

***Foreign Disclosure
Training for DoD
Student Guide***

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Center for Development of Security Excellence

Lesson 1: Course Introduction

Introduction

In our interconnected world, there is often a need for the United States to share classified military information with foreign governments and international organizations. The foreign disclosure of classified information occurs in many ways. In some cases, it occurs when the U.S. Government sells defense articles and services and related technical data to a foreign government or international organization. It also occurs when the U.S. Government conducts combined military operations and exercises with allies and coalition partners, as well as when foreign government representatives come to the United States for visits or assignments in connection with DoD programs. Classified military information is a national security asset that shall be protected and shall be shared with foreign governments and international organizations only when there is a clearly defined benefit to the United States.

Welcome to the Foreign Disclosure for DoD course.

Course Overview

As foreign disclosure is a practice and not a career series, this course is intended for all DoD professionals involved in foreign engagements, such as negotiating, overseeing, or managing international activities, and those who perform disclosure determinations. These include, but are not limited to, security personnel, acquisition personnel, intelligence professionals, program managers, active duty military personnel, and foreign affairs personnel.

As someone involved in foreign disclosure, what must you know? This course will provide you with basic foreign disclosure information, the steps needed to adjudicate a foreign disclosure decision, and an understanding of technology control and security requirements for international activities.

Here are the course objectives. Take a moment to review them.

- Identify and define the categories of Classified Military Information (CMI)
- Identify the policies that govern foreign disclosure
- Identify disclosure criteria, limitations, and requirements
- Identify the various means of foreign disclosure of CMI
- Identify fundamental foreign disclosure process determinations
- Identify the information protection principles related to disclosure and release of CMI
- Apply the steps used to adjudicate a disclosure request

Lesson 2: Overview of Foreign Disclosure

Introduction

Objectives

In this lesson, you will learn about the basic concepts and principles of foreign disclosure; the laws, regulations and policies that govern it; and the personnel vested with disclosure authority.

Here are the lesson objectives. Take a moment to review them.

- Identify and define the categories of Classified Military Information (CMI)
 - Identify the content that falls under each CMI category
 - Identify the owners, originators, and/or common users of each CMI category
 - Identify the relationships between CMI categories
- Identify the policies that govern foreign disclosure
 - Identify the purpose and scope of various national and DoD policies regarding foreign disclosure
- Identify disclosure criteria, limitations, and requirements
 - Identify foreign disclosure concepts and principles
 - Identify provisions for the delegation of disclosure authority
 - Identify roles, responsibilities, and authorities of foreign disclosure officials

Classified Military Information

Definition

Classified military information (CMI) is information which is originated by or for the DoD, or its Agencies, or is under their jurisdiction or control, *and* which requires protection in the interests of national security. CMI is designated TOP SECRET, SECRET, and CONFIDENTIAL as described in Executive Order (EO) 13526. It may be disclosed in oral, visual, or documentary form. CMI may be found in DoD acquisition programs, intelligence programs, or in military operations.

Let's take a closer look.

Categories of CMI

There are eight categories of CMI. The categories of information can occur in various situations depending on the circumstance. CMI categories 2, 3, and 4 typically apply to DoD acquisitions programs. CMI Categories 1, 5, 6, and 7 typically apply to DoD operations programs. CMI Category 8 typically supports Operations and applies to DoD intelligence.

Category 1 – Organization, Training, and Employment of Military Forces

Category 1 includes information related to the organization, training, and employment of military forces. Information of a general nature pertaining to tactics, techniques, procedures (TTPs), tactical doctrine, and intelligence and counterintelligence doctrine and techniques falls into this category.

Note: This category excludes information necessary for the operation, training, and maintenance on specific equipment covered under Categories 2 and 3.

Category 2 – Military Materiel and Munitions

Category 2 includes information on specific items of equipment already in production, or in service, and the information necessary for their operation, maintenance, and training. Items on the U.S. Munitions List, or USML, fall within this category.

Note: This category does not pertain to equipment that is in research and development.

Category 3 – Applied Research and Development Information and Materiel

Category 3 includes information related to fundamental theories, design, and experimental investigation into possible military applications; it includes engineering data, operational requirements, concepts, and military characteristics required to adopt the item for production.

Note: Development ceases when the equipment has completed suitability testing and has been adopted for use or production.

Category 4 – Production Information

Category 4 includes information related to designs, specifications, manufacturing techniques, and such related information necessary to manufacture or upgrade substantially materiel and munitions.

Note: Effective 6 September 1983, all delegated authority to disclose classified Category 4 Production Information was canceled. Disclosure programs initiated after this date will be submitted to the National Disclosure Policy Committee (NDPC) for approval as exceptions to Policy.

Category 5 – Combined Military Operations, Planning, and Readiness

Category 5 includes information necessary to plan, ensure readiness for, and provide support to the achievement of mutual force development goals or participation in specific combined tactical operations and exercises.

Note: It does not include strategic plans and guidance or North American defense information.

Category 6 - U.S. Order of Battle

Category 6 includes information pertaining to U.S. forces in a specific area.

Note: In general, disclosures of this information are limited to those countries in which U.S. forces are stationed or are in adjacent geographical areas.

Category 7 – North American Defense

Category 7 includes information related to plans, operations, programs, and projects, to include data and equipment, directly related to North American defense.

Category 8 – Military Intelligence

Finally, Category 8 includes military-related information that pertains to foreign nations.

Laws, Regulations, and Policies***National Security Decision***

All foreign disclosures must have a basis in policy, and must be approved by the responsible U.S. Government official who is designated, in writing, for this purpose. There are several legal and policy guidance documents which establish the legal and policy basis for foreign disclosure. Let's first take a look at the key overarching documents.

National Security Decision Memorandum (NSDM) 119 is the basic policy that governs the disclosure of U.S. CMI to foreign governments and international organizations and their representatives.

National Policy and Procedures for the Disclosure of Classified Military Information to Foreign Governments and International Organizations (National Disclosure Policy [NDP]-1) contains the procedures to carry out NSDM 119.

Export-Related

Export-related laws, regulations, and policies include the Arms Export Control Act (AECA). The AECA governs the export of defense articles and services and related technical data and is the legal basis for most international activities.

The International Traffic in Arms Regulations (ITAR) implement Section 38 of the AECA with regard to commercial exports of defense articles and services and related technical data. Part 121 of ITAR contains the United States Munitions List (USML), which identifies the defense articles that are subject to export control.

The Export Administration Act (EAA) of 1979, as amended, governs the export of commercial, unclassified items, software, and technical data of concern to DoD that are not covered by the AECA. It also includes "dual-use" items; that is, those items that have both a commercial and a military or strategic use.

The Export Administration Regulations (EAR) is the implementing regulation of the EAA. It contains the Commerce Control List (CCL), which provides a list of controlled items and a Country Chart which lists countries on which the U.S. places export restrictions.

DoD-Level

DoD policies include Department of Defense Directive (DoDD) 5230.11, Disclosure of Classified Military Information to Foreign Governments and International Organizations, which delegates disclosure authority to the heads of certain DoD Components and requires the appointment of disclosure authorities. We'll discuss these authorities later in this lesson. DoDD 5230.11 requires the DoD Components to capture disclosures and denials of CMI on their own record system, maintain those records for period of 7 years, and upon request, provide information on those decisions to the National Military Information Disclosure Policy Committee, or NDPC, or to the Military Intelligence Disclosure Policy Committee, or MIDPC, as applicable.

DoDD 5530.3, International Agreements, establishes DoD policies and procedures for international agreements between the DoD and foreign governments. It also delegates authority to negotiate and conclude various types of international agreements to specific DoD Components.

DoDD 5230.20, Visits and Assignments of Foreign Nationals, establishes DoD policies and procedures for visits and assignments of foreign nationals to DoD Components and DoD cleared contractor facilities.

Disclosure Authorities

A Principal Disclosure Authority (PDA) is a senior military or government official, appointed in writing, by the head of an OSD organizational element or a DoD Component, as the senior foreign disclosure authority for that OSD organizational element or Component, and who is responsible for the establishment of an effective Foreign Disclosure Program.

A Designated Disclosure Authority (DDA) is a military or civilian government official who is appointed, in writing, by the head of an OSD organizational element or a DoD Component, or by their PDA, and delegated authority to control disclosure of CMI to foreign governments and international organizations for that element or Component. The DDA is an official of such grade and position that the person has access to the appointing PDA, or Head of the OSD Organizational element or DOD Component.

Concepts and Principles

Disclosure

DoDD 5230.11 outlines foreign disclosure requirements for the Department of Defense. It defines *foreign disclosure* as conveying classified information, in any manner, to an authorized representative of a foreign government or international organization. As you

learned earlier, disclosure includes oral, visual, and documentary transmission of CMI. This transmission may come from both physical and electronic means.

Disclosure Authority

Earlier in this lesson, we were briefly introduced to disclosure authority.

The Principal Disclosure Authority (PDA) is a senior official, appointed in writing, by the head of a DoD Component as the principal disclosure official for that Component.

The Designated Disclosure Authority (DDA) is an official, appointed in writing, at the subordinate component level designated by the Head of a DoD Component or the Component's Principal Disclosure Authority to control disclosure of classified military information by his or her organization.

Delegation of Disclosure Authority

A Delegation of Disclosure Authority Letter (DDL) is used to delegate disclosure authority to subordinate disclosure authorities. It is a document issued by the appropriate designated disclosure authority (DDA) explaining classification levels, categories, scope, information authorized and not authorized, under a DoD Component's disclosure jurisdiction, that may be disclosed to a foreign government or international organization as well as procedures and redelegation, if applicable.

DDL Format

The following DDL format should be used by the DoD Components. While all elements identified should be provided in the general order shown, information should be presented in the clearest and easiest-to-use manner. For example, the usefulness of the DDL for complex systems will be enhanced if items 5 and 6 are broken out by major subsystems and software and disclosures are discussed separately.

TITLE:

DATE:

1. COUNTRIES: Identify the countries or international organizations covered under the DDL.
2. CLASSIFICATION AND CATEGORIES PERMITTED: Identify highest classification of information to be disclosed and specify the National Disclosure Policy categories for disclosure.
3. DISCLOSURE METHODS: E.g., oral, visual, or documentary.
4. SCOPE: Specify who is authorized to release material or information, to whom disclosure is authorized, and the purpose of the disclosure (e.g., in support of a foreign military sales case, a cooperative development program, etc.).
5. AUTHORIZED FOR DISCLOSURE: Describe materiel and/or information that can be disclosed.

6. **NOT AUTHORIZED FOR DISCLOSURE:** Describe materiel and/or information that cannot be disclosed. (In addition to providing specific descriptions of disclosable and restricted materiel and information, items 5 and 6 will also specify any imposed conditions or limitations (e.g., time phasing of release; allowable forms for software; identification of items releasable only as finished, tested assemblies; etc.).
7. **PROCEDURES:** Specify review and release procedures, special security procedures, or protective measures to be imposed.
8. **REDELEGATION:** Specify the extent redelegation of authority (if any) permitted to subordinate activities.

Review Activities

Review Activity 1

Question 1 of 8: Through the Foreign Military Sales process, the U.S. sells some fighter aircraft, along with their associated classified components and technical data, to a friendly foreign nation. What Category of CMI is the equipment and data?

Based on the information provided, select the most appropriate category. Note there is only one correct answer. Select the best response. Check your answer in the Answer Key at the end of this Student Guide.

- Category 1: Organization, Training, and Employment of Military Forces
- Category 2: Military Materiel and Munitions
- Category 3: Applied Research and Development Information and Materiel
- Category 4: Production Information
- Category 5: Combined Military Operations, Planning, and Readiness
- Category 6: U.S. Order of Battle
- Category 7: North American Defense
- Category 8: Military Intelligence

Question 2 of 8: In support of a coalition operation, a coalition partner asks the U.S. for classified order of battle information about the forces of another coalition partner. What Category of CMI is this information?

Based on the information provided, select the most appropriate category. Note there is only one correct answer. Select the best response. Check your answer in the Answer Key at the end of this Student Guide.

- Category 1: Organization, Training, and Employment of Military Forces
- Category 2: Military Materiel and Munitions
- Category 3: Applied Research and Development Information and Materiel
- Category 4: Production Information
- Category 5: Combined Military Operations, Planning, and Readiness
- Category 6: U.S. Order of Battle
- Category 7: North American Defense
- Category 8: Military Intelligence

Question 3 of 8: The U.S. discloses classified radar track data on unidentified flying objects entering U.S. airspace. What Category of CMI is this data?

Based on the information provided, select the most appropriate category. Note there is only one correct answer. Select the best response. Check your answer in the Answer Key at the end of this Student Guide.

- Category 1: Organization, Training, and Employment of Military Forces
- Category 2: Military Materiel and Munitions
- Category 3: Applied Research and Development Information and Materiel
- Category 4: Production Information
- Category 5: Combined Military Operations, Planning, and Readiness
- Category 6: U.S. Order of Battle
- Category 7: North American Defense
- Category 8: Military Intelligence

Question 4 of 8: To support the training of a foreign special operations unit, the U.S. provides a classified tactics manual used to train U.S. military forces. What Category of CMI is the manual?

Based on the information provided, select the most appropriate category. Note there is only one correct answer. Select the best response. Check your answer in the Answer Key at the end of this Student Guide.

- Category 1: Organization, Training, and Employment of Military Forces
- Category 2: Military Materiel and Munitions
- Category 3: Applied Research and Development Information and Materiel
- Category 4: Production Information
- Category 5: Combined Military Operations, Planning, and Readiness
- Category 6: U.S. Order of Battle
- Category 7: North American Defense
- Category 8: Military Intelligence

Question 5 of 8: The foreign ally involved in the joint research project on new radar search techniques now enters into co-production program with the U.S. to build a new radar system, and requests copies of the classified U.S. design blueprints for the new system. What Category of CMI is this data?

Based on the information provided, select the most appropriate category. Note there is only one correct answer. Select the best response. Check your answer in the Answer Key at the end of this Student Guide.

- Category 1: Organization, Training, and Employment of Military Forces

- Category 2: Military Materiel and Munitions
- Category 3: Applied Research and Development Information and Materiel
- Category 4: Production Information
- Category 5: Combined Military Operations, Planning, and Readiness
- Category 6: U.S. Order of Battle
- Category 7: North American Defense
- Category 8: Military Intelligence

Question 6 of 8: Due to a regime change, the once-friendly nation that received U.S.-built fighter aircraft under a Foreign Military Sales case has become hostile to U.S. interests, and the U.S. now needs to disclose classified information on the current capabilities of those fighter aircraft to our allies. What Category of CMI is this information?

Based on the information provided, select the most appropriate category. Note there is only one correct answer. Select the best response. Check your answer in the Answer Key at the end of this Student Guide.

- Category 1: Organization, Training, and Employment of Military Forces
- Category 2: Military Materiel and Munitions
- Category 3: Applied Research and Development Information and Materiel
- Category 4: Production Information
- Category 5: Combined Military Operations, Planning, and Readiness
- Category 6: U.S. Order of Battle
- Category 7: North American Defense
- Category 8: Military Intelligence

Question 7 of 8: U.S. military aircraft are stationed in the allied country of Bandaria. The U.S. provides Bandaria with classified information on the numbers and types of aircraft deployed at various airbases in Bandaria. What Category of CMI is this information?

Based on the information provided, select the most appropriate category. Note there is only one correct answer. Select the best response. Check your answer in the Answer Key at the end of this Student Guide.

