The Department of Homeland Security Fundamental Classification Guidance Review
July 16, 2012

Pursuant to Executive Order 13526, "Classified National Security Information," the Department of Homeland Security (DHS) conducted a Fundamental Classification Guidance Review (FCGR) of all existing security classification guides published within DHS. In all, 74 Security Classification Guides were identified and subjected to the FCGR. Of these 74, 45 guides were revised, revalidated and reissued; 16 guides were cancelled, 11 guides were merged or absorbed into other guides, and 2 guides were transferred to other agencies. This equated to a 39% reduction. Additionally, the DHS publications "*Security Classification Guides - A Guide for Writing a DHS Security Classification Guide,*" and "*Original Classification – A Guide for Original Classification Authorities,*" were revised and reissued to ensure consistency with and reflect changes resulting from the publication of E.O. 13526.

In preparation for the FCGR, representatives from the DHS Office of the Chief Security Officer (OCSO), Administrative Security Division (ASD), met with representatives from each of the applicable DHS components to discuss the FCGR requirements, plot a strategy and timeline for completion, and determine the best method of review—which varied depending on the scope and users of the guide. In executing the FCGR, intra-agency working groups of all program stakeholders were established to review guides with a broad user base; guides with a limited user base were reviewed by component personnel with extensive knowledge of the relevant program; and inter-agency working groups reviewed joint classification guides. Prior to signature of a reviewed and revised guide by the applicable Original Classification Authority (OCA), guides were subjected to a final review by ASD to ensure guidance topics were narrowly defined, not open to interpretation, and properly classifiable under Executive Order 13526.

Overall, for the reissued guides, 157 subtopics were determined to no longer require classification while eight subtopics were downgraded (most common downgrading was from secret to confidential). Cancelled guidance accounted for 138 subtopics no longer requiring classification while guides transferred out of the Department accounted for 65 subtopics.

While the number of overall guides decreased from 74 to 45, the level of subtopics, the level of detail in topic and subtopic descriptions, and even the overall length of the guides has generally increased. This is because topics identified as overly broad were broken down into multiple subtopics. This should have the effect of reducing classification as derivative classifiers must be able to link their decisions to more numerous, but more narrowly defined guide topics instead of fewer, but broader topics that potentially allowed for wider derivative classifier interpretations.

As a result of the review, some components merged guides covering similar topics into a single guide. The Domestic Nuclear Detection Office (DNDO), combined 5 guides covering various types of detection technology into one general guide, thereby simplifying guidance across the component. The Federal Emergency Management Agency (FEMA) merged 2 guides into 1; while NPPD merged 3 guides into 1. As a result of these consolidations, DNDO had 29 subtopics no longer requiring classification, FEMA had 29 subtopics no longer requiring classification, as well as 3 downgrades, and NPPD had 9 subtopics no longer requiring classification.

The Transportation Security Agency (TSA) cancelled 6 out of 11 guides, finding the guidance either no longer valid or covered by other Departmental guides. The 6 cancelled guides account for 46 subtopics no longer requiring classification, while the remaining 5 guides account for 7 subtopics no longer requiring classification.

The remaining components with guides subjected to the FCGR [Office of Intelligence and Analysis (I&A), Office of the Chief Security Officer (OCSO), Office of Policy (PLCY), S&T, United States Coast Guard (USCG), and United States Secret Service (USSS)] revised and reissued the guides on a one-to-one basis. I&A had 4 subtopics no longer requiring classification, OCSO had 2, PLCY had 1, and S&T had 17 subtopics no longer requiring classification with 2 downgrades. Prior to the review, USSS maintained 25 Security Classification Guides. Of these 18 were reissued, while 7 were cancelled resulting in 55 subtopics no longer requiring classification.

Attempts to calculate how the elimination of guides and narrowing of topics will translate into reduced overall derivative classification at DHS are highly speculative. Although the number of decisions are expected to be lower than they would have been absent the review, there are many variables that cannot be controlled. The largest is the ever-increasing use of technology such as classified emails, which has increased the number of derivative classifications reported exponentially the past several years. Another is that while the Department is able to report how many derivative classifications were made during the year, it neither tracks the authority behind each classification (i.e., the particular classification guide, classified reporting, multiple source listing, etc.) nor does it track whether the authority behind a decision was a DHS or an external agency authority. As such, the elimination of a single subtopic in a widely used guide could easily have a greater effect on the total number of derivative decisions than the cancellation of an entire guide used by a small number of people. Furthermore, increased sharing and the incorporation of other agencies' classified information into DHS products is likely a large, though also unmeasured driver of new derivative classification which would be unaffected by the review conducted at DHS. It should also be noted that a derivative document counts as a single action regardless of the actual amount and source(s) of classified information contained in the document. It is therefore possible that reports and documents at DHS will have less actual classified information in them as a result of the FCGR; however, it would not be reflected in the yearly ISOO report, which captures derivative classification actions, not content. It is within this context that the below estimate should be considered.

Assuming each reviewed guide is utilized at the same rate for derivative decisions (39% fewer guides), that decisions based solely on a DHS classification guide (and not external classification sources) account for half[1] of all derivative classification, and holding the increase in the rate of derivative classification activity from 2010 to 2011 constant (12.5%)[2] for 2012, an estimate would be that DHS might anticipate a 9.4% reduction in derivative classification actions compared to the historical number of derivatively classification actions accounted for in the past. However, as indicated above, these calculations are unscientific and should not be construed to imply that DHS expects a 9.4% decline in derivative classifications.

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[1] No means to measure this exists. Therefore, the use of "half" as a threshold is speculation and is used only as an average between the extremes.

[2] DHS SF 311, Agency Security Classification Program Management Data, Report to ISOO for FY 2011