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NSC Declassification/Release Instructions on File

Final Revised Draft

E. O. 10501

It is essential that the citizens of the United States be informed to the maximum extent possible concerning the activities of their government. In order that it may protect itself and its citizens against hostile action, overt or covert, and may effectively carry out its foreign policy and conduct diplomatic relations with all nations, it is equally essential for their government to protect certain official information against unauthorized disclosure. The reason for such protection is not that sensitive information causes danger or embarrassment to the government when it is in the hands of citizens, but that any dissemination sufficiently wide to reach even a small part of our citizenry will reach foreign governments as well. It is the purpose of this Order to provide for a just resolution of the conflict between these two essential national interests in the manner hereinafter provided.

Now, therefore, by virtue of the authority invested in me by the Constitution and statutes of the United States, it is hereby ordered as follows:

NSC Declassification/Release Instructions on File

Section 1. Security Classification Categories. Classification of official information which requires protection against unauthorized disclosure in the interest of national defense or foreign relations (hereinafter collectively termed "national security") shall be limited to three categories, which, in descending order of importance, are "Top Secret", "Secret", and "Confidential." No other designations shall be used to identify official information or material as required protection in the interest of national security, except as otherwise expressly provided by statute.

(a) Top Secret. "Top Secret" means national security information or material which requires the highest degree of protection because its unauthorized disclosure could reasonably be expected to result in exceptionally grave damage to the Nation, such as the outbreak of war; an armed attack against the United States or its allies; a definite break in diplomatic relations affecting the vital interests of the United States; or the compromise of vital military or defense plans or of sensitive intelligence operations or scientific or technological developments vital to national security.

(b) Secret. "Secret" means national security information or material which requires protection because its unauthorized disclosure could reasonably be expected to result in serious damage to the Nation, such as jeopardizing an important element

of the foreign relations of the United States; endangering the effectiveness of a program or policy directly and importantly related to the national security; or important military or defense plans or important intelligence operations, or scientific or technological developments important to national security.

(c) Confidential. "Confidential" means national security information or material the unauthorized disclosure of which could reasonably be expected to damage the national security.

(d) The classification "Top Secret" shall be used extremely sparingly, and shall be used only to designate information or material which plainly comes within the definition herein contained. The classification "Secret" shall be sparingly used. Any substantial doubts as to which of two security classifications is appropriate, or as to whether material should be classified at all, shall be resolved in favor of the less restrictive treatment.

Section 2. Authority to Classify, Downgrade and Declassify.

The authority to classify information or material under this Order shall be exercised only by those agencies and in the manner specified below in subsections (a) - (i). Authority to downgrade and declassify may be exercised as provided in subsection (j). Except as the context may otherwise indicate, the term "agency" as used in this Order shall include department and governmental unit.

(a) The authority for classification of national security information or material as "Top Secret" or "Secret" under this Order may be exercised by the heads of the following agencies, and by such responsible officials of those agencies as may be designated pursuant to the provisions of subsections (d) and (e) of this Section.

The White House
National Aeronautics and Space Council
Office of Management and Budget
Office of Science and Technology
Office of Telecommunications Policy
Council of Economic Advisers
Council on International Economic Policy
Office of Emergency Preparedness
Special Representative for Trade Negotiations
President's Science Advisory Committee
President's Foreign Intelligence Advisory Board
National Security Council
Central Intelligence Agency
Atomic Energy Commission
Department of State
Department of Treasury
Department of Defense
Department of the Army
Department of the Navy
Department of the Air Force
Department of Transportation
Canal Zone Government
Federal Communications Commission
Agency for International Development
United States Arms Control and Disarmament Agency
Export-Import Bank of Washington
Department of Justice
Department of Commerce
General Services Administration
National Aeronautics and Space Administration
United States Civil Service Commission
United States Information Agency

(b) The authority for classification of national security information or material as "Top Secret" or "Secret" under this Order may be exercised by the heads of the following agencies without delegation:

Department of the Interior
Department of Health, Education, and Welfare
Civil Aeronautics Board
Federal Maritime Commission
Federal Power Commission
National Science Foundation
Panama Canal Company

(c) The authority for classification of national security information or material as "Confidential" under this Order may be exercised by the heads of the agencies listed in subsections (a) and (b) hereof and by the heads of the following agencies, and by such responsible officials of those agencies as may be designated pursuant to the provisions of subsections (d), (e) and (f) of this Section.

The White House
National Aeronautics and Space Council
Office of Management and Budget
Office of Science and Technology
Office of Telecommunications Policy
Council of Economic Advisers
Council on International Economic Policy
Office of Emergency Preparedness
Special Representative for Trade Negotiations
President's Science Advisory Committee
President's Foreign Intelligence Advisory Board
National Security Council
Central Intelligence Agency
Atomic Energy Commission
Department of State
Department of Treasury
Department of Defense
Department of the Army
Department of the Navy
Department of the Air Force

Canal Zone Government
Federal Communications Commission
Agency for International Development
United States Arms Control and Disarmament Agency
Export-Import Bank of Washington
Department of Justice
Department of Commerce
General Services Administration
National Aeronautics and Space Administration
United States Civil Service Commission
United States Information Agency
Department of the Interior
Department of Health, Education, and Welfare
Civil Aeronautics Board -
Federal Maritime Commission
Federal Power Commission
National Science Foundation
Panama Canal Company
ACTION
Tennessee Valley Authority

(d) "Top Secret" classification authority shall be exercised only by:

(1) the heads of the agencies specified in subsection (a) above and such of their senior principal deputies and assistants, and the heads and deputy heads of major elements of their respective agencies as they may designate in writing.

(2) The heads of the agencies specified in (b) above, without delegation.

