

BACO-90 Process Information and Instructions for Email Encryption

The BACO-90 process is an entirely German government process administered by the Bundesagentur fuer Arbeit (BA) in Stuttgart. DOCPER (DoD Contractor Personnel Office) is not involved in the process, but makes the BACO-90 request form available on the DOCPER website as a courtesy:

<https://www.europeafrica.army.mil/Contractor/>

➤ **GENERAL INFORMATION**

The BACO-90 is an effective tool to get contractors in theatre to support the US Forces on a temporary basis. This process can be used by US citizens working under a DOD contract in Germany.

The BACO-90 can help with two issues: (1) obtaining German government approval for DOD contractors to work here in Germany (avoiding immigration violations, and possibly tax issues), and (2) simplifying US installation access. All contractors coming to Germany to support the US Forces need to receive from the German government some form of "legal approval" for them to work here, and the BACO-90 specifically provides this.

BACO-90 allows the contractor employee to work in a temporary duty (TDY) status for periods not to exceed 90 days in a 12-month period starting with the first day of entry into Germany/Schengen Zone and ending with the date of exit. Please be aware that BACO-90 does not authorize individual logistical support (ILS) nor NATO SOFA privileges.

Also please note that any SPOT/LOA documents for contractor employees are essentially invalid in Germany (and Italy) because a specific SOFA governing Individual Logistical Support (ILS) is in place. Thus SPOT/LOA documents cannot convey ILS nor NATO SOFA status here.

➤ **INSTRUCTIONS FOR EMAIL ENCRYPTION**

In January 2019 the Bundesagentur für Arbeit (BA) in Stuttgart changed the BACO-90 process to comply with the European data protection laws. Due to European General Data Protection Regulation (EU-GDPR) and Germany's Federal Data Protection Act (BDSG), the BA is NOT authorized to exchange personal data in UNENCRYPTED emails!

➤ **ENCRYPTED COMMUNICATION**

You need to use the BA proposed encryption system and request an invitation from the BA via email:

ZAV.AMZ-Stuttgart-241@arbeitsagentur.de

Note that you can only register at the email address for which you have received an "invitation" from the BA. You will then receive a link ("invitation") from the BA under which you can register.

➤ **UNENCRYPTED COMMUNICATION**

If you could not successfully register, you need to agree with an unencrypted transmission on the BACO-90 request form. Answer the question "I declare that I agree with an unencrypted transmission of data" with "YES" if you agree with an unencrypted email exchange with the BA. The BA will then return the signed and stamped BACO-90 confirmation via unencrypted email.

➤ **BACO-90 PROCESSING TIME**

The German authorities require 10 German business days' processing time once they receive an (encrypted) request. As they now also require an exchange of certificates in order to be able to exchange encrypted emails, we recommend that you plan on the process of obtaining the invitation and review of your blank reply email to take another 10 German business days. Thus, we strongly recommend that you begin the BACO-90 submission process one month before the first travel date for the employee(s). As a reminder, BACO-90 is an entirely German process for which we make the form available on our website.

If you need help with the BACO-90 process, you can also contact DOCPER:

usarmy.wiesbaden.usareur.mbx.odcs-g1-docper-baco-90@army.mil