



Department of Defense

DIRECTIVE

NUMBER 5230.09
August 22, 2008

DA&M

SUBJECT: Clearance of DoD Information for Public Release

References: See Enclosure 1

1. PURPOSE. This Directive reissues DoD Directive (DoDD) 5230.09 (Reference (a)) to update policy and responsibilities for the security and policy review process for the clearance of official DoD information proposed for official public release by the Department of Defense and its employees under DoDD 5105.02 (Reference (b)).

2. APPLICABILITY AND SCOPE

a. This Directive applies to:

(1) OSD, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the Department of Defense (hereafter referred to collectively as the "DoD Components").

(2) All DoD personnel.

b. This Directive does NOT apply for provisions governing review of:

(1) Prepared statements, transcripts of testimony, questions for the record, inserts for the record, budget documents, and other material provided to congressional committees that may be included in the published records. (DoDD 5400.4 (Reference (c)) applies.)

(2) Information before publication or disclosure by DoD contractors. (DoD 5220.22-M and DoD 5200.1-R (References (d) and (e)) apply.)

(3) Official information in litigation. (DoDD 5405.2 (Reference (f)) applies.)

(4) Release of official DoD information to the news media. (DoDD 5122.5 (Reference (g)) applies.)

3. DEFINITIONS. Terms used in this Directive are defined in the glossary.

4. POLICY. It is DoD policy that:

a. Accurate and timely information is made available to the public and the Congress to help the analysis and understanding of defense strategy, defense policy, and national security issues.

b. Any official DoD information intended for public release that pertains to military matters, national security issues, or subjects of significant concern to the Department of Defense shall be reviewed for clearance prior to release.

c. The public release of official DoD information is limited only as necessary to safeguard information requiring protection in the interest of national security or other legitimate governmental interest, as authorized by References (e), (f), and (g) and DoDDs 5200.1, 5230.24, 5230.25, 5400.07, 5400.11, 5205.02, and 5500.07; DoD Instruction (DoDI) 5230.27; DoD 5400.7-R; DoD 5400.11-R; DoD 5500.7-R; International Traffic in Arms Regulations; Executive Order 12958, as amended; section 4353 of title 22, United States Code (U.S.C.); and Presidential Memorandum (References (h) through (v), respectively).

d. Information released officially is consistent with established national and DoD policies and programs, including Deputy Secretary of Defense Memorandum (Reference (w)).

e. To ensure a climate of academic freedom and to encourage intellectual expression, students and faculty members of an academy, college, university, or DoD school are not required to submit papers or materials prepared in response to academic requirements for review when they are not intended for release outside the academic institution. Information intended for public release or made available in libraries to which the public has access shall be submitted for review. Clearance shall be granted if classified information is not disclosed, DoD interests are not jeopardized, and the author accurately portrays official policy, even if the author takes issue with that policy.


f. Retired personnel, former DoD employees, and non-active duty members of the Reserve Components shall use the DoD security review process to ensure that information they submit for public release does not compromise national security.

g. DoD personnel, while acting in a private capacity and not in connection with their official duties, have the right to prepare information for public release through non-DoD fora or media. This information must be reviewed for clearance if it meets the criteria in DoDI 5230.29 (Reference (x)). Such activity must comply with ethical standards in References (q) and (r) and may not have an adverse effect on duty performance or the authorized functions of the Department of Defense.

5. RESPONSIBILITIES. See Enclosure 2.

6. RELEASABILITY. UNLIMITED. This Directive is approved for public release. Copies may be obtained through the Internet from the DoD Issuances Web Site at <http://www.dtic.mil/whs/directives>.