(e) "Secret" classification authority shall be exercised only by:

(1) officials with "Top Secret" classification authority; and

(2) officials designated in writing by a superior in the same vertical channel of command or supervision who himself has

"Top Secret" classification authority, except that such delegation may not be made by the heads of the agencies specified in (b) above.

(f) "Confidential" classification authority shall be exercised only by:

(1) officials with "Top Secret" and "Secret" classification authority; and

(2) the heads of agencies specified in (c) above; and

(3) officials designated in writing by a superior in the same vertical channel of command or supervision who has "Top Secret" or "Secret" classification authority or who is the head of an agency specified in (c) above.

(g) All material classified under this Order shall be annotated in such a way as to indicate to a recipient which portions have been determined to necessitate classification and at what level. This annotation shall be accomplished bearing in mind that its purpose is to permit excerpting and other use of parts of the material without either unnecessary classification or referral to the original classifying authority.

(h) Unless the agency involved shall have provided by regulation some other method of identifying the individual or individuals who authorized the original classification

in each case, material classified under this Order shall indicate on its face the identity of the original classifying authority or authorities. Where documents or items that incorporate information or material that has already been classified under this Order are involved, each document or item shall be clearly annotated in such a way that it will be possible to identify the individual or individuals who originally classified each component. Where the individual who signs or otherwise authenticates a document or item has also authorized the classification, no further annotation as to his identity is required.

(i) Any agency of the Government, whether or not authorized to originate classified material, is authorized to respond to classified material directed to it by another agency, and to give its response the same or any lower security classification as borne by the material originated by the other agency if the contents of the response warrant such classification under the provisions of Section 1 of this Order. Where an agency's response incorporates classified information or material directed to it by another agency, the responding agency shall observe and respect

the classifications assigned by the originating agency in its response. Under no circumstances shall this subsection be relied on to classify documents or material that can reasonably be separated from a response or part of a response that requires classification.

Where a major operating contractor of an agency authorized to classify under this Order, it shall safeguard that information or material as if it were so classified until such time as it shall have been reviewed for classification purposes by an appropriate government official.

(j) Except as otherwise provided by statute (see Section 12), authority to declassify and downgrade national security information shall be exercised by:

- (1) Any classifying authority, with respect to information classified by him in his current capacity or by one of his predecessors in office; and
- (2) A classifying authority's superior or supervisor in the same channel of command or supervision with respect to information classified by the subordinate or his predecessor in office while responsible to the superior or his predecessor in office.

(3) Such individuals as have been delegated the authority possessed by classifying authorities and their superiors as defined in paragraphs (1) and (2) above. The limitations upon delegation of the authority to classify specified in this Order shall not apply to delegations of the authority to downgrade and declassify national security information and material classified pursuant to this Order. Except for material officially transferred as defined in Section 4(c), the authority to downgrade and declassify shall be limited to classified material originating in the agency of the declassifying and downgrading authority, provided that the Interagency Review Committee established under Subsection 10(d), of this Order may recommend the downgrading or declassification of any classified material to the President.

Section 3. Classification. Each person possessing classifying authority shall be responsible for the propriety of the classifications attributed to him under the provisions of this Order. Both unnecessary classification and over-classification shall be avoided. The head of each agency having classifying authority pursuant to this Order shall provide appropriate methods to monitor effectively compliance with the classification provisions of this Order. In no case shall information be classified in order to conceal inefficiency or administrative error, to prevent embarrassment to a person or agency, to restrain competition or independent initiative, or to prevent for any other reason the release of information which does not require protection in the interest of national security. The following special rules shall apply to classification of information under this Order:

(a) Documents in general:

Documents shall be classified according to their own content and not according to their relationship to other documents. Material containing references to classified materials which references do not reveal classified information shall not be classified.

(b) Physically-connected documents:

The classification of a file or group of physically-connected documents shall be at least as high as that of the most highly classified document therein. The physical connection of "Top Secret" and "Secret" documents with other documents not so classified shall be avoided except where such connection will significantly facilitate current use or filing. Documents separated from a file or group shall be handled in accordance with their individual classification.

(c) Multiple classifications:

A document, product, or substance shall bear a classification at least as high as that of its most highly classified component. The document, product, or substance shall bear only one overall classification, notwithstanding the pages, paragraphs, sections or components thereof bear different classifications.

(d) Information or material furnished by a foreign government or international organization:

Classified information or material first furnished to the United States by a foreign government or international organization shall either retain its original classification, or be assigned a United States classification. In either case, the classification shall assure a degree of protection equivalent to that required by the government or international organization which furnished the information or material.

Section 4. Declassification, Downgrading, and Upgrading.

When classified information or material no longer requires the level of protection afforded by the current classification, it shall be downgraded or declassified. Classified information or material no longer needed in current working files shall be promptly destroyed, transferred, or retired in accordance with the provisions of applicable statutes and regulations in order that classified inventories may be reduced to the minimum consistent with operational requirements and that costs associated with the handling of classified information or material may likewise be reduced. Heads of agencies originating

classified information or material shall establish procedures to monitor compliance with all applicable rules governing downgrading, declassification, destruction, transfer, or retirement of classified information or material. Heads of such agencies shall also establish procedures to insure the review of classified information or material on a systematic basis, for the purpose of accomplishing downgrading, declassification, destruction, transfers, or retirement at the earliest practicable date.

Within thirty days after the effective date of this Order, each agency authorized to classify information shall submit to the Review Committee established under Section 10(d) a description of the procedures it has adopted pursuant to this Section and to Section 3. In addition, each such agency shall make provision for the submission to that Committee of representative problems that confront it in determining whether information and material that it generates should be classified under this Order and what level of classification is appropriate.

