principles of protecting my basic rights and freedoms, and the code of good administration behaviour were followed (clause 41⁶ (2) 5) of the Estonian Defence Forces Organisation Act).
6. If I refuse authorisation or request that data collection and inquiries were terminated (section 41⁷ of the Estonian Defence Forces Organisation Act), it serves as the basis to end my background check (section 41³ of the Estonian Defence Forces Organisation Act).

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7. The Estonian Defence Forces may restrict my rights to the personal data being processed (subsections 41¹⁰ (3) and (4) of the Estonian Defence Forces Organisation Act).

I am aware of the following rules that apply on the restricted area of the Estonian Defence Forces (including vessels, aircraft, vehicles, and the territory of the Estonian Defence Forces).

1. Staying on the restricted area is not allowed without the permission of the Estonian Defence Forces (EDF) (subsection 52 (1) of the Estonian Defence Forces Organisation Act).
2. Each person on the restricted area must follow the procedures in force in the Estonian Defence Forces and the orders given by a representative of the EDF (subsection 52 (2) of the Estonian Defence Forces Organisation Act).
3. It is not allowed to take pictures or other images on the restricted area, or forward such pictures or images (section 56³ of the Estonian Defence Forces Organisation Act).
4. It is not allowed to use partially or entirely automatic or remote-controlled devices on the restricted area (section 56² of the Estonian Defence Forces Organisation Act).
5. It is not allowed to display symbols of aggression on the restricted area (section 151¹ of the Penal Code).
6. The Estonian Defence Forces has a right to perform a security check on any person, personal item or vehicle on the restricted area (section 56 of the Estonian Defence Forces Organisation Act).
7. The board camera of a vehicle must be covered and any video and sound recording devices shut off on the restricted area (subsection 52 (2) of the Estonian Defence Forces Organisation Act).
8. It is not allowed to bring third persons or pets to the restricted area (subsection 52 (2) of the Estonian Defence Forces Organisation Act).
9. It is not allowed to bring or use alcohol, narcotic or psychotropic substances, nor be under the influence of such substances on the restricted area (subsection 52 (2) of the Estonian Defence Forces Organisation Act).
10. It is not allowed to bring a weapon, a drone, explosives, fuels or ignitions or anything that contains such substances, or any equipment that might endanger the people, technology and devices on the restricted area. This list is not conclusive, and the Estonian Defence Forces has the right to evaluate the hazards of any personal items and prevent any person from entering with a potentially dangerous item (subsection 52 (2) of the Estonian Defence Forces Organisation Act).
11. It is not allowed to disclose to any third persons the information made available to a person on the restricted area (subsection 52 (2) of the Estonian Defence Forces Organisation Act).

(day, month, year)

[signed digitally]²

² Could also be signed on paper.

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ANNEX 4: Sample Access Application (e-mail)

The request shall be sent to the e-mail address of the ECDI Contact Person specified in the Contract or to the e-mail address of a person designated by them.

SUBJECT: Access Application (**name of the military base and object**)

TEXT:

Hello,

FOR INTERNAL USE
Holder of information: Estonian Defence Forces
The restriction on access applies from the date on which the document is prepared until the need for the restriction ceases, but for no longer than 75 years.
Legal basis: § 35 (1) 12) of the Public Information Act

In connection with ECDI Contract [name of the Contract], No. [xxxxxxx], entered into on [dd.mm.yyyy], I hereby submit an Access Request for entry to the Defence Forces Security Area.

Additional information is provided in the attached Microsoft Excel file:

First name	Surname	Personal ID code	Company	Service to be provided	Object of the Public Procurement/Work Area within the Defence Forces Security Area where the Service will be provided	Start date of the Service provision period (dd.mm.yyyy)	End date of the Service provision period (dd.mm.yyyy)	Vehicle make and registration number

The requester acknowledges that:

1. passing the Background Check does not automatically grant a Right of Access to the Defence Forces Security Area; (**DFSA**);
2. the Defence Forces shall have the right to restrict a person's access to the DFSA.

Kind regards,

[Requester's first name and surname]

[Position]

[Company name]

[Contact telephone, e-mail address]

ANNEX 5: General Security Requirements Applicable to Entry to and Presence within a Defence Forces Security Area.

When present within a Defence Forces Security Area (referred to as a “restricted military area” in the Estonian Defence Forces Organisation Act) EDFOA, a person shall comply with the rules established by the Defence Forces, including fire safety, traffic and parking rules, and with the instructions given by a representative of the Defence Forces pursuant to § 52 (2) and (3) of the Estonian Defence Forces Organisation Act. In particular:

1. A person shall not enter a Defence Forces Security Area (DFSAs) while in possession of alcohol, narcotic or psychotropic substances, firearms, explosives, partially or fully automated or remotely controlled flying devices, including drones, radioactive or highly flammable substances or objects containing such substances, or any other items that may endanger that person, other persons present at the site, machinery or equipment;
2. no third party may be brought into or permitted to enter a Defence Forces Security Area without the permission of the Defence Forces;
3. when entering a Defence Forces Security Area in a vehicle, all vehicle-mounted cameras capable of recording video and/or audio must be covered, switched off or removed;
4. for the purpose of conducting a security check, the Defence Forces shall have the right to stop a person or vehicle when entering, remaining within or leaving a Defence Forces Security Area. The Defence Forces may inspect the person, including their clothing and any items in their possession, including a vehicle, by means of visual inspection, a pat-down, a technical device or a trained service dog;
5. for security or safety reasons, the Defence Forces may temporarily prohibit persons from entering a Defence Forces Security Area, order persons present within a Defence Forces Security Area to leave, or prohibit them from leaving;
6. taking photographs, making video or audio recordings within a Defence Forces Security Area or its buildings, and sharing or uploading such material in any form or through any medium is prohibited without the prior consent of the Defence Forces;
7. a person who is suspected of being under the influence of alcohol, narcotic or psychotropic substances, displays signs of such influence or is intoxicated by such substances is prohibited from remaining within a Defence Forces Security Area;
8. the use or display of symbols of aggression within a Defence Forces Security Area, including on or inside vehicles, is prohibited.