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DIRECTOR OF CENTRAL INTELLIGENCE DIRECTIVE NO. 1/7 [1]

CONTROL OF DISSEMINATION OF INTELLIGENCE INFORMATION

(Effective 4 May 1981)

Pursuant to Section 102 of the National Security Act of 1947 and Executive Orders 12036 and 12065, the following controls on the dissemination and use of intelligence information and related materials (hereafter referred to as intelligence) [2] are hereby established.

1. ***Purpose***

This directive establishes certain common controls and procedures for the dissemination and use of intelligence to ensure that, while facilitating its interchange for intelligence purposes, it will be adequately protected. This directive amplifies applicable portions of the 2 October 1978 Information Security Oversight Office (ISOO) Directive #1 which implements Executive Order (EO) 12065. It also prescribes additional controls on the dissemination of intelligence to foreign governments and to foreign nationals and immigrant aliens, including those employed by the US Government. Policy on release of intelligence to contractors and consultants is set forth in the Attachment.

2. ***General***

a. *Applicability.* The controls and procedures set forth in this directive shall be uniformly applied in the dissemination and use of intelligence originated by all Intelligence Community organizations as defined by Section 4-207, EO 12036.

b. *Implementation.* The substance of this directive shall be published in appropriate regulatory or notice media of each Intelligence Community organization, together with appropriate procedures permitting rapid interagency consultation concerning the dissemination and use of intelligence. For this purpose, each Intelligence Community organization will designate a primary referent. Originators of intelligence bearing control markings or other restrictions required by this directive shall ensure that requests concerning them are answered promptly.

c. *"Need-To-Know" Principle.* "Need-to-know" is a determination by an authorized holder of classified information that access to specific classified material in his or her possession is required by one or more other persons to perform a specific and officially authorized function essential to accomplish a national security task or as required by Federal Statute, Executive Order, or directly applicable regulation. In addition to an established "need-to-know," a person must possess an appropriate security clearance and access approvals, as required, prior to being provided classified information.

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[1] This directive supersedes DCID No. 1/7, effective 18 May 1976.

[2] For purposes of this directive the terms "intelligence information and related materials" (or "intelligence") mean:

(1) "Foreign intelligence" and "counterintelligence," as these terms are defined in EO 12036, and

(2) Information describing US foreign intelligence and counterintelligence activities, sources and methods, equipment, and methodology used for the acquisition, processing, or exploitation of such intelligence, foreign military hardware obtained for exploitation, and photography or recordings resulting from such US intelligence collection efforts.

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3. ***Use and Dissemination Among US Intelligence Community Organizations***

a. *"Third Agency" Rule.* The ISOO Directive implementing EO 12065 states that, except as otherwise provided by Section 102 of the National Security Act of 1947, classified information originating in one US agency shall not be disseminated outside any other agency to which it has been made available without the consent of the originating agency. This is commonly described as the "third agency" rule.

b. *Advance Authorization.* To facilitate the dissemination and different uses made of classified intelligence within and among Intelligence Community organizations and to assure the timely provision of intelligence to consumers, it is necessary to provide controlled relief to the "third agency rule" within the Intelligence Community in addition to that provided by the National Security Act of 1947 (50 USC 403 (d)). Accordingly, Intelligence Community organizations are hereby authorized to use each other's classified intelligence in their respective intelligence documents, publications or other information media, and to disseminate their products to other Intelligence Community organizations except as specifically restricted by control markings prescribed in paragraph 6. Classified intelligence documents, even though they bear no control markings will not be released in their original form to third agencies without permission of the originator.

4. ***Use and Dissemination to Other US Organizations***

Classified intelligence, even though it bears no restrictive control markings, will not be released in its original form to US organizations outside of the Intelligence Community without permission of the originator. Any organization disseminating intelligence beyond the organizations of the Intelligence Community shall be responsible for ensuring that recipient organizations understand and agree to observe the restrictions prescribed by this directive and maintain adequate safeguards.

5. ***Foreign Dissemination of Intelligence***

a. *Dissemination to Immigrant Aliens, Foreign Contractors, and Other Foreign Nationals.*

(1) Classified intelligence, even though it bears no control markings, will not be released in any form to foreign nationals or immigrant aliens (including US Government employed, utilized or integrated foreign nationals and immigrant aliens) without permission of the originator.

(2) Release of classified intelligence to a foreign contractor/company under contract to the US Government will be made according to paragraph 5b through the government under which the contractor/company operates. Direct US-to-foreign contractor/company release is prohibited.

b. *Dissemination to Foreign Governments.*

Classified intelligence, even though it bears no control markings authorized by this Directive, will not be released in its original form to foreign governments without permission of the originator. Information contained in classified intelligence of another Intelligence Community organization, and which bears no restrictive control markings, may be used by the recipient Intelligence Community organization in reports disseminated to foreign governments [3] provided:

(1) No reference is made to the source documents upon which the released product is based.