[ALTERNATIVE I]

(a) General. Except when the information is

determined to fall within the categories described in (b) below, information classified under this Order shall be declassified and downgraded in the following manner:

(1) Information or material initially classified "Top Secret," "Secret," or "Confidential" shall be automatically declassified on the [tenth] anniversary of its origin.

(2) Information or material initially classified "Top Secret" shall be automatically downgraded to "secret" on the second anniversary of its origin and to "Confidential" on the fourth anniversary of its origin. Information or material initially classified "Secret" shall be automatically downgraded to "Confidential" on the second anniversary of its origin.

(3) When warranted by [special] circumstances, classifying authorities may provide, at the time of initial classification, for

earlier [or later] declassification or downgrading than the schedule set forth above. In such cases, classifying authorities shall designate a special date or event on which the declassification or downgrading will occur.

- (4) Where warranted by special circumstances, a classifying authority may [not more than ninety days prior to the scheduled declassification of a particular item] extend the period during which it shall remain classified for an additional five years. In such case the name of the classifying authority and the reason for the extension shall be appended to the item.

[ALTERNATIVE II]

- (a) General. Except when the information is determined to fall within the special categories in (b) below, information classified under this Order shall be declassified and downgraded in the following manner:

- (1) Top Secret. Information or material

originally classified "Top Secret" shall be downgraded to "Secret" at the end of the second full calendar year following the year in which it was originated, downgraded to "Confidential" at the end of the fourth full calendar year following the year in which it was originated, and declassified at the end of the tenth full calendar year following the year in which it was originated.

(2) Secret. Information and material originally classified "Secret" shall be downgraded to "Confidential" at the end of the second full calendar year following the year in which it was originated, and declassified at the end of the eighth full calendar year following the year in which it was originated.

(3) Information and material originally classified "Confidential" shall be

declassified at the end of the sixth full calendar year following the year in which it was originated.

(4) If it is determined at the time of origin that earlier dates of downgrading and declassification than those set out above are appropriate, such specific dates as are determined to be appropriate shall be assigned.

(5) Where warranted by special circumstances, a classifying authority may [not more than ninety days prior to the scheduled declassification of a particular item] postpone the date of declassification for a period not to exceed five years. In such cases the name of the individual authorizing the extension and a statement in writing setting forth the reasons for the extension shall be appended to the item.

(6) When classified information or material subject to a downgrading and declassification

schedule is incorporated into a document or item, the incorporating document or item, if not otherwise classifiable, shall be subject to that same downgrading or declassification schedule. When classified information or material extracted from several sources subject to different downgrading and declassification schedules is incorporated into a new document or item, the downgrading and declassification dates assigned the new document or item shall be no earlier than the latest of those borne by the sources.

(b) Special Categories.

(1) Classified information determined to fall within the following categories may warrant some degree of protection for an indefinite period, and therefore may be exempted from the provisions of Section 4(a) above by an official authorized to classify information or material "Top Secret!". In each case such official shall specify on what ground this exception is available.

- a. Information originated by foreign governments or international organizations and furnished to the United States on the understanding that it be kept in confidence.
- b. Information or material
 - (i) specifically covered by statute such as the Atomic Energy Act;
 - (ii) pertaining to cryptography or to intelligence sources and methods;

ALTERNATIVE I

- (iii) consisting of highly sensitive intelligence.

ALTERNATIVE II

- (iii) consisting of sensitive intelligence.

ALTERNATIVE III

- (iii) relating to intelligence sources and methods.

- c. Information which is identified in writing by the head of a department or agency, or his designee as defined in Section 2(d)(1) hereof, as extremely sensitive

in the sense that for a period of indefinite duration its unauthorized disclosure

(i) would place in immediate jeopardy a person, system, plan, project, installation or method of operation the continuing protection of which is required in the interest of national security, or

ALTERNATIVE I

(ii) would seriously impair the effective formulation or conduct of major elements of United States foreign policy.

ALTERNATIVE II

(ii) would seriously impair the effective formulation or conduct of United States foreign policy.

d. It is the intent of this Order that classified information included in subparagraph c. above shall be kept to the absolute minimum consistent with operational

requirements in the interest of national security. In all cases possible, information determined to come within the provisions of subparagraph c. shall be assigned dates or events after which such information may be downgraded or declassified at the time of its original classification or upon later review. Documents containing information excluded from scheduled downgrading and declassification under the provisions of subparagraph c. shall be annotated in the body of the text to indicate clearly to the recipient the information subject to the exclusion and the reason(s) for such exclusion.

(2) All information except that covered by subparagraph 4(b) (1) a. above shall nevertheless be downgraded or declassified if, upon review, it is determined that such information no longer requires the higher level of classification originally assigned or no longer requires any classification.

(3) Notwithstanding the foregoing provisions of subparagraph 4(b)(1)c. information and material included within its provisions shall, after the expiration of ten years from the date of origin, be subject to mandatory review for declassification by the originating agency upon the request of any agency or any member of the public provided that such person describes the information sought with sufficient particularity to enable the agency responsible for the review and determination to identify it without an unreasonable expenditure of time.

ALTERNATIVE II

(3) Notwithstanding the foregoing provisions of subparagraph 4(b)(1)c. information and material included within its provisions shall after the expiration of twenty years from the date of origin, be subject to mandatory review for declassification by the originating agency upon the request of any agency or any member of the public provided that such person describes the information sought with sufficient particularity to enable the agency

identify it without an unreasonable expenditure of time.

