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2
3 EXECUTIVE ORDER
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11 ~~FURTHER AMENDMENT TO EXECUTIVE ORDER 12958, AS AMENDED,~~
12 CLASSIFIED NATIONAL SECURITY INFORMATION
13
14

15 ~~By the authority vested in me as President by the Constitution and the laws of the United~~
16 ~~States of America, and in order to further amend Executive Order 12958, as amended, it is~~
17 ~~hereby ordered that Executive Order 12958 is amended to read as follows:~~

18 ~~Classified National Security Information~~

19 This order prescribes a uniform system for classifying, safeguarding, and declassifying
20 national security information, including information relating to defense against transnational
21 terrorism. Our democratic principles require that the American people be informed of the
22 activities of their Government. Also, our Nation's progress depends on the free flow of
23 information: ~~both within the Government and to the American people.~~ Nevertheless, throughout
24 our history, the national defense has required that certain information be maintained in
25 confidence in order to protect our citizens, our democratic institutions, our homeland security,
26 and our interactions with foreign nations. Protecting information critical to our Nation's security
27 ~~remains a priority and demonstrating our commitment to open Government through accurate and~~
28 ~~accountable application of classification standards and routine, secure, and effective~~
29 ~~declassification are equally important priorities.~~

30 NOW, THEREFORE, ~~I, BARACK OBAMA,~~ by the authority vested in me as President
31 by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

32 PART 1--ORIGINAL CLASSIFICATION
33

34 ~~Section 1.1. Classification Standards.~~ (a) Information may be originally classified
35 under the terms of this order only if all of the following conditions are met:
36

- 37 (1) an original classification authority is classifying the information;
38
39 (2) the information is owned by, produced by or for, or is under the control of the
40 United States Government;
41
42 (3) the information falls within one or more of the categories of information
43 listed in section 1.4 of this order; and
44
45 (4) the original classification authority determines that the unauthorized
46 disclosure of the information reasonably could be expected to result in damage to
47 the national security, which includes defense against transnational terrorism, and
48 the original classification authority is able to identify or describe the damage.

1
2 (b) If there is significant doubt about the need to classify information, it shall not be
3 classified. This provision does not:

4
5 (1) amplify or modify the substantive criteria or procedures for
6 classification; or

7
8 (2) create any substantive or procedural rights subject to judicial review.
9

10 (c) Classified information shall not be declassified automatically as a result of any
11 unauthorized disclosure of identical or similar information.

12
13 (ed) The unauthorized disclosure of foreign government information is presumed to
14 cause damage to the national security.

15
16 Sec. 1.2. Classification Levels. (a) Information may be classified at one of the
17 following three levels:

18
19 (1) "Top Secret" shall be applied to information, the unauthorized disclosure of
20 which reasonably could be expected to cause exceptionally grave damage to the
21 national security that the original classification authority is able to identify or
22 describe.

23
24 (2) "Secret" shall be applied to information, the unauthorized disclosure of which
25 reasonably could be expected to cause serious damage to the national security that
26 the original classification authority is able to identify or describe.

27
28 (3) "Confidential" shall be applied to information, the unauthorized disclosure of
29 which reasonably could be expected to cause damage to the national security that
30 the original classification authority is able to identify or describe.

31
32 (b) Except as otherwise provided by statute, no other terms shall be used to identify
33 United States classified information.

34
35 (c) If there is significant doubt about the appropriate level of classification, it shall be
36 classified at the lower level.

37
38 Sec. 1.3. Classification Authority. (a) The authority to classify information originally
39 may be exercised only by:

40
41 (1) the President and, ~~in the performance of executive duties,~~ the Vice President;

42
43 (2) agency heads and officials designated by the President ~~in the~~ Federal
44 Register; and

45
46 (3) United States Government officials delegated this authority pursuant to
47 paragraph (c) of this section.
48

1 (b) Officials authorized to classify information at a specified level are also authorized to
2 classify information at a lower level.

3
4 (c) Delegation of original classification authority.

5
6 (1) Delegations of original classification authority shall be limited to the
7 minimum required to administer this order. Agency heads are responsible for
8 ensuring that designated subordinate officials have a demonstrable and continuing
9 need to exercise this authority.