7. EFFECTIVE DATE. This Directive is effective immediately.



Gordon England
Deputy Secretary of Defense

Enclosures

1. References
 2. Responsibilities
- Glossary

ENCLOSURE 1

REFERENCES

- (a) DoD Directive 5230.9, "Clearance of Department of Defense (DoD) Information for Public Release," April 9, 1996 (hereby canceled)
- (b) DoD Directive 5105.02, "Deputy Secretary of Defense," September 18, 2007
- (c) DoD Directive 5400.4, "Provision of Information to Congress," January 30, 1978
- (d) DoD 5220.22-M, "National Industrial Security Program Operating Manual," February 28, 2006
- (e) DoD 5200.1-R, "Information Security Program Regulation," January 14, 1997
- (f) DoD Directive 5405.2, "Release of Official Information in Litigation and Testimony by DoD Personnel as Witnesses," July 23, 1985
- (g) DoD Directive 5122.5, "Assistant Secretary of Defense for Public Affairs (ASD(PA))," September 27, 2000
- (h) DoD Directive 5200.1, "DoD Information Security Program," December 13, 1996
- (i) DoD Directive 5230.24, "Distribution Statements on Technical Documents," March 18, 1987
- (j) DoD Directive 5230.25, "Withholding of Unclassified Technical Data from Public Disclosure," November 6, 1984
- (k) DoD Instruction 5230.27, "Presentation of DoD-Related Scientific and Technical Papers at Meetings," October 6, 1987
- (l) DoD Directive 5400.07, "DoD Freedom of Information Act Program (FOIA)," January 2, 2008
- (m) DoD 5400.7-R, "DoD Freedom of Information Act Program," September 4, 1998
- (n) DoD Directive 5400.11, "DoD Privacy Program," May 8, 2007
- (o) DoD 5400.11-R, "Department of Defense Privacy Program," May 14, 2007
- (p) DoD Directive 5205.02, "DoD Operations Security (OPSEC) Program," March 6, 2006
- (q) DoD Directive 5500.07, "Standards of Conduct," November 29, 2007
- (r) DoD 5500.7-R, "Joint Ethics Regulation (JER)," August 1, 1993, as amended
- (s) International Traffic in Arms Regulations (ITAR), Department of State, April 2, 2008
- (t) Executive Order 12958, "Classified National Security Information," as amended, March 25, 2003
- (u) Section 4353 of title 22, U.S.C.
- (v) Presidential Memorandum, "Designation and Sharing of Controlled Unclassified Information," May 9, 2008¹
- (w) Deputy Secretary of Defense Memorandum, "Ensuring Quality of Information Disseminated to the Public by the Department of Defense," February 10, 2003²
- (x) DoD Instruction 5230.29, "Security and Policy Review of DoD Information for Public Release," August 6, 1999
- (y) Title 10, U.S.C.

¹ Available at <http://www.whitehouse.gov/news/releases/2008/05/20080509-6.html>

² Available at <http://www.defenselink.mil/pubs/dodiqguidelines.html>

ENCLOSURE 2

RESPONSIBILITIES

1. DIRECTOR, ADMINISTRATION AND MANAGEMENT (DA&M). The DA&M shall act as the appellate authority for the DoD security review process.

2. DIRECTOR, WASHINGTON HEADQUARTERS SERVICES (WHS). The Director, WHS, under the authority, direction, and control of the DA&M, shall:
 - a. Monitor compliance with this Directive.

 - b. Develop procedures and review guidelines for the security and policy review of information intended for public release in coordination with offices of the OSD Principal Staff Assistants.

 - c. Implement the DoD security review process through the Office of Security Review (OSR).

3. INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE. The Inspector General of the Department of Defense, as an independent and objective officer in the Department of Defense, is exempt from the policy review provisions of this Directive. As necessary, information may be submitted for security review prior to public release.

4. HEADS OF THE DoD COMPONENTS. The Heads of the DoD Components shall:
 - a. Provide prompt guidance and assistance to the Director, WHS, when requested, for the security or policy implications of information proposed for public release.

 - b. Establish policies and procedures to implement this Directive in their Components. Designate the DoD Component office and point of contact for implementation of this Directive and provide this information to the OSR.

 - c. Forward official DoD information proposed for public release to the Director, WHS, for review, including a recommendation on the releasability of the information per Reference (x).

GLOSSARY

DEFINITIONS

The following terms and their definitions are for the purposes of this Directive only.

DoD personnel:

Any DoD civilian officer or employee (including special Government employees) of any DoD Component (including any nonappropriated fund activity).

Any active duty Regular or Reserve military officer, warrant officer, and active duty enlisted member of the Army, the Navy, the Air Force, or the Marine Corps.

Any Reserve or National Guard member on active duty under orders issued pursuant to title 10, U.S.C. (Reference (y)).

Any Reserve or National Guard member performing official duties, including while on inactive duty for training or while earning retirement points, pursuant to Reference (y), or while engaged in any activity related to the performance of a Federal duty or function.

Any faculty member in a civil service position or hired pursuant to Reference (y) and any student (including a cadet or midshipman) of an academy, college, university, or school of the Department of Defense.

Any foreign national working for a DoD Component except those hired pursuant to a defense contract, consistent with labor agreements, international treaties and agreements, and host-country laws.

information. Any communication or representation of knowledge such as facts, data, or opinions in any medium or form.

official DoD information. All information that is in the custody and control of the Department of Defense, relates to information in the custody and control of the Department, or was acquired by DoD employees as part of their official duties or because of their official status within the Department.

review for clearance. The process by which information that is proposed for public release is examined for compliance with established national and DoD policies and to determine that it contains no classified or export-controlled information. Release of information to the public, cleared by the OSR, is the responsibility of the originating office.