- Category 1: Organization, Training, and Employment of Military Forces
- Category 2: Military Materiel and Munitions
- Category 3: Applied Research and Development Information and Materiel
- Category 4: Production Information
- Category 5: Combined Military Operations, Planning, and Readiness
- Category 6: U.S. Order of Battle
- Category 7: North American Defense
- Category 8: Military Intelligence

Question 8 of 8: A foreign ally involved in a joint research project on new radar search techniques requests classified U.S. data. What Category of CMI is this data?

Based on the information provided, select the most appropriate category. Note there is only one correct answer. Select the best response. Check your answer in the Answer Key at the end of this Student Guide.

- Category 1: Organization, Training, and Employment of Military Forces
- Category 2: Military Materiel and Munitions
- Category 3: Applied Research and Development Information and Materiel
- Category 4: Production Information
- Category 5: Combined Military Operations, Planning, and Readiness
- Category 6: U.S. Order of Battle
- Category 7: North American Defense
- Category 8: Military Intelligence

Review Activity 2

Statement 1 of 3: Requires appointment, in writing, of disclosure authorities and recording of disclosure determinations

Identify the document described by the statement. Select the best response. Check your answer in the Answer Key at the end of this Student Guide.

- AECA
- DoDD 5230.11
- NDP-1

Statement 2 of 3: Contains the procedures for disclosure of U.S. classified military information to foreign governments and international organizations

Identify the document described by the statement. Select the best response. Check your answer in the Answer Key at the end of this Student Guide.

- AECA
- DoDD 5230.11
- NDP-1

Statement 3 of 3: Governs the export of defense articles and services and related technical data and is the legal basis for most international activities

Identify the document described by the statement. Select the best response. Check your answer in the Answer Key at the end of this Student Guide.

- AECA
- DoDD 5230.11
- NDP-1

Review Activity 3

Susan, a Designated Disclosure Authority (DDA), issues a Delegation of Disclosure Authority Letter (DDL) to a subordinate Foreign Disclosure Office. Which of the following should the DDL explain?

Select all that apply. Check your answer in the Answer Key at the end of this Student Guide.

- Classification levels
- Foreign Government Information (FGI)
- Scope
- Information authorized and not authorized to disclose

Conclusion

You have completed the lesson “Overview of Foreign Disclosure.”

Lesson 3: Foreign Disclosure Considerations and Requirements

Introduction

Objectives

In this lesson, you will learn about foreign disclosure considerations and requirements.

Here are the lesson objectives. Take a moment to review them.

- Identify disclosure criteria, limitations, and requirements
 - Identify types of information exempt from National Disclosure Policy-1 and the role of the National Military Information Disclosure Policy Committee
 - Identify the purpose and function of disclosure criteria and conditions
 - Identify the “False Impression” doctrine as a specific consideration for foreign disclosure

Requirements

Disclosure Criteria

In order for classified military information (CMI) to be disclosed to an approved foreign entity, it must meet foreign disclosure criteria. First, disclosure must be consistent with United States foreign policy and national security objectives concerning the recipient nation or international organization. Next, disclosure is consistent with U.S. military and security objectives. For example, the disclosure reflects the need for striking a proper balance between pursuit of our mutual defense and foreign policy objectives and preservation of our military secrets.

There is also a criterion regarding the protection of information. The foreign recipient of the information must have the intent and capability to provide substantially the same degree of security protection given to it by the United States. Foreign disclosure criteria also require that disclosures result in a clearly defined advantage to the United States that outweigh the risk associated with its disclosure. Finally, disclosure is limited to information necessary to accomplish the purpose for which disclosure is made.

| Criteria | Examples |
|---|--|
| Criteria 1: Foreign Policy and National Security Objectives | <p>Recipient is a formal defense treaty ally of the U.S.</p> <p>Recipient is a friendly, non-allied nation whose regional objectives correspond with those of the U.S. (i.e., stability, freedom of navigation, etc.).</p> <p>Recipient has a formal intelligence sharing arrangement with the U.S.</p> |
| Criteria 2: Military and Security Objectives | <p>Recipient is a member of a military coalition supported by the U.S.</p> <p>Recipients' forces routinely conduct exercises with U.S. forces.</p> <p>Recipient receives U.S. military products/services (equipment, training, etc.) via Foreign Military Sales or other means</p> |
| Criteria 3: Protection of Information | <p>Recipient has signed a security of information agreement with the U.S.</p> <p>Recipient has received a positive NDPC security survey (Note: An NDPC Security Survey is a periodic on-site review for the purposes of determining the capabilities of foreign governments and international organizations to provide the requisite degree of security protection to U.S. classified military information.)</p> <p>Recipient has a good track record of protecting U.S. information</p> |
| Criteria 4: Benefit to the U.S. | <p>Basing, Access, and Overflight permission for U.S. forces</p> <p>Intelligence on threats of interest to the U.S.</p> <p>Support of U.S. policies in international forums, such as the U.N.</p> <p>Logistical support for U.S. forces in-country</p> <p>Contributions of combat forces</p> |
| Criteria 5: Information Limitations | <p>U.S. information provided to support a weapon system sale is not used to reverse-engineer that system</p> <p>U.S. information provided for situational awareness is not used as actionable intelligence</p> <p>U.S. information is not leaked to the press or a third country for purposes of internal political gain or to damage U.S. interests</p> |

NDP-1 Annex A

NDP-1's Annex A is the key criteria from which all other foreign disclosure criteria are then considered. It lists the delegated authority levels for specific countries to receive CMI.

As you can see, for each country, the chart includes the CMI categories and the highest classification level that may be disclosed under the authority of a Principal Disclosure Authority (PDA).

The charts in Annex A are classified and may not be shared without approval from the NDPC Executive Secretariat. For purposes of this lesson, a notional version of a chart from Annex A is shown here for training purposes only.

| CMI Categories | 1 Organization, Training, and Employment of Military Forces | 2 Military Materiel and Munitions | 3 Applied Research and Development Information and Materiel | 4 Production Information | 5 Combined Military Operations, Planning, and Readiness | 6 U.S. Order of Battle Information | 7 North American Defense | 8 Military Intelligence |
|-----------------------|---|---|---|------------------------------------|---|--|------------------------------------|-----------------------------------|
| Country A | S | S | S | | S | S | | TS |
| Country B | S | S | S | | S | S | | TS |
| Country C | S | C | C | | C | | | S |
| Country D | | | | | | | | |
| Country E | S | C | | | | | | |

Exceptions to NDP

NDP-1 establishes the National Military Information Disclosure Policy Committee (NDPC) as the interagency mechanism for developing and implementing foreign disclosure policy for CMI Categories 1-8. The Director, Defense Technology Security Administration is the designated NDPC Chairman. The NDPC exercises control over the disclosure of classified military information in the name of the Secretaries of State and Defense.

The Secretary of Defense and the Deputy Secretary of Defense are the only DoD officials who have original authority to grant exceptions to the policy contained in DoDD 5230.11 for CMI Categories 1-8. The Secretary of Defense has delegated authority to the NDPC to consider and grant requests for exceptions to policy in compliance with DoDD 5230.11. The Secretary or Deputy Secretary of State, with the consent of the originating or responsible NDPC member department or agency, may also authorize such disclosures. Disclosures authorized by the Secretary or Deputy Secretary of Defense or State are published in the form of a Record of Action (RA).

NDP-1 establishes the Military Intelligence Disclosure Policy Committee (MIDPC) as the interagency mechanism for developing and implementing foreign disclosure policy for Category 8. Exceptions to National Disclosure Policy (ENDP) for CMI Category 8 may only be granted by the Secretary of Defense, the Deputy Secretary of Defense; or the Secretary or Deputy Secretary of State, with the consent of the originating or responsible MIDPC member department or agency. USD(I) is the Secretary of Defense Designated MIDPC Chairman. Again, such authorized disclosures are published in an RA. For multi-category ENDPs that include Category 8 information—for example, an ENDP that contains information from Categories 1, 5, 6, and 8—exceptions are submitted to the NDPC for staffing.

NDP Exclusions

There are many exclusions to national disclosure policy. National Disclosure Policy does not govern the disclosure of the following: classified information which is prohibited by Federal law or international agreement.

Proprietary information owned by private firms or citizens may not be disclosed under national disclosure policy, because the U.S. Government has not yet established a national security interest or security classification for the information.

National Intelligence cannot be disclosed without authorization of the Director of National Intelligence (DNI) or IC agency that originated the information.

The disclosure of operational counterintelligence information is also the responsibility of the DNI and cannot be disclosed under national disclosure policy.

Information related to strategic planning and guidance is also excluded from national disclosure policy.

National disclosure policy also excludes the disclosure of Naval nuclear propulsion information, the disclosure of classified national security telecommunications and information systems security equipment and information, disclosures made in accordance with the Atomic Energy Act, and finally, narcotics intelligence information.

| NDP Excludes: | Description |
|--|--|
| Prohibited by Law or Agreement | Classified information that's disclosure is prohibited by Federal law or international agreement. |
| Proprietary Information | Proprietary information owned by private firms or citizens. If release is authorized by legislation, that legislation will govern the release. |
| National Intelligence | National Intelligence which cannot be disclosed without authorization of the Director of National Intelligence (DNI) or the IC agency that originated the information in accordance with applicable policies. |
| Counterintelligence | Operational counterintelligence information, the disclosure of which is the responsibility of the Director of National Intelligence (DNI). |
| Strategic Planning and Guidance | Only the Secretary of Defense or the Deputy Secretary of Defense may authorize the disclosure of this information. Disclosure of any information identified by the Chairman of the Joint Chiefs of Staff as pertaining to or involving strategic war plans may be authorized only by the Secretary of Defense, his Deputy, or the Chairman of the Joint Chiefs of Staff. |
| Naval Nuclear Propulsion Information | Nuclear propulsion information, except under an agreement negotiated pursuant to the Atomic Energy Act of 1954, as amended. |
| National Security Telecommunications and Information | The National Security Telecommunications and Information Systems Security Committee is authorized to make disclosures of classified national security telecommunications and information systems security equipment and information without referral to the National Disclosure Policy Committee (NDPC). |

| NDP Excludes: | Description |
|------------------------|--|
| Atomic Information | Disclosures of which are made in accordance with the Atomic Energy Act of 1954. The Joint Atomic Information Exchange Group is responsible for reviewing these releases. |
| Narcotics Intelligence | Pertains to the collection, analysis, and dissemination of narcotics related information. Such disclosures are made IAW the policies and directives of DoD, Intelligence Community Members, and law Enforcement Agencies for information under their cognizance. |

Specific Disclosure Limitations

The following types of classified information are specifically prohibited from disclosure:

- Classified information officially obtained from a foreign government, except when the information has been conveyed by the government with express written consent to its further disclosure;
- Combined information without prior agreement of all parties;
- Joint information without prior agreement of all Departments or Agencies having control or jurisdiction;
- Information originated by or for another Department or Agency, unless that Department or Agency consents to the disclosure; and
- Certain types of Intelligence information identified in NDP-1.

False Impressions Doctrine

It is U.S. policy to avoid creating false impressions of U.S. readiness to make available classified military information, materiel, or technology. Proposals made to foreign governments that could lead to the eventual disclosure of classified military materiel, technology, or information must be authorized in advance by the Designated Disclosure Authority (DDA) of the originating DoD Component. If the DDA does not have the required delegated authority, an exception to National Disclosure Policy is required.

No disclosures can be made pending the required disclosure decision. In addition, disclosure commitments must not be expressed nor implied. To avoid false impressions and to avoid requests for classified military information that is not disclosable to the requestor, be sure to remove references to nondisclosable documents and information from material that may be otherwise disclosed. And finally, discourage disclosure of documents that are reference lists or are bibliographic.

Review Activities

Review Activity 1

Maria, a DDA, is considering four foreign disclosure requests. Which of these may be authorized for foreign disclosure IAW NDP-1, assuming all disclosure criteria are met?

Select the best response for each statement. Check your answer in the Answer Key at the end of this Student Guide.

Statement 1 of 4. Request 1 includes proprietary information.

- May be authorized
- Excluded from NDP-1

Statement 2 of 4. Request 2 includes classified military information (CMI).

- May be authorized
- Excluded from NDP-1

Statement 3 of 4. Request 3 includes information related to strategic planning and guidance.

- May be authorized
- Excluded from NDP-1

Statement 4 of 4. Request 4 includes operational counterintelligence information.

- May be authorized
- Excluded from NDP-1

Review Activity 2

When Maria considers the foreign disclosure request for the CMI, which of the following criteria must be met in order for the disclosure to be authorized?

Select all that apply. Check your answer in the Answer Key at the end of this Student Guide.

- The disclosure must clearly benefit the U.S.
- The disclosure must be consistent with U.S. foreign policy.
- The disclosure must meet military objectives.
- The foreign recipient must protect the information substantially the same as the United States.
- The disclosure must be limited to the necessary information.

Conclusion

You have completed the lesson “Foreign Disclosure Considerations and Requirements.”

Lesson 4: Foreign Disclosure Means and Methods

Introduction

In this lesson, you will learn about foreign disclosure means and methods.

Here are the lesson objectives. Take a moment to review them.

- Identify the various means of foreign disclosure of CMI
 - Identify various mechanisms and arrangements for government-to-government disclosure of CMI
 - Identify requirements to share CMI
 - Identify mechanisms for commercial disclosure of CMI
 - Define the General Security Agreement or General Security Information Agreement, and General Security of Military Information Agreement

Means of Disclosure

Government-to-Government Principle

The government-to-government principle, derived from the Arms Export Control Act (AECA) and National Security Decision Memorandum 119, states that classified information and technology is shared by governments with other governments and international organizations. This principle governs two activities related to international activities: It applies to the export or disclosure decision and to disclosure of classified military information or materiel.

Disclosure Modes

Disclosure modes include oral and visual methods and documentary disclosure. Oral/visual disclosure is to brief orally, expose to view, or permit use under U.S. supervision in order to permit the transfer of knowledge or information. This does not include physical transfer. Documentary disclosure, often called release, is the physical transfer of documents, materiel, or munitions to foreign governments or international organizations. Documentary disclosure also includes the transfer of information via electronic media.

Security Assurances and Receipts

In order for classified military information to be disclosed, the receiving foreign government or international organization must provide sponsorship. This sponsorship is usually provided in the form of a Security Assurance. The Security Assurance is the recipient government's certification that the person is representing the foreign government, is properly cleared, and the government will be responsible for protecting the information. Receipts must be obtained for all classified information transferred in documentary or materiel form in order to document the transfer of control, custody, and responsibility for the items to the receiving government.

Security Assurance

A written confirmation, by a responsible foreign government official, that the recipient of the information is approved by the government for access to information of the security classification involved on behalf of the government, and possesses the requisite security clearance and need-to-know for the classified information to be disclosed.

The Security Assurance certifies that the recipient government will protect the information in accordance with the international agreement between the United States and the foreign government.

Government-to-Government Disclosure***Methods***

There are several ways in which the U.S. Government may disclose classified military information to foreign governments and international organizations. Among other methods, they may do so through foreign visits; through the sales, leases, loans, or grants of classified items; or via cooperative programs.

Let's take a closer look.