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[3] Excepting RESTRICTED DATA and FORMERLY RESTRICTED DATA, which is prohibited from foreign dissemination under Sections 123 and 144 of Public Law 585, Atomic Energy Act of 1954, as amended.

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(2) The information is extracted or paraphrased to insure that the source or manner of acquisition of the intelligence cannot be deduced or revealed in any manner.

(3) Foreign release is made through established foreign disclosure channels and procedures, such as prescribed in DCID 6/1, DCID 6/2, and DCID 1/13.

6. ***Authorized Control Markings***

a. *"WARNING NOTICE—INTELLIGENCE SOURCES AND METHODS INVOLVED" (WNINTEL)*

(1) This marking is used, with a security classification, to identify information whose sensitivity requires constraints on its further dissemination and use. This marking may be used only on intelligence which identifies or would reasonably permit identification of an intelligence source or method which is susceptible to countermeasures that could nullify or reduce its effectiveness.

(2) Classified intelligence so marked shall not be disseminated in any manner outside authorized channels [4] without the permission of the originator and an assessment by the senior intelligence officer in the disseminating agency as to the potential risks to the national security and to the intelligence sources or methods involved. In making such assessment, consideration should be given to reducing the risk to the intelligence sources or methods which provided the intelligence by sanitizing or paraphrasing the information so as to permit its wider dissemination. To avoid confusion as to the extent of dissemination and use restrictions governing the information involved, the marking may not be used in conjunction with special access or Sensitive Compartmented Information (SCI) controls. This marking may be abbreviated as "WNINTEL" or as "WN."

b. *"DISSEMINATION AND EXTRACTION OF INFORMATION CONTROLLED BY ORIGINATOR" (ORCON)*

(1) This marking is used, with a security classification, to enable a continuing knowledge and supervision by the originator of the use made of the information involved. This marking may be used only on intelligence which clearly identifies or would reasonably permit ready identification of an intelligence source or method which is particularly susceptible to countermeasures that would nullify or measurably reduce its effectiveness. This marking may not be used when an item of information will reasonably be protected by use of other markings specified herein, or by the application of the "need-to-know" principle and the safeguarding procedures of the security classification system.

(2) Information bearing this marking may not be disseminated beyond the headquarters elements [5] of the recipient organizations and may not be incorporated in whole or in part into other reports or briefings without the advance permission of and under conditions specified by the originator. As this is the most restrictive marking herein, agencies will establish procedures to ensure that it is only applied to particularly sensitive intelligence and that timely procedures are established to review requests for further dissemination of intelligence bearing this marking. This marking may be abbreviated as "ORCON" or as "OC."

[4] Unless otherwise specified by the Director of Central Intelligence in consultation with the National Foreign Intelligence Board (NFIB) or as agreed to between originating and recipient agencies, authorized channels are the Intelligence Community, as defined in Section 4-207, EO 12036, and Intelligence Community contractors and consultants and officials of agencies represented on the NFIB as determined on a "need-to-know" basis by recipient senior intelligence officials.

[5] At the discretion of the originator, the term "headquarters elements" may include specified subordinate intelligence-producing components.

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c. *"NOT RELEASABLE TO CONTRACTORS/CONSULTANTS" (NOCONTRACT)*

This marking is used, with a security classification, to prohibit the dissemination of information to contractors or consultants (hereinafter contractors) without the permission of the originator. This marking may be used only on intelligence which, if disclosed to a contractor, would actually or potentially give him a competitive advantage which could reasonably be expected to cause a conflict of interest with his obligation to maintain the security of the information; or which was provided by a source on the express or implied condition that it not be made available to contractors. The restrictions applicable to this marking do not apply to consultants hired under Office of Personnel Management procedures, or comparable procedures derived from authorities vested in heads of organizations by law, and who are normally considered to be extensions of the office by which they are employed. This marking may be abbreviated as "NOCONTRACT" or as "NC."

d. *"CAUTION—PROPRIETARY INFORMATION INVOLVED" (PROPIN)*

This marking is used, with or without a security classification, to identify information provided by a commercial firm or private source under an express or implied understanding that the information will be protected as a trade secret or proprietary data believed to have actual or potential value. Information bearing this marking shall not be disseminated in any form to an individual, organization, or foreign government which has any interests, actual or potential, in competition with the source of the information without the permission of the originator. This marking may be used in conjunction with the "NOCONTRACT" marking to preclude dissemination to any contractor. This marking may be abbreviated as "PROPIN" or as "PR."