- (4) All information and material classified pursuant to Section 4(b)(1)c. of this Order shall be declassified at the end of 30 years from the date of its original classification if it has not earlier been declassified.
- (c) **Material Officially Transferred:** In the case of material transferred in conjunction with a transfer of function by or pursuant to statute or Executive Order from one agency to another for the latter's use and as part of its official files or property, as distinguished from transfers merely for purposes of storage, the receiving agency shall be deemed to be the classifying authority over such material for all purposes under this Order, including declassification and downgrading.
- (d) **Material Not Officially Transferred:** When any agency has in its possession any classified material originated in an agency which has since become defunct and whose files and other property have not been officially transferred to another agency within the meaning of subsection (c), above, or when it is impossible for the possessing agency to identify

the originating agency, and a review of the material indicates that it should be downgraded or declassified, the said possessing agency shall have power to declassify or downgrade such material. If it appears probable that another agency may have a substantial interest in whether the classification of any particular information should be maintained, the possessing agency shall not exercise the power conferred upon it by this subsection, except with the consent of the other agency, until 30 days after it has notified such other agency of the nature of the material and of its intention to declassify or downgrade the same. During such 30-day period the other agency may, if it so desires, express its objections to declassifying or downgrading the particular material, but the power to make the ultimate decision shall reside in the possessing agency.

- (e) Downgrading: If the recipient of classified material believes that it has been classified too highly, he shall refer the matter with recommendations to the appropriate downgrading and declassification authority.

(f) Upgrading: If the recipient of unclassified information or material believes that it should be classified or if the recipient of classified information or material believes that its classification is not sufficiently protective, he shall safeguard it in accordance with the classification deemed appropriate and shall refer the matter with recommendations to the appropriate classifying authority for such action as would be appropriate and effective. If upgrading action is taken, the date of such action shall constitute a new date of origin insofar as the downgrading or declassification schedule (paragraph (a).above) is concerned.

(g) Agencies Which Do Not Have Authority for Original Classification: The provisions of this Section 4 relating to the declassification of national security information or material shall apply to agencies which, under the terms of this Order, do not have current authority for original classification of information or material, but which formerly had original classifying authority granted by Executive Order.

- (h) Notification of Change in Classification: In all cases in which action is taken to downgrade or declassify in a manner other than as originally specified, whether scheduled or non-scheduled, the action official or the custodian of the records shall promptly notify all addressees to whom the information or material was originally transmitted. Recipients of original information or material, upon receipt of notification of change in classification, shall notify addressees to whom in turn they have transmitted the classified information or material.
- (i) Retroactive Application: Effective on and after the first day of the fourth calendar month commencing after the date of this Order:
- (1) No further assignments of classified information or material shall be made to Groups 1, 2, 3, or 4 under Executive Order 10964.
 - (2) Classified information or material previously assigned to such Groups 1, 2, 3, or 4, when

withdrawn from current files or storage for use, shall be treated as follows:

- a. Classified information or material assigned to Groups 1, 2, or 3, unless specifically determined otherwise by the original classifying authority, shall be excluded from the automatic downgrading and declassification provided by this Order. The provisions of Section 4(b)(3) and (4) are applicable to this body of material. Notice of assignment to scheduled downgrading and declassification shall be given to all holders.
- b. Classified information or material assigned to Group 4 shall be subject to automatic downgrading and declassification as provided by this Order, and shall be marked accordingly.

(3) Classified information or material not previously assigned to Groups 1, 2, 3, or 4 under Executive Order 10964, when withdrawn from current files or storage for use, shall be evaluated by the holder

to determine whether it should be subject to the scheduled downgrading and declassification provided by this Order. In making such determination, the holder shall first obtain the concurrence of the originating agency, except for material officially transferred in which case the provisions of 4(c) shall apply.

Section 5. Marking of Classified Material. After a determination of the proper security classification to be assigned has been made in accordance with the provisions of this Order, the classified material shall be marked as follows:

(a) Classification, Downgrading and Declassification Markings: At the time of origination, each document or other material containing classified information shall be marked with its assigned security classification and with any other required markings, and in addition shall either be marked with the downgrading and declassification schedule required under subsection (a) of Section 4 of this Order or indicate that the information requires security classification protection for an indefinite period as provided in subsection (b) of Section 4.

(b) Bound Documents: The assigned security classification of bound documents, such as books or pamphlets, the pages of which are permanently and securely fastened together, shall be conspicuously marked or stamped on the outside of the front cover, on the title page, on the first page, on the back page and on the outside of the back cover. In each case the markings shall be applied to the top and bottom of the page or cover.

(c) Unbound Documents: The assigned security classification on unbound documents, such as letters, memoranda, reports,

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telegrams, and other similar documents, the pages of which are not permanently and securely fastened together, shall be conspicuously marked or stamped at the top and bottom of each page, in such manner that the marking will be clearly visible when the pages are clipped or stapled together.

(d) Charts, Maps, and Drawings: Classified charts, maps, and drawings shall carry the security classification marking under the legend, title block, or scale in such manner that it will be reproduced on all copies made therefrom. Such classification shall also be marked at the top and bottom in each instance.

(e) Photographs, Films and Recordings: Classified photographs, films, recordings, and their containers, shall be conspicuously marked with the assigned security classification.

(f) Products or Substances: The assigned security classification shall be conspicuously marked on classified products or substances, if possible, and on their containers, if possible, or, if the article or container cannot be marked, written notification of such classification shall be furnished to recipients of such products or substances.

(g) Reproductions: All copies or reproductions of classified material shall be appropriately marked or stamped in the same manner as the original.

(h) Transmittal Documents: A transmittal document shall carry on it a prominent notation as to the classification of the information which is carried with it, and a legend showing the classification of the transmittal document standing alone.

(i) **Unclassified Material:** Normally, unclassified material shall not be marked or stamped "Unclassified" unless it is essential to convey to a recipient of such material that it has been examined specifically with a view to imposing a security classification and has been determined not to require such classification.

(j) **Change or Removal of Classification:** Except as provided in this subsection, whenever classified material is downgraded, declassified or upgraded, the material shall be promptly and conspicuously marked or stamped to indicate the change, the authority for the action, the date of the action, and the identity of the person or activity taking the action. In addition, the old classification markings, wherever they appear, if practicable, but in any event on the first page, shall be cancelled and the new, if any, substituted.