Foreign Visits

As you recall from earlier in this course, DoDD 5230.20, *Visits and Assignments of Foreign Nationals*, establishes DoD policies and procedures for visits and assignments of foreign nationals. Only foreign nationals in an "official visit" status may be assigned to Component organizations, for example, Foreign Liaison Officer, Foreign Exchange Officer, etc. During visits by foreign nationals to the DoD Component and cleared contractor facilities, the decision to grant access to classified information must be consistent with U.S. security and foreign policy interests. For every proposed official visit by a foreign national to a DoD Component or cleared contractor facility, the following determinations must be made by authorized officials at the activity or facility to be visited:

- Prior to the visit, the appropriate Principal Disclosure Authority (PDA) or Designated Disclosure Authority (DDA) must review and approve information to be disclosed during the visit.
- The foreign national visitor to whom the information is to be disclosed must have a need-to-know.
- In addition, when classified information is involved, the visit must be officially sponsored by their government or international organization and an appropriate Security Assurance must be provided.

Need-to-Know

A determination within the Executive Branch that a prospective recipient requires access to specific classified information in order to perform or assist in a lawful and authorized governmental function. (DoDM 5200.01-V2)

Security Assurance

A written confirmation, by a responsible foreign government official, that recipient of the information is approved by the government for access to information of the security classification involved on behalf of the government, and possesses the requisite security clearance and need-to-know for the classified information to be disclosed.

The Security Assurance certifies that the recipient government will protect the information in accordance with the international agreement between the United States and the foreign government.

International Visits Program

The International Visits Program (IVP) is the program established to process visits and assignments of foreign nationals to the DoD Components, and cleared contractor facilities. The program ensures classified information to be disclosed to visitors has been properly authorized for disclosure to their governments. It ensures the requesting foreign government provides a Security Assurance when classified information is involved, and it facilitates administrative arrangements – such as date, time, and place - for the visit or assignment.

Sales, Leases, Loans, or Grants

Government disclosure methods also include sales, leases, loans, and grants of defense articles and services. These are known as Foreign Military Sales (FMS). Prior to the sale, lease, loan, or grant of defense articles and services, the appropriate DDA must provide disclosure authorization and prescribe transfer arrangements. Before responding to an FMS request, the DDA must conduct a disclosure review to ensure that the response complies with existing national, DoD, and Component disclosure policies, and that the prescribed transfer arrangements have been approved by the responsible security office.

Other Considerations

Take a moment to review the policy outlined within DoDD 5230.11 in regards to sales, leases, loans, or grants:

- **Release Authorization.** Before approval of initiatives that could lead to a sale, lease, loan, or grant of military equipment, obtain authorization from the appropriate designated disclosure authority for disclosure of all necessary classified equipment and information required for system operation, employment, maintenance, and training, including system software.

- Initial Disclosures. Limit initial disclosures to general information, usually no higher than CONFIDENTIAL, on system characteristics, capabilities, and price and availability until a sale, lease, loan, or grant is consummated.
- System Countermeasures. Withhold specific information on system countermeasures susceptibilities or vulnerabilities and counter-countermeasures capabilities, until the sale, lease, loan, or grant is consummated.
- Operation, Employment, Maintenance, and Training. After consummation of a sale, lease, loan, or grant, classified military information may be disclosed up to the level necessary for operation, employment, maintenance, and training.
- Data Packages. Edit or rewrite data packages to exclude information that is beyond that which has been authorized for disclosure.
 - The disclosure of technical data for production purposes shall be limited to data that is necessary to produce a specific item that is approved for release to the country and authorized to receive the data.
 - The disclosure of technical data for maintenance purposes shall be limited to data that is necessary to perform the level of maintenance approved for the country and authorized to receive the data.

Cooperative Programs

CMI may be disclosed to foreign governments during the operation of cooperative programs. When a CMI request is made, the appropriate disclosure authorities must review the request in accordance with the appropriate cooperative agreement and balance the goals of the program with national security interests.

Cooperative Programs

Programs that comprise one or more specific cooperative projects with a foreign government or international organization whose arrangements are defined in a written agreement between the parties covering research, development, test, and evaluation; and joint production

OR

A cooperative research and development program defined in a written agreement with North Atlantic Treaty Organization (NATO) and major non-NATO allies

Other Methods

In addition to the methods we just discussed, DoDD 5230.11, *Disclosure of Classified Military Information to Foreign Governments and International Organizations*, also includes international agreements; meetings, symposia, and conferences; foreign test and evaluation; foreign participation in classified training; classified document requests; and foreign participation in U.S. procurement programs. Note: This information will be moved to an as yet un-named DoD Instruction following approval of the new DoD Directive.

| Method | Description |
|--|---|
| International Agreements | <p>Before any discussions with foreign representatives on the negotiation of an international agreement that is governed by DoD Directive 5530.3, International Agreements, the DoD Components must:</p> <ul style="list-style-type: none"> • Determine the extent to which CMI will be required for release • Obtain disclosure authorization for the information |
| Meetings, Symposia, and Conferences | <p>The classification levels and categories of information authorized for disclosure vary among nations; the DoD Components must limit the level of classified information to be disclosed at meetings attended by foreign representatives to the lowest level that is common to all nations represented. Furthermore, U.S. classified information should not be shared solely to match the disclosures of other foreign participants. U.S. CMI must always meet the general disclosure criteria.</p> |
| Foreign Test and Evaluation | <p>Foreign test and evaluation of the U.S. classified equipment may be authorized when the tests:</p> <ul style="list-style-type: none"> • Are on an item approved for foreign disclosure by the appropriate disclosure authority • Can be performed at a U.S. installation or under other strict U.S. control that guarantees appropriate safeguards for classified information, and classified or unclassified critical technology |
| Foreign Participation in Classified Training | <p>Foreign participation in DoD Component classified training activities</p> <ul style="list-style-type: none"> • A foreign national may receive training on U.S. equipment that is classified or involves classified information, if the equipment is in the inventory of or is to be acquired by the trainee's government after the following: <ul style="list-style-type: none"> ○ The prospective trainee's government has concluded an international agreement or signed a purchase agreement with the United States to acquire the equipment and training; or ○ The Defense Security Assistance Agency has issued an International Military Education and Training (IMET) order for the training • A foreign national may conduct training on U.S. equipment that is classified or involves classified information, if the item has been sold or otherwise provided to the foreign national's government and the U.S. Government has specifically approved the provisions of such training to any involved third party. • Foreign nationals may receive or conduct training on U.S. equipment provided by a third-country that is classified only with the prior written consent of the U.S. Department of State. |
| Classified Document Requests | <ul style="list-style-type: none"> • Requests for classified documents by a foreign representative shall be forwarded to the applicable designated disclosure authority of the originating DoD Component for review and approval or denial • The DDA rendering the decision, records the determination in an appropriate foreign disclosure system, in accordance with DoDD 5230.11 |
| Foreign Participation in U.S. Procurement Programs | <ul style="list-style-type: none"> • Participation consistent with applicable U.S. laws, regulations, and security requirements in DoD procurement initiatives by contractors from countries where DoD agreements encourage reciprocal participation in defense procurement may include access to classified information • Disclosure decisions involving those countries shall be made before the announcement of the procurement and the announcement shall describe any restrictions on foreign participation |

Commercial Disclosure

Regulatory Basis

You will recall that the Arms Export Control Act (AECA) governs the export of defense articles and services and related technical data. The part of the AECA that covers commercial disclosure is implemented by the International Traffic in Arms Regulations (ITAR). The ITAR contains the U.S. Munitions List (USML), which describes, in broad terms, categories of defense articles and services and their related technical data.

| Term | Definition |
|-----------------|---|
| Defense Article | <ul style="list-style-type: none"> Any item or technical data designated in Part 121 of the ITAR Includes technical data recorded or stored in any physical form Does not include basic marketing information on function or purpose or general system descriptions |
| Defense Service | <ul style="list-style-type: none"> Furnishing assistance (including training) to foreign persons in the design, development, engineering, manufacture, production, assembly, testing, repair, maintenance, modification, operation, demilitarization, destruction, processing or use of defense articles; or Furnishing to foreign persons any technical data controlled under the ITAR |
| Technical Data | <ul style="list-style-type: none"> Information, other than software as defined by the ITAR, which is required for the design development, production, manufacture, assembly, operation, repair, testing, maintenance or modification of defense articles |

Methods

Methods of commercial disclosure include direct commercial sales and exports.

A direct commercial sale is a direct contractual arrangement between a commercial company and a foreign government, international organization, or another commercial company.

The term export applies to a number of situations. An export is sending or taking a defense article outside the U.S. It is also transferring registration, control, or ownership to a foreign person of an aircraft, vessel, or satellite listed on the USML. Exports also include disclosing—including oral and visual disclosure—any defense article or technical data to an embassy, agency, or subdivision of a foreign government or other foreign person. Finally, exports include performing a defense service on behalf of, or for the benefit of, a foreign person in the U.S. or abroad.

Export Authorizations

Let's take a look at the types of export authorizations for classified defense articles and technical data. United States Government review and approval of these authorizations is done in accordance with NDP-1. Department of State form DSP-85 is used for the export or temporary import of classified defense articles and services and any classified technical

data. The Technical Assistance Agreement (TAA) is the contract vehicle for providing defense services, including training. Finally, the Manufacturing License Agreement (MLA) is the contract vehicle for licensed production of defense articles abroad. However, these license agreements do not, by themselves, authorize the disclosure of classified military information, which always requires U.S. Government review and approval in compliance with NDP-1.

Security Agreements

General Security Agreement (GSA)

The General Security Agreement, or GSA, also called a General Security of Information Agreement, or GSOIA, is a government-to-government agreement negotiated through diplomatic channels. It states that each party to the agreement will afford to classified information provided by the other, substantially the same degree of security protection afforded to the information by the providing party. It contains provisions concerning the use and protection of each other's classified information, third party transfers, and proprietary rights and specifies that transfers of classified information will be on a government-to-government basis.

The GSA or GSOIA also provides that both parties agree to report any compromise, or possible compromise, of classified information provided by the other party and states that both parties will permit visits by security experts of the other party for the purpose of conducting reciprocal security surveys. Additionally, it establishes equivalent classification and safeguarding standards for the disclosed information. A General Security of Military Information Agreement, or GSOMIA, is a subset of the agreements previously mentioned and is narrowly focused on CMI produced by or for DoD.

Industrial Security Agreements

The Industrial Security Agreement is negotiated by the Department of Defense as an annex to the GSA, GSOIA, or GSOMIA, with those foreign governments with which DoD has entered into co-production, co-development, and/or reciprocal procurement arrangements involving industry. It includes provisions for clearance of facilities and personnel, the handling and transmission of classified material, and procedures for visits.

Review Activities

Review Activity

Jack, a DDA, receives a question about foreign disclosure modes. What does oral and visual disclosure include?

Select the best response. Check your answer in the Answer Key at the end of this Student Guide.

- All briefings, discussions, presentations, or recordings that include foreign participation
- All briefings, discussions, presentations, or recordings that transfer knowledge or information about classified material to a foreign government
- All briefings, discussions, presentations, or recordings that transfer knowledge or information about classified material regardless of participation

Conclusion

You have completed the lesson “Foreign Disclosure Means and Methods.”

Lesson 5: International Agreements

Introduction

In this lesson, we will discuss foreign disclosure as it relates to international agreements.

Here are the lesson objectives. Take a moment to review them.

- Identify the various means of foreign disclosure of CMI
 - Identify the definition of international agreements
 - Identify the policy and laws that govern international agreements
 - Identify the responsibilities associated with international agreements

Foreign Disclosure and International Agreements

Definition

International Agreements set the terms and conditions for joint military research, development, test and evaluation (RDT&E); standardization; production; in-service support; information and personnel exchanges; and operational agreements. DoDD 5530.3, International Agreements, defines international agreements as any agreement concluded with one or more foreign government or with an international organization that is signed or agreed to by personnel of any DoD Component, or by representatives of the Department of State or any other department or agency of the U.S. government; signifies the intention of its parties to be bound in international law; and is designated as an international agreement or by various other names which connote a similar legal consequence. In addition, any oral agreement that meets these criteria is an international agreement.

Other Names

International agreements may be designated as an international agreement or as a memorandum of understanding, memorandum of agreement, memorandum of arrangement, exchange of notes, exchange of letters, technical arrangement, protocol, note verbal, aide memoire, agreed minute, contract, arrangement, statement of intent, letter of intent, statement of understanding or any other name connoting a similar legal consequence.

Laws, Policies, and Guidance

International Agreements are governed by Part 181 of Title 22, Code of Federal Regulations, which implements the Case Act.

DoDD 5530.3, International Agreements revises DoD procedures to implement the Case Act as interpreted by the Department of State. The Case Act provides that, notwithstanding any other provision of law, an international agreement may not be signed or otherwise concluded on behalf of the United States without prior consultation with the Secretary of State. DoDD 5530.3 also assigns responsibilities for central repositories of international

agreements within the DoD; assigns responsibility for controlling the negotiation and the conclusion of agreements with foreign governments and international organizations; assigns the authority to approve or conduct negotiation and conclusion, or to delegate authority for specified categories of international agreements; establishes procedures for obtaining approval prior to the initiation of negotiations; and establishes procedures concerning resolution of compliance questions.

Responsibilities

DoDD 5530.3 prescribes responsibilities for international agreements. It is DoD policy to comply with the terms of international agreements. Each DoD Component oversees compliance for the international agreements for which they are responsible. DoDD 5530.3 also prescribes responsibilities for security provisions, the assignment of responsibility for authorizing negotiation and conclusion of international agreements, and approval authority.

Security Provisions

Security provisions for international agreements involving or likely to involve the release of classified military information, classified technology, or classified materiel must be coordinated with the Office of the Under Secretary of Defense for Policy (USD(P)), before making any commitment to representatives of a foreign government or international organization. Such agreements must be consistent with National Disclosure Policy and meet the conditions for release.

Assignment of Responsibility for Authorizing Negotiation and Conclusion

The responsibility for authorizing the negotiation and conclusion of international agreements is assigned to USD(P) with the exception of specific categories of international agreements. USD(P) may delegate this authority. However, the authority to negotiate and conclude agreements with policy significance must be forwarded to USD(P).

Approval Authority

DoDD 5530.3 delegates approval authority to DoD Components. While this authority may be re-delegated, the DoD Component to which approval authority is initially delegated is responsible for the international agreement's compliance with DoDD 5530.3.

International Agreement Types

There are several types of international agreements, including those related to acquisition and operations, agreements related to The Technical Cooperation Program (TTCP) and the Information Exchange Program (IEP); and those related to personnel exchanges and military-to-military intelligence collection and exchange.

| International Agreement Type | Description |
|---|--|
| Acquisition | International agreements involving acquisition programs, such as an international cooperative program (ICP). An ICP is any acquisition program or technology project that includes participation by the U.S. and one or more foreign nations, through an international agreement, during any phase of a system's life cycle. |
| Operational | International agreements related to operations such as joint training and coalition operations. |
| The Technical Cooperation Program (TTCP) | <ul style="list-style-type: none"> • Is an international organization that collaborates in defense scientific and technical information exchange and shared research activities • Includes the United States, Canada, United Kingdom, Australia, and New Zealand • Operates within the limits of National Disclosure Policy • Facilitates exchanges in the defense technology base when such classified exchanges are clearly in the best interests of the U.S. and comply with DoDD 5230.11 |
| Information Exchange Program (IEP) | The program established for the exchange of research, development, test, and evaluation (RDT&E) information under a bilateral or multilateral, stand-alone or umbrella, international agreement, between the DoD or a DoD Component, and one or more foreign governmental entities. |
| Personnel Exchange | A program where DoD military and civilian personnel and the defense ministries/departments and/or armed services of foreign governments occupy positions with and perform functions for a host organization to promote current or future international programs, greater mutual understanding, and interoperability with allies and coalition partners. |
| Military-to-Military Intelligence Collection and Exchange | Intelligence Community International agreements related to the collection and/or sharing of military intelligence information on topics of mutual interest. |

Intelligence Community International Agreements

Intelligence agreements under DoDD 5530.3 include international agreements for the collection and/or exchange of military intelligence information under the authority of the Secretary of Defense. The Under Secretary of Defense for Intelligence (USD(I)) and the Defense Intelligence Agency (DIA) are responsible for military intelligence agreements. In coordination with DIA, USD(I) authorizes DoD Components to negotiate and conclude military intelligence collection and/or exchange agreements.

