

Classification of Information Released to the Public

091913 Webinar

Welcome and thank you for standing by. I would like to remind all participants that today's call is being recorded. If you have any objections you may disconnect at this time. If anyone needs assistance you may press *0. I would now like to turn over the meeting to Marc Brandsness, you may begin. Good morning everybody. Before we get started, please be aware that the video portion of this webinar is being recorded. Once the red recording light appears, we will begin. Again folks, welcome and good morning to you. My name is Marc Brandsness and I would like to welcome you to Classification of Information Released to the Public webinar. We are excited to have you today, thanks for taking time out of your busy schedules and your lunch to spend the afternoon with us to participate in this webinar. Again my name is Marc Brandsness; I'm an instructor and Physical Security Course Manager here at CDSE. In this role, I am responsible for the management, development, and delivery of CDSE Physical Security courses. In addition, I have 4 years' experience instructing the Information Security Management and DoD Security Specialist courses. I will be your host for this webinar. Joining me today is the DoD Security Specialist course manager, Mr. Darion Ping. Darion!

Thank you Marc. Good morning everyone, my name is Darion Ping. I am one of the instructors here at CDSE and a Security Specialist Course manager here at CDSE also. In this role I'm responsible for the maintenance, development, and delivery of CDSE Specialist courses to include assisting with delivering Information and Physical Security courses. Marc, back to you! Alright, thanks Darion. Again, today's webinar topic is Classification of Information Released to the Public, so if you signed up for underwater basket weaving, you're in the wrong spot. So today I'd like to introduce my producer for today. It's Rachel Mongeau. Before we get started, Rachel is going to provide you with the ground rules for today's webinar, and some instructions on how to use the tools you'll need to participate today, Rachel!

Okay thank you Marc! Let's take a quick tour of the DCO meeting room. In the bottom left hand corner you're going to find a notes box. This has a call-in number and other announcements as necessary. These notes will remain on the screen throughout the webinar for your reference. If you want to maximize your view of the presentation, click the "full screen" button in the gray banner in the upper right hand corner of your screen. However, when poll questions appear, you must click on "full screen" button again to be able to respond to those poll questions. Speaking of poll questions, during this webinar we will be popping up some poll questions. You'll see an example of one up on your screen, you simply select your answer and we'll provide feedback. Additionally, there's a Q&A box on the right hand side, and since your phone is muted we can't hear you speaking with us; so if you have a question just go ahead and enter it into the box. And periodically we're going to be asking some chat questions, and a chat box will move over top of where that Q&A box is. Just enter your response in there and everyone will be able to see your responses. Finally you'll see there's a file share box at the bottom of your screen. There are three files in this box; please go ahead and download them and save the files to your computer. The slides from today's presentation are in there; you're able to jot down notes as the presenters give the presentation. Well, that's about it I'll hand it back to you Marc!

Thanks Rachel! So okay, let's start off with a chat question and immediately check your skills in the DCO room here. So our chat question to lead off is, so we want you to start thinking about the webinar topic, the subject matter here. So you were sitting in your office about to leave for lunch, and of course you get a phone call. On the phone is the local newspaper and they want a comment from base security officials regarding a story in the newspaper that potentially contained classified information. So what I'd like you to do in your chat box, in two sentences or less, how would you handle this situation? Go ahead and comment! No comment, neither confirm nor deny, that's what I like to hear. Please contact our Public Affairs office. Fantastic! Great folks, it looks like we got a good grasp on the topic today, so let's get into the course material here. So during our webinar today, we're going to discuss DoD guidance regarding the Classification of Information Released to the Public. This information is derived from DoD Manual 5200.01 Volume 1 Enclosure 4, specifically, and also there's a section on public media in Volume 3 that discusses when information is released to public media. So our main topic for today's webinar, first we're going to examine the controls needed if classified information is released without proper authority.

