



2010 DTIC CONFERENCE
March 22-24, 2010

Celebrating 65 Years of Providing Access to Defense Information

Guidelines to the Exchange of Information in the International Community: Balancing Access and Security

22 March 2010

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Guidelines to the Exchange of Information

DoD Field Activity Since 2004 DoD Field Activity Since 2004 DoD Field Activity Since 2004 DoD Field Activity Since 2004 DoD Field Activity Since 2004 DoD Field Activity Since 2004

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National Classified Military Information Disclosure Policy



Classified Military Information

Classified military information is information requiring protection in the interest of national security and is limited to three classifications: TOP SECRET, SECRET and CONFIDENTIAL as described in Executive Order 12958 (now 13526) and which is under the control or jurisdiction of the Department of Defense or its Departments or Agencies.

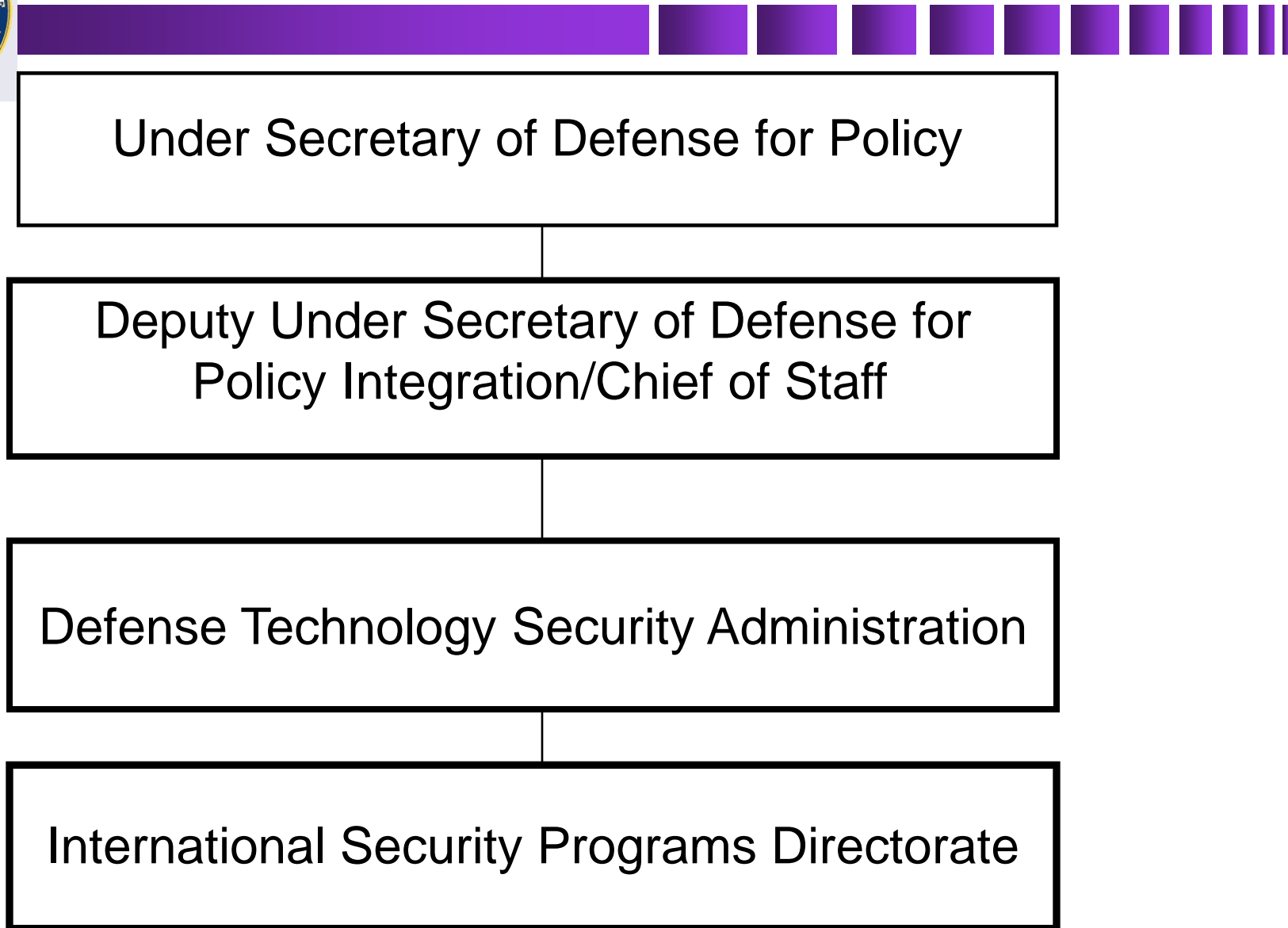


Global Trends

- Post 9/11
- Coalition Warfare
- Information Age
- International Work Force/Globalization
- New NATO Members



