



NATIONAL SECURITY AGENCY
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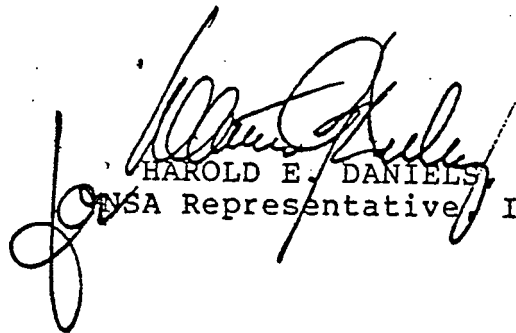
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NSA review
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MEMORANDUM FOR THE EXECUTIVE SECRETARY, IG/CM

SUBJECT: Draft Guidelines for the Preparation of Damage Assessments Involving Compromise of Classified Information

This is in reply to your letter, D/ICS-83-0760, Subject: Minutes of the Eighth IG/CM Meeting, 5 October 1983, dated 24 October 1983, and Enclosure thereto. Our comments to the Reference are enclosed.


HAROLD E. DANIELS, JR.
NSA Representative, IG/CM

Encl:
a/s, dtd 2 Nov 83

2 November 1983

NSA COMMENTS ON DRAFT GUIDELINES FOR THE PREPARATION
OF DAMAGE ASSESSMENTS INVOLVING COMPROMISE OF
CLASSIFIED INFORMATION

1. Page 1, first unnumbered paragraph, line 4.
Recommendation: The U.S. Government element that should properly be expected to prepare a damage assessment is the agency with the original classifying authority for the information compromised instead of "the agency that originated the information."

RATIONALE: The information compromised could be the contents of a message or document originated by a military headquarters. However, it may be based on primary information initially promulgated by a national-level agency.

2. Page 1, second unnumbered paragraph should state under whose authority the guidelines are promulgated.

RATIONALE: Establish authority.

3. Page 2, paragraph 2. The following elements should be included in the content of damage assessments:

a. Identification of the nature of the disclosure (source of the compromise, date(s) of compromise, and circumstances).

b. Classification of the specific information lost.

RATIONALE: Clarification.

4. Page 2, paragraph 3., line 4. Replace "in appropriate circumstances" with "in all cases described in paragraph 1."

RATIONALE: Defines more precisely when assessments should be performed.

5. Page 2, paragraph 3., additional comment. A requirement should be levied that departments and agencies establish regulations which delineate internal responsibilities and procedures for processing compromises and preparing damage assessments.

RATIONALE: Such regulations are necessary to ensure the implementation of the draft proposal guidelines.

6. Page 2, paragraph 4. Add new paragraph 4.(b) as follows:

"(b) When a compromise occurs within a department or agency other than the one undertaking the damage assessment, all

data pertinent to that compromise will be provided to the department or agency performing the assessment by the department or agency where the compromise occurred."

RATIONALE: This is the reverse of paragraph 4.(a). The department or agency accomplishing the damage assessment must be provided all relevant data by the department or agency where the compromise occurred.

7. Page 3, paragraph 4.(b) is somewhat confusing. Recommend it be changed as follows:

"5. Compromises Involving Foreigners. Where a compromise is the result of actions by foreign nationals, foreign government officials or U.S. nationals in the employ of international organizations, the department or agency performing the damage assessment should insure that it obtains required information through appropriate inter-governmental liaison channels."

RATIONALE: Clarification and brevity. The requirement to ascertain the nature and extent of the compromise, and assessing the damage caused thereby, applies to all damage assessments. The criteria for determining which department or agency is responsible for performing a damage assessment is already established in the first sentence of the guidelines. The appropriate protocol channels for obtaining information from a foreign government or international organization are the officially established intelligence/counterintelligence intergovernmental liaison channels, vice U.S. Government channels.

8. Page 3, paragraph 4.(c). Rewrite as follows:

"6. Compromising Involving Criminal Actions. Each damage assessment will be coordinated with the General Counsel of the department or agency which prepares it. The General Counsel will review the facts and circumstances surrounding each compromise of classified information to determine whether a violation of criminal law has occurred and, if so, report the matter to the Department of Justice."

RATIONALE: Intelligence agencies are required by E.O. 12333 to report violations of law to the Department of Justice regardless of whether criminal action is contemplated. The proposed revision provides timely information to the General Counsels of intelligence agencies of matters that may require reporting.