We're going to discuss guidance related to reclassification of information released under proper authority. And finally, we're going to mention procedures needed if information that was declassified is released without proper authority. In addition, we'll re-establish the national policy guidance related to this topic, we'll discuss the role of the National Declassification Center, and provide a case study example of how you can approach handling a situation when classified information is potentially released to the public. So what we're going to strive to do today, we're going to establish the guidance, briefly explain it to you, then we're going to conduct some knowledge checks and the first one will be through case studies placed periodically throughout the webinar, and at the end of the webinar we'll have some poll questions to again to knowledge check you on what we discuss today. So let's begin with a poll question. So poll question #1. The question is: Choose the DoD regulatory document you would use as a reference guide to write policy for your company, agency, or organization regarding classification of information released to the public. Is it:

- A. DoD 5200.2-R
- B. DoD Manual 5200.01 Volumes 1 and 3
- C. DoD 5100.08-R
- D. DoD Instruction 2000.16

Please enter your responses. So great it looks like we got it. We have almost 90% and rising with the correct response which in this case is B-DoD Manual 5200.01 Volumes 1 and 3. So very good.

So let's get into National Policy. Let's talk about the framework and guidance for this particular webinar topic. And we start with Executive Order 13526, the Classified National Security Information.

- Establishes a uniform system for classifying, safeguarding, and declassifying national security information
- Promotes the President's agenda of greater openness and transparency while enhancing national security

So our next step in our downward waterfall would be the Information Security Oversight that offers us guidance which is in the form of ISOO CFR 32 Parts 2001 and 2003.

Information Security Oversight Office or ISOO is responsible to the President for policy and oversight of the government-wide security classification system. It implements the

President's policy through Information Security Oversight Office, 32 CFR Parts 2001 and 2003, known as Classified National Security Information Final Rule. And in the particular case in this webinar, it's in Subpart D, of part 2001, it would be paragraphs 2001.30-2001.37. Now most importantly for us here at the Department of Defense, the Under Secretary of Defense for Intelligence within the DoD, issues policies, directives and memorandums related to intelligence and national security. This includes the Information Security Program. It implements policy through DoD Manuals 5200.01- Volumes 1-4, assigns responsibilities, and provides procedures in accordance with the Executive Order. For this particular topic, Classification of Information Released to the Public addressed in Volume 1, Enclosure 4, Paragraph 17, and then again when it talks about public media in Volume 3, Enclosure 6, Paragraph 7, and we have included those cut-outs from the regulation in your file share box; you'll be able to see those and pull those down if you need them.

Now let's talk briefly about the National Declassification Center and why it's important to this topic matter. Before we get into that, I want to see what we know about the National Declassification Center and what it does. So I've got a poll question #2 here. Which of the following is/are the primary responsibilities of the National Declassification Center?

- A. Streamline declassification processes
- B. Facilitate quality-assurance measures
- C. Implement standardized training for declassification of records determined to be of permanent historical value
- D. All of the above

Please select what response you would like. And I see most of the responses are D at this point, upwards of 93%, very good. The correct answer is D-All of the above. So with that let's get into the overview of the National Declassification Center, and its role.

What is the NDC? The National Declassification Center was established within the National Archives under the responsibility of the Archivist of the United States on 5 January, 2010, and that's upon the implementation of the Executive Order 13526. The center was established to streamline declassification processes, facilitate quality-assurance measures, and implement standardized training regarding the declassification

of records determined to have permanent historical value. PHV and records material, those records that are exempted from automatic declassification. So if you're a holder of such records, any decision regarding those records will be processed through ISOO and the NDC where appropriate. The Director of NDC is appointed and removed by the Archivist in consultation with the secretaries of State, Defense, Energy, Homeland Security, Attorney General and the Director of National Intelligence. The Director manages referrals in accordance with the Executive Order Section 3.3 Automatic Declassification. Now I wanted to specifically cover the NDC in this webinar topic for a couple of reasons.

1. The Center is charged under the executive order to develop solutions to declassification challenges posed by the electronic environment, and we know how that's affecting us. So that's one key role of the NDC.
2. In regards to reclassification, again if the record, file series, or specific file is determined to be PHV then the NDC will make internal classification reviews of PHV that has been released without proper authority or declassified and released.

So let's get into our first main topic of our webinar, Information Released without Proper Authority. The first thing is it may remain classified or may be declassified. Determination made by the OCA with jurisdiction over that information, again the OCA with jurisdiction over the information is going to make that determination. So security managers, our goal will be to contact that OCA for a call. When a determination is made, that OCA will notify all known authorized holders, provide marking guidance if and when necessary, and advise the holder to take administrative action i.e.: applying corrective markings and controls to the documents that they hold. And finally, and most importantly, DoD personnel shall not publicly acknowledge and release the release of classified information. Okay let's transition to Information Appearing in the Public Media, again this is in Volume 3 of DoD 5200.01.