Organizational Chart



International Security Programs Directorate



- Establish DOD policies on foreign disclosure of classified military information and materiel (DoDD 5230.11/5230.23)
- Administer the interagency National Military Information Disclosure Policy Committee (NDPC)
- Evaluate capability of foreign governments and international organizations to provide protection
- Negotiate general and industrial security agreements
- Monitor security arrangements for security assistance/arms cooperation programs
- Establish policy on visits and personnel assignments (DoDD 5230.20)
- Implement NATO security policy
- Liaison with foreign government security officials

International Security Program Authority



- Arms Export Control Act
- Executive Order 12958 (now 13526), "Classified National Security Information"
- National Security Decision Memorandum (NSDM) 119
"Disclosure of Classified United States Military Information to Foreign Governments and International Organizations"



Arms Export Control Act

No defense article or service may be sold or leased unless .

the recipient:

- Agrees not to transfer title or possession
- Will not permit the use for purposes other than those for which furnished
- Agrees to maintain security and provide substantially the same security as the U.S.



Executive Order 12958 (now 13526)

Access

- Shall not be disseminated outside Executive Branch unless equal protection is ensured
- Eligibility - determination of trustworthiness and need or access to accomplish lawful and authorized government purpose
- Further access requires authority of originator

Foreign Government Information

- Provides protection
- Presumption of damage



NSDM-119

Basic Policy

Classified military information is a **national security asset** which must be **conserved and protected** and which must be shared with foreign governments and international organizations only where there is a **clearly defined advantage** to the U.S. in consideration of the following objectives:

- Consistent with U.S. foreign policy and national security objectives
- Consistent with military security and security objectives
- Recipient's capability and intent to protect the information
- Clearly defined benefit to the U.S. Government
- Release limited to that necessary to satisfy U.S. objective



National Disclosure Policy (NDP-1)

- Interagency document that implements NSDM-119 within Executive Branch
- Issued by Secretary of Defense with concurrence of other Departments and Agencies
- Sets forth specific criteria and conditions that must be satisfied before a decision is made to disclose CMI
- Delegates to the Executive Branch authority to release CMI to eligible governments and international organizations
- Disclosure authority delegated to Heads of Departments and Agencies with jurisdiction over the information
- Disclosure decided on a case-by-case basis and approval of the originator required

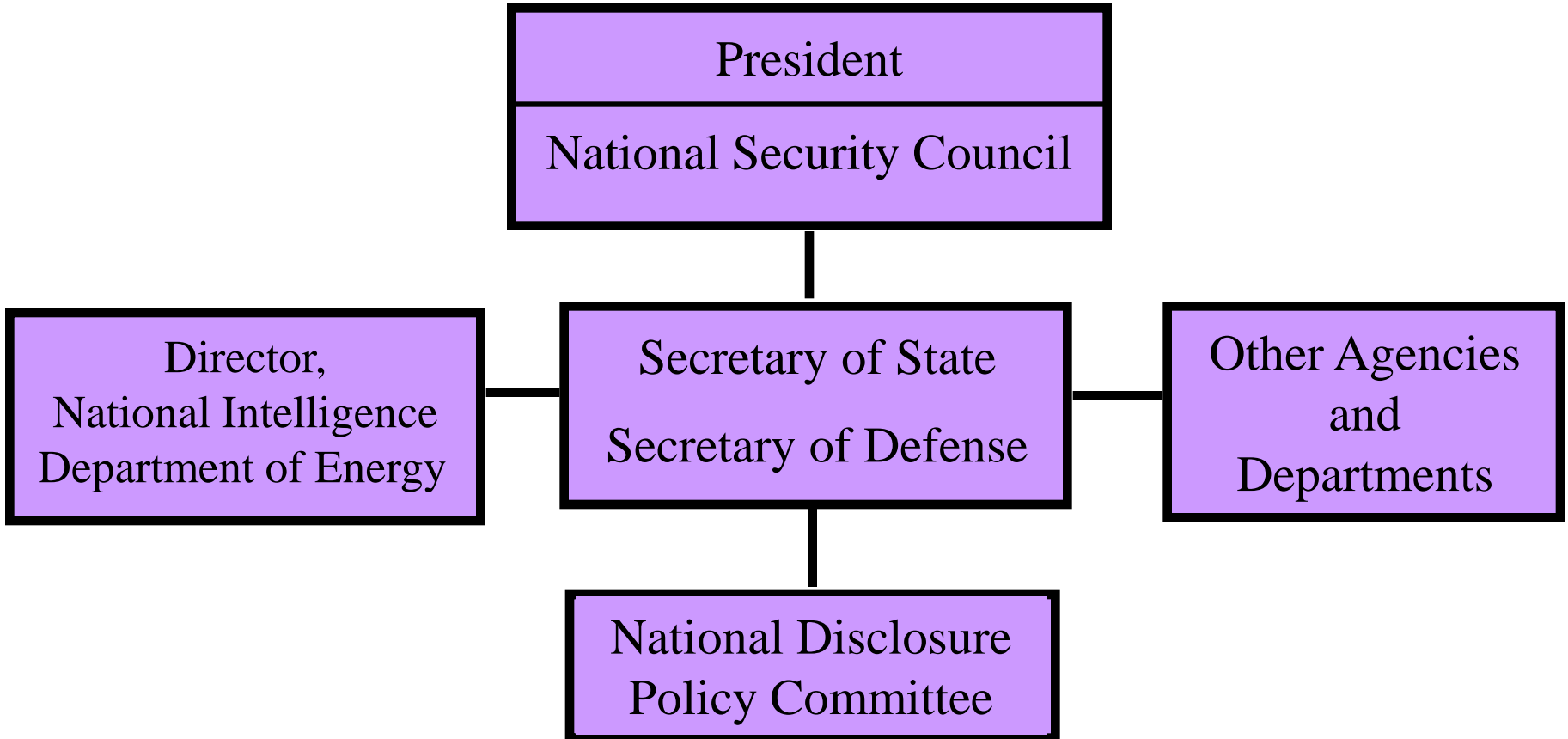
Categories of Information Exempt From NDP-1



