

# SECURE INNOVATION



National Counterintelligence  
and Security Center

The information contained in this document is accurate on the date it was created and is intended as general guidance only. Consider the enclosed information within the context of existing laws, regulations, authorities, agreements, policies, or procedures and consult with independent experts. To the fullest extent permitted by law, NCSC accepts no liability whatsoever for any loss or damage incurred or arising because of any error or omission in the guidance or arising from any person acting, relying upon, or otherwise using this guidance. References in this product to any specific commercial product, process, or service or the use of any corporate name herein is for informational purposes only and does not constitute an endorsement, recommendation, or disparagement of that product, process, service, or corporation on behalf of the Intelligence Community.

## Informed Investment Key Considerations for Secure Investment

### 1 BEFORE YOU SEEK INVESTMENT, IDENTIFY THE ASSETS MOST CRITICAL TO THE SUCCESS OF YOUR BUSINESS

- Have you restricted access to these valuable assets to only the individuals/parts of the business who need them?
- Can you place a barrier—physical or virtual—around each asset or system you have prioritized for protection?
- Have you identified which roles require access to sensitive information or critical capabilities so you can provide them with additional security and screening?
- Lead from the top by identifying a risk owner at Board level.

### 2 CONDUCT THOROUGH DUE DILIGENCE SO YOU KNOW YOUR INVESTOR

- Where you have an overseas investor, does your due diligence cover unexpected commercial, political, or military ties?
- Familiarize yourself with the legal environment in which your overseas partner operates. Could your partner be compelled to share data or cooperate with the state?
- Is your investor subject to any U.S. export controls or sanctions, or the sanctions or export control regimes of other countries, especially those with whom you are doing business?
- Are you aware of how partnering with particular investors may affect your global business and long-term intentions?

### 3 BEFORE YOU NEGOTIATE, DETERMINE WHAT INFORMATION IS APPROPRIATE AND NECESSARY TO SHARE

- Take a strategic approach when considering how much data or proprietary information you must share with potential investors.
- Can you limit access to just this information?
- Have you ensured your partners will protect any information shared with them?

### 4 MITIGATE POTENTIAL SECURITY RISKS AS EARLY AS POSSIBLE

- Have you included provisions in your contractual investment documentation to protect, for example, key operations and data?
- Have you considered how effective a legal or contractual agreement would be if you were relying on enforcement in an overseas jurisdiction?
- Can you provide a governance and reporting structure which ensures the risk management strategy remains effective over time? For example, one that ensures that mitigations remain current, understood, and complied with?