Review Activities

Review Activity 1

For which of the following do international agreements set the terms and conditions?

Select all that apply. Check your answer in the Answer Key at the end of this Student Guide.

- Joint research, development, test and evaluation (RDT&E)
- Joint production
- All foreign visits
- Information and personnel exchanges

Review Activity 2

For each statement, select True or False. Check your answer in the Answer Key at the end of this Student Guide.

Statement 1 of 4. International agreements must be in writing.

- True
- False

Statement 2 of 4. Approval authority over international agreements may be delegated.

- True
- False

Statement 3 of 4. International agreements involving classified military information must be consistent with NDP-1.

- True
- False

Statement 4 of 4. An international agreement is always required before sharing any U.S. CMI.

- True
- False

Conclusion

You have completed the lesson "International Agreements."

Lesson 6: Foreign Disclosure Process

Introduction

Throughout this course, you've learned about foreign disclosure policy, criteria, and requirements. In this lesson, we'll discuss how disclosure determinations are made by walking through the foreign disclosure process.

Here are the lesson objectives. Take a moment to review them.

- Identify fundamental foreign disclosure process determinations
 - Identify the steps involved in the adjudication of a foreign disclosure request
 - Identify the requirements that must be met and considerations made by Designated Disclosure Authorities (DDAs) when making a foreign disclosure decision
 - Identify Security Policy Automation Network (SPAN) programs and databases

Adjudication of Disclosure Request

Process

When a disclosure authority receives a foreign disclosure request, there are a number of steps he or she must take to adjudicate the request. The disclosure authority first processes the request and coordinates the request with the necessary proponents. The disclosure authority evaluates the request against delegated disclosure authority and analyzes it against disclosure criteria and requirements. If needed, the disclosure authority seeks additional authorities. The disclosure authority will then approve or deny the request for foreign disclosure. If the request is approved, the disclosure authority verifies the recipient's security clearance and need-to-know. The disclosure authority also documents and records the disclosure decision—whether it was approved, approved with modifications, or denied—and provides advice and assistance in the execution of the disclosure guidance. Finally, the disclosure authority maintains the disclosure determination documentation and records. This helps assist in future disclosure determinations.

1. Process request for foreign disclosure

- Determine whether a need or request to disclose CMI exists
- Determine whether you are the disclosure authority responsible for addressing the need or request
 - If not, determine who is
- Determine whether the request came through the appropriate channels
- Determine the level of classification of the requested information
- Determine whether the request is valid and complete
 - If not, determine whom to coordinate with

- Determine the nature of the proposed disclosure mechanism (e.g., foreign visit, foreign military sale)
- Determine the means of disclosure (e.g., oral, visual, documentary)

2. Coordinate disclosure request with necessary proponents

- Determine the proponents (e.g., content owners, representatives of interested agencies/bodies, technical subject matter experts) of the requested CMI
- Determine whether proponents are willing to disclose the CMI
 - If yes, determine whether you have approval to disclose the CMI
- Determine the nature of limitations, challenges, and difficulties associated with the disclosure of the CMI
 - If limitations, challenges, and difficulties exist, determine whether there is a need to coordinate modifications to the request

3. Evaluate disclosure request against delegated disclosure authority

- Determine whether the requested information is exempt from disclosure
- Determine which CMI category the request falls under
- Determine whether you have the delegated authority to disclose the requested information
 - If you do not have the authority, determine who has the authority to disclose the requested information

4. Analyze disclosure request against disclosure criteria and requirements

- Analyze the request against NDP-1 disclosure criteria and requirements
 - Determine whether disclosure of the requested CMI is in the interests of the U.S. Government
 - Determine whether the benefits of disclosing the CMI are at least as valuable as the information disclosed
 - Determine whether the security assurances provided by the requestor are sufficient
 - Determine whether the requested information is necessary for meeting the stated desired purpose
 - Determine whether disclosure of information to the requestor is allowed by policy
- Determine whether a policy gap exists

5. Seek additional authorities, if necessary

- Determine whether there is a need to seek/request exceptions to the National Disclosure Policy
- Determine whether there is a need to seek/request additional authority
- Determine who you need to coordinate with to seek/request an exception or additional authority

- Determine whether you have proper documentation required to seek/request an exception or additional authority

6. Approve or deny disclosure request for foreign disclosure

- Determine whether all the necessary steps have been taken to determine whether or not the request can be approved or denied
- Determine whether you have authority to approve or deny the request
 - If not, determine who in the chain of command needs to approve or deny the request
 - Determine whether you properly documented and recorded your recommendation to approve or deny the request
- Determine whether you properly documented and recorded your decision to approve or deny the request
- Determine whether you informed the appropriate people of the decision to approve or deny the request

7. Verify recipient's security clearance and need-to-know

- Determine whether the right people are involved in the disclosure of the requested information to the recipient
- Determine whether the intended recipient has the necessary authorization to receive the requested information
- Verify with the appropriate personnel (e.g., Security Personnel, Proponents) that the intended recipient meets the requirements for receiving the requested information

8. Document and record disclosure decision and/or guidance

- Document and record the process and procedures used to make the determination to disclose the requested information
 - Determine whether the relevant policies are referenced
 - Determine whether you identify consulted proponents
- Determine whether you specified guidance necessary to properly disclose the requested information
- Determine who should receive the disclosure guidance

9. Provide advice and assistance in the execution of disclosure guidance

- Determine whether the disclosure guidance provides sufficient detail to inform the development and execution of security plans
- Determine whether or not the disclosure guidance is being applied properly
- Provide proponents advice and assistance in the execution of disclosure guidance, as necessary
 - Respond to requests for advice and assistance

- Determine whether you have documentation or reference materials that you can provide proponents to assist them in execution of disclosure guidance

10. Maintain documentation and records of disclosure determination

- Maintain files that document and record disclosure determinations
 - Determine whether the files are readily available to inform future disclosure determinations
 - Determine whether the files are properly safeguarded
- Determine whether you have a process for updating disclosure determination documentation

Disclosure Considerations

There are certain requirements that must be met by disclosure authorities when making all foreign disclosure decisions. As you'll recall, per DoDD 5230.11, DDAs control disclosures of classified military information by their organizations.

In order to meet disclosure requirements, DDAs must consider the origin of the request. While requests may originate from official or unofficial sources, only requests received through official channels may be processed for a foreign disclosure decision.

The disclosure authority must also consider the originator or controlling authority of the requested information. The originator is the entity that has original classification authority for the CMI. Disclosure authorities do not have the authority to disclose information that has been originated by, or is under the control of another DoD or U.S. Government department or agency, or a foreign government or international organization, unless the information carries the appropriate release markings as applied by the originating/controlling agency, organization, or foreign government.

Only Designated Disclosure Authorities (DDAs) may authorize or deny the foreign disclosure of CMI. DDAs may only make disclosure decisions within the scope of their disclosure authority.

The classification level of the information to be disclosed must be considered. Disclosure authorities may only disclose classified information up to and including the levels delegated by National Disclosure Policy (NDP- 1) provided all other requirements are satisfied.

The disclosure authority must be able to provide justification for the disclosure. CMI will be provided to a foreign government or international organization only when the disclosure can be justified as supporting a lawful and authorized U.S. Government purpose.

When a response is to be provided to a foreign government or international organization, including its contractors, the official providing the response must ensure that the response does not make false impressions of the U.S. Government's willingness to make further disclosures of CMI.

Finally, as you learned earlier, disclosures of CMI to representatives of a foreign government or international organization require the use of government-to-government methods, security assurances, and receipts.

Other Considerations

Other considerations for foreign disclosure include the following.

One must consider whether a precedent could be set which might result in requests for disclosure to other countries. The U.S. response should also consider the risk of creating an arms race and the effect on arms control arrangements.

Foreign availability is also a consideration. If the equivalent system, technology, or capability is available from a foreign source, providing the U.S. system might not have significant implications.

The affect to U.S. industrial base must also be considered. Sharing information that can be used for design or production purposes might have positive or negative implications for the U.S. industrial base.

In addition, there may be a political-military impact. As you're well aware, military and political situations change over time, and the situation in some countries make them more susceptible to change. Consideration must always be given to the effect on U.S. military forces of disclosure by the proposed recipient to an unauthorized third party. It is appropriate to seek advice or concurrence from applicable offices, such as the State Department.

Finally, disclosure decisions must consider the feasibility of implementing the proposed disclosure decision. In some cases, in order to obtain or expedite a favorable disclosure decision, conditions, safeguards, and limitations may be proposed. When this is done, consideration must be given to the ability of the DoD to implement such conditions, safeguards, or limitations and the effect on all parties involved.

SPAN Network

Proper use of the Security Policy Automation Network (SPAN) reporting expedites the disclosure authorization process by providing a comprehensive historical record of foreign disclosure decisions, including visits, exceptions to National Disclosure Policy, NDPC Records of Action, and licensing decisions.

SPAN comprises several component systems, two of which are depicted here. As you learned earlier in this course, permanent and retrievable records must be kept for all disclosures. The Foreign Visit System (FVS) contains decisions on foreign visitors, exchange personnel, and foreign liaison officers. The National Disclosure Policy System (NDPS) contains Records of Action (RAs) and requests for Exception to National Disclosure Policy (ENDP). Other SPAN databases contain information on State Department munitions licenses and Commerce Department export licenses.

Records of Action

The National Disclosure Policy Committee (NDPC) uses records of action to communicate exceptions to national disclosure policy (ENDP).

Review Activities

Review Activity 1

For each statement, select True or False. Check your answer in the Answer Key at the end of this Student Guide.

Statement 1 of 3. Foreign disclosure determinations should consider foreign availability.

- True
- False

Statement 2 of 3. Foreign disclosure must support a lawful and authorized U.S. Government purpose.

- True
- False

Statement 3 of 3. Foreign disclosure of classified military information is made by the originator or controlling agency.

- True
- False

Review Activity 2

Jack, a DDA, is using SPAN to assist with a foreign disclosure determination. What information can Jack find in SPAN?

Select all that apply. Check your answer in the Answer Key at the end of this Student Guide.

- Classified disclosure decisions
- Decisions on foreign visitors, exchange personnel, and foreign liaison officers
- Original classification determinations
- National Disclosure Policy Committee records of action (RAs)

Conclusion

You have completed the lesson “Foreign Disclosure Process.”

Lesson 7: Protecting CMI in Foreign Disclosure

Introduction

In this lesson, we will discuss protecting CMI in foreign disclosure.

Here are the lesson objectives. Take a moment to review them.

- Identify the information protection principles related to disclosure and release of CMI
- Define “need-to-know,” “access,” and “authority” in the context of disclosure and release of CMI
- Identify authorized security classification, control and dissemination markings, portion marks, and special dissemination notices related to foreign disclosure
- Identify responsibilities with respect to ensuring documents for disclosures to foreign entities are properly marked

Information Protection Principles

Applicability to Foreign Disclosure

The DoD information protection principles outlined in DoDM 5200.01, DoD Information Security Program, apply to classified military information (CMI) in the foreign disclosure process. This includes properly marking, safeguarding, and handling CMI throughout the foreign disclosure process. There are also additional information protection requirements for CMI disclosed to foreign governments.

Let's take a look.

Access Requirements

Classified military information is a national security asset that is shared with foreign governments only when there is a clearly defined benefit to the United States. Authorized disclosure authorities determine that CMI may be disclosed only when all policy requirements are met.

In addition, to receive CMI, the foreign recipient must have a need-to-know.

As you learned earlier, CMI is only disclosed through government-to-government channels and only when a security assurance is provided from the recipient foreign government.

Finally, the foreign government or international organization must also be authorized to receive the CMI based on the category it falls under and its classification level.

Security Assurance

A written confirmation, by a responsible foreign government official, that the recipient of the information is approved by the government for access to information of the security classification involved on behalf of the government, and possesses the requisite security clearance and need-to-know for the classified information to be disclosed.

The Security Assurance certifies that the recipient government will protect the information in accordance with the international agreement between the United States and the foreign government.

Marking Requirements

In addition to being properly marked with the overall classification and portion markings, there are control markings specifically relevant to foreign disclosure.

Within DoD, the AUTHORIZED FOR RELEASE TO, or REL TO, control marking is authorized for use on all classified military information that has been determined by an authorized disclosure official, in accordance with established foreign disclosure policies, to be releasable, or that has been released through established foreign disclosure procedures and channels, to foreign countries or international organizations indicated.

NOFORN is used only for intelligence information and to indicate that such disclosure is prohibited. Only the originator may authorize its disclosure.

In addition to the control marking, also include any classification or special handling markings that may be required in accordance with other applicable directives. The responsibility for applying this marking rests with the office writing the document for release and shall be verified by the disclosure authority.

REL TO

When an authorized disclosure authority determines CMI is eligible for foreign disclosure, that authorization is indicated with the REL TO control marking.

REL TO USA means the information is U.S.-originated. By itself, this is not an approved control marking. REL TO USA must be followed by the applicable country trigraphs or multi-national tetragraphs. Take a moment to review how REL TO is used.

AUTHORIZED FOR RELEASE TO (REL TO):

- Used on all CMI that has been determined by an authorized disclosure official to be disclosed to the foreign country and/or international organization indicated
- Must be accompanied by USA and applicable country or international organization
- Disclosure in any form to the nations specified in the REL TO marking is authorized without originator approval

- Disclosure to nations not specified in the REL TO marking is authorized only after obtaining permission from the originator

NOFORN

The control marking NOT RELEASABLE TO FOREIGN NATIONALS (NOFORN) is authorized for use only on intelligence and intelligence-related information. Within the DoD, the use of NOFORN outside of intelligence information is limited only to Naval Nuclear Propulsion Information and the NDP-1 and documents marked in accordance with the NDP-1 Security Classification Guide. No other types of DoD information are authorized to use the NOFORN marking.

NOT RELEASABLE TO FOREIGN NATIONALS (NOFORN)

- Is authorized for use ONLY on intelligence and intelligence-related information and products under the purview of the DNI, in accordance with DNI policy
- Is not authorized for use within DoD on non-intelligence information with the exception of:
 - Naval Nuclear Propulsion Information (NNPI)
 - The National Disclosure Policy (NDP-1) and documents marked in accordance with the NDP-1 Security Classification Guide

Distribution Statements

Distribution statements are used on classified and unclassified scientific and technical documents to identify the document's availability for distribution. Each statement provides four pieces of information to facilitate distribution and disclosure: authorized audience, reason for restriction, identity of the controlling DoD office (DCO), and date of publication. The distribution statement marking is distinct from and in addition to a security classification marking and may include an export control warning, if applicable.

