

### § 1312.3

(2) Issues and keeps current such classification guides and guidelines for review for declassification as are required by the Order.

(3) Conducts periodic reviews of classified documents produced and provides assistance and guidance where necessary.

(4) Maintains and publishes a current listing of all officials who have been designated in writing to have Top Secret, Secret, and Confidential original classification authority.

(b) *Heads of divisions or offices.* The head of each division or major organizational unit is responsible for the administration of this section within his or her area. Appropriate internal guidance should be issued to cover special or unusual conditions within an office.

#### § 1312.3 Classification requirements.

United States citizens must be kept informed about the activities of their Government. However, in the interest of national security, certain official information must be subject to constraints on its dissemination or release. This information is classified in order to provide that protection.

(a) Information shall be considered for classification if it concerns:

(1) Military plans, weapons systems, or operations;

(2) Foreign government information;

(3) Intelligence activities (including special activities), intelligence sources or methods, or cryptology;

(4) Foreign relations or foreign activities of the United States, including confidential sources;

(5) Scientific, technological, or economic matters relating to the national security;

(6) United States Government programs for safeguarding nuclear materials or facilities; or

(7) Vulnerabilities or capabilities of systems, installations, projects or plans relating to the national security.

(b) When information is determined to meet one or more of the criteria in paragraph (a) of this section, it shall be classified by an original classification authority when he/she determines that its unauthorized disclosure reasonably could be expected to cause at least identifiable damage to the national security.

### 5 CFR Ch. III (1–1–01 Edition)

(c) Unauthorized disclosure of foreign government information, including the identity of a confidential foreign source of intelligence sources or methods, is presumed to cause damage to the national security.

(d) Information classified in accordance with this section shall not be declassified automatically as a result of any unofficial or inadvertent or unauthorized disclosure in the United States or abroad of identical or similar information.

#### § 1312.4 Classified designations.

(a) Except as provided by the Atomic Energy Act of 1954, as amended, (42 U.S.C. 2011) or the National Security Act of 1947, as amended, (50 U.S.C. 401) Executive Order 12958 provides the only basis for classifying information. Information which meets the test for classification may be classified in one of the following three designations:

(1) *Top Secret.* This classification shall be applied only to information the unauthorized disclosure of which reasonably could be expected to cause exceptionally grave damage to the national security that the original classification authority is able to identify or describe.

(2) *Secret.* This classification shall be applied only to information the unauthorized disclosure of which reasonably could be expected to cause serious damage to the national security that the original classification authority is able to identify or describe.

(3) *Confidential.* This classification shall be applied only to information the unauthorized disclosure of which reasonably could be expected to cause damage to the national security that the original classification authority is able to identify or describe.

(b) If there is significant doubt about the need to classify information, it shall not be classified. If there is significant doubt about the appropriate level of classification, it shall be classified at the lower level.

#### § 1312.5 Authority to classify.

(a) The authority to originally classify information or material under this part shall be limited to those officials