



### Whistleblower Protection Policies and FAQs

#### **Whistleblower Protection Policies**

Executive Order 12333 Intelligence Oversight

<https://www.archives.gov/federal-register/codification/executive-order/12333.html>

The Whistleblower Protection Act Presidential Policy Directive / PPD-19

[https://www.va.gov/about\\_va/docs/president-policy-directive-ppd-19.pdf](https://www.va.gov/about_va/docs/president-policy-directive-ppd-19.pdf)

No FEAR Act

<https://www.opm.gov/information-management/no-fear-act/#url=Overview>

Intelligence Community Directive (ICD) 120

<https://fas.org/irp/dni/icd/icd-120.pdf>

**Whistleblower FAQs** (Source <http://www.dodig.mil/Resources/FAQs/#whistleblowerFAQs>)

#### **Is it illegal?**

- Those contemplating blowing the whistle on alleged wrongdoing within the federal government are best advised to understand the context of their actions and the legal protections available, before they blow the whistle. Some actions, for instance, are not protected because they are illegal. See Congressional Research Service, Criminal Prohibitions on the Publication of Classified Defense Information (Dec. 6, 2010).

#### **How may I transmit classified information to the Congress?**

- Only those individuals with appropriate courier cards, courier documentation, and properly prepared packages are permitted to lawfully courier classified information. The couriering of all Top Secret and SCI/SAP information must be coordinated with your Office of Security/SSO. Receipt on the Congressional end must be through an approved Senate or House office.

#### **What can be reviewed in terms of security clearance due process?**

- The Merit Systems Protection Board is currently reviewing the administrative precedent regarding security clearance due process review. The U.S. Office of Special Counsel filed an amicus in the proceeding, which has a summary of the issues.

#### **What whistleblower protections are available for federal employees working in the Intelligence and Counterintelligence fields?**

- Though not under the title 5 jurisdiction of the U.S. Office of Special Counsel, federal intelligence and counterintelligence employees have protection through the Intelligence Community Whistleblower Protection Act of 1998 (ICWPA), directives and instructions in each agency. The Inspector General Act of 1978 allows an OIG to investigate reprisal against these employees.

For more resources and information visit the DSS CDSE Unauthorized Disclosure Toolkit.