Authorized Distribution Statements

DISTRIBUTION STATEMENT A. Approved for public release; distribution is unlimited.

DISTRIBUTION STATEMENT B. Distribution authorized to U.S. Government Agencies only (fill in reason) (date of determination). Other requests for this document shall be referred to (insert controlling DoD office).

DISTRIBUTION STATEMENT C. Distribution authorized to U.S. Government Agencies and their contractors (fill in reason) (date of determination). Other requests for this document shall be referred to (insert controlling DoD office).

DISTRIBUTION STATEMENT D. Distribution authorized to the DoD and U.S. DoD contractors only (fill in reason) (date of determination). Other requests shall be referred to (insert controlling DoD office).

DISTRIBUTION STATEMENT E. Distribution authorized to DoD Components only (fill in reason) (date of determination). Other requests shall be referred to (insert controlling DoD office).

DISTRIBUTION STATEMENT F. Further dissemination only as directed by (inserting controlling DoD office) (date of determination) or higher DoD authority.

Export Control Warning

All technical documents that are determined to contain export-controlled technical data must also be marked with this export-control statement.

WARNING - This document contains technical data whose export is restricted by the Arms Export Control Act (Title 22, U.S.C., Sec 2751, et seq.) or the Export Administration Act of 1979 (Title 50, U.S.C., App. 2401 et seq.), as amended. Violations of these export laws are subject to severe criminal penalties. Disseminate in accordance with provisions of DoD Directive 5230.25.

Sanitization

As you learned earlier, when a foreign disclosure is made, the disclosure is limited to the information necessary to meet the disclosure's purpose. As such, foreign disclosure often requires documents to be sanitized. Text, charts, graphs, and entire sections may need to be removed before a document is provided to a foreign government. The relevant table of contents and indices should also be sanitized to omit any references to the sanitized portions of the document. If the document contains information that cannot be disclosed and its removal is not feasible—for example, the sanitized document would not serve the intended purpose, or it is impossible to eliminate the content that cannot be disclosed—then the request for disclosure of that document must be denied. In addition, if an electronic form of the document is disseminated, precautions must be taken so the foreign user cannot undo the changes to view the deleted layers or masters.

Transmission and Transportation

Before CMI may be disclosed to a foreign government, that government must demonstrate intent and capability to safeguard the information. All international transfers must take place through government-to-government channels or channels agreed upon by the governments involved with the transfer. DoD Directive 5230.11, Disclosure of Classified Military Information to Foreign Governments and International Organizations, stipulates the means for ensuring proper transfer and the roles and responsibilities of the delegated disclosure authority. DoDM 5200.01, Information Security Program, identifies the procedures and methods for transmitting and transporting classified information to foreign governments.

Other Requirements

Foreign Disclosure Transmission and Transportation:

- U.S. Government control and accountability of classified information or material must be maintained from the point of origin to the ultimate destination, until it is officially transferred to the intended recipient government through its designated government representative
- In urgent situations, appropriately cleared U.S. Government agency employees may be authorized to hand-carry classified material in accordance with DoDM 5200.01
- Each DoD Component entering into a contract or an international agreement that will entail the transfer of classified information and material to a foreign government must consult with supporting DoD transportation and security authorities to confirm the appropriate transfer arrangements and establish responsibilities for the transfer arrangements prior to the execution of the agreement or contract

Review Activities

Review Activity 1

Leticia, a DDA, is determining if a foreign government meets the access requirements to obtain the information they requested. Which of the following requirements must be met?

Select all that apply. Check your answer in the Answer Key at the end of this Student Guide.

- Foreign government is authorized to receive the information.
- Foreign recipient has a need-to-know.
- A security assurance has been provided on the prospective foreign recipient by their government.
- Foreign recipient receives the information at a U.S. government facility.

Review Activity 2

Select True or False for each statement. Check your answer in the Answer Key at the end of this Student Guide.

Statement 1 of 4. Classified military information must be marked with both the proper classification markings and control markings prior to disclosure.

- True
- False

Statement 2 of 4. Distribution statements include a listing of the document portions that were extracted during sanitization.

- True
- False

Statement 3 of 4. Foreign transfer of classified military information must occur within government-to-government channels or channels agreed upon by the governments involved with the transfer.

- True
- False

Statement 4 of 4. When a document is authorized for foreign disclosure, it must be disclosed in its entirety.

- True
- False

Conclusion

You have completed the lesson “Protecting CMI in Foreign Disclosure.”

Lesson 8: Practical Exercise

Introduction

Welcome to the Practical Exercise.

Here is the objective. Take a moment to review it.

- Apply the steps used to adjudicate a foreign disclosure request

Initial Disclosure Request

Scenario Introduction

This is a training scenario. All information is unclassified and fictitious.

John Smith, Army DDA, has received an email requesting a disclosure determination to permit the sharing of SECRET GLADRAP information. This information is within the jurisdiction of Mr. Smith's disclosure authority. Take a moment to review the email.

To: John Smith, Army DDA
From: Amy Jones, Program Manager
Subject: Disclosure Determination

Next month, the Army is hosting a conference at the Pentagon. It will be attended by U.S. Army personnel and representatives from the Government of Banderia. The conference agenda includes GLADRAP - the newest global all-terrain vehicle procured and controlled by the Army. The Army is eager to provide a briefing on the new GLADRAP vehicle to visiting Representatives from the Government of Banderia in support of coalition operations. The Government of Banderia is a long standing ally with a demonstrated capability and intent to protect U.S. classified military information, with no known compromises.

The briefing (20 slides) that we would like to display on the screen during the meeting is attached for your review. Disclosure is consistent with the United States foreign policy and national security objectives concerning the Government of Banderia. Please advise.

V/R,
Amy Jones
GLADRAP Program Manager

Background Information

Before John Smith can make the disclosure determination, there is additional information he must know. After consulting the chart for Banderia in Annex A of the National Disclosure Policy (NDP-1); the Security Classification Guide; and the Delegation of Disclosure Authority Letter (DDL); he learns the equipment itself is unclassified; the vehicle performance

parameters which can be derived from use are classified at the SECRET level. Annex A and the GLADRAP DDL permit the disclosure of up to SECRET in Category 1, Category 2, Category 5, and Category 6.

| CMI Categories | 1 Operations, Training, and Employment of Military Forces | 2 U.S. Military Materiel and Munitions | 3 Applied Research and Development Information and Materiel | 4 Production Information | 5 Combined Military Operations, Planning, and Readiness | 6 U.S. Order of Battle Information | 7 North American Defense | 8 Military Intelligence |
|-----------------------|---|--|---|------------------------------------|---|--|------------------------------------|-----------------------------------|
| Banderia (BAN) | TS | TS | | | TS | TS | | |

GLADRAP Security Classification Guide

| Subject Matter | Classification Level |
|---|-----------------------------|
| Equipment itself | UNCLASSIFIED |
| Vehicle performance parameters that may be derived from use | SECRET |

TITLE: GLADRAP DDL

DATE: 6 July 20XX

1. DELEGATED DISCLOSURE AUTHORITY LEVEL: Up to SECRET
2. DISCLOSURE METHODS: Oral, visual, or documentary.
3. CATEGORIES PERMITTED: Category 1, Category 2, Category 5, Category 6.

Disclosure Authority

Does John Smith, the Army DDA, have the authority to make the disclosure decision regarding the GLADRAP briefing?

Select the best response. Check your answer in the Answer Key at the end of this Student Guide.

- Yes
- No

CMI Category

The foreign disclosure request Mr. Smith is considering involves providing information related to a defense article to a foreign government. Under which CMI category does this fall?

Based on the information provided, select the most appropriate category. Note there is only one correct answer. Select the best response. Check your answer in the Answer Key at the end of this Student Guide.

- Category 1: Organization, Training, and Employment of Military Forces
- Category 2: Military Materiel and Munitions
- Category 3: Applied Research and Development Information and Materiel
- Category 4: Production Information
- Category 5: Combined Military Operations, Planning, and Readiness
- Category 6: U.S. Order of Battle
- Category 7: North American Defense
- Category 8: Military Intelligence

Disclosure Criteria

Which of the following criteria does the disclosure satisfy?

Select all that apply. Check your answer in the Answer Key at the end of this Student Guide.

- Disclosure is consistent with United States foreign policy and national security objectives concerning the recipient foreign government or international organization.
- Disclosure is consistent with United States military and security objectives.
- The foreign recipient of the information will afford it substantially the same degree of security protection given it by the United States.

Disclosure Determination

After reviewing the information, can Mr. Smith approve the disclosure?

Refer to the Notional NDP-1 Annex A on page 8-2, if needed. Select the best response. Check your answer in the Answer Key at the end of this Student Guide.

- Yes
- No

Disclosure Methods

Which methods of disclosure should Mr. Smith approve?

Select all that apply. Check your answer in the Answer Key at the end of this Student Guide.

- Visual
- Oral
- Documentary

Second Disclosure Request**Scenario Update**

Mr. Smith received another email regarding the GLADRAP briefing.

To: John Smith, Army DDA
From: Amy Jones, Program Manager
Subject: GLADRAP Disclosure: Additional Request

Thank you for approving the disclosure of the GLADRAP briefing to the Government of Banderia. We would like to expand the original briefing to include technical data and training necessary to operate, maintain and support the GLADRAP. We would also like to print out the briefing and provide copies to the Government representatives. Please advise.

V/R,
Amy Jones
GLADRAP Program Manager

Disclosure Authority

Does Mr. Smith, the Army DDA, have the authority to make the disclosure decision regarding this additional request?

Select the best response. Check your answer in the Answer Key at the end of this Student Guide.

- Yes
- No

CMI Category

Under which CMI category does this request fall?

Based on the information provided, select the most appropriate category. Note there is only one correct answer. Select the best response. Check your answer in the Answer Key at the end of this Student Guide.

- Category 1: Organization, Training, and Employment of Military Forces
- Category 2: Military Materiel and Munitions
- Category 3: Applied Research and Development Information and Materiel
- Category 4: Production Information
- Category 5: Combined Military Operations, Planning, and Readiness
- Category 6: U.S. Order of Battle
- Category 7: North American Defense
- Category 8: Military Intelligence

Disclosure Criteria

Which of the following criteria does the disclosure satisfy?

Select all that apply. Check your answer in the Answer Key at the end of this Student Guide.

- Disclosure is consistent with United States foreign policy and national security objectives concerning the recipient foreign government or international organization.
- Disclosure is consistent with United States military and security objectives.
- The foreign recipient of the information will afford it substantially the same degree of security protection given it by the United States.

Disclosure Determination

After reviewing the information, can Mr. Smith approve the disclosure?

Refer to the Notional NDP-1 Annex A on page 8-2, if needed. Select the best response. Check your answer in the Answer Key at the end of this Student Guide.

- Yes
- No

Disclosure Methods

Which method of disclosure should Mr. Smith approve?

Select the best response. Check your answer in the Answer Key at the end of this Student Guide.

- Visual
- Oral
- Documentary

Third Disclosure Request**Scenario Update**

Following the conference, Mr. Smith receives another email regarding the tremendous response to the GLADRAP briefing.

To: John Smith, Army DDA
From: Amy Jones, Program Manager
Subject: GLADRAP Disclosure: Additional Request

The briefing was well received resulting in requests for additional SECRET information. Even though GLADRAP is new, the Army would like to share information regarding the GLADRAP II, the next generation, which is under development by U.S. private interests as a result of an Army contract. They want to share design changes affecting qualitative performance to include general operational requirements and engineering data. Please advise.

V/R,
Amy Jones
GLADRAP Program Manager

Disclosure Authority

Does Mr. Smith, the Army DDA, have the authority to make the disclosure decision regarding this additional request?

Select the best response. Check your answer in the Answer Key at the end of this Student Guide.

- Yes
- No

CMI Category

Under which CMI category does this request fall?

Based on the information provided, select the most appropriate category. Note there is only one correct answer. Select the best response. Check your answer in the Answer Key at the end of this Student Guide.

- Category 1: Organization, Training, and Employment of Military Forces
- Category 2: Military Materiel and Munitions
- Category 3: Applied Research and Development Information and Materiel
- Category 4: Production Information
- Category 5: Combined Military Operations, Planning, and Readiness
- Category 6: U.S. Order of Battle
- Category 7: North American Defense
- Category 8: Military Intelligence

Disclosure Criteria

Which of the following criteria does the disclosure satisfy?

Select all that apply. Check your answer in the Answer Key at the end of this Student Guide.

- Disclosure is consistent with United States foreign policy and national security objectives concerning the recipient foreign government or international organization.
- Disclosure is consistent with United States military and security objectives.
- The foreign recipient of the information will afford it substantially the same degree of security protection given it by the United States.

Disclosure Determination

After reviewing the information, can Mr. Smith approve the disclosure?

Refer to the Notional NDP-1 Annex A on page 8-2, if needed. Select the best response. Check your answer in the Answer Key at the end of this Student Guide.

- Yes
- No

Next Course of Action

Because the disclosure falls outside the approved CMI categories, Mr. Smith's next course of action is to contact the Army Principal Disclosure Authority (PDA) for guidance.

Select True or False. Check your answer in the Answer Key at the end of this Student Guide.

- True
- False

Fourth Disclosure Request**Scenario Update**

Mr. Smith is attending a meeting when the topic of increased interest in the GLADRAP is discussed. Several opportunities to share classified military information with the Government of Bandaria, a valued coalition partner, are discussed.

Meeting Notes

Increased interest in the GLADRAP

Several opportunities exist to share classified military information with the Government of Bandaria, a valued coalition partner

Can we share manufacturing information, know-how, techniques, and processes required to produce the GLADRAP?

Is a disclosure determination needed?

Disclosure Authority

Does Mr. Smith, the Army DDA, have the authority to make the disclosure decision regarding this additional request?

Select the best response. Check your answer in the Answer Key at the end of this Student Guide.

- Yes
- No

CMI Category

Under which CMI category does this request fall?

Based on the information provided, select the most appropriate category. Note there is only one correct answer. Select the best response. Check your answer in the Answer Key at the end of this Student Guide.

- Category 1: Organization, Training, and Employment of Military Forces
- Category 2: Military Materiel and Munitions
- Category 3: Applied Research and Development Information and Materiel
- Category 4: Production Information
- Category 5: Combined Military Operations, Planning, and Readiness
- Category 6: U.S. Order of Battle
- Category 7: North American Defense
- Category 8: Military Intelligence

Disclosure Criteria

Which of the following criteria does the disclosure satisfy?

Select all that apply. Check your answer in the Answer Key at the end of this Student Guide.

- Disclosure is consistent with United States foreign policy and national security objectives concerning the recipient foreign government or international organization.
- Disclosure is consistent with United States military and security objectives.
- The foreign recipient of the information will afford it substantially the same degree of security protection given it by the United States.

Disclosure Determination

After reviewing the information, can Mr. Smith approve the disclosure?

Refer to the Notional NDP-1 Annex A on page 8-2, if needed. Select the best response. Check your answer in the Answer Key at the end of this Student Guide.

- Yes
- No

Final Disclosure Request

Scenario Update

Mr. Smith receives another message from Ms. Jones regarding an additional request.

To: John Smith, Army DDA
From: Amy Jones, Program Manager
Subject: GLADRAP Disclosure: Request from Babilu

I received an official letter from the new Government of Babilu requesting CMI related to GLADRAP. The Army would like to provide the briefing; however, we understand their government is new and the U.S. does not yet have a foreign policy in place with regards to Babilu nor does the U.S. have insight into their security practices. Please advise.

