

Mandatory Declassification Review (MDR)

General

MDR is a mechanism provided in Section 3.5 of Executive Order 13526 (which replaced Executive Order 12958) whereby an individual may request the declassification review of specific classified material that (s)he is able to identify so that the agency may retrieve it with reasonable effort.

Section 3.5 provides that information classified under this order or predecessor orders shall be subject to a review for declassification by the originating agency if:

- 1) the request for a review describes the document or material containing the information with sufficient specificity to enable the agency to locate it with a reasonable amount of effort;
- 2) the document or material containing the information responsive to the request is not contained within an operational file exempted from search and review, publication, and disclosure under 5 U.S.C 552 in accordance with law
- 3) the information has not been reviewed for declassification within the past 2 years. If the agency has reviewed the information within the past 2 years, or the information is the subject of pending litigation, the agency shall inform the requester of this fact and of the requester's appeal rights.

Where to File a Request for MDR

MDR requests must be sent to the following address:

Office of Information Programs and Services
A/GIS/IPS/RL
U. S. Department of State, SA-2
Washington, D. C. 20522-8100

How to Request MDR

The request should specifically mention MDR under E.O. 13526, and not the Freedom of Information or Privacy Acts. The request must identify the document or information to be reviewed with as much specificity as possible, e.g., "Embassy London telegram 88994 of August 22, 1997." As a general rule, MDRs should be filed only for the declassification and release of information known to be classified. MDRs will not be opened for general requests for information, e.g. "information on Tonga-U.S. relations from 2002 to the present", though that may be an appropriate subject of a FOIA request.

UNCLASSIFIED

Although the purpose of an MDR is to provide declassification review of classified material, material that has been declassified pursuant to the review may nonetheless be withheld for other reasons, most typically because withholding is required by the FOIA.

Appealing an MDR Decision

Requesters who are denied declassification and release of information pursuant to an MDR request can file an administrative appeal with the Department's Appeals Review Panel (ARP). A negative decision by the ARP may be appealed to the Interagency Security Classification Appeals Panel (ISCAP), the highest appellate body for MDR decisions.

Please note: the codification of the rules for requesting mandatory declassification review in 22 Code of Federal Regulations (CFR) 171, Subpart C refer to Executive Order 12958. Although Executive Order 12958 has been superseded by Executive Order 13526, the instructions in 22CFR171, Subpart C for requesting mandatory declassification review remain valid.

Questions regarding access to Department of State records should be directed to the FOIA Requester Service Center by calling the FOIA Hotline at (202) 261-8484.