e. *"NOT RELEASABLE TO FOREIGN NATIONALS" (NOFORN)*

This marking is used with a security classification to identify intelligence that may not be released in any form to foreign governments, foreign nationals, or non-US citizens without permission of the originator. This marking may be used on intelligence which if released to a foreign government or national(s) could jeopardize intelligence sources or methods, or when it would not be in the best interests of the United States to release the information from a policy standpoint upon specific determination by a Senior Intelligence Officer of the Intelligence Community. Senior Intelligence Officers of US Intelligence Community organizations are responsible for developing, publishing and maintaining guidelines consistent with the policy guidance herein for use in determining the foreign releasability of intelligence they collect or produce. These guidelines shall be used in assigning NOFORN control markings, and by primary referents (paragraph 2.b. above applies) in responding to inquiries from other organizations on application of this control. This marking may be abbreviated "NOFORN" or as "NF."

f. *"AUTHORIZED FOR RELEASE TO (name of country(ies)/international organization)" (REL _____)*

This marking is used to identify classified intelligence that an originator has predetermined to be releasable or has released, through established foreign disclosure procedures and channels, to the foreign country(ies)/organization indicated. No other foreign dissemination of the material is authorized (in any form) without the permission of the originator. This marking may be abbreviated "REL (abbreviated name of country(ies)/international organization)." In the case of intelligence controlled under DCID 6/2, authorized distribution indicators, published separately, may be used instead of the "REL" control marking.

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a. Any recipient desiring to use intelligence in a manner contrary to the restrictions established by the control markings set forth above shall obtain the advance permission of the originating agency. Such permission applies only to the specific purposes agreed to by the originator and does not automatically apply to all recipients. Originators should insure that prompt consideration is given to recipients' requests in these regards, with particular attention to reviewing, and editing if necessary, sanitized or paraphrased versions to derive a text suitable for release subject to lesser or no control markings.

b. The control markings authorized above shall be shown on the title page, front cover, and other applicable pages of documents, incorporated in the text of electrical communications, shown on graphics, and associated (in full or abbreviated form) with data stored or processed in automatic data processing systems. The control markings also shall be indicated by parenthetical use of the marking abbreviations at the beginning or end of the appropriate portions. If the control markings apply to several or all portions, the document may be marked with a statement to this effect rather than marking each portion individually.

c. The control markings in paragraph 6 shall be individually assigned at the time of preparation of intelligence products and used in conjunction with security classifications and other markings specified by EO 12065 and its implementing ISOO Directive. The markings shall be carried forward to any new format in which the same information is incorporated, including oral and visual presentations.

8. ***Reporting Unauthorized Disclosures***

Violations of the foregoing restrictions and control markings that result in unauthorized disclosure by one agency of the intelligence of another shall be reported to the Director of Central Intelligence through the DCI Security Committee.

9. ***Obsolete Restrictions and Markings***

The following markings are obsolete and will not be used subsequent to the date of this directive: WARNING NOTICE—SENSITIVE SOURCES AND METHODS INVOLVED, CONTROLLED DISSEM, NSC PARTICIPATING AGENCIES ONLY, INTEL COMPONENTS ONLY, LIMITED, CONTINUED CONTROL, NO DISSEM ABROAD, BACKGROUND USE ONLY, WARNING NOTICE—SENSITIVE INTELLIGENCE SOURCES AND METHODS INVOLVED, NO FOREIGN DISSEM, USIB ONLY, AND NFIB ONLY. Questions with respect to the current application of control markings authorized by earlier directives on the dissemination and control of intelligence and use on documents issued prior to the date of this directive should be referred to the originating agency or department.

WILLIAM J. CASEY
Director of Central Intelligence

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DIRECTOR OF CENTRAL INTELLIGENCE DIRECTIVE NO. 1/7

(Attachment)

DCI POLICY ON RELEASE OF INTELLIGENCE INFORMATION TO CONTRACTORS AND CONSULTANTS [1]

1. So that Intelligence Community agencies may better discharge their responsibilities, they may release selected intelligence information and related materials (hereafter referred to as intelligence) [2] to contractors and consultants (hereafter referred to as contractors) without referral to the originating agency, provided that:

a. Release [3] is made only to private individuals or organizations certified by the Senior Intelligence Officer of the sponsoring Intelligence Community organization as being under contract to the United States Government for the purpose of performing classified services in support of the mission of his or a member organization; [4] as having a demonstrated "need-to-know;" and an appropriate security clearance or access approval. If retention of intelligence by the contractor is required, the contractor must have an approved storage facility.

b. The Senior Intelligence Officer of the sponsoring agency, or his designee(s), is responsible for ensuring that releases to contractors are made pursuant to this policy statement and through established channels.

c. The sponsoring agency maintains a record of material released.

d. Contractors maintain such records as will permit them to account for all intelligence received, disposed of or destroyed, produced and held by them for the duration of the contract, and to permit identification of all persons who have had access to intelligence in their custody.