10
11 (2) "Top Secret" original classification authority may be delegated only by the
12 President; ~~in the performance of executive duties,~~ the Vice President; ~~2~~ or an
13 agency head or official designated pursuant to paragraph (a)(2) of this section.

14
15 (3) "Secret" or "Confidential" original classification authority may be delegated
16 only by the President; ~~2~~ ~~in the performance of executive duties,~~ the Vice President; ~~2~~
17 ~~or~~ an agency head or official designated pursuant to paragraph (a)(2) of this
18 section; ~~2~~ or the senior agency official ~~described designated in~~ under section 5.4(d)
19 of this order, provided that official has been delegated "Top Secret" original
20 classification authority by the agency head.

21
22 (4) Each delegation of original classification authority shall be in writing and the
23 authority shall not be redelegated except as provided in this order. Each
24 delegation shall identify the official by name or position ~~title~~.

25
26 (5) Delegations of original classification authority shall be reported or made
27 available by name or position to the Director of the Information Security
28 Oversight Office.

29
30 (d) ~~All~~ ~~Original~~ classification authorities must receive training in ~~original classification~~
31 proper classification (including the avoidance of over-classification) and declassification as
32 provided in this order and its implementing directives; at least once a calendar year. Such
33 training must include instruction on the proper safeguarding of classified information and ~~of~~
34 the ~~criminal, civil, and administrative~~ sanctions in section 5.5 of this order that may be brought
35 against an individual who fails to classify information properly or protect classified information
36 from unauthorized disclosure. Original classification authorities who do not receive such
37 mandatory training at least once within a calendar year shall have their classification authority
38 suspended by the agency head or the senior agency official designated under section 5.4(d) of
39 this order until such training has taken place. A waiver may be granted by the agency head, the
40 deputy agency head, or the senior agency official if an individual is unable to receive such
41 training due to unavoidable circumstances. Whenever a waiver is granted, the individual shall
42 receive such training as soon as practicable.

43
44 (e) Exceptional cases. When an employee, government contractor, licensee, certificate
45 holder, or grantee of an agency who does not have original classification authority originates
46 information believed by that person to require classification, the information shall be protected in
47 a manner consistent with this order and its implementing directives. The information shall be
48 transmitted promptly as provided under this order or its implementing directives to the agency

1 that has appropriate subject matter interest and classification authority with respect to this
2 information. That agency shall decide within 30 days whether to classify this information. ~~If it
3 is not clear which agency has classification responsibility for this information, it shall be sent to
4 the Director of the Information Security Oversight Office. The Director shall determine the
5 agency having primary subject matter interest and forward the information, with appropriate
6 recommendations, to that agency for a classification determination.~~

7
8 Sec. 1.4. Classification Categories. Information shall not be considered for classification
9 unless its unauthorized disclosure could reasonably be expected to cause identifiable or
10 describable damage to the national security in accordance with section 1.2 of this order, and it
11 concerns ~~pertains~~ to one or more of the following:

- 12
13 (a) military plans, weapons systems, or operations;
14
15 (b) foreign government information;
16
17 (c) intelligence activities (including ~~special activities~~ covert action), intelligence sources
18 or methods, or cryptology;
19
20 (d) foreign relations or foreign activities of the United States, including confidential
21 sources;
22
23 (e) scientific, technological, or economic matters relating to the national security, ~~which~~
24 ~~includes defense against transnational terrorism;~~
25
26 (f) United States Government programs for safeguarding nuclear materials or facilities;
27
28 (g) vulnerabilities or capabilities of systems, installations, infrastructures, projects, plans,
29 or protection services relating to the national security, ~~which includes defense against~~
30 ~~transnational terrorism;~~ or
31
32 (h) the development, production, or use of weapons of mass destruction.

33
34 Sec. 1.5. Duration of Classification. (a) At the time of original classification, the
35 original classification authority shall ~~attempt to~~ establish a specific date or event for
36 declassification based ~~upon~~ the duration of the national security sensitivity of the information.
37 Upon reaching the date or event, the information shall be automatically declassified. Except for
38 information that should clearly and demonstrably be expected to reveal the identity of a
39 confidential human source or a human intelligence source or key design concepts of weapons of
40 mass destruction, ~~the~~ the date or event shall not exceed the time frame established in paragraph (b)
41 of this section.

