

MEMORANDUM OF UNDERSTANDING
BETWEEN THE NATIONAL ARCHIVES AND RECORDS ADMINISTRATION
AND THE CENTRAL INTELLIGENCE AGENCY

~~(S)~~ The purpose of this Memorandum of Understanding is to establish standard procedures to handle instances where classified or sensitive information containing possible Central Intelligence Agency (CIA) equities may have been inadvertently or improperly released. The goal should be to protect CIA equities while resolving the issue as expeditiously as possible and in a way that will not draw unnecessary public attention to the steps taken to correct the problem. It is in the interests of both the CIA and the National Archives and Records Administration (NARA) to avoid the kind of public notice and researcher complaints that may arise from removing from the open shelves for extended periods of time records that had been publicly available.

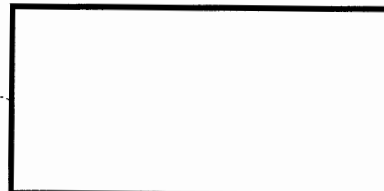
1. ~~(S)~~ When NARA is notified by CIA or another agency, or otherwise becomes aware that CIA documents containing classified or sensitive information, or other government agency documents containing sensitive or classified CIA equities may have been inadvertently or improperly released in records that were reviewed for declassification by NARA or another agency and made available to the public, NARA will notify CIA immediately and hold those records off the open shelf for a period of 30 days following CIA receipt of notification to give CIA an opportunity to investigate the extent of the problem.

2. ~~(S)~~ CIA will attempt to resolve the exposure within 30 days after it receives notification from NARA. If CIA informs NARA that it cannot resolve the issue within 30 days, NARA and the CIA will agree upon a date by which the CIA will resolve the exposure.

3. ~~(S)~~ If CIA has not resolved its concerns by the agreed upon date, NARA can require an explanation of the CIA's inability to resolve the issue within the agreed upon time limit. NARA can further require an update on CIA's progress monthly until resolution is reached. If a final

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determination is not reached within six months, NARA will withdraw the documents in question and return the rest of the files to the open shelves. CIA may review such documents that are returned to the open shelves, for additional withdrawals, on a box-by-box basis.

4. ~~(S)~~ If after examining the records, CIA finds that there has been no improper release of classified or still sensitive information, CIA will promptly inform NARA that the records can be returned to the open shelf.

5. ~~(S)~~ If CIA finds that information containing classified or still sensitive CIA equities has been improperly released, CIA will tab these documents. The tabs will include the justification for continued classification or withholding.

6. ~~(S)~~ NARA will withhold the tabbed documents in accordance with the justification cited on the tab. The place markers inserted for withheld documents will not contain any reference to CIA removal of the documents or any reason for the withholding of the documents. The common generic descriptor "intelligence document" shall also not be used.

7. ~~(S)~~ NARA will not attribute to CIA any part of the review or the withholding of documents from this exposed collection. Researcher requests for withheld documents shall be accepted for processing by NARA and researchers shall not be directed to CIA for response. NARA will contact CIA regarding such requests, and will act as a surrogate for CIA in dealing with requestors of these withheld documents.

8. ~~(S)~~ When examining documents at NARA, whether for declassification purposes or investigation of an inadvertent release, CIA personnel will follow NARA requirements for the handling of archival records and will take care to preserve the integrity of the records.

9. ~~(U)~~ NARA staff will provide training for CIA personnel and contractors in NARA requirements and procedures for the handling and preservation of archival documents.

10. ~~(U//FOUO)~~ NARA will inform CIA immediately if CIA personnel or contractors are mishandling or rearranging

archival records. CIA will take prompt action to correct such problems including, if NARA deems necessary, requiring personnel to take refresher training in handling and preserving archival records.

11. ~~(U//FOUO)~~ NARA will inform CIA immediately if NARA personnel or contractors have mishandled classified information. NARA will take prompt action to correct such problems including, if CIA deems necessary, requiring personnel or contractors to take refresher training in handling classified information.

~~(U)~~ The contact points will be:

Jeanne Schauble
Director, Initial Processing and
Declassification Division
Phone number: 301/713-7144
Fax number: 301/713-6908

Gregory Moulton
Chief, Information Review and Release Group
Phone number:
Fax number:

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~~(U)~~ This Memorandum of Understanding is subject to amendment by agreement of both parties.

For the National Archives and
Records Administration

Michael J. Kurtz
Michael J. Kurtz
Assistant Archivist
Office of Records Services
Washington, DC

16 26 01
Date

For the Central Intelligence Agency

Edmund Cohen
Deputy Director, Information
Management Services

10/24/01
Date

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