

Guidance on the Derivative use of X1 through X8 Markings

Purpose

Notwithstanding the fact that use of “X1” through “X8” markings on the “Declassify On” line for originally classified information has been prohibited since September 22, 2003, use of these markings persist. As a consequence, ambiguity as to the duration of classification is created, placing classified information at needless increased risk. The following guidance is intended to remove such ambiguity and is effective immediately.

Background

In order to ensure that classified national security information is properly protected, Executive Order 12958, “Classified National Security Information,” as amended, (the Order), requires that standard markings be applied to classified information. Uniform and conspicuous markings are intended to leave no doubt about the classified status of the information, the level and protection required, and the duration of classification.

Determining classification duration is the responsibility of the Original Classification Authority (OCA), who is required to establish a date or event for declassification which cannot exceed

25 years. Subsequently, information classified derivatively must carry forward the OCA’s duration determination as reflected on either the “Declassify On” line of the source document or as provided in a classification guide.

Prior to the March 2003 amendment to the Order and the accompanying September 22, 2003, change to 32 C.F.R. Part 2001, ISOO Directive No. 1, information was subject to declassification after 10 years unless the information fell into one of eight exemption categories. In those instances, rather than indicating the date or event for declassification, an OCA was required to indicate X1 through X8 on the source document or classification guide, which would then be carried forward on the “Declassify On” line for all derivatively classified documents. This provision, which simply indicated that the OCA had determined that the material was not appropriate for declassification at 10 years, was cancelled on September 22, 2003. Since then, as noted above, the markings for exemption categories X1 through X8 have been prohibited for information originally classified on or after September 22, 2003.

Notwithstanding the above, during the past three years some OCA’s have routinely failed in their responsibility to determine the duration of classification by designating a date or event that does not exceed 25 years for declassification and instead have continued to use the obsolete designations X1 through X8. These failures, in turn, result in a multitude of derivatively classified documents and electronic media being improperly marked X1 through X8 based upon deficient source documents or classification guides created or updated after September 22, 2003.

Guidance

Agency heads must ensure that OCA's properly designate the duration of classification for all original classification decisions and adhere to the clear limitations on duration established in the Order. This can be accomplished by ensuring that classification guides, agency implementing regulations, security education and training efforts, and self-inspection guidelines have been updated to reflect the discontinuation of X1 through X8 declassification instructions and that they otherwise conform to sections 2001.15 and 2001.21 of ISOO Directive No.1.

In the interim, in order to resolve any ambiguity and to aid agencies that receive improperly marked classified information from other agencies, hereafter all documents derivatively classified from classification guides or source documents created on or after September 22, 2003, with the unauthorized markings X1 through X8, shall be marked with a "Declassify On" date of September 22, 2028. This date represents twenty-five years, the maximum duration of classification which an OCA can establish under the Order, from the last possible appropriate use of the X1 through X8 marking. Absent further instruction from the OCA, it is otherwise impossible to determine the duration of classification intended.

As before, when the exemption categories X1 through X8 appear on information dated before September 22, 2003, the information shall be declassified 25 years from the date of the original decision. Of course, in both cases, the information will not be declassified at the 25 year mark if an agency has taken all of the proper steps to extend classification beyond 25 years under section 3.3 of the Order.

Also, as with all classified information, authorized holders of information who believe its classification status improper are encouraged and expected to challenge the classification status, in accordance with section 1.8 of the Order and section 2001.14 of ISOO Directive No.1.

Questions should be directed to the ISOO staff at 202-357-5250.