

Bi-annual Report on Operations of the National Declassification Center
Reporting period: January 1, 2012 – June 30, 2012

This is the fifth report on the status of the National Declassification Center (NDC). NDC status reports are issued bi-annually, approximately two weeks after the reporting deadlines of June 30 and December 31.

Executive Summary: In the previous report, I noted the most outstanding challenge facing the NDC is meeting the requirements for Restricted Data/Formerly Restricted Data (RD/FRD) mandated in the National Defense Authorization Acts for Fiscal Year 1999 and 2000 (Public Laws 105-261 and 106-65 respectively) and the Special Historical Records Review Plan Supplement to those two public laws. I wish to re-emphasize this requirement and provide additional details related to our efforts to remedy failures by agencies to comply with “Kyl-Lott.” Nearly a third of the backlog records require some version of page-level review, a “highly unlikely” certification, or additional documentation as to their Kyl-Lott review status. This substantial number has undermined any orderly plan we might have implemented for processing collections based on requester interest and demand. To address this challenge most efficiently, the NDC has implemented a page-level review process in an inter-agency effort aimed at the more potentially sensitive series; we have begun a more expedited approach for identifying those series that could qualify as highly unlikely to contain RD/FRD as well.

During the reporting period, representatives from Air Force, Army, Central Intelligence Agency (CIA), Defense Intelligence Agency (DIA), Department of State, Joint Chiefs of Staff (JCS), Navy, and Office of the Secretary of Defense (OSD/WHS), have been working a collaborative effort to comply with the requirements to identify and segregate these sensitive pages; many of them are performing the RD/FRD page-level review against other agencies’ records, not their own. It is noteworthy that one large tranche of records, the various series associated with the Department of the Navy, make up the greatest number of records requiring page-level review for RD/FRD, nearly 77 million pages. Until very recently, the Department of the Navy has been able to provide only minimal support to this effort, relying on other agencies to review their record series. I am pleased to report that the Department is working hard to provide the resources to assist the NDC in addressing Navy’s requirements under Kyl-Lott, and I expect to have better news on their efforts in my next report.

As of June 30, 2012, we have assessed 90% of the backlog. Quality assurance evaluation and processing for declassification prior to final segregation and indexing have been completed on 55% of that 90%. The President mandated that the NDC complete the processing on 100% of the backlog by December 31, 2013. Although we will certainly successfully assess all backlog pages within the timeline, our ongoing assessment of the backlog suggests we must divert extensive inter-agency and NARA resources toward addressing the RD/FRD-related requirements, and this unexpected extra review step will certainly impact our ability to complete *all* declassification processing by the deadline.

The NDC was established by Executive Order (E.O.) 13526, “Classified National Security Information.” Under the direction of the Archivist of the United States, the NDC coordinates the timely and appropriate processing of referrals of 25-year old and older classified records of permanent historical value. The December 29, 2009 Presidential Memorandum accompanying E.O. 13526 specified a December 31, 2013 deadline for addressing referrals and quality assurance problems within accessioned Federal records at NARA previously subject to automatic declassification to permit public access to the declassified records

In The Strategic Plan of the National Archives and Records Administration, 2006 – 2016 (revised 2009), the Archivist singled out this inter-agency center as reflecting “the ongoing challenge to balance the needs of national security and the right of citizens to have access to the records of their Government.”

Each NDC Status Report contains the following three sections: a narrative highlighting events and activities of the previous six months; a brief description of the interagency cooperation during the previous six months; and a quantitative update that charts cumulative progress on the backlog including naming specific record groups and series that have been completed.

Highlights:

Openness and Public Comment:

- The September 2011 U.S. National Action Plan crafted by the Open Government Partnership described NDC goals and our public-facing interaction. Along with the Information Security Oversight Office, we participated in a very informative interchange with members of Open the Government and the Constitution Project in March 2012. The exchange gave us the opportunity to explain our processes and challenges and to entertain the concerns by these two important public-interest groups.
- We continue to invite public comments and suggestions by way of the [NDC Blog](#) and website: <http://archives.gov/declassification>. During the reporting period, we provided information about newly released entries, and highlighted specific historical documents that we recently completed processing, such as information related to civil rights activities and to the Cuban Missile Crises.