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[1] General policy is set forth in DCID 1/7, "Control of Dissemination of Intelligence Information," effective 4 May 1981. See DCID No. 1/19 for minimum standards for control of Sensitive Compartmented Information (SCI) released to contractors. In accordance with paragraph 6c, DCID 1/7, Intelligence Community organizations agree that government-owned, contractor-operated laboratories performing classified services in support of the intelligence mission of an Intelligence Community organization, and which are designated authorized channels by the Senior Intelligence Officer (as defined in DCID 1/19) concerned, are not considered contractors for the purposes of this policy statement.

[2] For purposes of this attachment, the terms "selected intelligence information and related materials" (or "intelligence") mean:

(1) "Foreign intelligence" and "counterintelligence" as these terms are defined in EO 12036.

(2) Information describing US foreign intelligence and counterintelligence activities, sources and methods, equipment and methodology used for the acquisition, processing, or exploitation of such intelligence, foreign military hardware obtained for exploitation, and photography or recordings resulting from such US intelligence collection efforts.

(3) Intelligence produced and disseminated by CIA, INR/State, DIA, FBI, NSA, ACSI/Army, ACSI/Air Force, Naval Intelligence Command, DOE and the military commands. This specifically excludes Foreign Service reporting and SCI. Permission to release Foreign Service reporting must be obtained from the Department of State. Release of SCI is governed by lateral agreements and advisements between Intelligence Community organizations.

[3] Release is the authorized visual, oral, or physical disclosure of classified intelligence.

[4] Non-Intelligence Community government components under contract to fulfill an intelligence support role may be treated as members of the Intelligence Community rather than as contractors. When so treated, it shall be solely for the specific purposes agreed upon and shall in no case include authority to disseminate further intelligence made available to them.

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e. Contractors do not reproduce any intelligence without the permission of the sponsoring agency, and classify, control and account for reproduced copies in the same manner as for originals.

f. Contractors destroy intelligence only according to guidelines and by standards set by the sponsoring agency.

g. Contractors make provision to ensure that intelligence in their custody is not released to foreign nationals, whether or not they are employees or contractors themselves, except with the permission of the originating agency through the sponsoring agency.

h. Contractors receiving intelligence do not release it: (1) to any of their components or employees not directly engaged in providing services under the contract; or (2) to any other contractor (including subcontractors), without the consent of the sponsoring agency (which shall verify that any second contractors satisfy all security requirements herein).

i. Contractors agree that all intelligence released to them, all reproductions thereof, and all other material they may generate based on or incorporating data therefrom (including authorized reproductions), remain the property of the US Government and will be returned upon request of the sponsoring agency or expiration of the contract, whichever comes first.

j. Sponsoring agencies arrange for and contractors agree that, upon expiration of contracts: (1) all released intelligence, all reproductions thereof, and all other materials based on or incorporating data therefrom, are returned to the sponsoring agency; or (2) all or a specified part of such items are retained by the contractor under all applicable security and accountability controls when the contractors have specific needs for such retention that are validated by sponsoring agencies.

k. Sponsoring agencies delete: (1) the CIA seal, (2) the phrase "Directorate of Operations," (3) the place acquired, (4) the field number, (5) the source description, and (6) field dissemination, from all CIA Directorate of Operations reports passed to contractors, unless prior approval to do otherwise is obtained from CIA.

2. National Intelligence Estimates (NIEs), Special National Intelligence Estimates (SNIEs), National Intelligence Analytical Memoranda and Interagency Memoranda may not be released to contractors. Such materials shall be marked NOT RELEASABLE TO CONTRACTORS/CONSULTANTS. However, information in them may be made available to contractors, without identification as national intelligence, by the Senior Intelligence Officer of the Intelligence Community agency authorizing its release.

3. Intelligence which by reason of sensitivity of content bears control markings "CAUTION—PROPRIETARY INFORMATION INVOLVED," "NOT RELEASABLE TO CONTRACTORS/CONSULTANTS," or "DISSEMINATION AND EXTRACTION OF INFORMATION CONTROLLED BY ORIGINATOR," as specified in DCID 1/7, may not be released to contractors unless special permission has been obtained from the originator.

4. Questions concerning the implementation of this policy and these procedures shall be referred for appropriate action to the DCI Security Committee.

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