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# Security check for the protection of business secrets

Your company has received an order from a public customer that is related to a security-related area. You and your employees that will be involved in handling the order must undergo a security check.

The purpose of a security check is to protect facts, objects and findings of public interest against unauthorised access.

Security-related activities are performed by those, who:

- have access to classified information that is rated TOP SECRET, SECRET or SENSITIVE, or
- are working in a part of an authority or other public state body that has been declared a security area.

## **Depending on the level of secrecy, there are three different types of security check:**

1. Simple security check for SENSITIVE
2. Expanded security check for SECRET
3. Expanded security check with security investigations for TOP SECRET

Checks are performed upon request, the procedure has two stages.

The security check must be updated every 5 years and repeated every 10 years.

## **Procedure:**

### **Stage 1: Company audit**

1. The contracting authority submits an application to the Senate Department for Economics in Berlin for admission to the Secret Security Service of the State of Berlin with the appropriate security level SENSITIVE, SECRET or TOP SECRET for a company that is to operate in security-relevant areas.
2. The Senate Administration for Economics concludes a public-law contract with the contractor for admission to the Secret Security Service.
3. The company proposes a security officer and a deputy who are exclusively responsible within the company for the inspection of all employees and their instructions. He/she is the contact person for the senate administration responsible for economic affairs.
4. First of all, the company has to submit the evidence mentioned for level 1 (see "Required documents").
5. After the security check of the company's organs (shareholder, managing director, security officer and deputy) has been completed, the company will be accepted into the Secret Security Service of the State of Berlin and will receive a security certificate. The company's organs are authorised to access classified information of the respective classification level.

### **Stage 2: Safety check of the deployed staff**

1. The company's staff that will be involved in safety-relevant work is then

- checked upon request.
2. The evidence listed for Stage 2 is required for this purpose (see 'Required Documents').
  3. After the security check for the relevant staff members has been performed, they are also granted access to classified information of the respective level of secrecy.

## Prerequisites

- **Order from a public customer**  
([https://www.gesetze-im-internet.de/gwb/\\_99.html](https://www.gesetze-im-internet.de/gwb/_99.html))  
Your company is supposed to start working in a security-relevant area for an authority or another public body.
- **Work in a security-relevant area**  
(<https://gesetze.berlin.de/jportal/?quelle=jlink&query=S%C3%9CG+BE+%C2%A7+2&psml=bsbeprod.psml&max=true>)  
You are considered to be performing security-relevant activities, if you are granted access to classified information, or are active in public facilities that are particularly sensitive and are relevant to life or defence.

## Documents required

- **Stage 1: Company details**  
(see 'Forms')
- **Stage 1: Excerpt from the Commercial Central Register for presentation to an authority**  
(<https://service.berlin.de/dienstleistung/327835/>)  
an up to date excerpt for each person (no older than 3 months)
- **Stage 1: Proposal for appointment of the security representative and their deputy**  
(see 'Forms')
- **Stage 1: Security declarations for the respective classification level**  
(see 'Forms'), duplicate copy of security declarations of the appropriate classification level for all corporate bodies and the Security Officer(s) and his/her/their deputy
- **Stage 1: Up to date excerpt from the Trade Register, if applicable**  
(<https://service.berlin.de/dienstleistung/327144/>)
- **Stage 1: Supplement sheets 'spouse/life partner', if applicable**  
(see 'Forms'), duplicate copy
- **Stage 1: Application for determination of possible activities for the State Security Service of the former GDR (BStU application), if applicable**  
(see 'Forms'), duplicate copy for persons born before the reference date (13.01.1972)
- **Stage 2: Security declarations for the respective classification level**  
(see 'Forms'), duplicate copy
- **Stage 2: Supplement sheets 'spouse/life partner', if applicable**  
(see 'Forms'), duplicate copy
- **Stage 2: Application for determination of possible activities for the State Security Service of the former GDR (BStU), if applicable**  
(see 'Forms'), duplicate copy for persons born before the reference date

(13.01.1972)

