

SECURITY CONTROLS ON THE
DISSEMINATION OF INTELLIGENCE INFORMATION¹

(Effective _____ 1983)

Pursuant to the provisions of the Director of Central Intelligence Directive (DCID) on the Security Committee (SECOM), 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

These provisions establish 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. These provisions amplify applicable portions of the 23 June 1982 Information Security Oversight Office (ISOO) Directive #1 which implements Executive Order (EO) 12356. They also prescribe 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 Appendix.

2. General

a. Applicability. The controls and procedures set forth in these provisions shall be uniformly applied in the dissemination and use of intelligence originated by all Intelligence Community organizations as defined by EO 12333.

¹ These provisions supersede DCID No. 1/7, effective 4 May 1981.

² For purposes of these provisions the terms "intelligence information and related materials" (or "intelligence") mean:

(1) "Foreign intelligence and counterintelligence," as these terms are defined in EO 12333, 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.

b. Implementation. The substance of these provisions 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.

3. Use and Dissemination Among US Intelligence Community Organizations

a. "Third Agency" Rule. EO 12356 states that 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 marking, 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 these provisions 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 to foreign nationals and 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 these provisions, 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 governments³ provided:

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

(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 pursuant to the DCIDs on the Committee on Imagery Requirements and Exploitation (COMIREX) and the Signals Intelligence (SIGINT) Committee.

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.

6. Authorized Control Markings

a. "WARNING NOTICE--INTELLIGENCE SOURCES OR 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 channels⁴ without the permission of the originating agency and an assessment by the Senior Official of the Intelligence Community (SOIC) in the disseminating agency as to the potential risks to the national security and to the intelligence source and 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 any other markings specified herein, or by the application of the "need-to-know" principle and the safeguarding procedures of the security classification system.

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 EO 12333, 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 Officials of the Intelligence Community (SOIC).

(2) Information bearing this marking may not be disseminated beyond the headquarters elements⁵ of the recipient organizations and may not be incorporated in all 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."

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 originating agency. 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 may be 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 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."

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

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, foreign national, or non-US citizen could jeopardize intelligence sources or methods, or when it would not be in the best interests of the US to release the information from a policy standpoint upon specific determination by a Senior Official of the Intelligence Community (SOIC). SOICs 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 2b 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 prior approval of the originator. This marking may be abbreviated "REL (abbreviated name of country(ies)/international organization)." In the case of intelligence and related material controlled under DCID 6/2, authorized distribution indicators, published separately, may be used instead of the "REL" control marking.

7. Procedures Governing Use of Control Markings

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 purpose 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 12356 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, WARNING NOTICE-INTELLIGENCE 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 used on documents issued prior to the date of this directive should be referred to the originating agency or department.

Appendix

DCI Policy on Release of Intelligence Information
to Contractors and Consultants