V/R,
Amy Jones
GLADRAP Program Manager

Disclosure Authority

Does Mr. Smith, the Army DDA, have the authority to make the disclosure decision regarding this additional request?

Select the best response. Check your answer in the Answer Key at the end of this Student Guide.

- Yes
- No

CMI Category

Under which CMI category does this request fall?

Based on the information provided, select the most appropriate category. Note there is only one correct answer. Select the best response. Check your answer in the Answer Key at the end of this Student Guide.

- Category 1: Organization, Training, and Employment of Military Forces
- Category 2: Military Materiel and Munitions
- Category 3: Applied Research and Development Information and Materiel
- Category 4: Production Information
- Category 5: Combined Military Operations, Planning, and Readiness
- Category 6: U.S. Order of Battle
- Category 7: North American Defense
- Category 8: Military Intelligence

Disclosure Criteria

Which of the following criteria does the disclosure satisfy?

Select the best response. Check your answer in the Answer Key at the end of this Student Guide.

- Disclosure is consistent with United States foreign policy and national security objectives concerning the recipient foreign government or international organization.
- Disclosure is consistent with United States military and security objectives.
- The foreign recipient of the information will afford it substantially the same degree of security protection given it by the United States.
- None of the above.

Disclosure Determination

After reviewing the information, can Mr. Smith approve the disclosure?

Refer to the Notional NDP-1 Annex A on page 8-2, if needed. Select the best response. Check your answer in the Answer Key at the end of this Student Guide.

- Yes
- No

Conclusion

You have completed the “Practical Exercise.”

Lesson 9: Course Conclusion

Conclusion

Course Summary

In this course, you learned about National Disclosure Policy criteria and requirements, the means and methods used in foreign disclosure, and about the steps needed to adjudicate a foreign disclosure decision.

Lesson Review

Here is a list of the lessons in the course.

- Lesson 1: Course Introduction
- Lesson 2: Overview of Foreign Disclosure
- Lesson 3: Foreign Disclosure Conditions and Requirements
- Lesson 4: Foreign Disclosure Means and Methods
- Lesson 5: International Agreements
- Lesson 6: Foreign Disclosure Process
- Lesson 7: Protecting CMI in Foreign Disclosure
- Lesson 8: Practical Exercise
- Lesson 9: Course Conclusion

Lesson Summary

Congratulations! You have completed the *Foreign Disclosure Training for DoD* course.

You should now be able to perform all of the listed activities.

- Identify and define the categories of Classified Military Information (CMI)
- Identify the policies that govern foreign disclosure
- Identify the information protection principles related to disclosure and release of CMI
- Identify disclosure criteria, limitations, and requirements
- Identify the various means of foreign disclosure of CMI
- Identify fundamental foreign disclosure process determinations
- Apply the steps used to adjudicate a disclosure request

To receive course credit, you must take the *Foreign Disclosure Training for DoD* examination. If you accessed the course through the Security Training, Education, and Professionalization Portal (STEPP), please use that system to register for the online exam. Otherwise, select the Take Exam button on the last screen of the course to take the online exam and receive your certificate.

Appendix A: Answer Key

Lesson 2 Review Activities

Review Activity 1

Question 1 of 8: Through the Foreign Military Sales process, the U.S. sells some fighter aircraft, along with their associated classified components and technical data, to a friendly foreign nation. What Category of CMI is the equipment and data?

- Category 1: Organization, Training, and Employment of Military Forces
- Category 2: Military Materiel and Munitions (*correct response*)
- Category 3: Applied Research and Development Information and Materiel
- Category 4: Production Information
- Category 5: Combined Military Operations, Planning, and Readiness
- Category 6: U.S. Order of Battle
- Category 7: North American Defense
- Category 8: Military Intelligence

Feedback: *This is an example of Category 2 CMI, Military Materiel and Munitions.*

Question 2 of 8: In support of a coalition operation, a coalition partner asks the U.S. for classified order of battle information about the forces of another coalition partner. What Category of CMI is this information?

- Category 1: Organization, Training, and Employment of Military Forces
- Category 2: Military Materiel and Munitions
- Category 3: Applied Research and Development Information and Materiel
- Category 4: Production Information
- Category 5: Combined Military Operations, Planning, and Readiness (*correct response*)
- Category 6: U.S. Order of Battle
- Category 7: North American Defense
- Category 8: Military Intelligence

Feedback: *This is an example of Category 5 CMI, Combined Military Operations, Planning, and Readiness.*

Question 3 of 8: The U.S. discloses classified radar track data on unidentified flying objects entering U.S. airspace. What Category of CMI is this data?

- Category 1: Organization, Training, and Employment of Military Forces
- Category 2: Military Materiel and Munitions
- Category 3: Applied Research and Development Information and Materiel
- Category 4: Production Information
- Category 5: Combined Military Operations, Planning, and Readiness
- Category 6: U.S. Order of Battle
- Category 7: North American Defense (*correct response*)
- Category 8: Military Intelligence

Feedback: *This is an example of Category 7 CMI, North American Defense.*

Question 4 of 8: To support the training of a foreign special operations unit, the U.S. provides a classified tactics manual used to train U.S. military forces. What Category of CMI is the manual?

- Category 1: Organization, Training, and Employment of Military Forces (*correct response*)
- Category 2: Military Materiel and Munitions
- Category 3: Applied Research and Development Information and Materiel
- Category 4: Production Information
- Category 5: Combined Military Operations, Planning, and Readiness
- Category 6: U.S. Order of Battle
- Category 7: North American Defense
- Category 8: Military Intelligence

Feedback: *This is an example of Category 1 CMI, Organization, Training, and Employment of U.S. Military Forces.*

Question 5 of 8: The foreign ally involved in the joint research project on new radar search techniques now enters into co-production program with the U.S. to build a new radar system, and requests copies of the classified U.S. design blueprints for the new system. What Category of CMI is this data?

- Category 1: Organization, Training, and Employment of Military Forces
- Category 2: Military Materiel and Munitions
- Category 3: Applied Research and Development Information and Materiel
- Category 4: Production Information (*correct response*)
- Category 5: Combined Military Operations, Planning, and Readiness
- Category 6: U.S. Order of Battle
- Category 7: North American Defense
- Category 8: Military Intelligence

Feedback: *This is an example of Category 4 CMI, Production Information.*

NOTE: *The data owner would have to request an Exception to NDP-1, approved by the NDPC, to disclose this information because there is no delegated disclosure authority for Category 4 CMI for any nation.*

Question 6 of 8: Due to a regime change, the once-friendly nation that received U.S.-built fighter aircraft under a Foreign Military Sales case has become hostile to U.S. interests, and the U.S. now needs to disclose classified information on the current capabilities of those fighter aircraft to our allies. What Category of CMI is this information?

- Category 1: Organization, Training, and Employment of Military Forces
- Category 2: Military Materiel and Munitions
- Category 3: Applied Research and Development Information and Materiel
- Category 4: Production Information
- Category 5: Combined Military Operations, Planning, and Readiness
- Category 6: U.S. Order of Battle
- Category 7: North American Defense
- Category 8: Military Intelligence (*correct response*)

Feedback: *This is an example of Category 8 CMI, Military Intelligence.*

NOTE: *Even though the U.S. originally built the aircraft, once they enter the inventory of the foreign nation, any classified information about their capabilities becomes Category 8 CMI.*

Question 7 of 8: U.S. military aircraft are stationed in the allied country of Bandaria. The U.S. provides Bandaria with classified information on the numbers and types of aircraft deployed at various airbases in Bandaria. What Category of CMI is this information?

- Category 1: Organization, Training, and Employment of Military Forces
- Category 2: Military Materiel and Munitions
- Category 3: Applied Research and Development Information and Materiel
- Category 4: Production Information
- Category 5: Combined Military Operations, Planning, and Readiness
- Category 6: U.S. Order of Battle (*correct response*)
- Category 7: North American Defense
- Category 8: Military Intelligence

Feedback: *This is an example of Category 6 CMI, U.S. Order of Battle.*

Question 8 of 8: A foreign ally involved in a joint research project on new radar search techniques requests classified U.S. data. What Category of CMI is this data?

- Category 1: Organization, Training, and Employment of Military Forces
- Category 2: Military Materiel and Munitions
- Category 3: Applied Research and Development Information and Materiel (*correct response*)
- Category 4: Production Information
- Category 5: Combined Military Operations, Planning, and Readiness
- Category 6: U.S. Order of Battle
- Category 7: North American Defense
- Category 8: Military Intelligence

Feedback: *This is an example of Category 3 CMI, Applied Research and Development Information and Materiel.*

Review Activity 2

Statement 1 of 3: Requires appointment, in writing, of disclosure authorities and recording of disclosure determinations

- AECA
- DoDD 5230.11 (*correct response*)
- NDP-1

Feedback: *DoDD 5230.11 requires appointment, in writing, of disclosure authorities and recording of disclosure determinations.*

Statement 2 of 3: Contains the procedures for disclosure of U.S. classified military information to foreign governments and international organizations

- AECA
- DoDD 5230.11
- NDP-1 (*correct response*)

Feedback: *National Disclosure Policy (NDP-1) contains the procedures for disclosure of U.S. classified military information to foreign governments and international organizations.*

Statement 3 of 3: Governs the export of defense articles and services and related technical data and is the legal basis for most international activities

- AECA (*correct response*)
- DoDD 5230.11
- NDP-1

Feedback: *The Arms Export Control Act (AECA) governs the export of defense articles and services and related technical data and is the legal basis for most international activities.*

Review Activity 3

Susan, a Designated Disclosure Authority (DDA), issues a Delegation of Disclosure Authority Letter (DDL) to a subordinate Foreign Disclosure Office. Which of the following should the DDL explain?

- Classification levels (*correct response*)
- Foreign Government Information (FGI)
- Scope (*correct response*)
- Information authorized and not authorized to disclose (*correct response*)

Feedback: *The DDL contains classification levels, scope, and Information authorized and not authorized to disclose.*

Lesson 3 Review Activities

Review Activity 1

Maria, a DDA, is considering four foreign disclosure requests. Which of these may be authorized for foreign disclosure IAW NDP-1, assuming all disclosure criteria are met?

Statement 1 of 4. Request 1 includes proprietary information.

- May be authorized
- Excluded from NDP-1 (*correct response*)

Feedback: *NDP-1 does not govern the foreign disclosure of proprietary information.*

Statement 2 of 4. Request 2 includes classified military information (CMI).

- May be authorized (*correct response*)
- Excluded from NDP-1

Feedback: *NDP-1 governs the foreign disclosure of classified military information.*

Statement 3 of 4. Request 3 includes information related to strategic planning and guidance.

- May be authorized
- Excluded from NDP-1 (*correct response*)

Feedback: *NDP-1 does not govern information related to strategic planning and guidance. Disclosure of any information identified by the Chairman of the Joint Chiefs of Staff as pertaining to or involving strategic war plans may be authorized only by the Secretary of Defense, his Deputy, or the Chairman of the Joint Chiefs of Staff.*

Statement 4 of 4. Request 4 includes operational counterintelligence information.

- May be authorized
- Excluded from NDP-1 (*correct response*)

Feedback: *NDP-1 does not govern the foreign disclosure of counterintelligence information.*

Review Activity 2

When Maria considers the foreign disclosure request for the CMI, which of the following criteria must be met in order for the disclosure to be authorized?

- The disclosure must clearly benefit the U.S. *(correct response)*
- The disclosure must be consistent with U.S. foreign policy. *(correct response)*
- The disclosure must meet military objectives. *(correct response)*
- The foreign recipient must protect the information substantially the same as the United States. *(correct response)*
- The disclosure must be limited to the necessary information. *(correct response)*

Feedback: *In order to be authorized for foreign disclosure, all of these conditions must be met.*

Lesson 4 Review Activities

Review Activity

Jack, a DDA, receives a question about foreign disclosure modes. What does oral and visual disclosure include?

- All briefings, discussions, presentations, or recordings that include foreign participation
- All briefings, discussions, presentations, or recordings that transfer knowledge or information about classified material to a foreign government (*correct response*)
- All briefings, discussions, presentations, or recordings that transfer knowledge or information about classified material regardless of participation

Feedback: *Oral and visual disclosure includes all briefings, discussions, presentations, or recordings that transfer knowledge or information about classified material to a foreign government.*

Lesson 5 Review Activities

Review Activity 1

For which of the following do international agreements set the terms and conditions?

- Joint research, development, test and evaluation (RDT&E) (*correct response*)
- Joint production (*correct response*)
- All foreign visits
- Information and personnel exchanges (*correct response*)

Feedback: *International agreements set the terms and conditions of joint RDT&E, joint production, and information and personnel exchanges.*

Review Activity 2

Statement 1 of 4. International agreements must be in writing.

- True
- False (*correct response*)

Feedback: *In addition to written agreements, any oral agreement that meets the criteria is also an international agreement.*

Statement 2 of 4. Approval authority over international agreements may be delegated.

- True (*correct response*)
- False

Feedback: *Approval authority over international agreements may be delegated.*

Statement 3 of 4. International agreements involving classified military information must be consistent with NDP-1.

- True (*correct response*)
- False

Feedback: *International agreements involving classified military information must be consistent with NDP-1.*

Statement 4 of 4. An international agreement is always required before sharing any U.S. CMI.

- True
- False (*correct response*)

Feedback: *Delegated disclosure authority is required, but not necessarily an international agreement.*

Lesson 6 Review Activities

Review Activity 1

Statement 1 of 3. Foreign disclosure determinations should consider foreign availability.

- True (*correct response*)
- False

Feedback: Foreign availability may decrease the implications of providing U.S. systems.

Statement 2 of 3. Foreign disclosure must support a lawful and authorized U.S. Government purpose.

- True (*correct response*)
- False

Feedback: Foreign disclosure must support a lawful and authorized U.S. Government purpose.

Statement 3 of 3. Foreign disclosure of classified military information is made by the originator or controlling agency.

- True (*correct response*)
- False

Feedback: Foreign disclosure of classified military information is made by the originator or controlling agency.

Review Activity 2

Jack, a DDA, is using SPAN to assist with a foreign disclosure determination. What information can Jack find in SPAN?

- Classified disclosure decisions
- Decisions on foreign visitors, exchange personnel, and foreign liaison officers (*correct response*)
- Original classification determinations
- National Disclosure Policy Committee records of action (RAs) (*correct response*)

Feedback: SPAN contains decisions on foreign visitors, exchange personnel, and foreign liaison officers; and National Disclosure Policy Committee records of action (RAs).

Lesson 7 Review Activities

Review Activity 1

Leticia, a DDA, is determining if a foreign government meets the access requirements to obtain the information they requested. Which of the following requirements must be met?

- Foreign government is authorized to receive the information. *(correct response)*
- Foreign recipient has a need-to-know. *(correct response)*
- A security assurance has been provided on the prospective foreign recipient by their government. *(correct response)*
- Foreign recipient receives the information at a U.S. government facility.

Feedback: *The foreign government must be authorized to receive the information. The foreign recipient must have a need-to-know and proper security assurance.*

Review Activity 2

Statement 1 of 4. Classified military information must be marked with both the proper classification markings and control markings prior to disclosure.

