



Department of Defense DIRECTIVE

NUMBER 5230.9

April 9, 1996

Administrative Reissuance Incorporating Change 1, July 15, 1999

WHS

SUBJECT: Clearance of DoD Information for Public Release

- References:
- (a) DoD Directive 5230.9, subject as above, April 2, 1982 (hereby canceled)
 - (b) [DoD Directive 5110.4](#), "*Washington Headquarters Services (WHS)*," *May 10, 1999*
 - (c) [DoD Directive 5400.4](#), "Provision of Information to Congress," January 30, 1978
 - (d) [DoD Directive 5220.22](#), "DoD Industrial Security Congress," December 8, 1980
 - (e) through (u), see enclosure 1

1. REISSUANCE AND PURPOSE

This Directive reissues reference (a) to update policy and responsibilities for the security and policy review and clearance of official DoD information proposed for official public release by the Department of Defense and its employees under reference (b).

2. APPLICABILITY AND SCOPE

2.1. This Directive applies to:

2.1.1. The Office of the Secretary of Defense (OSD), the Military Departments, the Chairman of the Joint Chiefs of Staff, *the* Combatant Commands, the Defense Agencies, and the DoD Field Activities (hereafter referred to collectively as "the DoD Components").

2.1.2. All DoD employees.

2.2. For provisions governing review of:

2.2.1. Prepared statements, transcripts of testimony, and other material provided to congressional committees that may be included in the published records, reference (c) applies.

2.2.2. Information before publication or disclosure by DoD contractors, DoD Directive 5220.22 and DoD 5220.22-M (references (d) and (e)) apply.

2.2.3. Release of official information in litigation, DoD Directive 5405.2 (reference (f)) applies.

3. DEFINITIONS

Terms used in this Directive are defined in enclosure 2.

4. POLICY

It is DoD policy that:

4.1. Accurate and timely information is made available to the public, the Congress, and the news media to help the analysis and understanding of defense strategy and national security issues.

4.2. Any official DoD information intended for public release that pertains to military matters, national security issues, or subjects of significant concern to the Department of Defense shall be reviewed for clearance by appropriate security review and public affairs offices prior to release.

4.3. The public release of official DoD information is limited only as necessary to safeguard information requiring protection in the interest of national security or other legitimate governmental interest, as authorized by references (g) through (t).

4.4. Information released officially is consistent with established national and DoD policies and programs.

4.5. The Inspector General of the Department of Defense, as an independent and

objective office in the Department of Defense, is exempt from the policy review provisions of this Directive. As necessary, information may be submitted for security review prior to public release.

4.6. To ensure a climate of academic freedom and to encourage intellectual expression, students (including midshipmen and cadets) and faculty members (DoD civilian or military) of an academy, college, university or DoD school are not required to submit for review papers or materials that are prepared in response to academic requirements and not intended for release outside the academic institution. Information that is intended for public release or made available in libraries to which the public has access shall be submitted for review. Clearance shall be granted if classified information is not disclosed, the DoD interests in nonclassified areas are not jeopardized, and the author accurately portrays official policy, even if the author takes issue with that policy.

4.7. Retired personnel, former DoD employees, and nonactive duty members of the Reserve components may use the review services to ensure that the information intended for public release does not compromise national security.

4.8. DoD personnel, while acting in a private capacity and not in connection with their official duties, have the right to prepare information for public release through non-DoD forums or media. Such activity is authorized if:

4.8.1. No laws or regulations are violated.

4.8.2. Ethical standards and compliance with DoD Directive 5500.7 and DoD 5500.7-R (references (q) and (r)) are maintained.

4.8.3. The preparation activities are not done during normal duty hours or with the use of DoD facilities, property, or personnel except as authorized by references (q) and (r).

4.8.4. The author does not use official DoD information generally not available to the public and which would not be released under DoD 5400.7-R (reference (m)).

5. RESPONSIBILITIES

5.1. The *Director, Washington Headquarters Services*, shall:

5.1.1. Monitor compliance with this Directive.

5.1.2. Develop procedures and review guidelines for the security and policy review of information intended for public release in coordination with offices of OSD Principal Staff Assistants.