(1) In cases where classified material is downgraded or declassified under the provisions of section 4 of the Order, and is appropriately marked with the schedule for downgrading and declassification, such markings shall suffice to meet the aforementioned requirements.

(2) In each case where the volume of material held by a custodian is such that prompt marking of each classified item could not be accomplished without interfering unduly

with the conduct of operations or without employing additional personnel, such custodian may authorize and issue written instructions governing the use of downgrading and declassification notices in lieu of the markings and stamps otherwise required. Such notices may be attached to the storage unit containing the downgraded or declassified material. They shall specify the authority for the downgrading or declassification action, the date of the action and the storage unit or units to which it applies. The instructions shall insure that when individual downgraded or declassified documents or other materials are withdrawn from storage units, except under the circumstances governed by paragraph (3) below, such documents or other materials shall be promptly marked or stamped with the classification status, if any, of the information they contain.

(3) When documents or other materials subject to a downgrading or declassification notice under paragraph (2) above are withdrawn from one storage unit for transfer to another, or a storage unit containing such documents or other materials, is transferred from one place to another, and time does not permit the marking of each item, the transfer may be made if the notice is attached to or remains with each shipment.

(k) In addition to the markings required elsewhere in this section, one or more of the following warning notices shall be prominently displayed on classified documents or materials. Where display of these warning notices on the documents or materials is not feasible, the warnings shall be included in the written notification of the assigned classification.

(1) For classified material containing Restricted Data as defined in the Atomic Energy Act of 1954, as amended:

"RESTRICTED DATA

This material contains Restricted Data as defined in the Atomic Energy Act of 1954, as amended. Access is restricted to persons possessing the security clearance prescribed in the Act and requiring such access in the performance of official duties. Unauthorized reproduction and transmission of this material is prohibited. Failure to comply with the foregoing could result in the imposition of a fine and/or imprisonment, dismissal or other disciplinary action."

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(2) For classified material containing Formerly Restricted Data, as defined in Section 142.d., Atomic Energy Act of 1954, as amended:

"FORMERLY RESTRICTED DATA

Handle as Restricted Data in foreign dissemination.

This material contains information relating to the national defense of the United States within the meaning of the espionage laws, Title 18, U.S.C., Secs. 793 and 794. Access is restricted to persons possessing the requisite security clearance and requiring such access in the performance of official duties. Unauthorized reproduction and transmission of this material is prohibited. Failure to comply with the foregoing could result in the imposition of a fine and/or imprisonment, dismissal or other disciplinary action."

(3) For classified material containing information affecting national security other than described in (1) and (2), above:

"This material contains information affecting the security of the United States. Access is restricted to persons possessing the requisite security clearance and requiring such access in the performance of official duties. Unauthorized possession, retention, reproduction or transmission of this material is prohibited. Failure to comply with the foregoing could result in the imposition of a fine and/or imprisonment, and, in the case of government personnel, dismissal or other disciplinary action."

(4) For classified material containing sensitive intelligence information, the following warning notice shall be used, in addition to and in conjunction with those prescribed in (1), (2), or (3), above, as appropriate.

"WARNING NOTICE-SENSITIVE
INTELLIGENCE SOURCES AND
METHODS INVOLVED"

Section 6. Custody and Safekeeping: Classified information or material may be used, possessed, or stored only where there are facilities adequate to prevent unauthorized persons from gaining access to it. Whenever such information or material is not under the personal supervision of its custodian, the following methods shall be used to protect it:

(a) Storage of Top Secret Information and Material: Top Secret information and material shall be stored in a safe or safe-type steel file container having a three-position dial-type combination lock, vault or vault-type room, or other storage facility which meets the standards established under the provisions of (c), below, and which minimizes the possibility of unauthorized access to, or the physical theft of, such information and material.

(b) Storage of Secret and Confidential Information and Material: Secret and Confidential information and material may be stored in a manner authorized for Top Secret information and material, or in a container or vault which meets the standards established under the provisions of (c), below.

(c) Establishment of Standards, Specifications and Supply Schedule for Security Equipment: The Administrator, General Services Administration, or his designee, shall, in coordination

with the heads of agencies, or their designees, establish and publish the standards, specifications and supply schedules for containers, vaults, alarm systems and associated security devices suitable for the storage and protection of classified material. However, nothing in this Order shall prevent the head of any agency or his designee from establishing for the use of such agency equal or more stringent standards. Whenever new security equipment is procured, it shall be in conformance with the foregoing standards and specifications and shall, to the maximum extent practicable, be of the type designated on the Federal Supply Schedule, General Services Administration.

(d) Other Protective Facilities: Heads of agencies shall prescribe such protective facilities as may be necessary in their agencies for material originating under statutory provisions requiring protection of certain information.

(e) Changes of Combinations to Security Equipment and Devices: Combinations to security equipment and devices shall be changed, only by persons having appropriate security clearance, whenever such equipment is placed in use after procurement from the manufacturer or other sources, whenever a person knowing the

combination is transferred from the office to which the equipment is assigned, or whenever the combination has been subjected to compromise, and at least once every year. Knowledge of combinations shall be limited to the minimum number of persons necessary for operating purposes. Records of combinations shall be classified no lower than the highest category of classified information or material authorized for storage in the security equipment concerned.

(f) Custodian's Responsibilities: Custodians of classified material shall be responsible for providing protection and accountability for such material at all times and particularly for locking classified material in approved security equipment whenever it is not in use or under direct supervision of authorized employees. Custodians shall follow procedures which insure that unauthorized persons do not gain access to classified information or material by sight or sound, and classified information shall not be discussed with or in the presence of unauthorized persons.