42
43 (b) If the original classification authority cannot determine an earlier specific date or
44 event for declassification, information shall be marked for declassification 10 years from the date
45 of the original decision, unless the original classification authority otherwise determines that the
46 sensitivity of the information requires that it ~~shall~~ be marked for declassification for up to 25
47 years from the date of the original decision. ~~All information classified under this section shall be~~

1 | ~~subject to section 3.3 of this order if it is contained in records of permanent historical value under~~
2 | ~~title 44, United States Code.~~

3 |
4 | (c) An original classification authority may extend the duration of classification up to 25
5 | years from the date of origin of the document, change the level of classification, or reclassify
6 | specific information only when the standards and procedures for classifying information under
7 | this order are followed.

8 |
9 | (d) No information may remain classified indefinitely. Information marked for an
10 | indefinite duration of classification under predecessor orders, for example, marked as
11 | "Originating Agency's Determination Required," or classified information
12 | ~~classified under predecessor orders~~ that contains incomplete declassification instructions
13 | or lacks ~~no~~ declassification instructions shall be declassified in accordance with part 3 of this
14 | order.

15 |
16 | Sec. 1.6. Identification and Markings. (a) At the time of original classification, the
17 | following shall ~~be indicated appear on the face of each classified document, or shall be applied to~~
18 | ~~other classified media~~ in an appropriate manner that is immediately apparent:

19 |
20 | (1) one of the three classification levels defined in section 1.2 of this order;

21 |
22 | (2) the identity, by name and position, or by personal identifier ~~and position~~, of
23 | the original classification authority;

24 |
25 | (3) the agency and office of origin, if not otherwise evident;

26 |
27 | (4) declassification instructions, which shall indicate one of the following:

28 |
29 | (A) the date or event for declassification, as prescribed in section 1.5(a) ~~or~~
30 | ~~section 1.5(e)~~;

31 |
32 | (B) the date that is 10 years from the date of original classification, as
33 | prescribed in section 1.5(b); ~~or~~

34 |
35 | (C) the date that is up to 25 years from the date of original classification,
36 | as prescribed in section 1.5-(b); or

37 |
38 | (D) in the case of information that should clearly and demonstrably be
39 | expected to reveal the identity of a confidential human source or a human
40 | intelligence source or key design concepts of weapons of mass
41 | destruction, the marking prescribed in implementing directives issued
42 | pursuant to this order; and

43 |
44 | (5) a concise reason for classification that, at a minimum, cites the applicable
45 | classification categories in section 1.4 of this order.

46 |
47 | (b) Specific information ~~described required~~ in paragraph (a) of this section may be
48 | excluded if it would reveal additional classified information.

1
2 (c) With respect to each classified document, the agency originating the document shall,
3 by marking or other means, indicate which portions are classified, with the applicable
4 classification level, and which portions are unclassified. In accordance with standards prescribed
5 in directives issued under this order, the Director of the Information Security Oversight Office
6 | may grant and revoke temporary waivers of this requirement. The Director shall revoke any
7 waiver upon a finding of abuse.
8

9 | (d) Markings or other indicia implementing the provisions of this order, including
10 abbreviations and requirements to safeguard classified working papers, shall conform to the
11 standards prescribed in implementing directives issued pursuant to this order.
12

13 (e) Foreign government information shall retain its original classification markings or
14 shall be assigned a U.S. classification that provides a degree of protection at least equivalent to
15 that required by the entity that furnished the information. Foreign government information
16 retaining its original classification markings need not be assigned a U.S. classification marking
17 provided that the responsible agency determines that the foreign government markings are
18 adequate to meet the purposes served by U.S. classification markings.
19

20 (f) Information assigned a level of classification under this or predecessor orders shall be
21 considered as classified at that level of classification despite the omission of other required
22 markings. Whenever such information is used in the derivative classification process or is
23 reviewed for possible declassification, holders of such information shall coordinate with an
24 appropriate classification authority for the application of omitted markings.
25

