

Webinar Questions and Answers

Understanding Your e-FCL Submissions

Webinar guests submitted several questions before and during the **December 8, 2016**, “**Understanding Your e-FCL Submissions**” sessions. The following responses are provided by the Center for Development of Security Excellence (CDSE):

Question: If the recent board meeting minutes have sensitive information (e.g., annual bonus amounts) may they be uploaded with this information redacted?

Answer: Yes. In some cases, these meeting minutes may contain sensitive company information, such as salary details pertaining to Key Management Personnel (KMP). It is acceptable to redact this information from the meeting minutes prior to uploading this document into e-FCL. All pertinent information relating to your reported change condition (i.e., company name change or relocation or change in KMP or ownership), must be uploaded for DSS review purposes.

Question: How long should it take to get a change package completed?

Answer: In all cases, cleared contractors must notify their assigned DSS Industrial Security Representative (ISR) of changes that impact their Facility Clearance (FCL). It is recommended that you contact your ISR by phone or email to notify them of the nature of the upcoming change condition and your need to submit a package in the Electronic Facility Clearance (e-FCL) system. DSS realizes that certain changes cannot be reported prior to occurrence. In these cases a responsible official, typically the Facility Security Officer, must make timely contact with the ISR upon learning of the change and must provide all information and supporting documentation to DSS as soon as possible.

Question: Should you be updating e-FCL every year, besides the necessary changes as they happen?

Answer: Per NISPOM (1-302g), cleared contractors are required to report the following changes to DSS: ownership, legal structure, operating name, address, Key Management Personnel, FCL termination, bankruptcy, and material changes in Foreign Ownership, Control, or Influence. Submission of the Change Condition package is only necessary when cleared contractors need to report one or more of these changes. Annual submissions are not required.

Question: What are the meeting minutes, and how often are they supposed to be conducted? Do they need to be uploaded after each meeting?

Answer: The articles of incorporation and/or bylaws for a corporate entity typically require the shareholders to meet annually. The Secretary of the corporation or a designee is responsible for

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taking notes during these meetings. Any corporate changes are recorded within these meeting minutes and should be uploaded into your e-FCL package to assist DSS in validating the accuracy of your e-FCL submission. Meeting minutes are only required to be uploaded when there is a FCL change condition to report (i.e., the company relocates and uploads a revised Security Agreement (DD441) with the new corporate address. Recent meeting minutes reflecting the corporation's new address and decision to relocate should also be uploaded into your e-FCL package).

Question: A changed condition has been waiting for review in the e-FCL since February 2016. What should we do?

Answer: Please contact your assigned Industrial Security Representative (ISR). It is possible this package has not been assigned to a specific ISR for review.

Question: What are the rules for Joint Ventures? What are the required documents to review?

Answer: The business documents that must be reviewed and uploaded into e-FCL for Joint Ventures are found on page 2 of the "Understanding Your e-FCL Submission Requirements" Job Aid. The ownership and management of the Joint Venture are typically identified in the Joint Venture Agreement, along with any supplemental meeting minutes noting changes to this agreement. These documents should be reviewed and uploaded into e-FCL.

Question: Is the article of incorporation to be updated to show current board members when there are any changes to the KMP listing?

Answer: Amendments to the articles of incorporation, along with corporate meeting minutes, will reflect changes to corporate officers and directors. These documents must be uploaded into e-FCL, and the KMP List must be revised and submitted to DSS to reflect any changes in officer and director appointments.