First of all we're going to make no comment or statements that confirm, verify, or substantiate the accuracy of the information. This is where you're going to have to have a clear and workable relationship with your public affairs office or officer depending on how big your public affairs office is. We're going to notify the component or agency using appropriate channels, share with information the clearance and the need to know

for that particular piece of information, and if the unauthorized disclosure becomes widely known, the Senior Agency Official should consider the workforce guidance, that is, how the employee population will respond to outside inquiries. Always follow your component, agency, and company guidance.

So let's talk about how the Under Secretary of Defense plays a role in Classified Information Released to the Public.

So USDI will consult with the associate Secretary of Defense for Public Affairs and the owning officials. They will determine if released under proper authority, determine investigative responsibility, and decide whether to initiate an additional investigation, and obviously they'll immediately notify the OCA with jurisdiction over that information for action. So, let me introduce you to Bob in our first case study. As I explained up front we're going to have these case studies throughout the knowledge check on the particular webinar topic that we just covered. So this is again information that we just covered, so let's read through this scenario.

Bob is the Security Manager at X10 Jet, X10 Jet is a cleared contractor with a classified government contract to build classified components for the X10 jet. It's Tuesday morning and Bob is notified of an article in the local newspaper that appears to reveal classified information about the X10 Jet program. As Bob is digesting this revelation, he gets a phone call from the Jupiter Sun, the newspaper who is reporting on this story. So in the chat box what I'd like you to do is to add a few responses as to how you would handle this particular situation. So what should Bob do? So some of the responses I'm seeing are make no comment, refer to PAO office (great), no comment, go to PAO (that's what I like to hear). That's why folks it's key as security managers that we have a good relationship with our Public Affairs Office, and actually we try to enable them and leverage them as kind of our security buddies when it comes to release of information, especially in regards to our OPSEC programs. So thanks! Great to see that we have a good grasp on what we just covered. Now I'm going to pass it over to Darion who's going to introduce our next topic.

Thanks Marc! So Marc spoke earlier about the classification of Classified Information Released without proper authority. So next we're going to discuss "Reclassification of Information Declassified and Released under Proper Authority". So let's talk about

reclassification and the basics. Information that has been declassified and released to the public under proper authority may be reclassified only when it is "reasonably recoverable", without undue attention. Which means what? There's three basic ways that can happen. Your participants and holders are known for the information they have, it's been released to archivist or the archives and/or reading rooms, which is easy to also retrieve back, and the last one would be it's approved by the Secretary of Defense based on component head recommendation of the Secretaries of the Military Department after consultation if necessary with the USDI. So some more basics: Reclassification must be reported within 30 days to: All your recipients and your holders of the current information and/or material, the President's National Security Advisors notified, the Information Security Oversight Office (ISOO) which falls under NARA, which is the National Archives. Then your OCA issues new classification guidance and it's distributed to the National Archives. Suspend public access until approval of reclass action by ISOO Director, disapproval appeals through National Security Advisor to the President. So now we go back to the case study that Marc started earlier and we'll talk about with Bob.

So back at X10 Jet, during the preliminary inquiry, Bob has verified that the information WAS classified, but has been declassified by the OCA through updated declassification guidance. However, the DoD Component has stated they believe the information (which has been released to the public) is still classified, therefore should be reclassified. I know that's a mouthful when you go through and read that. So, they ask Bob to provide information on who released the information, in what form and whether or not it is "reasonably recoverable". So again we'll go and see what must Bob prove to support this request? Let's see what everyone wants to put into the chat box how Bob should handle this portion of the case study. Great, we're getting some good answers coming in. Need to know (that's important). The big thing we go back to also is that reasonably recoverable, in other words can we retrieve this information back. So I'll give you three things on the basics here for this part of the case study:

- Bob must be able to retrieve the information without causing undue attention to the fact that is once was classified and in the process prove that it is Reasonably Recoverable

- Next, he must determine who has the information, where they may have released the information, and to whom and track down all possible holders of that information
- If Bob proves that it is reasonably recoverable, the Secretary of Defense, based on Component Head recommendation, can approve the reclassification of the information, and/or material

