

## **Bi-annual Report on Operations of the National Declassification Center**

### **Reporting period: 1 July 2011 – 31 December 2011**

This is the fourth 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 review 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. We are already seeing the impact of failures to comply with “Kyl-Lott” requirements in the implementation of our prioritization plan. Although we had provided an orderly plan for processing collections, frequently based on requester interest and demand, the lack of certification regarding RD/FRD has forced us to postpone certain higher interest collections until the page-level review or highly unlikely certification under the “Kyl-Lott” provisions can be completed.

I am pleased to report that many of the agencies participating in the NDC have begun working a collaborative effort to comply with the requirements to identify and segregate these sensitive pages. This page-level review process, piloted as of mid-November, is 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. In addition, the agencies are supporting the other quality assurance work flows instituted in 2010.

During our two years since stand up, we have assessed 70% of our back log. Quality assurance evaluation and processing for declassification prior to final segregation and indexing have been completed on 44% of that 70%. The President mandated that the NDC complete the processing on 100% of the back log by December 31, 2013. Although we will certainly successfully assess all 400 million back log pages within the next two years (and probably sooner), our ongoing assessment of the back log suggests we must divert extensive inter-agency and NARA resources toward addressing prior failures by agencies to address 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 13526, “Classified National Security Information,” under the direction of the Archivist of the United States, to coordinate 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 making available to the public the declassified records within the approximately 400 million pages currently back logged (that is, currently accessioned but not yet fully processed for release to the public) at the National Archives and Records Administration (NARA) and under NDC purview.

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 back log including naming specific record groups and series that have been completed.

### **Highlights:**

- **Openness and Public Comment:**

- In August, we held a public forum at the National Archives McGowan Theater in Washington, DC, to provide an update on our progress and the atmospherics of inter agency cooperation. The high point was a panel consisting of representatives of several NDC-participating agencies, Department of Energy (DOE), Federal Bureau of Investigation (FBI), Central Intelligence Agency (CIA), Department of State, and Joint Chiefs of Staff (JCS) who spoke about their own efforts, gave their thoughts on inter-agency collaboration, and answered pre-submitted questions as well as those solicited from the audience.
- We were a prominent mention in the September [U.S. National Action Plan](#) crafted by the Open Government Partnership. That document describes our goals and our public-facing interaction.
- 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, as well as expanded details on the August public form.

### **Review:**

- We completed the declassification review and processing of information relating to the Berlin Wall construction (50<sup>th</sup> anniversary) and held a seminar, including a panel discussion, related to the opening of the records, on October 27, 2011 at the National Archives building in Washington, DC. A booklet containing specifically written articles, information highlights, and a CD was available.
- We continued our work on the supporting documentation related to the Pentagon Papers. On June 13, 2011, we had provided the first authorized release of the complete report to the Vietnam taskforce, and now found at <http://www.archives.gov/research/pentagon-papers/>. The supporting records had been found to be disorganized, requiring extensive archival processing and other government agency equity coordination.
- Toward the end of the reporting period, we prioritized several special historical collections to be processed in 2012. NDC staff members have begun identifying and analyzing records related to the Katyn Atrocities, the Cuban Missile Crises, and POW/MIA information from Korea and Vietnam. While much has been declassified about all three of these subjects, we have begun locating series of records of interest related to each, obtaining public input about specific issues and concerns, and working with our agency partners to potentially provide access to previously unavailable documents.
- Agencies are continuing to do page-by-page equity review for their referrals in the NDC Interagency Referral Center. During the six-month reporting period (July 1 – December 31, 2011), 510,204 referred pages were completed for equity review. Of those pages, 249,851 were declassified and 261,353 pages were exempted for still-sensitive national security information or excluded for RD/FRD.
- The NDC Joint Referral Center (JRC), which coordinates and facilitates the review and referral of a Department of Defense (DOD) subset to the back log, is conducting 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, Office of the Secretary of Defense (OSD), JCS, Defense Intelligence Agency (DIA), National Security Agency (NSA), Missile Defense Agency (MDA), National Reconnaissance Office (NRO), and Department of State are participating. During the six-month reporting period, the JRC reviewed 2,201,059 pages in 986 boxes for its most productive six-month period so far. Of these pages, 2,159,215 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 December 31, 2011, equity-holding agencies had completed review on 982,220 of those pages, and of those, 534,821 pages were delivered to the pertinent libraries. RAC-reviewed pages are *not* reported as part of the Federal accessioned-records back log 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 (FOIA/MDR) Division continues to benefit from improved work processes established during 2011. During the first quarter of FY 2011, we closed 56 FOIA and MDR cases. For first quarter FY 2012, 114 cases were closed. 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 back log 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.
- To provide declassified historical documents to our customers in a timelier manner, we recognized the need to track all records from accessioning to their final availability in order to facilitate referral review for declassification and release. We completed our work with a contractor to develop the requirements for an IT system that would be responsive to our needs, including improved NDC processes, improved data collection, and integration.