- True *(correct response)*
- False

Feedback: *CMI must be marked with both the proper classification markings and control markings prior to disclosure.*

Statement 2 of 4. Distribution statements include a listing of the document portions that were extracted during sanitization.

- True
- False *(correct response)*

Feedback: *Distribution statements contain the authorized audience, reason for restriction, DoD Controlling Office (DCO), and date of publication.*

Statement 3 of 4. Foreign transfer of classified military information must occur within government-to-government channels or channels agreed upon by the governments involved with the transfer.

- True *(correct response)*
- False

Feedback: *Foreign transfer of classified military information must occur within government-to-government channels or channels agreed upon by the governments involved with the transfer.*

Statement 4 of 4. When a document is authorized for foreign disclosure, it must be disclosed in its entirety.

- True
- False (*correct response*)

Feedback: *Foreign disclosure is limited to the information necessary to meet the disclosure's purpose. In many cases, this requires portions of the document to be redacted or sanitized.*

Lesson 8 Initial Disclosure Request

Disclosure Authority

Does John Smith, the Army DDA, have the authority to make the disclosure decision regarding the GLADRAP briefing?

- Yes (*correct response*)
- No

Feedback: *Mr. Smith is the Army DDA and has authority to make this disclosure determination.*

CMI Category

The foreign disclosure request Mr. Smith is considering involves providing information related to a defense article to a foreign government. Under which CMI category does this fall?

- Category 1: Organization, Training, and Employment of Military Forces
- Category 2: Military Materiel and Munitions (*correct response*)
- Category 3: Applied Research and Development Information and Materiel
- Category 4: Production Information
- Category 5: Combined Military Operations, Planning, and Readiness
- Category 6: U.S. Order of Battle
- Category 7: North American Defense
- Category 8: Military Intelligence

Feedback: *The requested CMI falls under Category 2.*

Disclosure Criteria

Which of the following criteria does the disclosure satisfy?

- Disclosure is consistent with United States foreign policy and national security objectives concerning the recipient foreign government or international organization. (*correct response*)
- Disclosure is consistent with United States military and security objectives. (*correct response*)
- The foreign recipient of the information will afford it substantially the same degree of security protection given it by the United States. (*correct response*)

Feedback: *The disclosure meets all of these requirements.*

Disclosure Determination

After reviewing the information, can Mr. Smith approve the disclosure?

- Yes (*correct response*)
- No

Feedback: *The requested information is both within the scope of National Disclosure Policy and within the scope of Mr. Smith's authority.*

Disclosure Methods

Which methods of disclosure should Mr. Smith approve?

- Visual (*correct response*)
- Oral (*correct response*)
- Documentary

Feedback: *This disclosure is approved for visual and oral methods.*

Lesson 8 Second Disclosure Request**Disclosure Authority**

Does Mr. Smith, the Army DDA, have the authority to make the disclosure decision regarding this additional request?

- Yes (*correct response*)
- No

Feedback: *Mr. Smith is the Army DDA and has authority to make this disclosure determination.*

CMI Category

Under which CMI category does this request fall?

- Category 1: Organization, Training, and Employment of Military Forces
- Category 2: Military Materiel and Munitions (*correct response*)
- Category 3: Applied Research and Development Information and Materiel
- Category 4: Production Information
- Category 5: Combined Military Operations, Planning, and Readiness
- Category 6: U.S. Order of Battle
- Category 7: North American Defense
- Category 8: Military Intelligence

Feedback: *The requested CMI falls under Category 2.*

Disclosure Criteria

Which of the following criteria does the disclosure satisfy?

- Disclosure is consistent with United States foreign policy and national security objectives concerning the recipient foreign government or international organization. (*correct response*)
- Disclosure is consistent with United States military and security objectives. (*correct response*)
- The foreign recipient of the information will afford it substantially the same degree of security protection given it by the United States. (*correct response*)

Feedback: *The disclosure meets all of these requirements.*

Disclosure Determination

After reviewing the information, can Mr. Smith approve the disclosure?

- Yes (*correct response*)
- No

Feedback: *The requested information is both within the scope of National Disclosure Policy and within the scope of Mr. Smith's authority.*

Disclosure Methods

Which method of disclosure should Mr. Smith approve?

- Visual
- Oral
- Documentary (*correct response*)

Feedback: *This disclosure is approved for documentary methods.*

Lesson 8 Third Disclosure Request

Disclosure Authority

Does Mr. Smith, the Army DDA, have the authority to make the disclosure decision regarding this additional request?

- Yes (*correct response*)
- No

Feedback: *Mr. Smith is the Army DDA and has authority to make this disclosure determination.*

CMI Category

Under which CMI category does this request fall?

- Category 1: Organization, Training, and Employment of Military Forces
- Category 2: Military Materiel and Munitions
- Category 3: Applied Research and Development Information and Materiel (*correct response*)
- Category 4: Production Information
- Category 5: Combined Military Operations, Planning, and Readiness
- Category 6: U.S. Order of Battle
- Category 7: North American Defense
- Category 8: Military Intelligence

Feedback: *The requested CMI falls under Category 3.*

Disclosure Criteria

Which of the following criteria does the disclosure satisfy?

- Disclosure is consistent with United States foreign policy and national security objectives concerning the recipient foreign government or international organization. *(correct response)*
- Disclosure is consistent with United States military and security objectives. *(correct response)*
- The foreign recipient of the information will afford it substantially the same degree of security protection given it by the United States. *(correct response)*

Feedback: *The disclosure meets all of these requirements.*

Disclosure Determination

After reviewing the information, can Mr. Smith approve the disclosure?

- Yes
- No *(correct response)*

Feedback: *The requested information is outside of the scope of both Annex A and the DDL. Annex A and the GLADRAP DDL do not authorize disclosure of CMI Category 3.*

Next Course of Action

Because the disclosure falls outside the approved CMI categories, Mr. Smith's next course of action is to contact the Army Principal Disclosure Authority (PDA) for guidance.

- True *(correct response)*
- False

Feedback: *Mr. Smith's next course of action is to contact the Army Principal Disclosure Authority (PDA) for guidance.*

Lesson 8 Fourth Disclosure Request

Disclosure Authority

Does Mr. Smith, the Army DDA, have the authority to make the disclosure decision regarding this additional request?

- Yes *(correct response)*
- No

Feedback: *Mr. Smith is the Army DDA and has authority to make this disclosure determination.*

CMI Category

Under which CMI category does this request fall?

- Category 1: Organization, Training, and Employment of Military Forces
- Category 2: Military Materiel and Munitions
- Category 3: Applied Research and Development Information and Materiel
- Category 4: Production Information *(correct response)*
- Category 5: Combined Military Operations, Planning, and Readiness
- Category 6: U.S. Order of Battle
- Category 7: North American Defense
- Category 8: Military Intelligence

Feedback: *The requested CMI falls under Category 4.*

Disclosure Criteria

Which of the following criteria does the disclosure satisfy?

- Disclosure is consistent with United States foreign policy and national security objectives concerning the recipient foreign government or international organization. *(correct response)*
- Disclosure is consistent with United States military and security objectives. *(correct response)*
- The foreign recipient of the information will afford it substantially the same degree of security protection given it by the United States. *(correct response)*

Feedback: *The disclosure meets all of these requirements.*

Disclosure Determination

After reviewing the information, can Mr. Smith approve the disclosure?

- Yes
- No *(correct response)*

Feedback: *The requested information is outside of the scope of Annex A and the GLADRAP DDL. Effective 6 September 1983, all delegated authority to disclose classified Category 4 Production Information was canceled. Disclosure programs initiated after this date will be submitted to the National Disclosure Policy Committee (NDPC) for approval as exceptions to Policy.*

Lesson 8 Final Disclosure Request

Disclosure Authority

Does Mr. Smith, the Army DDA, have the authority to make the disclosure decision regarding this additional request?

- Yes (*correct response*)
- No

Feedback: *Mr. Smith is the Army DDA and has authority to make this disclosure determination.*

CMI Category

Under which CMI category does this request fall?

- Category 1: Organization, Training, and Employment of Military Forces
- Category 2: Military Materiel and Munitions (*correct response*)
- Category 3: Applied Research and Development Information and Materiel
- Category 4: Production Information
- Category 5: Combined Military Operations, Planning, and Readiness
- Category 6: U.S. Order of Battle
- Category 7: North American Defense
- Category 8: Military Intelligence

Feedback: *The requested CMI falls under Category 2.*

Disclosure Criteria

Which of the following criteria does the disclosure satisfy?

- Disclosure is consistent with United States foreign policy and national security objectives concerning the recipient foreign government or international organization.
- Disclosure is consistent with United States military and security objectives.
- The foreign recipient of the information will afford it substantially the same degree of security protection given it by the United States.
- None of the above. (*correct response*)

Feedback: *This request does not meet any of the criteria.*

Disclosure Determination

After reviewing the information, can Mr. Smith approve the disclosure?

- Yes
- No (*correct response*)

Feedback: *The DDA cannot approve disclosure because all criteria are not met.*

Appendix B: Job Aids

The following course job aids are on the pages that follow:

- National Disclosure Policy Exclusions Job Aid
- Delegation of Disclosure Authority Letter (DDL) Job Aid
- Foreign Disclosure and Release of Classified Intelligence Information Job Aid
- NDP-1 Disclosure Criteria, Conditions, and Limitations Job Aid
- Requests for Exceptions to National Disclosure Policy
- Foreign Disclosure Request Adjudication Process Job Aid

Job Aid: National Disclosure Policy Exclusions

Foreign Disclosure Training for DoD

| NDP Excludes: | Description: |
|---|--|
| Prohibited by Law or Agreement | Classified information that's disclosure is prohibited by Federal law or international agreement. |
| Proprietary Information | Proprietary information owned by private firms or citizens. If release is authorized by legislation, that legislation will govern the release. |
| National Intelligence | National Intelligence which cannot be disclosed without authorization of the Director of National Intelligence (DNI) or the IC agency that originated the information in accordance with applicable policies. |
| Counterintelligence | Operational counterintelligence information, the disclosure of which is the responsibility of the Director of National Intelligence (DNI). |
| Strategic Planning and Guidance | Only the Secretary of Defense or the Deputy Secretary of Defense may authorize the disclosure of this information. Disclosure of any information identified by the Chairman of the Joint Chiefs of Staff as pertaining to or involving strategic war plans may be authorized only by the Secretary of Defense, his Deputy, or the Chairman of the Joint Chiefs of Staff. |
| Naval Nuclear Propulsion Information | Nuclear propulsion information, except under an agreement negotiated pursuant to the Atomic Energy Act of 1954, as amended. |
| National Security Telecommunications and Information | The National Security Telecommunications and Information Systems Security Committee is authorized to make disclosures of classified national security telecommunications and information systems security equipment and information without referral to the National Disclosure Policy Committee (NDPC). |
| Atomic Information | Disclosures of which are made in accordance with the Atomic Energy Act of 1954. The Joint Atomic Information Exchange Group is responsible for reviewing these releases. |
| Narcotics Intelligence | Pertains to the collection, analysis, and dissemination of narcotics related information. Such disclosures are made IAW the policies and directives of DoD, Intelligence Community Members, and law Enforcement Agencies for information under their cognizance. |

Job Aid: Delegation of Disclosure Authority Letter (DDL) Foreign Disclosure Training for DoD

The following sample DDL format is used by DoD Components. Elements identified are provided in the general order shown, and information is presented in the clearest and easiest-to-use manner. For example, the usefulness of the DDL for complex systems is enhanced if “Authorized for Disclosure” and “Not Authorized for Disclosure” are broken out by major subsystems and software and disclosures for each are discussed separately.

| TITLE: | DATE: |
|---|-------|
| <ol style="list-style-type: none"><li data-bbox="181 680 1443 714">1. COUNTRIES: Identify the countries or international organizations covered under the DDL.<li data-bbox="181 751 1443 827">2. CLASSIFICATION and CATEGORIES PERMITTED: Identify highest classification of information to be disclosed and specify the NDP-1 categories for disclosure.<li data-bbox="181 865 1443 898">3. DISCLOSURE METHODS: e.g., oral, visual, or documentary.<li data-bbox="181 936 1443 1054">4. SCOPE: Specify who is authorized to release material or information, to whom disclosure is authorized, and the purpose of the disclosure (e.g., to support a foreign military sales case, a cooperative development program, etc.).<li data-bbox="181 1092 1443 1167">5. AUTHORIZED FOR DISCLOSURE: Describe materiel and/or information that can be disclosed.<li data-bbox="181 1205 1443 1398">6. NOT AUTHORIZED FOR DISCLOSURE: Describe materiel or information that cannot be disclosed. In addition to providing specific descriptions of disclosable and restricted materiel and information, items f. and g. will also specify any imposed conditions or limitations (e.g., time-phasing of release, allowable forms for software, identification of items releasable only as finished, tested assemblies, etc.)<li data-bbox="181 1436 1443 1512">7. PROCEDURES: Specify review and release procedures, special security procedures, or protective measures to be imposed.<li data-bbox="181 1549 1443 1625">8. REDELEGATION: Specify the extent of redelegation of authority (if any) permitted to subordinate activities. | |

Note: Use the NDP-1 Security Classification Guide (SCG) to determine the classification of paragraphs b. and c. The classification of paragraphs f. and g. is dependent on specific technology or system SCGs, or other classified documents.

Job Aid: Foreign Disclosure and Release of Classified Intelligence Information

Foreign Disclosure Training for DoD

Intelligence Community Directive (ICD) 403 provides foreign disclosure and release requirements for the Intelligence Community (IC).

Definitions

NDP-1: Disclosure is the process by which classified information is made available through approved channels to an authorized representative of a foreign government or international organization. There are three disclosure methods: oral, visual, and documentary. Documentary disclosures result in the transmission of classified information in any written or recorded format. The Disclosure Authority will determine which disclosure methods are necessary to effect the U.S. purpose for such disclosure.

For the Intelligence Community, disclosure and release are defined as follows:

Disclosure: Displaying or revealing classified intelligence whether orally, in writing, or in any other medium to an authorized foreign recipient without providing the foreign recipient a copy of such information for retention (ICD 403)

Release: The provision of classified intelligence, in writing or any other medium, to authorized foreign recipients for retention (ICD 403)

IC Foreign Disclosure Roles

Senior Foreign Disclosure and Release Authority (SFDRA):

- The senior civilian or military official(s) within an IC element designated in writing by an IC element head as responsible for that element's disclosure and release program and other U.S. Government officials as may be designated by the DNI.
- SFDRA's are designated by position (rather than by name)

Foreign Disclosure and Release Officer (FDRO):

- IC element personnel to whom a SFDRA has delegated in writing the authority to approve or deny requests for authorization to disclose and release intelligence under that SFDRA's jurisdiction or as authorized by the disclosure or release markings on the intelligence information.

Control Markings

RELIDO

The control marking RELEASABLE BY INFORMATION DISCLOSURE OFFICIAL (RELIDO) is only used in conjunction with intelligence. By using this control marking, the originator indicates that he/she authorizes designated disclosure authorities in other Departments or Agencies to make further release determinations in accordance with existing foreign disclosure policies, guidance, and procedures. RELIDO may be used independently or in conjunction with REL TO.

SECRET//RELIDO

(S//RELIDO) This is the marking for a portion that is classified SECRET which the originator has determined is RELEASABLE BY INFORMATION DISCLOSURE OFFICIAL. This marking explicitly states that a DIDO, or designee(s), may disclose the material in accordance with existing foreign disclosure policy and procedures.