Okay, so now we've discussed Classified Information Released without Proper Authority, we just discussed Reclassification of Information Declassified and Released under Proper Authority, and now the last piece we'll get into is: Information Declassified and Released without Proper Authority. But first let's go into a poll question, poll question number 3. Classified information that has been declassified without proper authority is:

- a) Is considered unclassified and releasable to the public.
- b) Will be downgraded one classification level pending approval from the OCA
- c) Should be considered unclassified until a damage assessment can be completed
- d) Remains classified until declassified by an OCA with jurisdiction over the information

Wow looks great! And the answer is D and we're at a 100%. So, onto the rest of the information. All classified information declassified and released without proper authority will remain classified until declassified by an OCA with jurisdiction over that information. The document or materials shall continue to be protected at the originally assigned classification until the issue is resolved. Let's talk about some of the information that can be released to the public. Released information but not included, is not limited to:

- Classified conversation overheard by uncleared personnel
- Classified data spills or
- Media leaks. Media leaks can also include social media

Alright, back into the last of our case study.

Back at X10 Jet, Bob has determined through his thorough preliminary inquiry that the information was declassified without proper authority. Bob is unsure of what his next step should be. What should Bob do with the classified information while he waits for a

decision from the OCA? Should he mail it back to the GCA, or should he continue to secure it at the classified level until the OCA makes a decision? That's wonderful! Got some good responses coming in here. So Bob should secure the classified material in a GSA approved security container until notified by the GCA about the OCA's classification decision. Okay ladies and gentlemen this closes out this part of the webinar content, so we'll move forward with some poll questions. Poll question number 4: Classified information released to the public without proper authority is generally categorized as, but not limited to:

- a) Classified conversation overheard by uncleared personnel
- b) Classified data spill
- c) Media leak
- d) All of the above

Great! We've already hit 95%, so that must have been an easy question. The correct answer is all of the above. Okay Marc, we're back to you for poll question number 5. Alright, thanks Darion. I think we might have been too easy on you on the questions here, we'll see. We got a couple more. Poll question number 5: When the determination has been made that the information will remain classified, the OCA will:

- a) Notify all known authorized holders of the decision
- b) Do nothing, nothing is required
- c) Provide correct marking guidance if required
- d) Both a and c

And it looks like we got it. I'd like to see 100%, I'm an over achiever. Alright, close enough, 98%, okay so Darion let's move to poll question 6. Thanks Marc! I don't know if you're trying to be an over achiever or you have OCD.

Back to poll question number 6: When declassified information is approved for reclassification, holders and recipients must be notified within _____ days of the decision:

- a) 7 days
- b) 30 days
- c) 90 days
- d) 180 days

Hope my percentage is better than yours Marc! The correct response would be B. Alright Marc back to you.

Okay thanks Darion! I got poll question number 7 and I definitely have OCD Darion. Thanks for pointing that out to everybody in the webinar. All classified information declassified and released under proper authority will remain classified until:

- a) The information is up for mandatory review
- b) The holder of the information declassifies it
- c) An OCA with jurisdiction over the information declassifies it
- d) A damage assessment is completed

Please enter your correct response. And I saw 100% just for a second so I'm going to go ahead and accept that I had 100% on that. We have 98.65% so that's close enough. So good job folks! Alright so let's move on. So in our webinar today we covered: Classified Information Released without Proper Authority, we provided some guidance for Reclassification of Information Released under Proper Authority, and we talked about the procedures needed for Information was Declassified, was released without proper authority. In addition, we discussed overarching policy guidance and the role of the National Declassification Center. And we provided you with a case study to discuss an example of what could happen to a Security Manager and how to handle those situations.

Okay folks that concludes the content portion of the webinar. What I'd like to encourage you to do, we hope that you'll take a moment as soon as we're done here to participate in our survey. Your feedback is extremely helpful to us and is greatly appreciated. If you have ideas for future webinar topics, you'll be able to share these in the survey. When the webinar is closed, the survey link should appear on your screen so you have the opportunity to comment. So are contact and resources. Frequently

asked questions from this webinar will be posted on the CDSE webinar website. You may also email Information Security training related questions to DSS at InformationSecurity.Training@dss.mil.

So folks thanks for attending the CDSE Classification of Information Released to the Public Webinar, and our next Information Security webinar will focus on Security Classification Guides. That will be held on October 17 at the same time. We hope you'll join us for that presentation, and thanks for joining us for this presentation. Have a great day!