

## The new Swedish Protective Security Act

Authors

Sweden has joined a growing number of jurisdictions that have passed strict laws to protect security-sensitive activities including cybersecurity laws that extend beyond the protection of personal data and which extend beyond national borders.



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The new Swedish Protective Security Act came into force on 1 April 2019. As a result, more organisations - even certain non-Swedish companies - are now considered to conduct security-sensitive activities and thus subject to stricter requirements to undertake preventive measures including more stringent cybersecurity requirements. The act is designed to better protect information and activities of importance for Sweden's security from cyber attacks (including those designed to steal sensitive data and those designed to disrupt critical operations), as well as more traditional threats.



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With threats in cyberspace increasing in severity, especially as geopolitical instability escalates, Sweden, like many other nations, are recognizing the debilitating potential of these attacks, especially against vital public services and critical infrastructure. At the same time, increased digitisation and deregulation have created new demands and conditions for security protection.

### Does your organisation conduct security-sensitive activities?

The new act broadens the scope and applies to any company that conducts activities of importance for Sweden's security or which manages foreign security-sensitive information that Sweden has undertaken to protect (Sweden has for example entered into multilateral security protection agreements with several countries and international organizations, for example NATO). This includes activities in both the public and the private sector.



Sectors of importance to Sweden's security are the defence industry and activities of vital public importance, such as energy and water supply, electronic communication, transport and financial services, where espionage, sabotage and terrorism may have harmful consequences. A hydroelectric plant may be critical to energy supply, and management of operating services for a number of public agencies is among the activities that may fall under the Act.

Organisations not covered by the Protective Security Act may still be covered by the Security of Network and Information Systems (NIS) Act (*Lag om informationssäkerhet för samhällsviktiga och digitala tjänster*), which requires operators of essential services and digital service providers to take preventive measures to assure the security of network and information systems.

## What actions must be taken?

Like many other global regulations, the Protective Security Act requires covered entities to carry out and document a security protection analysis to identify necessary security protection measures. This is not a check-the-box exercise, nor is it a one-and-done. Rather, this risk-based assessment must be tailored and part of an ongoing process to account for latest threats, latest vulnerabilities, and personnel changes.

Security protection measures including prevention of adverse impacts on technical systems of high protection value, protection against adverse impacts on objects of any kind (including buildings) containing classified information or where security-sensitive activities are conducted, and security screening of personnel. The new act also requires private parties to enter into and ensure compliance with security protection agreements when concluding agreements with third parties involving security-sensitive activities.

## Need help?

The organisation itself is ultimately responsible for ascertaining whether it falls under the Protective Security Act. You can find more information on the Swedish Security Service [website](#). Eversheds Sutherland provides legal advice on matters relating to the legislation.

### Contact the authors



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