(g) Telecommunications Conversations: Classified information shall not be revealed in telecommunications conversations, except as may be authorized under Section 8 hereof with respect to the transmission of classified information over approved communications circuits or systems.

(h) Loss or Subjection to Compromise: Any person in the executive branch who has knowledge of the loss or possible compromise of classified information shall immediately report the circumstances to a designated official of his agency who, in turn, shall promptly notify the originating agency and any other agencies known to have an interest in or that may be affected by the loss or possible compromise. That official shall cause sufficient inquiry to be made to provide information upon which to base corrective measures to preclude similar losses, to assess damages, if appropriate, and take administrative, disciplinary, or legal action as the case may indicate.

Section 7. Access, Dissemination and Accountability: The following special rules shall be observed in connection with access, dissemination of and accountability for classified information and material:

(a) Limitations on Access: Except as provided in (b), below, the following limitations on access to classified information or material shall apply:

No person shall be given access to official information or material classified under the provisions of this Order unless the head of an agency listed in section 2(a) or (b) or his designee has first made a determination of eligibility for such access pursuant to applicable statutes, orders, and implementing regulations of the agency concerned. Each determination of eligibility for access to classified information or material (security clearance) shall specify in writing the highest classification category to which it applies. Such an eligibility determination shall not, by itself, automatically entitle or authorize the person to whom it applies to have access to any particular classified information or material. In order to gain access to any particular classified information or material, a person must,

in addition to possessing a security clearance, be found to have a need for access to such information or material in connection with his performance of official duties or contractual obligations. The determination of that need shall be made by officials possessing and having responsibility for the safeguarding of the classified information or material involved under the provisions of this Order. When these officials determine that persons, though eligible, no longer have a need for particular classified information or material, they will take appropriate action to insure that access to such classified information or material on the part of such persons is discontinued without prejudice to their security clearance.

(b) Dissemination Outside the Executive Branch (General):

(1) Except as provided in Executive Order 10865, but subject to all other provisions of this Order, the head of an agency listed in section 2(a) or (b) or his designee may authorize the dissemination of classified information or material outside the executive branch only when, prior to such dissemination, a determination is made by the authorizing official that:

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a. knowledge or possession of such information or material is required by the intended recipient and is consistent with the interest of national security;

b. the intended recipient is determined to be trustworthy in accordance with the standards of the disseminating agency concerned;

c. the intended recipient can and will safeguard the information from unauthorized disclosure in a manner consistent with the provisions of this Order; and

d. the information or material involved will not be further disseminated without the express permission of the disseminating agency.

(2) When the official authorizing dissemination of classified information or material outside the executive branch makes the determination prescribed in (1) above, he shall certify in writing that the intended recipient of the information or material meets the standards of the agency concerned for access to the particular classified information or material identified in the certificate. Such certification shall entitle the intended recipient to access only to the information or material identified in it. It shall expire at the end of one calendar year

from the date of issuance, but may be renewed by a certifying official upon his making the same determinations required for its original issuance.

(c) Notwithstanding all of the foregoing provisions of this section 7(b), heads of agencies listed in section 2(a) and (b) shall establish procedures whereby, consistent with all other provisions of this Order, other orders and applicable statutes, classified information or material may be disseminated to the Congress and the judiciary conditioned on the need for such access in the exercise of their official duties.

(d) Persons who have previously occupied policy-making positions to which they were appointed by the President and confirmed by the Senate may be granted access to classified information or material without making the determination of need otherwise required by subparagraph (b)(1)a. of this Section. Access under this subsection shall be limited to that information and material for which the former official, while in federal employment, was either primarily responsible for originating or reviewing, or which was prepared for his signature or addressed to him.

(e) Information Originating in Another Agency: Except as otherwise provided by section 102 of the National Security

Act of July 26, 1947, c. 343, 61 Stat. 498, as amended, 50 U.S.C. sec. 403, classified information originating in another agency shall not be disseminated outside the receiving agency without the consent of the originating agency. Those portions of documents and material which contain Top Secret information shall not be reproduced without the consent of the originating agency.

(f) Information or material bearing the notation "WARNING NOTICE - SENSITIVE INTELLIGENCE SOURCES AND METHODS INVOLVED", shall not be disseminated outside authorized channels or released publicly in any manner without the permission of the originating agency and an assessment by the appropriate intelligence chief as to the risk to the national security and to the intelligence sources and methods involved.

(g) Documents or other material bearing the warning notices prescribed in section 5, paragraphs (k)(1) through (3) shall not be disseminated outside authorized channels or released publicly in any manner without the permission of the originating agency.

(h) Accountability Procedures: Heads of agencies shall prescribe such accountability procedures as are necessary to control effectively the dissemination of classified information or material. Particularly stringent controls shall be placed

on information or material classified Top Secret under this Order. Top Secret Control Officers shall be designated, as required, to receive, maintain current accountability records of, and dispatch Top Secret material.. A physical inventory of all Top Secret material shall be made at least annually where such an inventory can be conducted without unduly interfering with day-to-day operations. In cases where the Top Secret material held is of such large volume, as in the case of the National Archives or other like records repositories or libraries, that a 100-percent inventory cannot be conducted annually without unduly interfering with day-to-day operations, heads of agencies may authorize procedures which will assure full accountability annually for at least all documents and material to which access has been given in the past 12 months and 10 percent of the remaining Top Secret inventory. Proper control of other classified material, including current accountability records for Secret material, shall be maintained at all times. The number of copies of documents containing classified information shall be kept to a minimum to decrease the risk of compromise and the financial burden on the government of protecting such documents.

department or agency, information or material classified under the provisions of this Order shall be prepared and transmitted as follows:

(a) Preparation for Transmission: Such material shall be enclosed in opaque inner and outer covers. The inner cover shall be a sealed wrapper or envelope plainly marked with the assigned classification and address. The outer cover shall be sealed and addressed with no indication of the classification of its contents. A receipt shall be attached to or enclosed in the inner cover, except that Confidential material shall require a receipt only if the sender deems it necessary. The receipt shall identify the addressor, addressee, and the document, but shall contain no classified information. It shall be signed by the recipient and returned to the sender.