26 (g) The classification authority shall, whenever practicable, use a classified addendum
27 whenever classified information constitutes a small portion of an otherwise unclassified
28 | document or prepare a product to allow for dissemination at the lowest level of classification
29 possible or in unclassified form.
30

31 (h) Prior to public release, all declassified records shall be appropriately marked to
32 reflect their declassification.
33

34 Sec. 1.7. Classification Prohibitions and Limitations. (a) In no case shall information be
35 | classified, continue to be maintained as classified, or fail to be declassified in order to:

- 36
- 37 (1) conceal violations of law, inefficiency, or administrative error;
 - 38
 - 39 (2) prevent embarrassment to a person, organization, or agency;
 - 40
 - 41 (3) restrain competition; or
 - 42
 - 43 (4) prevent or delay the release of information that does not require protection in
44 the interest of the national security.
 - 45

46 (b) Basic scientific research information not clearly related to the national security shall
47 not be classified.
48

1 (c) Information may not be reclassified after declassification and release to the public
2 under proper authority ~~only in accordance with the following conditions:~~unless:

3
4 (1) the reclassification ~~action is taken under the personal authority of personally~~
5 approved in writing by the agency head or deputy agency head, who determines in
6 writing that the reclassification of the information is necessary in the interest of
7 the national security;

8
9 head based on a document-by-document determination by the agency that
10 reclassification is required to prevent significant and demonstrable damage to the
11 national security;

12
13 (2) the information may be reasonably recovered; ~~and~~ without bringing undue
14 attention to the information;

15
16 (3) the reclassification action is reported promptly to the Assistant to
17 the President for National Security Affairs (National Security Advisor) and the
18 Director of the Information Security Oversight Office; and

19
20 (4) for documents in the physical and legal custody of the National Archives and
21 Records Administration (National Archives) that have been available for public
22 use, the agency head has, after making the determinations required by this
23 paragraph, notified the Archivist of the United States (Archivist), who shall
24 suspend public access pending approval of the reclassification action by the
25 Director of the Information Security Oversight Office. Any such decision by the
26 Director may be appealed by the agency head to the President through the
27 National Security Advisor. Public access shall remain suspended pending a
28 prompt decision on the appeal.

29
30 (d) Information that has not previously been disclosed to the public under proper
31 authority may be classified or reclassified after an agency has received a request for it under the
32 Freedom of Information Act (5 U.S.C. 552) ~~or~~, the Presidential Records Act, 44 U.S.C.
33 2204(c)(1), the Privacy Act of 1974 (5 U.S.C. 552a), or the mandatory review provisions of
34 section 3.5 of this order only if such classification meets the requirements of this order and is
35 accomplished on a document-by-document basis with the personal participation or under the
36 direction of the agency head, the deputy agency head, or the senior agency official designated
37 under section 5.4 of this order. The requirements in this paragraph also apply to those situations
38 in which information has been declassified in accordance with a specific date or event
39 determined by an original classification authority in accordance with section 1.5 of this order.

40
41 (e) Compilations of items of information that are individually unclassified may be
42 classified if the compiled information reveals an additional association or relationship that: (1)
43 meets the standards for classification under this order; and (2) is not otherwise revealed in the
44 individual items of information. ~~As used in this order, "compilation" means an aggregation of~~
45 ~~pre-existing unclassified items of information.~~

46
47 Sec. 1.8. Classification Challenges. (a) Authorized holders of information who, in good
48 faith, believe that its classification status is improper are encouraged and expected to challenge

1 the classification status of the information in accordance with agency procedures established
2 under paragraph (b) of this section.

3
4 (b) In accordance with implementing directives issued pursuant to this order, an agency
5 head or senior agency official shall establish procedures under which authorized holders of
6 information, including authorized holders outside the classifying agency, are encouraged and
7 expected to challenge the classification of information that they believe is improperly classified
8 or unclassified. These procedures shall ensure that:

- 9
10 (1) individuals are not subject to retribution for bringing such actions;
11
12 (2) an opportunity is provided for review by an impartial official or panel; and
13
14 (3) individuals are advised of their right to appeal agency decisions to the
15 Interagency Security Classification Appeals Panel (Panel) established by section
16 5.3 of this order.

