

# Webinar Questions and Answers

## Declassification Options and Requirements

Webinar guests submitted several questions before and during the June 20, 2013 Declassification Options and Requirements session. The following responses are provided by the Center for Development of Security Excellence (CDSE):

**Question:** If the duration is 20261231, does it matter what the date of origin is?

**Answer:** Not in this particular case. Having a specific date or event for declassification, the date of origin does not factor into your derivative classification.

**Question:** Can you change the date after you initially choose it?

**Answer:** If you are referring to the declassification date then the first step is to check the source documents for declassification instructions. This is to make sure we are carrying over the correct instructions. You must follow the OCA's declassification instructions.

**Question:** Do Special Access Programs (SAPs) and Sensitive Compartmented Information Facilities (SCIFs) have different regulations for classification?

**Answer:** If the SAP and SCI operation falls under the Department of Defense (DoD), then DoDM 5200.01, V1-4 DoD Information Security Program, DoDM 5105.21, V1-3 SCI Administration Security Manual, and DoDM 5205.07, V4 SAP Security Manual: Marking applies. If the SAP or SCI operation falls outside the purview of the DoD, then it falls under applicable guidance from the cognizant agency. *Example:* The classification of National Geospatial Information, including SAP and SCI, would fall under guidance from the Director of National Intelligence (DNI).

**Question:** Although declassification instructions are on the document, are we supposed to go back to the OCA for approval for declassification?

**Answer:** According to the DoDM 5200.01, Volume 1, Enclosure 4, para 13c(1), "Information is declassified on the date or event specified by the OCA unless the OCA takes action to extend the duration of classification." However, DoDM 5200.01, Volume 1, Enclosure 5, para 1d adds that "Holders of classified information marked with a date or event on the "declassify on" line shall, when the date or event has passed, confirm that the OCA(s) of the information has not extended the classification period. This can be done by reference to a security classification or declassification guide or to other appropriate guidance issued by the OCA or by consultation with the OCA."

**Question:** How do you know which organization to contact to request a declassification review, especially if the organization is no longer operating?

**Answer:** According to the DoDM 5230.30 DoD MDR Program, “DoD Components shall process MDR requests from the public for classified information originating within the DoD Component.” To locate the POC to request a MDR, please visit the National Archives and Records Administration at: <http://www.archives.gov/declassification/iscap/mdr-appeals.html> and view the Agency Mandatory Declassification Review Contacts.

**Question:** When wouldn't a delegated declassification authority mark the declassified document with the required DoD markings? I asked the joint staff declassification staff about a document that reached its declass date as of 2008 and was told NOT to mark as declassified! I already checked with the OCA and it was not exempted from declassification. I understand it should have been appropriately marked in 2008 but wasn't. So here I am to mark it yet am told not to...I don't agree.

**Answer:** According to Section 1.8 of Executive Order (EO) 13526, “Authorized holders of information who, in good faith, believe that its classification status is improper are encouraged and expected to challenge the classification status of the information in accordance with agency procedures.” If you have already contacted the OCA and he/she agrees, then your agency's delegated declassification authority does not override the OCA. The authority that overrides the OCA is the Interagency Security Classification Appeals Panel (ISCAP). The same section of EO 13526 further states: “In accordance with implementing directives issued pursuant to this order, an agency head or senior agency official shall establish procedures under which authorized holders of information, including authorized holders outside the classifying agency, are encouraged and expected to challenge the classification of information that they believe is improperly classified or unclassified.” Once you've followed your agency procedures you can file an appeal with ISCAP, reference 32 CFR Part 2003, and/or visit their website: <http://www.archives.gov/declassification/iscap/index.html>.

**Question:** Please discuss declassification of old documents and non-dated (i.e. “X”) guidance.

**Answer:** According to 32 CFR Part 2001, Classified National Security Information, Final Rule, Section 2001.22, para (e) Declassification Instructions: “(1)The derivative classifier shall carry forward the instructions on the ‘Declassify On’ line from the source document to the derivative document, or the duration instruction from the classification or declassification guide. If the source document is missing the declassification instruction, then a calculated date of 25 years from the date of the source document (if available) or the current date (if the source document date is not available) shall be carried forward by the derivative classifier. (2) When a document is classified derivatively on the basis of more than one source document or more than one element of a classification guide, the ‘Declassify On’ line shall reflect the longest duration of any of its sources. (3) When a document is classified derivatively either from a source document(s) or a classification guide that contains one of the following declassification instructions, ‘Originating Agency’s Determination Required,’ ‘OADR,’ or ‘Manual Review,’ ‘MR,’ or any of the exemption markings X1, X2, X3, X4, X5,

X6, X7, and X8, the derivative classifier shall calculate a date that is 25 years from the date of the source document when determining a derivative document's date or event to be placed in the 'Declassify On' line."

**Question:** What level of detail should be included related to declassification in the derivative classifier training?

**Answer:** Derivative classifiers must be trained and knowledgeable as to what are the approved sources for declassification guidance, how to apply the declassification guidance (especially in cases of multiple sources), and how to resolve classification guidance conflicts. They should also be familiar with the four declassification processes and how they may ultimately affect the classification/declassification status of a document or material.

**Question:** My facility receives material that has a declass date on it, but when we go to our contractual DoD entity and ask permission to declass it (which allows for material to not be stored in our GSA container & free up space), we are told that they do not have the authority to declass the material and to continue to store as classified. Who do we contact to receive that permission OR what do we need to do? We will follow the guidance from our DoD customer, but our containers are filling up.

**Answer:** Your DoD customer is correct; if they are not the Original Classification Authority (OCA) for the material in question. You or your DoD customer should contact the OCA and confirm they have not extended the classification period. You and your DoD customer can also check if updated security classification or declassification guidance has been promulgated by the OCA. That either confirms the material can be declassified or reveals its classification period has been extended.