PARLIAMENT IN TIMES OF WAR
Updates on Ukraine's Verkhovna Rada

Protecting State Secrets in Ukraine

Protection of the state secrets has been one of the core issues in discussions of Ukraine's security and defence capabilities since the beginning of Russia's aggression in 2014. The Law of Ukraine 'On State Secrets', which was adopted nearly 30 years ago and complies neither with Ukraine's aspirations to join NATO, nor with the security threats coming from Russia, is no longer seen as an adequate response to emerging challenges. Thus, the VRU Committee of National Security, Defence and Intelligence demonstrated a serious commitment to reforming the system to protect state secrets. The Committee received major support from the PASS Ukraine project in this matter, and joint work resulted in legislative impact assessments of the existing draft laws and in the development of **the Green Book 'Protection of State Secrets on the Path to Euro-Atlantic Integration.'**

The Green Book can be viewed as a cornerstone of reforming the system for protecting state secrets, as it defines differences between regulations of state secrets in NATO and Ukraine, emphasizes current shortcomings of Ukrainian legislation and assesses proposed legislative initiatives aimed at reforming the system of classified information. Primarily, it is essential in the context of achieving interoperability in cooperation between Ukraine and NATO. Ukraine obtained NATO Enhanced Opportunities Partner status in 2020, and since then, significant progress has been made in adopting NATO standards and principles. In the field of classified information, **Ukraine has already:**

- introduced certain NATO guidance documents;
- adopted relevant military standards on the security of communication and information systems;
- approved the Rules for the Protection of NATO Restricted Information in Ukraine.

However, as the Green Book illustrates, there are noteworthy discrepancies that require changes when looking into key NATO principles of 'breadth', 'depth', 'centralisation', 'controlled distribution' and 'personnel control'. **The limitations of current Ukrainian legislation** include (1) absence of legislative provisions on physical and industrial security, (2) unclear criteria for assigning classification levels to restricted information, (3) unformalised status of the Security Service of Ukraine (SSU), (4) unintegrated 'need-to-know' principle, (5) scarce rules on trustworthiness check, absence of periodic integrity checks and personnel trainings.

Beyond the core NATO principles, there are other deep-rooted challenges related to regulating classified information in Ukraine. Essentially, there is **no consistency in the field**

of information management policy, as there are several laws[1], which provide different interpretations of key concepts 'secret information', 'confidential information', and 'official information', and do not define clear criteria for distinguishing between them. This leads to **difficulties with categorisation of restricted information and its protection regimes**. Furthermore, the parallel regulation of information by laws of access to information and protection of state secrets provides for an **imbalance between openness and confidentiality**, leaning towards excessive secrecy. In contrast, NATO has a unified information management policy applicable to all member states, and clear classification levels guide restriction of access to information.

Furthermore, classification procedures under the Single State Regulatory Act – **the Code of Information Constituting State Secrets (CISS)** - provide for centralisation and unification of restrictions but is also seen as causing delays if the decision on restricting access to information is not enforced by the required amendments to the CISS within 3 months. In this context, the NATO Security Policy defines information as classified from the moment of its official marking by the author.

To tackle all these issues, the Green Book also lists **measures necessary for the successful and comprehensive reform of state secrets protection**. Namely, it proposes the following:

- to unify all types of state secrets and restricted information under a single category of 'classified information';
- to establish clear criteria for assigning classification levels and restriction durations, and requirements for handling classified information depending on these levels;
- to regulate the procedure of providing and revoking access to information;
- to reconsider the necessity of CISS's approval of the decision on classified information;
- to introduce standards of physical, industrial, information and communication security, methods for monitoring the circulation of classified information and the 'need to know' principle;
- to improve procedures for personnel granted access and enhance background and integrity checks of individuals;
- to implement mandatory regular training on the handling of classified information;
- to define the status of the SSU as a National Security Authority.

However, the Green Book also emphasises that the **changes should be incorporated in a single legislative act**, involving **communication with the key stakeholders in the sphere of state secrets protection**. The presentation of the Green Book at the regular meeting of the VRU Committee on National Security, Defence and Intelligence in April 2025 corresponded to the recommendation of engaging with the stakeholders, as the MPs and representatives of the Ministry of Defence, the SSU, the Main Directorate of Intelligence, the National Police, and research institutions gathered to discuss the findings of the Green Book.

The development of the Green Book, which is a preliminary stage of the law-making process, indicates the importance of state secrets protection as an issue in national security and highlights the contribution of the PASS Ukraine project in the work of the Verkhovna Rada. **The fruitful interaction of the VRU Security Committee members** with the Canadian colleagues through knowledge exchanges, including the MPs visit to Canada in October 2024, resulted in the focused work on the Green Book and reassessment of existing draft laws on regulating classified information. Provided with knowledge and first-hand experience of the best NATO practices from Canada, the MPs have robust ground for developing new legislative initiatives or incorporating recommendations into draft laws, which are under consideration.

[1] Law of Ukraine 'On Access to Public Information', Law of Ukraine 'On Information' and Law of Ukraine on and 'On State Secrets' are the key laws of information management policy in Ukraine.

About this update on Ukraine's Verkhovna Rada

Ukraine's democratically elected officials continue to perform their duties while enduring Russia's unprovoked and horrific invasion. These briefing notes provide the latest information about the legislative activities of the Verkhovna Rada.

Briefing notes are prepared by the Parliamentary Centre and the Agency for Legislative Initiatives under the Parliamentary Accountability for the Security Sector (PASS Ukraine) project, funded by the Peace and Stabilization Operations Program of Global Affairs Canada. The analysis included in this note is based on media reports and information obtained from the Verkhovna Rada and other legislative bodies.

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