(S//REL TO USA, AAA, BBB/RELIDO) This is the marking for a portion that is classified SECRET which the originator has made a release determination for the listed countries. RELIDO allows a DIDO, or designee(s), to make the decision to further disclose the information to other countries.

(U) The RELIDO marking is carried in the banner line because it is stated in all portions.

Classified by: Jane Jones, Pgm Mgr
Derived From: Memorandum XYZ, Dated 20071215
Declassify On: 20171231

SECRET//RELIDO

NOFORN

The control marking NOT RELEASABLE TO FOREIGN NATIONALS (NOFORN) is authorized for use on intelligence and intelligence-related information and products under the purview of the Director of National Intelligence (DNI), in accordance with DNI policy.

NOFORN indicates that the information cannot be released or disclosed in its original form. However, a releasable version can be requested, and if approved by the originator, a modified version of the material with the appropriate release markings can be produced.

NOFORN cannot be used in the banner line with RELIDO. When both do appear, NOFORN takes precedence.

TOP SECRET//ORCON//NOFORN

(TS//OC/NF) This is the marking for a portion which is classified as TOP SECRET ORIGINATOR CONTROLLED. In accordance with ICD 710, a foreign disclosure marking (NOFORN) is included. This portion is marked for training purposes only.

Classified by: Jane Jones, Pgm Mgr
Derived From: Memorandum XYZ, Dated 20071215
Declassify On: 20171231

TOP SECRET//ORCON//NOFORN

Job Aid: NDP-1 Disclosure Criteria, Conditions, and Limitations Foreign Disclosure Training for DoD

Disclosure Criteria. Disclosures of classified military information in Categories 1 through 8 defined may be made only when all of the criteria listed in below, are satisfied. Disclosures in Category 8 also must be in compliance with DoD Directive C-5230.23.

- Disclosure is consistent with U.S. foreign policy and national security objectives concerning the proposed recipient foreign government; for example:
 - The recipient government cooperates with the United States in pursuance of military and political objectives that are compatible with those of the United States.
 - A specific U.S. national purpose, diplomatic or military, will be served.
 - The information will be used in support of mutual defense and security objectives.
- Disclosure is consistent with U.S. military and security objectives; for example:
 - Disclosures of advanced technology, if compromised, will not constitute an unreasonable risk to the U.S. position in military technology and operational capabilities, regardless of the intended recipient.
 - The proposed disclosure reflects the need for striking a proper balance between pursuit of our mutual defense and foreign policy objectives on the one hand and the preservation of the security of our military secrets on the other.
- The foreign recipient of the information will afford it substantially the same degree of security protection given to it by the United States. (The intent of a foreign government to protect U.S. classified military information is established in part by the negotiation of a General Security of Information Agreement or other similar security arrangement. A foreign government's capability to protect U.S. classified military information normally is determined by the evaluation of embassy security assessments, Central Intelligence Agency risk assessments, National Military Information Disclosure Policy Committee (NDPC) Security Survey Reports, and/or historical precedence.)
- Disclosures will result in benefits to the United States at least equivalent to the value of the information disclosed; for example:
 - The United States obtains information from the recipient nation on a quid pro quo basis.
 - The exchange of military information or participation in a cooperative project will be advantageous to the United States from a technical or other military viewpoint.
 - The development or maintenance of a high level of military strength and effectiveness on the part of the government receiving the information will be advantageous to the United States.
- The disclosure is limited to information necessary to the purpose for which disclosure is made. For example, if the purpose of the disclosure is the sale of military equipment, information on operation, maintenance, and training would be released. Research and development data, or production know-how, must be withheld.

Disclosure Conditions. After a decision is made to disclose classified military information to a foreign government or international organization, based on the criteria listed above, or an exception to policy, release of the classified military information will be contingent upon agreement by the recipient foreign government that the listed minimal conditions listed below will be met. The conditions normally are satisfied by the provisions of existing General Security of Information Agreements. When a General Security of Information Agreement does not exist, the conditions may be included in a program-specific agreement, government contract, or similar arrangement.

- The information or acknowledgment of its possession will not be revealed to a third-country government, organization, or person, except with the prior written permission of the originating U.S. Department Agency.
- The information will be afforded substantially the same degree of security protection afforded to it by the United States.
- The information will be used only for designated military purposes, or other specified purposes.
- The recipient will report promptly and fully to U.S. authorities any known or suspected compromise of U.S. classified military information released to it.
- All individuals and facilities that will have access to the classified military information and materiel will have security clearances granted by their government at a level equal to that of the classified information involved and an official need-to-know.
- The information will be transferred through government-to government channels.
- Security experts of each government will be permitted to visit the other government, when mutually convenient, to review and discuss each other's policies and practices for protecting classified information.
- The recipient of the information agrees to abide by or meet U.S.-specified special terms and conditions for the release of U.S. information or materiel.

Disclosure Limitations

General Limitations. Nothing in this DoDD 5230.11 shall be construed so as to allow the disclosure of the following types of information:

- Prohibited by Law or Agreement. Classified information, the disclosure of which is prohibited by Federal law or by any international agreement to which the United States is a party.
- Naval Nuclear Information. Any naval nuclear propulsion information, classified or unclassified, except under an agreement negotiated pursuant to the Atomic Energy Act of 1954, as amended.
- Proprietary Information. Classified or unclassified proprietary information, the rights to which are owned by private firms or citizens (i.e., patents, copyrights, or trade secrets) without the owner's consent, unless such disclosure is authorized by relevant legislation, and then release will be subject to such legislation.
- National Intelligence. National Intelligence or interdepartmental intelligence produced within the National Foreign Intelligence Board (NFIB) structure. Such intelligence cannot be disclosed without authorization of the DCI in accordance with applicable policies.
- National Security Telecommunications and Information Systems Security Information. The National Security Telecommunications and Information Systems Security Committee is authorized by its terms of reference to make disclosures of classified military telecommunications and information systems security equipment and information without reference to the NDPC.
- Counterintelligence. Operational information related to counterintelligence activities and disclosures related thereto.
- Atomic Information. Such disclosures are made in accordance with the Atomic Energy Act of 1954, as amended.
- Strategic Planning and Guidance. Only the Secretary of Defense or the Deputy Secretary of Defense may authorize the disclosure of plans, concepts, or other information about strategic war plans. Requests for such disclosure shall be submitted through the Chairman of the Joint Chiefs of Staff.

Specifically Prohibited Disclosures. The following types of classified information are specifically prohibited from disclosure:

- Classified information officially obtained from a foreign government, except when the information has been conveyed by the government with express written consent to its further disclosure.
- Combined information without prior agreement of all parties.
- Joint information without prior agreement of all Departments or Agencies having control or jurisdiction.
- Information originated by or for another Department or Agency, unless that Department or Agency consents to the disclosure.
- Intelligence information described in section I, subparagraph 5.c.(2) and section II, subparagraph 5.b.(7) of NDP-1.

Job Aid: Requests for Exceptions to National Disclosure Policy Foreign Disclosure Training for DoD

Requests for an exception to policy shall contain the following elements of information:

1. A concise statement of the action proposed. Include security classification and categories of U.S. classified military information to be disclosed. (For example: "The OUSD(A) member, National Disclosure Policy Committee (NDPC), requests an exception to the National Disclosure Policy to permit the disclosure of SECRET Category 3 (Applied Research and Development Information and Materiel) information to the Government of _____ in support of the negotiation of a Data Exchange Agreement pertaining to surface-to-air missiles.")
2. A precise statement of why an exception to policy is required. For example: An exception is required because:
 - 2.1. The level of classified information involved exceeds the classification level delegated in Annex A of NDP-1; or
 - 2.2. The proposed action is not in consonance with policy currently established in Annex B or C of NDP-1; or
 - 2.3. Certain (identify which) of the disclosure criteria or conditions listed in section II. of NDP-1 are not fully met; or
 - 2.4. Any or all of the above in combination.
3. An assessment of how each of the disclosure criteria and conditions in section II. of NDP-1 shall be met:
 - 3.1. "Disclosure is consistent with the foreign policy of the United States toward the Government of _____." (A further detailed discussion shall be included to substantiate this statement. Reference shall be made to Presidential, National Security Council, or other high-level policy decisions to support the justification provided. A simple statement such as "the recipient cooperates with the United States in pursuance of military and political objectives" is not sufficient.)
 - 3.2. "The military security of the United States permits disclosure." (If equipment or technology is involved, there must be a discussion on the result of a compromise on U.S. operational capability or the U.S. position in military technology. This discussion shall include an analysis of the state of the art regarding the technology involved, the susceptibility of the item to reverse engineering, the capability of the foreign recipient to reverse engineer the item, the foreign availability of the technology or equipment involved, and other governments to whom similar equipment or technology has been released.)
 - 3.3. "The foreign recipient will afford the information substantially the same degree of security protection given to it by the United States." (If there has been an NDPC Security Survey for the proposed recipient, the conclusion reached therein shall be discussed. In the absence of an NDPC Security Survey, efforts shall be made to obtain, through intelligence channels, a counterintelligence risk assessment or security analysis of the foreign government's security capabilities. The mere statement that "classified

- information has been released previously to this government and there is no indication that such information has been compromised" is not sufficient.)
- 3.4. "Disclosures will result in benefits to the United States at least equivalent to the value of the information disclosed." For example:
 - 3.4.1. The United States obtains information from the proposed recipient on a quid-pro-quo basis, describe the information and the value to the United States;
 - 3.4.2. Explain how the exchange of military information for participation in a cooperative project will be advantageous to the United States from a technical or military capability viewpoint;
 - 3.4.3. If the development or maintenance of a high degree of military strength and effectiveness on the part of the recipient government will be advantageous to the United States, explain how.
 - 3.5. "The disclosure is limited to information necessary to the purpose for which disclosure is made." (For example, if the purpose of the request is for the sale of equipment only, it shall be indicated clearly that research and development data or production know-how is not to be divulged or that documentation will be sanitized.)
 4. Any limitations placed on the proposed disclosure in terms of information to be disclosed, disclosure schedules, or other pertinent caveats that may affect NDPC approval or denial of the request. (If disclosures are to be phased or if certain information is not to be released, the phasing or non-releasable information shall be specified.)
 5. A statement that the requested exception is to be either a continuing exception, subject to annual review, or a one-time exception. (A continuing exception usually is associated with a long-term project, such as a co-production program or military sale when the United States will be obligated to provide life-cycle support. A one-time exception typically is used for a briefing or demonstration or short-term training.)
 6. The names and titles of U.S. officials accredited to the requesting foreign government or international organization with whom the proposed exception has been coordinated, as well as the views of the Theater Commander. (Sufficient time shall be allowed to obtain an opinion from U.S. Embassy personnel in-country and the responsible Theater Commander before submitting the request for approval. Many cases are delayed because a U.S. Embassy or Theater Commander opinion has not been obtained.)
 7. The opinion of other interested Departments or Agencies if joint Service or shared information is involved. (If the information or item of equipment is of shared or joint interest, such as an air-to-air missile used by two Services or containing technology of concern to another Service, the views of the other party will be included.)
 8. Any information not mentioned above that would assist the NDPC members, the Secretary of Defense, or the Deputy Secretary of Defense in evaluating the proposal.
 9. The name and telephone number of a knowledgeable individual within the requesting organization who can provide additional technical detail or clarification concerning the case at issue.
 10. The date a response is desired on the case. Ten full working days for NDPC case deliberations should be allowed. The suspense date (10 full working days) is computed starting from the first full working day after the date of the request.

Job Aid: Foreign Disclosure Request Adjudication Process

Purpose of this job aid

This job aid provides an overview of the steps a disclosure authority must take to adjudicate a foreign disclosure request of classified military information (CMI).

1. Process request for foreign disclosure



- Determine whether a need or request to disclose CMI exists
- Determine whether you are the disclosure authority responsible for addressing the need or request.
 - If not, determine who is
- Determine whether the request came through the appropriate channels
- Determine the level of classification of the requested information
- Determine whether the request is valid and complete.
 - If not, determine whom to coordinate with
- Determine the nature of the proposed disclosure mechanism (e.g., foreign visit, foreign military sale)
- Determine the means of disclosure (e.g., oral, visual, documentary)

2. Coordinate disclosure request with necessary proponents



- Determine the proponents (e.g., content owners, representatives of interested agencies/bodies, technical subject matter experts) of the requested CMI
- Determine whether proponents are willing to disclose the CMI
 - If yes, determine whether you have approval to disclose the CMI
- Determine the nature of limitations, challenges, and difficulties associated with the disclosure of the CMI
- If limitations, challenges, and difficulties exist, determine whether there is a need to coordinate modifications to the request

3. Evaluate disclosure request against delegated disclosure authority



- Determine whether the requested information is exempt from disclosure
- Determine which CMI category the request falls under
- Determine whether you have the delegated authority to disclose the requested information
 - If you do not have the authority, determine who has the authority to disclose the requested information

4. Analyze disclosure request against disclosure criteria and requirements



- Analyze the request against NDP-1 disclosure criteria and requirements
 - Determine whether disclosure of the requested CMI is in the interests of the U.S. Government
 - Determine whether the benefits of disclosing the CMI are at least as valuable as the information disclosed
 - Determine whether the security assurances provided by the requestor are sufficient
 - Determine whether the requested information is necessary for meeting the stated desired purpose
 - Determine whether disclosure of information to the requestor is allowed by policy
- Determine whether a policy gap exists

5. Seek additional authorities, if necessary



- Determine whether there is a need to seek/request exceptions to the National Disclosure Policy
- Determine whether there is a need to seek/request additional authority
- Determine who you need to coordinate with to seek/request an exception or additional authority
- Determine whether you have proper documentation required to seek/request an exception or additional authority

6. Approve or deny disclosure request for foreign disclosure



- Determine whether all the necessary steps have been taken to determine whether or not the request can be approved or denied
- Determine whether you have authority to approve or deny the request
 - If not, determine who in the chain of command needs to approve or deny the request
 - Determine whether you properly documented and recorded your recommendation to approve or deny the request
- Determine whether you properly documented and recorded your decision to approve or deny the request
- Determine whether you informed the appropriate people of the decision to approve or deny the request

7. Verify recipient's security clearance and need-to-know



- Determine whether the right people are involved in the disclosure of the requested information to the recipient
- Determine whether the intended recipient has the necessary authorization to receive the requested information
- Verify with the appropriate personnel (e.g., Security Personnel, Proponents) that the intended recipient meets the requirements for receiving the requested information

8. Document and record disclosure decision and/or guidance



- Document and record the process and procedures used to make the determination to disclose the requested information
 - Determine whether the relevant policies are referenced
 - If necessary, notify and consult with proponents
- Specify guidance, if necessary, to properly disclose the requested information
- Determine who should receive the disclosure guidance

9. Provide advice and assistance in the execution of disclosure guidance



- Determine whether the disclosure guidance provides sufficient detail to inform the development and execution of security plans
- Determine whether or not the disclosure guidance is being applied properly
- Provide proponents advice and assistance in the execution of disclosure guidance, as appropriate.
 - Respond to requests for advice and assistance
- Determine whether you have documentation or reference materials that you can provide proponents to assist them in execution of disclosure guidance

10. Maintain documentation and records of disclosure determination



- Maintain files that document and record disclosure determinations
 - Ensure the files are readily available to inform future disclosure determinations
 - Ensure the files are properly safeguarded
- Update disclosure determination documentation, as necessary.