

### North Atlantic Treaty Organization (NATO)

*Safeguarding and handling NATO material is governed by the United States Security Authority for NATO Affairs (USSAN) 1-07 (Dated: 05 April 2007).*

- In emergency situations, interim access may be granted
- Generally, NATO classified material must be separated from U.S. Government material
- Refer to DoD Directive 5100.55 (Dated: 27 Feb 2006) for additional information

### Foreign Governments and Nationals

*DoD information entrusted to foreign governments must be identified and protected equivalent to U.S. classified information.*

### Guidelines for Disseminating to Foreign Governments and Nationals

#### **To obtain access, agencies must:**

- Obtain written consent from the originating country's government
- Maintain records, including receipt, internal distribution, and destruction as follows: Top Secret - 5 years; Secret - 3 years; and Confidential - 2 years
- Ensure separate storage, as feasible, of Foreign Government Information (FGI)
- Refer to NSDM 119, NDP-1 and DoD 5230.11 for additional information

### Limited Access Authorization (LAA)

Only U.S. citizens are eligible for security clearances. Authorizations for limited access to Confidential or Secret information may be granted to non-U.S. citizens, as necessary. LAA is **NOT** a security clearance.

### Guidelines for Limited Access Authorization

- Based upon a compelling need and unique ability
- Annual review must be conducted to ensure access is still required
- Refer to DoD 5200.2-R (Ch. 3.4.3) for additional information

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# Dissemination of Classified Information Within and Outside of the Executive Branch



Desk Reference

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## Disseminating Classified Information

Individuals may only have access to classified information if they are determined to be trustworthy and granting access to that information is in the best interest of the U.S. Government.

This resource provides guidance for the dissemination of classified information, internal and external to the Executive Branch of the U.S. Government.

### Minimum Procedures for Disseminating All Classified Information

1. Procedures Established per agency
  2. Verify Requestors:
    - Identity
    - Eligibility/Access
    - Need-to-Know
- Refer to DoDM 5200.01, Vol. 3, Encl. 2 Para. 6 for additional information

### DISSEMINATION WITHIN THE EXECUTIVE BRANCH:

*Refers to the Presidential Cabinet and supporting federal agencies, including Department of Defense (DoD).*

### Minimum Requirements for Dissemination Within the Executive Branch

#### Validate:

1. Clearance level
2. Need-to-Know
3. SF 312 (Classified Information Nondisclosure Agreement)

**THIRD AGENCY RULE:** *Classified information originating in another DoD Component or in a department or agency other than the DoD may be disseminated to other DoD Components, to other U.S. departments or agencies, or to a U.S. entity without the consent of the originating Component, department, or agency, as long as:*

- Information provides benefit or advantage to U.S. Government
- Release is not prohibited by the originating department or agency
- The document was created ON or AFTER June 27, 2010
- Refer to DoDM 5200.01, Vol. 3, Encl. 4, Para. 2

## Disseminating Outside the Executive Branch

*In the event that classified information is requested by an agency outside of the Executive Branch, minimum procedures must be followed. The following provide examples of external agencies requesting classified information, and associated guidelines.*

### Congress

*To ensure the proper functioning of the U.S. Government, Congress must receive adequate information concerning all government programs and operations.*

- Refer to DoD Instruction 5400.04 (Dated: 17 Mar 2009) for additional information

### Government Printing Office (GPO)

*The GPO provides publishing and dissemination services for official and authentic government publications and for documentation of all classification levels to Congress, federal agencies, federal depository libraries and the American public.*

- Refer to DoD and GPO Security Agreement (Dated: 20 Feb 1981) for additional information

### Government Accountability Office (GAO)

*As the investigative arm of Congress, the GAO assists in the improvement of performance and accountability throughout the federal government.*

- Refer to DoD Instruction 7650.01 (Dated: 27 Jan 2009) for additional information

### Historical Researchers

*Individuals engaged in historical research may be granted access to classified information by the DoD Component with classification jurisdiction over the material. Access authorization is valid for 2 years.*

### Guidelines for Disseminating to Historical Researchers

#### To obtain access, individuals must:

- Obtain written determination (limited to specific categories of information)
- Maintain custody at a DoD facility or National Archives Record Administration (NARA)
- Safeguard and submit material for classification review
- Refer to DoDM 5200.01, Vol. 2, Encl. 2, Para. 6 for additional information

### Former Presidential Appointees

Former Presidential Appointees may be granted access to classified information within certain guidelines, if authorized by the DoD Component official with classification jurisdiction.

### Guidelines for Disseminating to Former Presidential Appointees

#### Former Presidential Appointees may:

- Not remove classified information upon departure from office
- Have access if, during appointment, they originated, received, reviewed, signed or addressed the information
- Refer to DoDM 5200.01, Vol. 3, Encl. 2, Para. 6 for additional information

### Judicial Proceedings

*Classified information may need to be released during judicial proceedings.*

### Guidelines for Disseminating for Judicial Proceedings

- Original Classification Authority (OCA) should declassify information, if feasible. Other options include: sanitation, redaction, or closed sessions with judicial official
- All involved parties must be sworn to secrecy or complete SF 312
- Refer to DoD Directive 5405.2 (Dated: 23 Jul 1985) (Certified current as of November, 2003) for additional information

### Investigation & Law Enforcement Agencies

*Dissemination of classified information is accomplished through established liaison or investigative channels.*

- Emergency situations may warrant direct dissemination of classified information to agencies such as the Federal Bureau of Investigation (FBI), Drug Enforcement Administration (DEA), or Secret Service; minimum procedures for disseminating classified information must still be followed

### State, Local, Tribal, and Private Sector Entities

*Periodically, the need may arise to share information with State, Local, Tribal, and Private Sector (SLTPS) entities.*

*In these cases, there is an established Classified National Security Information Program designed to safeguard and govern access to classified national security information.*

- Refer to E.O. 13549 (Dated: 18 Aug 2010) for additional information

### Industrial, Educational & Commercial Entities

*Dissemination of classified information to bidders, contractors, grantees, educational, scientific or industrial entities may be granted only in the interest of national security.*

- Refer to DoD 5220.22-M (Dated: 28 Feb 2006) for additional information

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