- National intelligence
- Counterintelligence programs
- Narcotics intelligence
- Communications security information & materiel
- Signals intelligence
- Atomic information
- Strategic planning & guidance



National Disclosure Policy Authority





National Disclosure Policy Committee

- Secretary of State and Defense designated NDPC as the central inter-agency authority within the Executive Branch responsible for formulation, promulgation, administration, and monitoring of National Classified Military Information Disclosure Policy
- By agreement between the Secretaries, the Secretary of Defense provides Chairmanship and administrative support to the NDPC



Prerequisites for Information Sharing

CAPABILITY

- Determine through Security Surveys
- Assessment made of security programs government-wide
- Must be determined before entering into a General Security Agreement

INTENT

- Upon favorable determination of security programs
- Conclusion of a General Security Agreement
 - General Security of Military Information Agreement (GSOMIA)
 - General Security of Information Agreements (GSOIA)
 - Industrial Security Agreements (ISA)

General Security Agreement (GSOIA/GSOMIA)



- Executive agreement
- Done in diplomatic channels
- Does not commit governments to share information
- Does commit governments to protect information if shared



General Security Agreement Contents

- No release to third-country person, firm, or government
- Recipient will provide substantially same degree of protection
- Use only for specified purpose
- Respect private rights
- Government-to-Government transfers
- Further access on need-to-know basis
- Report compromises
- Security visits
- Security in industry



Foreign Disclosure Mechanisms

Government-to-Government Arrangements

- Military operations
- Personnel assignments
- Information exchange agreements
- Foreign military sales
- Cooperative research/development/production agreements

Direct Commercial Arrangements

- Direct commercial sales
- Manufacturing license/technical assistance agreements

Issues Impacting Information Sharing



- Over-classification
- Improper markings (NOFORN)
- Information technology tools (computers, radios, etc)
- Multiple authorities (NDPC, NGA, NSA, CIA)
- Education
- Types of Information (Classified, CUI, Unclassified)



Information Sharing Issuances

- **NDP-1**
 - Under annual review
- **DoDD 5230.11**
 - Pending pre-signature
- **DoDD 5230.23**
 - Pre-coordination with OUSD(I)
- **Joint Instructions**
 - Under review
- **Executive Order 13526**
 - Awaiting implementing guidance



Training Courses

- **Online Foreign Disclosure Course** <http://dssa.dss.mil/seta/enrol/enrol.html>
 - First phase launched in June, 2007 DoD-wide
 - Introduces basic concepts of foreign disclosure in the international security environment
- **International Program Security Requirements Course (IPSRC)**
 - Managed by ODUSD(TSP&NDP) International Security Programs
 - Applies to DoD personnel responsible for negotiating, overseeing, managing, executing or otherwise participating in international activities
 - Three-day, instructor-led
 - Covers the principles and procedures that facilitate international technology transfer, export controls, and foreign disclosure
 - Incorporates a summary practical exercise
 - Course information, schedule, and registration available at www.disam.dsca.mil



Training Courses

- **DISAM Online Version of IPSRC**

- Online distance learning synopsis of IPSRC, available to students on-demand
- Covers in 12 lessons the principles and procedures that facilitate international technology transfer, export controls, and foreign disclosure.

- **Defense Intelligence Agency Disclosure Course**

- One day version for analyst (write for release)
- Two day version (MTT)
- Four day version for intelligence and intelligence support personnel

- **Defense Acquisition University Courses**

- Multinational Program Management Course (Instructor-led)
- International Security and Technology Transfer (Instructor-led)
- Advanced International Management Workshop (Instructor-led)
- Technology Transfer and Export Control (Distance Learning)
- Course information, schedule and registration at www.dau.mil



Points of Contact

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Disclaimer of Endorsement

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