5.2. The Heads of the DoD Components shall:

5.2.1. Provide prompt guidance and assistance to the *Director, Washington Headquarters Services (WHS)*, when requested, for the security or policy implications of information proposed for public release.

5.2.2. Establish policies and procedures to implement this Directive in their Components.

5.2.3. Forward official DoD information proposed for public release that is determined to require clearance by the *Director, WHS*, to the *Director, Freedom of Information and Security Review*, for review, including recommendation on the releasability of the information being forwarded.

6. EFFECTIVE DATE

This Directive is effective immediately.



John P. White
Deputy Secretary of Defense

Enclosures - 2

1. References, continued
2. Definitions

E1. ENCLOSURE 1

REFERENCES, continued

- (e) DoD 5220.22-M, "National Industrial Security Program Operating Manual," January 1995, authorized by DoD [Directive 5220.22](#), December 8, 1980
- (f) [DoD Directive 5405.2](#), "Release of Official Information in Litigation and Testimony of DoD Personnel as Witnesses," July 23, 1985
- (g) [DoD Directive 5200.1](#), "DoD Information Security Program," *December 13, 1996*
- (h) DoD 5200.1-R, "Information Security Program Regulation," *January 1997*, authorized by [DoD Directive 5200.1](#), *December 13, 1996*
- (i) [DoD Directive 5230.24](#), "Distribution Statements on Technical Documents," March 18, 1987
- (j) [DoD Directive 5230.25](#), "Withholding of Unclassified Technical Data from Public Disclosure," November 6, 1984
- (k) [DoD Instruction 5230.27](#), "Presentation of DoD-Related Scientific and Technical Papers at Meetings," October 6, 1987
- (l) [DoD Directive 5400.7](#), "DoD Freedom of Information Act Program," *September 29, 1997*
- (m) DoD 5400.7-R, "DoD Freedom of Information Act Program," *September 1998*, authorized by [DoD Directive 5400.7](#), *September 29, 1997*
- (n) [DoD Directive 5400.11](#), "Department of Defense Privacy Program," June 9, 1982
- (o) DoD 5400.11-R, "Department of Defense Privacy Program," August 1983, authorized by [DoD Directive 5400.11](#), June 9, 1982
- (p) [DoD Directive 5205.2](#), "DoD Operations Security Program," July 7, 1983
- (q) [DoD Directive 5500.7](#), "Standards of Conduct," August 30, 1993
- (r) DoD 5500.7-R, "Joint Ethics Regulation (JER)," August 1993, authorized by [DoD Directive 5500.7](#), August 30, 1993
- (s) International Traffic in Arms Regulations (ITAR), Department of State, November 1989
- (t) Executive Order 12958, "Classified National Security Information," April 20, 1995
- (u) Title 10, United States Code

E2. ENCLOSURE 2

DEFINITIONS

E2.1.1. DoD Employee

E2.1.1.1. Any DoD civilian officer or employee (including special Government employees) of any DoD Component (including any nonappropriated fund activity).

E2.1.1.2. Any active duty Regular or Reserve military officer, warrant officer, and active duty enlisted member of the Army, Navy, Air Force, or Marine Corps.

E2.1.1.3. Any Reserve or National Guard member on active duty under orders issued pursuant to 10 U.S.C. (reference (u)).

E2.1.1.4. Any Reserve or National Guard member performing official duties, including while on inactive duty for training or while earning retirement points, pursuant to reference (u), or while engaged in any activity related to the performance of a Federal duty or function.

E2.1.1.5. Any faculty member in a civil service position or hired pursuant to reference (u), and any student (including a cadet or midshipman) of an academy, college, university, or school of the Department of Defense.

E2.1.1.6. Consistent with labor agreements and international treaties and agreements, and host country laws, any foreign national working for a DoD Component except those hired pursuant to a defense contract.

E2.1.2. Information. Any communication or representation of knowledge such as facts, data, or opinions in any medium or form.

E2.1.3. Official DoD Information. All information that is in the custody and control of the Department of Defense, relates to information in the custody and control of the Department, or was acquired by DoD employees as part of their official duties or because of their official status within the Department.