ALTERNATIVE I

(b) Transmitting Top Secret Material: The transmission of Top Secret material shall be effected preferably by direct contact of officials concerned; or, alternatively, by specifically designated personnel, by State Department diplomatic pouch, by a messenger-courier system especially created for that purpose, over communications circuits in encrypted form as may be authorized by the United States Communications Security Board or by other means authorized by the National Security Council; except that in the case of information transmitted by the Federal Bureau of Investigation, such means of transmission may be used as are approved

by the Director, Federal Bureau of Investigation, unless express reservation to the contrary is made in exceptional cases by the originating agency.

ALTERNATIVE II

(b) Transmitting Top Secret Material: The transmission of Top Secret material shall be effected preferably by direct contact of officials concerned, or, alternatively, by specifically designated personnel, by State Department diplomatic pouch, by a messenger-courier system especially created for that purpose, over communications circuits in encrypted form as may be authorized by the United States Communications Security Board or by other means authorized by the National Security Council, except that couriers and officials designated to transport Top Secret information, other than Department of State Diplomatic Couriers, shall not travel on commercial passenger aircraft on international flights unless authorized by the head of an agency or his designee. In the case of information transmitted by the Federal Bureau of Investigation, such means of transmission may be used as are approved by the Director, Federal Bureau of Investigation, unless express reservation to the contrary is made in exceptional cases by the originating agency.

(c) Transmitting Secret Information and Material:

(1) Within the forty-eight contiguous states.

Secret information and material may be transmitted within and between the forty-eight contiguous states and District of Columbia, or wholly within the State of Hawaii, the State of Alaska or the Commonwealth of Puerto Rico by:

a. One of the means authorized for Top Secret information and material

b. The United States Postal Service registered mail

c. Postal services of the military departments

d. Protective services provided by air or surface commercial carriers under such conditions as may be prescribed by the head of the department or agency concerned.

(2) Other Areas. Secret information and material may be transmitted from or to or within areas other than those specified in (c) by:

a. one of the means established for Top Secret information and material;

b. captains or masters of vessels of United States registry under contract to the department or agency concerned;

c. United States registered mail through Army, Navy, or Air Force Postal Service facilities provided that material does not at any time pass out of United States government and United States citizen control and does not pass through a foreign postal system;

d. commercial aircraft under charter to the United States and military or other government aircraft.

(3) Between United States Government or Canadian Government Installations. Secret information and material may be transmitted between United States government or Canadian government installations, or both, in the forty-eight contiguous states, the District of Columbia and Canada by United States and Canadian registered mail with registered mail.

(4) Electrical Communication Circuits. Secret

Information and Material may also be transmitted by communications circuits in encrypted form authorized by the United States Communications Security Board or as otherwise authorized by the National Security Council.

(5) Other means of transmission. Heads of agencies or their designees for that purpose may authorize the use of the United States Postal Service registered mail outside of the forty-eight contiguous states, the District of Columbia, the State of Hawaii, the State of Alaska, and the Commonwealth of Puerto Rico if warranted by security conditions and essential operational requirements provided that the material does not at any time pass out of United States government and United States citizen control and does not pass through a foreign postal system.

(d) Transmitting Confidential Information and Material: Confidential information and material shall be transmitted within the forty-eight contiguous states and the District of Columbia, or wholly within Alaska, Hawaii, the Commonwealth of Puerto Rico, or a United States possession, by one of the means established for higher classifications, or by certified mail. Outside these areas confidential information and material shall be transmitted in the same manner as authorized for higher classifications.

(e) Within an Agency: Preparation of classified material

agency shall be governed by regulations, issued by the head of the agency, insuring a degree of security equivalent to that outlined above for transmission outside an agency.

(f) The head of any agency having authority to originally classify information or material as "Confidential" may, in the exercise of his discretion, by rule or regulation provide alternate or additional methods for the transmission of material classified "Confidential" outside of the agency.

Section 9. Disposal and Destruction: Documentary record material made or received by a department or agency in connection with transaction of public business and preserved as evidence of the organization, policies, operations, decisions, procedures or other activities of any agency of the government, or because of the informational value of the data contained therein, may be destroyed only in accordance with applicable statutes. Non-record classified material, consisting of extra copies and duplicates including shorthand notes, preliminary drafts, used carbon paper, and other material of similar temporary nature, may be destroyed as soon as it has served its purpose, under procedures established by the head of the agency which meet the following requirements:

(a) Methods of Destruction: Classified material shall be completely destroyed by appropriate methods authorized by the head of each agency.

(b) Records of Destruction: Appropriate accountability records maintained in the agency shall reflect the destruction of classified material.

Section 10. Implementation and Review Responsibilities:

(a) To promote the basic purposes of this Order, the head of each agency originating or handling classified information or material shall designate, from within available resources:

(1) A member or members of his staff who shall conduct a continuing review of the implementation of this Order within the agency concerned to insure that all information classified in reliance on this Order is properly classified, downgraded and declassified, and to insure that classified information or material is properly safeguarded in conformity herewith.

(2) Experienced persons to coordinate and supervise the activities applicable to their agencies under this Order. Persons so designated shall be authorized on behalf of the heads of agencies to establish adequate and active programs to the end that the provisions of this Order are administered effectively.

