



Department of Defense INSTRUCTION

NUMBER 5230.29

January 8, 2009

DA&M

SUBJECT: Security and Policy Review of DoD Information for Public Release

References: See Enclosure 1

1. PURPOSE. This Instruction reissues DoD Instruction (DoDI) 5230.29 (Reference (a)), implements policy in DoD Directive (DoDD) 5230.09 (Reference (b)), and assigns responsibilities and prescribes procedures to carry out security and policy review of DoD information for public release in accordance with the authority in DoDD 5105.53 (Reference (c)).
2. APPLICABILITY. This Instruction applies to OSD, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the Department of Defense (hereafter referred to collectively as the “DoD Components”).
3. DEFINITIONS. Terms used in this Instruction are defined in Enclosure 2 of Reference (b).
4. POLICY. It is DoD policy, according to Reference (b):
 - a. That a security and policy review shall be performed on all 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.
 - b. To support other executive department and non-DoD agency programs in the release of information to the public that may contain DoD equities.
5. RESPONSIBILITIES. See Enclosure 2.

6. PROCEDURES. Enclosure 3 contains clearance requirements, submission procedures, time limits, and information concerning review determinations and appeals.

7. RELEASABILITY. UNLIMITED. This Instruction is approved for public release and is available on the Internet from the DoD Issuances Web Site at <http://www.dtic.mil/whs/directives>.

8. EFFECTIVE DATE. This Instruction is effective immediately.



Michael L. Rhodes
Acting Director of Administration
And Management

Enclosures

1. References
2. Responsibilities
3. Procedures

ENCLOSURE 1

REFERENCES

- (a) DoD Instruction 5230.29, "Security and Policy Review of DoD Information for Public Release," August 6, 1999 (hereby canceled)
- (b) DoD Directive 5230.09, "Clearance of DoD Information for Public Release," August 22, 2008
- (c) DoD Directive 5105.53, "Director of Administration and Management (DA&M)," February 26, 2008
- (d) DoD Directive 5400.4, "Provision of Information to Congress," January 30, 1978
- (e) DoD Directive 5230.24, "Distribution Statements on Technical Documents," March 18, 1987
- (f) DoD Directive 5230.25, "Withholding of Unclassified Technical Data from Public Disclosure," November 6, 1984
- (g) International Traffic in Arms Regulations (ITAR), Department of State, current edition
- (h) DoD Directive 5205.02, "DoD Operations Security (OPSEC) Program," March 6, 2006
- (i) DoD 5200.1-R, "Information Security Program Regulation," January 14, 1997
- (j) Deputy Secretary of Defense Memorandum, "Congressional Testimony Coordination and Clearance Procedures," March 3, 2007¹
- (k) DoD Instruction 2205.02, "Humanitarian and Civic Assistance (HCA) Activities," December 2, 2008
- (l) DoD Directive 3000.05, "Military Support for Stability, Security, Transition, and Reconstruction (SSTR) Operations," November 28, 2005
- (m) DoD Directive 5122.05, "Assistant Secretary of Defense for Public Affairs (ASD(PA))," September 5, 2008
- (n) DoD Instruction 5230.27, "Presentation of DoD-Related Scientific and Technical Papers at Meetings," October 6, 1987

¹ Available at <http://www.dtic.mil/whs/esd/osr>.

ENCLOSURE 2

RESPONSIBILITIES

1. DIRECTOR OF ADMINISTRATION AND MANAGEMENT (DA&M). The DA&M shall act as the appellate authority for the DoD security review process.

2. DIRECTOR, WASHINGTON HEADQUARTERS SERVICES (WHS). The Director, WHS, under the authority, direction, and control of the DA&M, shall:

a. Monitor compliance with the procedures established in Enclosure 3 for the security and policy review of official DoD information.

b. Provide for the prompt security and policy review of official DoD information proposed for public release that is originated by, in, or for the Department of Defense, to include statements intended for open presentation before the Congress and other material submitted to the Congress in accordance with DoDD 5400.4 (Reference (d)). The review is made to ensure that properly classified information, controlled unclassified information, or unclassified information that may individually or in aggregate lead to the compromise of classified information is not disclosed and that no conflict exists with established policies or programs of the Department of Defense or the U.S. Government.

c. Provide for the prompt policy review of official DoD information that is originated by the Department of Defense for presentation before a closed session of the Congress and other classified material submitted to the Congress in accordance with Reference (d).

d. Coordinate, as necessary, with the staffs of the DoD Components when reviewing official DoD information for public release clearance to ensure accuracy and currency of existing policy and security guidance.

e. Respond to requests for review of information submitted voluntarily by non-DoD sources or DoD personnel acting in a private capacity to ensure that properly classified information is not disclosed. This review shall also address technology transfer and public releasability of technical data under DoDD 5230.24, DoDD 5230.25, and the International Traffic in Arms Regulations (References (e) through (g)).

3. GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE (GC, DoD). The GC, DoD, shall conduct legal reviews, as needed, to ensure compliance with applicable laws and regulations to protect DoD rights and interests.

4. HEADS OF THE DoD COMPONENTS. The Heads of the DoD Components shall:

a. Ensure compliance with this Instruction and issue any guidance necessary for the internal administration of the requirements prescribed in Enclosure 3.

b. Forward official DoD information specified under section 1 of Enclosure 3, and which is proposed for public release, to the Chief, Office of Security Review (OSR), for review and clearance, as prescribed in section 2 of Enclosure 3, with specific recommendation on the releasability of the information being forwarded.

c. Provide prompt guidance and assistance to the Chief, OSR, when requested, on any information proposed for public release.

d. Exercise clearance authority for information not specified in Enclosure 3. This authority may be delegated to the lowest level competent to evaluate the content and implications of public release of the information. DoD Components shall review agency-specific documents internally. They shall ensure that information not specified in Enclosure 3 is reviewed for operations security and information security in accordance with DoDD 5205.02 and DoD 5200.1-R (References (h) and (i)) prior to public release.

e. Ensure compliance with the guidelines of the Deputy Secretary of Defense Memorandum (Reference (j)) concerning the coordination and clearance process of Congressional testimony to facilitate timely security and policy review.

f. Ensure effective information sharing with designated mission partners in accordance with DoDI 2205.02 and DoDD 3000.05 (References (k) and (l)).

g. Ensure release of DoD information to news media representatives is in accordance with DoDD 5122.5 (Reference (m)).

ENCLOSURE 3

PROCEDURES

1. CLEARANCE REQUIREMENTS

a. Criteria. Official DoD information that is prepared by or for DoD personnel and is proposed for public release shall be submitted for review and clearance if the information:

(1) Originates or is proposed for release in the National Capital Region by senior personnel (e.g., flag officers and Senior Executive Service) on sensitive political or military topics;

(2) Is or has the potential to become an item of national or international interest;

(3) Affects national security policy, foreign relations, or ongoing negotiations;

(4) Concerns a subject of potential controversy among the DoD Components or with other Federal agencies;

(5) Is presented by a DoD employee, who, by virtue of rank, position, or expertise, would be considered an official DoD spokesperson; or

(6) Contains technical data, including data developed under contract or independently developed and subject to potential control in accordance with Reference (g), that may be militarily critical and subject to limited distribution, but on which a distribution determination has not been made.

b. Critical Topics. Submit for review if proposed information addresses any of the following subjects or affects the operations security thereof:

(1) New weapons or weapons systems, or significant modifications or improvements to existing weapons or weapons systems, equipment, or techniques.

(2) Military operations and significant exercises of national or international significance.

(3) Command, control, communications, computers, and intelligence; information operations; weapons of mass destruction; improvised explosive devices; and computer security.

(4) Military activities or application in space; nuclear weapons, including nuclear weapons effects research; chemical warfare and defensive biological warfare; initial fixed weapons basing; and arms control treaty implementation.

(5) Any other contemporary topic that is designated by the Head of a DoD Component.

2. SUBMISSION PROCEDURES

a. Detailed Procedures. The following procedures apply to all information required to be submitted to OSR for clearance:

(1) Requests

(a) Paper submissions of packages. A minimum of three hard copies of material, in its final form, shall be submitted, together with a signed DD Form 1910, "Clearance Request for Public Release of Department of Defense Information," to the Chief, Office of Security Review, 1155 Defense Pentagon, Washington, DC 20301-1155.

(b) Electronic submissions of packages. One soft copy of the material, in its final form (Microsoft Word), shall be submitted, together with a signed DD Form 1910, by e-mail to secrev1@whs.mil.