Review:

- With the assistance of CIA, DIA, Department of Justice (DOJ), FBI, State, Army, and JCS for EUCOM equities, we completed special declassification review and processing of a thematic collection of records related to the World War II Katyn Massacre. This effort was initiated following a Congressional request to the President and has led to a joint effort with other components of NARA to provide a more fulsome release event related to the unclassified and newly declassified records on this topic and planned for September 2012.

- Textual records make up the NDC backlog. However, original declassification review and subsequent secondary equity referral review for special media are also under the NDC purview. We have implemented a tracking methodology similar to that used for the textual backlog, and we can now project out media by original review deadlines. Since we stood up this special media process in January 2011, 1,341 motion pictures have been reviewed (689 have been declassified) and 235 sound recordings have been reviewed (109 have been declassified). Additional motion picture, sound recording, cartographic, and still picture items have been discovered amongst textual records and queued up for review.
- Although we have de-emphasized the page-by-page equity review for referrals in the NDC Interagency Referral Center in order to free up other government agency resources to address page-level RD/FRD review, participation, albeit reduced, in the IRC has continued. During the six-month reporting period (January 1 – June 30, 2012), equity review for 160,654 referred pages was completed. Of those pages, 50,082 were declassified and 110,572 pages were exempted for still-sensitive national security information or excluded for RD/FRD.
- We successfully concluded the pilot of the NDC's off-site Joint Referral Center (JRC) on June 1, 2012. The JRC piloted the review and referral of a Department of Defense (DOD) subset to the backlog, coordinated a 100% quality assurance review of untabbed (non-exempted or referred) DOD records and a final review of DOD referrals to DOD components. The Armed Services, OSD, JCS, DIA, National Geospatial-Intelligence Agency (NGA), National Security Agency (NSA), Missile Defense Agency (MDA), National Reconnaissance Office (NRO), and Department of State participated in this successful although limited pilot effort. As JRC participants did have the authority to make declassification decisions on each other's behalf, the center fostered collegial, inter-agency cooperation. During its final five-month reporting period, the JRC reviewed 962,188 pages in 947 boxes. Of these, 900,327 pages were declassified. Overall, the JRC reviewed 5,387,878 pages in 2,848 boxes and of these, 5,166,738 pages were declassified. These results are reflected in the NDC **Status of the Workload and Production** numbers after the records have been returned to NARA and have completed final processing.
- Through the NDC, the Presidential Libraries prioritized 1,364,471 pages within certain collections of the Truman through Carter Administrations, as well as the China-associated materials within the Kissinger Personal Paper Collection, for completion of referral review through the Remote Archives Capture (RAC) project. As of June 30, 2012, equity-holding agencies had completed review on 1,156,819 of those pages, and of those, 618,284 pages were delivered to the pertinent libraries. RAC-reviewed pages are *not* reported as part of the Federal accessioned-records backlog in the **Status of the Workload and Production** portion below.

Process Improvement:

- Our Metrics Team provided end-to-end tracking for all NDC operations, and our current numbers reflect their continuing clean up and analysis of our data. The work of this team is allowing us to pinpoint chokepoints in our processes, report more accurate production statistics, and work toward streamlining all of our data capture efforts.
- The NDC Freedom of Information Act/Mandatory Declassification Review Division continues to benefit from the improved work processes established during the last year. The effectiveness of these improved work processes is reflected in our metrics: during the second quarter of FY 2011, we closed 83 FOIA and MDR cases. For the second quarter of FY 2012, we closed 213 cases. For the third quarter of FY 2012, we closed 303 cases. In addition to digitizing case documents for ease of referral review, we have expanded communication between staff members and requesters to assist the latter in targeting their requests. As more backlog records are processed through the NDC and opened to researchers, we anticipate an increase in focused, document-based requests and an eventual reduction in large requests for unprocessed records.
- E.O. 13526 directed the NDC “to streamline declassification processes, facilitate quality-assurance measures, and implement standardized training.” That final prong is being addressed by an NDC curriculum, consisting of web-based and instructor-led courses in varying stages of development with a goal of educating declassification reviewers on the historical background to declassification requirements, proper document handling, general agency responsibilities, and equity identification.