17
18 (c) Documents required to be submitted for prepublication review or other administrative
19 process pursuant to an approved nondisclosure agreement are not covered by this section.

20
21 Sec. 1.9. Fundamental Classification Guidance Review. (a) Agency heads shall
22 complete on a periodic basis a comprehensive review of the agency's classification guidance,
23 particularly classification guides, to ensure the guidance reflects current circumstances and to
24 identify classified information that no longer requires protection and can be declassified. The
25 initial fundamental classification guidance review shall be completed within 2 years of the
26 effective date of this order.

27
28 (b) The classification guidance review shall include an evaluation of classified
29 information to determine if it meets the standards for classification under section 1.4 of this
30 order, taking into account an up-to-date assessment of likely damage as described under section
31 1.2 of this order.

32
33 (c) The classification guidance review shall include original classification authorities and
34 agency subject matter experts to ensure a broad range of perspectives.

35
36 (d) Agency heads shall provide a report summarizing the results of the classification
37 guidance review to the Director of the Information Security Oversight Office and shall release an
38 unclassified version of this report to the public.

39
40 PART 2--DERIVATIVE CLASSIFICATION

41
42 Sec. 2.1. Use of Derivative Classification. (a) Persons who ~~only~~ reproduce, extract, or
43 summarize classified information, or who ~~only~~ apply classification markings derived from source
44 material or as directed by a classification guide, need not possess original classification
45 authority.

46
47 (b) Persons who apply derivative classification markings shall:
48

1 (1) be identified by name and position, or by personal identifier, in a manner that
2 is immediately apparent for each derivative classification action;

3
4 (2) observe and respect original classification decisions; and

5
6 (23) carry forward to any newly created documents the pertinent classification
7 markings. For information derivatively classified based on multiple sources, the
8 derivative classifier shall carry forward:

9
10 (A) the date or event for declassification that corresponds to the longest
11 period of classification among the sources; ~~and~~

12
13 ~~(B) a listing of these sources on or attached to the official file, or record~~
14 ~~copy; the marking established pursuant to section 1.6(a)(4)(D) of this~~
15 ~~order; and~~

16
17 (B) a listing of the source materials.

18
19 (c) Derivative classifiers shall, whenever practicable, use a classified addendum
20 whenever classified information constitutes a small portion of an otherwise unclassified
21 document or prepare a product to allow for dissemination at the lowest level of classification
22 possible or in unclassified form.

23
24 (d) Persons who apply derivative classification markings shall receive training in the
25 proper application of the derivative classification principles of the order, with an emphasis on
26 avoiding over-classification, at least once every 2 years. Derivative classifiers who do not
27 receive such training at least once every 2 years shall have their authority to apply derivative
28 classification markings suspended until they have received such training. A waiver may be
29 granted by the agency head, the deputy agency head, or the senior agency official if an individual
30 is unable to receive such training due to unavoidable circumstances. Whenever a waiver is
31 granted, the individual shall receive such training as soon as practicable.

32
33 Sec. 2.2. Classification Guides. (a) Agencies with original classification authority shall
34 prepare classification guides to facilitate the proper and uniform derivative classification of
35 information. These guides shall conform to standards contained in directives issued under this
36 order.

37
38 (b) Each guide shall be approved personally and in writing by an official who:

39
40 (1) has program or supervisory responsibility over the information or is the senior
41 agency official; and

42
43 (2) is authorized to classify information originally at the highest level of
44 classification prescribed in the guide.

45
46 (c) Agencies shall establish procedures to ensure that classification guides are reviewed
47 and updated as provided in directives issued under this order.

1 (d) Agencies shall incorporate original classification decisions into classification guides
2 on a timely basis and in accordance with directives issued under this order.

3
4 (e) Agencies may incorporate exemptions from automatic declassification approved
5 pursuant to section 3.3(j) of this order into classification guides, provided that the Panel is
6 notified of the intent to take such action for specific information in advance of approval and the
7 information remains in active use.