(2) Material submitted for review shall be approved by the Head of the DoD Component or an authorized representative as may be delegated in writing to indicate approval of the material proposed for public release.

(3) All information submitted for review to OSR must first be coordinated within the originating DoD Component to ensure that it reflects the organization's policy position; does not contain classified, controlled unclassified, or critical information requiring withholding; and is reviewed for operations security in accordance with References (h) and (i).

(4) Only the full and final text of material proposed for release shall be submitted for review. Notes, outlines, briefing charts, etc., may not be submitted as a substitute for a complete text. OSR reserves the right to return draft or incomplete documents without action.

(5) Abstracts to be published in advance of a complete paper, manuscript, etc., require clearance. Clearance of an abstract does not fulfill the requirement to submit the full text for clearance before its publication. If an abstract is cleared in advance, that fact, and the OSR case number assigned to the abstract, shall be noted on the DD Form 1910 or other transmittal when the full text is submitted.

b. Other Requirements. The requirements of References (d) and (j) shall apply to the processing of information proposed for submission to Congress.

c. Web Site Publication. Information intended for placement on Web sites, or other publicly accessible computer servers, which are available to anyone, without access controls, requires review and clearance for public release if it meets the requirements of paragraph 1 of Enclosure 3. Web site clearance questions should be directed to the component's Web site manager. Review and clearance for public release is not required for information to be placed on DoD Web sites or computer servers that restrict access to authorized users.

d. Basic Research. Submitters shall comply with DoD guidance on basic scientific and technical research review in DoDI 5230.27 (Reference (n)).

3. TIME LIMITS

a. Regular Security and Policy Review Requests

(1) Submit speeches and briefings to OSR at least 5 working days before the event at which they are to be presented. Additional time may be needed for complex or potentially controversial speeches due to coordination requirements.

(2) Other material (e.g., papers and articles) shall be submitted to OSR at least 10 working days before the date needed. The length, complexity, and content shall determine the number of agencies required to review the document and, consequently, the time required for the complete review process.

(3) Technical papers shall be submitted to OSR at least 15 working days before the date needed. More time may be needed if the material is complex or requires review by agencies outside of the Department of Defense.

(4) Manuscripts and books shall be submitted to OSR at least 30 working days before the date needed. More time may be needed if the material is complex or requires review by agencies outside of the Department of Defense.

b. Congressional Security and Policy Review Requests. Security and policy review of material submitted by the Department of Defense to Congress will be provided to OSR in the following timeframes to allow for a thorough review to honor the Department's commitment to meet the Congressional Committee or Subcommittee mandates:

(1) Statements – 5 days before submission to the DoD Office of Legislative Counsel in accordance with paragraph E2.2.2 of Reference (d) and Reference (j).

(2) Transcripts and the following related items – minimum of 5 working days.

(a) Questions for the Record.

(b) Inserts for the Record.

(c) Advance Policy Questions.

(d) Selected Acquisition Reports.

(e) Budget Documents (in accordance with paragraph E1.3.4 of Reference (d)).

4. REVIEW DETERMINATIONS AND APPEALS

a. General. Information reviewed for release to the public shall result in one of the following determinations:

(1) Cleared for Public Release. The information may be released without restriction by the originating Component or its authorized official. OSR may require a disclaimer to accompany the information, as follows:

“The views expressed are those of the author and do not reflect the official policy or position of the Department of Defense or the U.S. Government.”

(2) Cleared “with Recommendations” for Public Release. Optional corrections, deletions, or additions are included. Although OSR has no responsibility for correcting errors of fact or making editorial changes, obvious errors may be identified in the text and noted as “recommended.” These corrections are not binding on the author or submitter.

(3) Cleared “as Amended” for Public Release. Amendments, made in red, are binding on the submitter. Red brackets identify information that must be deleted. If the amendments are not adopted then the DoD clearance is void. When possible, alternative wording is provided to substitute for the deleted material. Occasionally, wording will be included that shall be added to the text before public release. A disclaimer, as shown in subparagraph 4.a.(1) of Enclosure 3, may also be required.

(4) Not Cleared for Public Release. The information submitted for review may not be released.

b. Appeals. All amendments or “not cleared” determinations may be appealed through OSR to the DA&M. All appeals shall be resolved at the lowest practical level and as quickly as possible.