Interagency Cooperation:

- During the six-month reporting period, agency personnel from Army, JCS, USAF, OSD /WHS, NSA, CIA, DIA, and DOE participated in daily Evaluation Team activities, frequently providing staffing for up to two inter-agency teams per day/four days each week. In addition, the following agencies supported Quality Assurance Team and special targeted review activities: Army, Department of State, FBI, OSD/WHS, NSA, DIA, DOJ, JCS, CIA, Navy SSP, and DOE. DOE maintained an expanded workforce commitment in order to assess all records in the backlog.
- To provide the public certain collections in a more timely fashion, we are working with pertinent agencies on targeted referral reviews in order to address those series heavily exempted in the past but assessed to be less sensitive currently. For example, DIA completed a targeted equity adjudication on records related to POW/MIA information begun last year.

- As noted in the Executive Summary, many of our records cannot be processed because they lack the required Kyl-Lott review or “highly unlikely” determination for RD/FRD. Last Fall, we began an inter-agency effort focusing on Navy and Department of State records, but also addressing other government agency record series as well. The Department of State has been working on its Kyl-Lott required review with the assistance of a NARA team since last summer. USAF, with 13.1 million pages needing the Kyl review, and Defense Information Systems Agency (DISA) with 1.8 million pages, have focused on their own records. Federal Emergency Management Agency (FEMA) completed a special review for Kyl-Lott and other government agency equity referral within their 300,000 pages of records. Several other agencies are providing consistent assistance to page-level review efforts even for those records typically unlikely to contain their own equities. Since the establishment of this process in mid-November 2011, more than 13.1 million pages have been addressed using this inter-agency model. Once the review for RD/FRD has been completed, the series are moved to the final indexing/segregation stage of our process to make them publically available.
- The NDC Advisory Panel, consisting of office-level heads from the Intelligence, Defense, Law Enforcement, and Diplomatic Communities, met in April to focus on priorities in Presidential Library review, including agency resource challenges and 2012 and 2013 review goals.
- We briefed the Department of State Advisory Committee on Historic Diplomatic Documentation on NDC progress in March and June. We also participated in several State-NARA meetings relating to the declassification and transfer of the multiple components of the Department of State Central Foreign Policy Files.

Status of Workload and Production:

Because of the increased maturity of our metrics program, we are better able to report our accomplishments. This expanded capability has of necessity affected all our numbers, from the initial backlog reported to the status of the various stages of processing. With that in mind, unless otherwise indicated, we are reporting cumulative production using a reporting period of January 1, 2010 (establishment of the NDC by E.O.) to June 30, 2012. These production numbers reflect the number of backlog pages evaluated in the NDC for referral quality review. A subset of these pages has been declassified and is available for public use. The remaining pages that have completed NDC referral quality evaluation are in the NDC final indexing queue, have been excluded for RD/FRD sensitivities, or have been exempted from automatic declassification by an agency.

Included in the pages released to the public during the January – June 2012 reporting period are documents from Foreign Service Posts of the Department of State; from various Department of Defense record groups, such as OSD, Army, USAF, and the Defense Threat Reduction Agency

(DTRA); and from the U.S. Information Agency. Additional information on these and other releases is provided on our website: <http://archives.gov/declassification>.

Total backlog pages as of NDC stand up on January 1, 2010: 370.9 million pages (vice 371.4 million pages reported in the last report. This new number is based on our ability to continually analyze and de-conflict the available data and research the type of containers and records affected.)

Total pages assessed for quality assurance (January 1, 2010 – June 30, 2012): 335.3 million pages.

Total pages successfully completing the NDC referral quality review process, including meeting the “Kyl-Lott” requirements (January 1, 2010 – June 30, 2012): 185.5 million pages.

Total pages that have completed all processing: 51.1 million pages.

Total pages released to the public January 1, 2010 – June 30, 2012: 41.8 million pages (82% release rate).

Total assessed backlog pages requiring referral quality review processing as of June 30, 2012: 149.7 million pages.

Total pages yet to be assessed: 35.6 million pages.