8
9 (f) The duration of classification of a document classified by a derivative classifier using
10 a classification guide shall not exceed 25 years from the date of the origin of the document,
11 except for:

12
13 (1) information that should clearly and demonstrably be expected to reveal the
14 identity of a confidential human source or a human intelligence source or key
15 design concepts of weapons of mass destruction; and

16
17 (2) specific information incorporated into classification guides in accordance
18 with section 2.2(e) of this order.

19
20 **PART 3--DECLASSIFICATION AND DOWNGRADING**

21
22 Sec. 3.1. Authority for Declassification. (a) Information shall be declassified as soon as
23 it no longer meets the standards for classification under this order.

24
25 (b) Information shall be declassified or downgraded by:

26
27 (1) the official who authorized the original classification, if that official is still
28 servicing in the same position and has original classification authority;

29
30 (2) the originator's current successor in function, if that individual has original
31 classification authority;

32
33 (3) a supervisory official of either the originator or his or her successor in
34 function, if the supervisory official has original classification authority; or

35
36 (4) officials delegated declassification authority in writing by the agency head or
37 the senior agency official of the originating agency.

38
39 (c) The Director of National Intelligence (or, if delegated by the Director of National
40 Intelligence, the Principal Deputy Director of National Intelligence) may, with respect to the
41 Intelligence Community, after consultation with the head of the originating Intelligence
42 Community element or department, declassify, downgrade, or direct the declassification or
43 downgrading of information or intelligence relating to intelligence sources, methods, or
44 activities.

45
46 (d) It is presumed that information that continues to meet the classification requirements
47 under this order requires continued protection. In some exceptional cases, however, the need to
48 protect such information may be outweighed by the public interest in disclosure of the

1 information, and in these cases the information should be declassified. When such questions
2 arise, they shall be referred to the agency head or the senior agency official. That official will
3 determine, as an exercise of discretion, whether the public interest in disclosure outweighs the
4 damage to the national security that might reasonably be expected from disclosure. This
5 provision does not:

6
7 (1) amplify or modify the substantive criteria or procedures for classification; or

8
9 (2) create any substantive or procedural rights subject to judicial review.

10
11 (ee) If the Director of the Information Security Oversight Office determines that
12 information is classified in violation of this order, the Director may require the information to be
13 declassified by the agency that originated the classification. Any such decision by the Director
14 may be appealed to the President through the ~~Assistant to the President for~~ National Security
15 ~~Affairs Advisor~~. The information shall remain classified pending a prompt decision on the
16 appeal.

17
18 (df) The provisions of this section shall also apply to agencies that, under the terms of
19 this order, do not have original classification authority, but had such authority under predecessor
20 orders.

21
22 (g) No information may be excluded from declassification under section 3.3 of this order
23 based solely on the type of document or record in which it is found. Rather, the classified
24 information must be considered on the basis of its content.

25
26 (h) Classified nonrecord materials, including artifacts, shall be declassified as soon as
27 they no longer meet the standards for classification under this order.

28
29 (i) When making decisions under sections 3.3, 3.4, and 3.5 of this order, agencies shall
30 consider the final decisions of the Panel.

31
32 Sec. 3.2. Transferred Records. (a) In the case of classified records transferred in
33 conjunction with a transfer of functions, and not merely for storage purposes, the receiving
34 agency shall be deemed to be the originating agency for purposes of this order.

35
36 (b) In the case of classified records that are not officially transferred as described in
37 paragraph (a) of this section, but that originated in an agency that has ceased to exist and for
38 which there is no successor agency, each agency in possession of such records shall be deemed
39 to be the originating agency for purposes of this order. Such records may be declassified or
40 downgraded by the agency in possession of the records after consultation with any other agency
41 that has an interest in the subject matter of the records.

42
43 (c) Classified records accessioned into the National Archives ~~and Records~~
44 ~~Administration (National Archives) as of the effective date of this order~~ shall be declassified or
45 downgraded by the Archivist ~~of the United States (Archivist)~~ in accordance with this order, the
46 directives issued pursuant to this order, agency declassification guides, and any existing
47 procedural agreement between the Archivist and the relevant agency head.