(b) The head of each agency shall assure that active training and orientation programs are established and maintained for employees concerned with classified information or material. Such programs shall include, as a minimum, the briefing of new employees and periodic reorientation during employment to impress upon each his individual responsibility for exercising vigilance and care in complying with the provisions of this Order. Additionally, upon termination of employment or contemplated

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temporary separation for a sixty-day period or more, employees shall be debriefed and each reminded of the provisions of Title 18, U.S.C., sections 793 and 794 and other applicable statutes or orders relating to penalties for unauthorized disclosure. Each such employee shall also be impressed with his individual responsibilities with respect to the requirement for continued protection of the classified material to which he has had access.

(c) The National Security Council shall conduct a continuing review of the implementation of this Order to insure that classified information or material is properly safeguarded in conformity herewith.

(d) (ALTERNATE I) The President shall designate a member of the executive branch who shall be chairman of an inter-agency committee composed of representatives of such agencies which originate or receive classified information and material, and of such other agencies in the executive branch, as the President shall designate. Each member of the Committee shall at the time of his appointment be authorized to have access to "Top Secret" information and material. This Committee shall meet regularly, and shall make recommendations to the President to insure compliance with the provisions of this

Order. The Committee shall review suggestions or complaints from persons within or without the executive branch of the federal government with respect to the administration of this Order. The Committee chairman may, at his discretion, seek advice from persons outside the government in assisting the Committee to discharge its functions. Upon the Committee's request, any agency shall furnish to the Committee any particular documents which it has classified. The Committee, in handling classified documents which it has received from other agencies, shall comply with restrictions contained in this Order relating to classified material.

(d) (ALTERNATE II) The President shall designate a member of his staff who shall chair an interagency committee composed of representatives of all departments, agencies, and governmental units which originate or receive classified information and material. This Committee shall on a continuing basis review and take action to ensure compliance with this Order. The Committee further shall receive, consider, and take action upon suggestions or complaints from non-governmental sources relating to the operation of this Order. The Committee chairman may at his discretion seek advice from the academic or other non-governmental areas in the

functioning of the Committee.

(d) (ALTERNATE III) The President shall designate a member of the executive branch who shall chair an interagency committee composed of representatives of the Departments of State, Defense and Justice, the Atomic Energy Commission, the Central Intelligence Agency, and such other agencies in the executive branch as the President shall designate. This committee shall on a continuing basis review and take action to ensure compliance with this Order. [with particular reference to the objective of keeping citizens informed to the maximum extent possible consistent with protecting information the release of which would be inimical to the national security interests of the United States.] The committee shall further receive, consider, and take action on suggestions or complaints from persons within or without the executive branch relating to the operation of this Order. The committee chairman may, at his discretion, seek advice from persons outside the government in assisting the committee to discharge its functions. Upon the committee's request, an agency shall furnish to the Committee any particular documents or materials it has classified.

(e) The Attorney General, upon request of the head of an agency or his duly designated representative, shall personally or through authorized representatives of the Department of Justice render an interpretation of this Order with respect to any question arising in the course of its administration.

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Section 12. "Restricted Data," Material Formerly Designated as "Restricted Data," Communications Intelligence, Cryptography, and Intelligence Sources and Methods:

(a) Nothing in this order shall supersede any requirements made by or under the Atomic Energy Act of August 30, 1954, as amended. "Restricted Data," and material formerly designated as "Restricted Data," shall be handled, protected, classified, downgraded, and declassified in conformity with the provisions of the Atomic Energy Act of 1954, as amended, and the regulations of the Atomic Energy Commission.

(b) Nothing in this Order shall prohibit any special requirements that the originating agency or other appropriate authority may impose with respect to the protection of communications intelligence, cryptography, intelligence sources and methods, and matters related thereto.

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Section 13: Combat Operations: The provisions of this Order with regard to dissemination, transmission, or safekeeping of classified information or material may be so modified in connection with combat or combat-related operations as the Secretary of Defense may by regulations prescribe.

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Section 14. Exceptional Cases: When, in an exceptional case, a person or agency not authorized to classify information originates information which is believed to require classification, such person or agency shall protect that information in the manner prescribed by this Order for that category of classified information into which it is believed to fall, and shall transmit the information forthwith, under appropriate safeguards to the agency or person having both the authority to classify information and a direct official interest in the information (preferably that agency or person to which the information would be transmitted in the ordinary course of business), with a request that such agency or person make a determination as to classification.

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Section 15. Unauthorized Disclosure by Government

Personnel:

A. The head of each department and agency is directed to take prompt and stringent administrative action against any officer or employee of the United States, at any level of employment, determined to have been knowingly responsible for any release or disclosure of classified national security information or material except in the manner authorized by this order, and where a violation of criminal statutes may be involved, to refer promptly to the Department of Justice any such case.

B. Criminal Sanctions. The Committee believes that there are three options available to the President insofar as the alteration of existing criminal sanctions against unauthorized disclosure of classified information are concerned. These alternatives are as follows:

1. Leave existing law unchanged.
2. Amend 18 U.S.C. 783(b), which presently makes it a criminal offense for any United States employee or official to disclose classified information to a foreign agent, as follows: (a) by deleting the requirement that the disclosure be to a foreign agent.

The crime would then consist of disclosure classified

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information to any unauthorized person by a government employee; (b) by adding the requirement that the classification assigned must have been either "SECRET" or "TOP SECRET."

3. In addition to the type of legislation described in the preceding paragraph, seek legislation nearly coextensive with the British Official Secrets Act, which would impose criminal penalties not only on the employee who divulges the classified information, but on the recipient of the information.

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Section 16. Revocation of Executive Order No. 10501:

Executive Order No. 10501 of November 5, 1953, as amended, is
revoked as of the effective date of this Order.

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Section 17. Effective Date: This Order shall become effective on and after the first day of the fourth calendar month commencing after the date of the Order.