**Interagency Cooperation:**

- During the six-month reporting period, agency personnel from Army, USAF, OSD, NSA, CIA, DIA, and DOE participated in daily Evaluation Team activities, frequently providing staffing for up to three 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, OSD (WHS), NSA, DIA, NGA, USAF, JCS, CIA, and DOE. DOE maintained an expanded workforce commitment in order to assess all records in the back log, and CIA's expanded capability focused on specific, more sensitive series as well as assistance in addressing the failures by other agencies to meet Kyl-Lott requirements.

- 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, during the calendar year, DIA provided targeted equity adjudication on records related to POW/MIA information; they are continuing this review, and many of these records are being declassified as a result of their efforts.
- Federal Emergency Management Agency (FEMA) began a special review for Kyl-Lott and other government agency equity referral within their 300,000 pages of records.
- A collection of 90,000 pages of Department of Commerce records discovered at an offsite record center was addressed expeditiously by a joint NARA/CIA team.
- 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. Several agencies, such as the Department of State, had begun addressing these required page-level reviews within their records with the assistance of NARA personnel. In early June, we stood up an interagency team to address Kyl-Lott review issues in Department of the Navy records. In mid-November, we expanded this inter-agency effort against Navy and Department of State records with a piloted approach, and we will be addressing other government agency record series in the near future. Agencies, including Army, DIA, USAF, NSA, CIA, JCS, and WHS, are willingly undertaking the RD/FRD page-level review not yet done in the records of other agencies that should have been done prior to the stand up of the NDC. It is important to note that these 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, nearly 4,000,000 pages have been addressed using this inter-agency model.
- The NDC Advisory Panel, consisting of office-level heads from the Intelligence, Defense, Law Enforcement, and Diplomatic Communities, met in September to

discuss back log challenges and special media review. A follow-on meeting was held to discuss processes for addressing missing or undocumented Kyl-Lott review. An on-site agency meeting was held bi-monthly to discuss working level concerns and suggestions for process improvements.

- We briefed the Department of State Advisory Committee on Historic Diplomatic Documentation (HAC) on NDC progress in September and December. We also contributed to a paper on how State Department records are accessioned, processed for declassification, and archivally described.
- We stood up an Information Technology Working Group, headed by the Missile Defense Agency and the USAF Declassification Programs, to encourage inter-agency examination of uses of newer technology, such as context accumulation techniques, the computer generation of standardized metadata, and enhanced information retrieval tools. Although much of this technology will not directly impact our back log processing, it will have applications as we move further into electronic records and digitization.
- We hosted a multi-day Declassification Training Conference in November for executive branch declassification professionals. The objectives of the conference were to enhance our community's protection of national security information, promote cohesion and common methodology among declassification professionals, and foster greater understanding of our individual and collective responsibility to protect national classified information through purposeful and deliberate declassification guidance.

### **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 back log reported to the status of the various stages of processing. With that in mind, unless otherwise indicated, we are reporting production using a reporting period of January 1, 2010 (establishment of the NDC by E.O.) to December 31, 2011. These production numbers reflect the number of back log 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 Department of Energy sensitivities, or have been exempted from automatic declassification by an agency.

Included in the pages released to the public during the July - December 2011 reporting period are documents from Record Group (RG) 84, Foreign Service Posts of the Department of State; documents from a number of military services-related record groups, the Joint Chiefs of Staff,

and the Office of the Secretary of Defense; and documents from RG 306, U.S. Information Agency. Additional information on these and other releases is provided on our website.

Total back log pages as of NDC stand up on January 1, 2010: 389.5 million pages (vice 386.2 million pages reported in the last report. This new number is based on our expanded metrics capability 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 – December 31, 2011): 275 million pages.

Total pages successfully completing the NDC referral quality review process, including meeting the “Kyl-Lott” requirements (January 1, 2010 – December 31, 2011): 120.6 million pages.

Total pages that have completed all processing: 26.6 million pages.

Total pages released to the public (also includes 823,265 pages released in the Interagency Referral Center: January 1, 2010 – December 31, 2011): 22.7 million pages.

Total back log pages requiring referral quality review processing as of December 31, 2011: 268.9 million pages.