## Forms

- **Company details**  
([https://www.berlin.de/sen/wirtschaft/wirtschaftsrecht/geheimschutz-in-der-wirtschaft/11\\_unternehmensangaben.pdf](https://www.berlin.de/sen/wirtschaft/wirtschaftsrecht/geheimschutz-in-der-wirtschaft/11_unternehmensangaben.pdf))
- **Proposal for appointment of the security officer and their deputy**  
([https://www.berlin.de/sen/wirtschaft/wirtschaftsrecht/assets/10\\_bestellung\\_sicherheitsbevollmaechtigte.pdf](https://www.berlin.de/sen/wirtschaft/wirtschaftsrecht/assets/10_bestellung_sicherheitsbevollmaechtigte.pdf))
- **Security declaration for a simple security check**  
([https://www.berlin.de/sen/wirtschaft/wirtschaftsrecht/geheimschutz-in-der-wirtschaft/03\\_sicherheitserklärung\\_einfache\\_sicherheitsuberprüfung.pdf](https://www.berlin.de/sen/wirtschaft/wirtschaftsrecht/geheimschutz-in-der-wirtschaft/03_sicherheitserklärung_einfache_sicherheitsuberprüfung.pdf))
- **Security declaration for an expanded security check**  
(<https://www.berlin.de/sen/wirtschaft/wirtschaftsrecht/geheimschutz-in-der-wirtschaft/formular-sicherheitserklaerung-fuer-die-erweiterte-sicherheitsueberpruefung.pdf>)
- **Security declaration for an expanded security check with security investigations**  
([https://www.berlin.de/sen/wirtschaft/wirtschaftsrecht/geheimschutz-in-der-wirtschaft/sicherheitserklärung\\_für\\_die\\_erweiterte\\_sicherheitsuberprüfung\\_mit\\_sicherheitsermittlungen.pdf](https://www.berlin.de/sen/wirtschaft/wirtschaftsrecht/geheimschutz-in-der-wirtschaft/sicherheitserklärung_für_die_erweiterte_sicherheitsuberprüfung_mit_sicherheitsermittlungen.pdf))
- **Supplement sheet spouse/life partner**  
([https://www.berlin.de/sen/wirtschaft/wirtschaftsrecht/geheimschutz-in-der-wirtschaft/08\\_beiblatt\\_ehegatte.pdf](https://www.berlin.de/sen/wirtschaft/wirtschaftsrecht/geheimschutz-in-der-wirtschaft/08_beiblatt_ehegatte.pdf))
- **Application for determination of possible activities for the State Security Service of the former GDR (BStU)**  
([https://www.berlin.de/sen/wirtschaft/wirtschaftsrecht/geheimschutz-in-der-wirtschaft/07\\_bstu\\_antrag.pdf](https://www.berlin.de/sen/wirtschaft/wirtschaftsrecht/geheimschutz-in-der-wirtschaft/07_bstu_antrag.pdf))

## Fees

none

## Legal basis

- **§ 14 Law on the requirements and the process of security checks in the State of Berlin (Berlin Security Check Act, BSÜG)**  
(<https://gesetze.berlin.de/jportal/?quelle=jlink&query=S%C3%9CG+BE+%C2%A7+14&psml=bsbeprod.psml&max=true>)

## Average time to process request

About 3 to 9 months, depending on the stage and level of secrecy

## More information

- **Information by the Senate Department for Economics Berlin**  
(<https://www.berlin.de/sen/wirtschaft/wirtschaftsrecht/geheimschutz-in-der-wirtschaft/artikel.87985.php>)
- **Fact sheet - "Instructions for secrecy in business"**  
(<https://www.berlin.de/sen/wirtschaft/wirtschaftsrecht/geheimschutz-in-der-wirtschaft/artikel.87985.php>)

[rtschaft/01\\_merkblatt\\_geheimhaltung\\_in\\_der\\_wirtschaft.pdf\)](#)

- **Information about the security check**  
([https://www.berlin.de/sen/wirtschaft/wirtschaftsrecht/assets/hinweise-zur-sicherheitsueberpruefung\\_03\\_16.pdf](https://www.berlin.de/sen/wirtschaft/wirtschaftsrecht/assets/hinweise-zur-sicherheitsueberpruefung_03_16.pdf))
- **Instructions - Security declaration for a simple security check**  
([https://www.berlin.de/sen/wirtschaft/wirtschaftsrecht/assets/inn-ii-20a-ausfuellanleitung-zum-vordruck-inn-ii-20\\_2\\_16.pdf](https://www.berlin.de/sen/wirtschaft/wirtschaftsrecht/assets/inn-ii-20a-ausfuellanleitung-zum-vordruck-inn-ii-20_2_16.pdf))
- **Instructions - Security declaration for an expanded security check and expanded security check with security investigations**  
(<https://www.berlin.de/sen/wirtschaft/wirtschaftsrecht/geheimschutz-in-der-wirtschaft/anleitung-sicherheitserklaerung.pdf>)
- **Instructions - Supplement sheet spouse/life partner**  
([https://www.berlin.de/sen/wirtschaft/wirtschaftsrecht/geheimschutz-in-der-wirtschaft/09\\_anleitung\\_beiblatt\\_ehegatte.pdf](https://www.berlin.de/sen/wirtschaft/wirtschaftsrecht/geheimschutz-in-der-wirtschaft/09_anleitung_beiblatt_ehegatte.pdf))
- **Publications by the Berlin Office for the Protection of the Constitution, regarding the protection of secrets and commercial protection**  
(<https://www.berlin.de/sen/inneres/verfassungsschutz/publikationen/wirtschaftsschutz/>)
- **Protection of secrets and prevention of sabotage in business**  
(<https://www.bmwi-sicherheitsforum.de/start/>)
- **Secret Protection Manual of the Federal Ministry for Economic Affairs and Energy**  
([https://www.bmwi-sicherheitsforum.de/handbuch/0,0,0,1,0.html?fk\\_menu=0](https://www.bmwi-sicherheitsforum.de/handbuch/0,0,0,1,0.html?fk_menu=0))
- **Publications by the Federal Office for the Protection of the Constitution, regarding the protection of secrets, prevention of sabotage and commercial protection**  
(<https://www.verfassungsschutz.de/de/oeffentlichkeitsarbeit/publikationen/pb-geheim-sabotage-und-wirtschaftsschutz>)

## Responsible authorities

The Senate Department for Economics is responsible for all companies, regardless of their headquarters, that have been awarded a contract for a security-relevant area of the State of Berlin. If there is already a secrets protection service of another federal state or the federal government, this state or the federal government is responsible for the security service. Duplicate support should be excluded.