1 (d) The originating agency shall take all reasonable steps to declassify classified
2 information contained in records determined to have permanent historical value before they are
3 accessioned into the National Archives. However, the Archivist may require that classified
4 records be accessioned into the National Archives when necessary to comply with the provisions
5 of the Federal Records Act. This provision does not apply to records ~~being~~ transferred to the
6 Archivist pursuant to section 2203 of title 44, United States Code, or records for which the
7 National Archives serves as the custodian of the records of an agency or organization that has
8 gone out of existence.
9

10 (e) To the extent practicable, agencies shall adopt a system of records management that
11 will facilitate the public release of documents at the time such documents are declassified
12 pursuant to the provisions for automatic declassification in section 3.3 of this order.
13

14 Sec. 3.3. Automatic Declassification. (a) Subject to paragraphs (b)-(e)-(d) and (g)-(j)
15 of this section, ~~on December 31, 2006,~~ all classified records that (1) are more than 25 years old
16 and (2) have been determined to have permanent historical value under title 44, United States
17 Code, shall be automatically declassified whether or not the records have been reviewed.

18 ~~Subsequently,~~

19 ~~all~~ All classified records shall be automatically declassified on December 31 of the year
20 that is 25 years from the date of ~~its original classification~~ origin, except as provided in paragraphs
21 (b)-(e)-(d) and (g)-(i) of this section. If the date of origin of an individual record cannot be
22 readily determined, the date of original classification shall be used instead.
23

24 (b) An agency head may exempt from automatic declassification under paragraph (a) of
25 this section specific information, the release of which ~~could~~ should clearly and demonstrably be
26 expected to:
27

28 (1) reveal the identity of a confidential human source, ~~or~~ a human intelligence
29 source, a relationship with an intelligence or security service of a foreign
30 government or ~~reveal information about the application of an international~~
31 organization, or a nonhuman intelligence source; or impair the effectiveness of an
32 intelligence method; currently in use, available for use, or under development;
33

34 (2) reveal information that would assist in the development, production, or use of
35 weapons of mass destruction;
36

37 (3) reveal information that would impair U.S. cryptologic systems or activities;
38

39 (4) reveal information that would impair the application of state-of-the-art
40 technology within a U.S. weapon system;
41

42 (5) reveal ~~actual~~ formally named or numbered U.S. military war plans that remain
43 in effect; ~~or reveal operational or tactical elements of prior plans that are~~
44 contained in such active plans;
45

46 (6) reveal information, including foreign government information, that would
47 ~~seriously and demonstrably impair~~ cause serious harm to relations between the

1 United States and a foreign government, or ~~seriously and demonstrably~~
2 ~~undermine to~~ ongoing diplomatic activities of the United States;

3
4 (7) reveal information that would ~~clearly and demonstrably~~ impair the current
5 ability of United States Government officials to protect the President, Vice
6 President, and other protectees for whom protection services, in the interest of the
7 national security, are authorized;

8
9 (8) reveal information that would seriously ~~and demonstrably~~ impair current
10 national security emergency preparedness plans or reveal current vulnerabilities
11 of systems, installations, ~~or~~ infrastructures, ~~or projects~~ relating to the national
12 security; or

13
14 (9) violate a statute, treaty, or international agreement: ~~that does not permit the~~
15 ~~automatic or unilateral declassification of information at 25 years.~~

16
17 (c)(1) An agency head shall notify the ~~President through the Assistant to the President~~
18 ~~for National Security Affairs~~ Panel of any specific file series of records for which a review or
19 assessment has determined that the information within that file series almost invariably falls
20 within one or more of the exemption categories listed in paragraph (b) of this section and
21 ~~which that~~ the agency proposes to exempt from automatic declassification: ~~at 25 years.~~

22
23 (2) The notification shall include:

24
25 (A) a description of the file series;

26
27 (B) an explanation of why the information within the file series is almost
28 invariably exempt from automatic declassification and why the
29 information must remain classified for a longer period of time; and

30
31 (C) ~~except for the identity of when the information within the file series almost~~
32 ~~invariably identifies~~ a confidential human source or a human intelligence source,
33 ~~as provided in paragraph (b) or key design concepts of weapons of this~~
34 ~~section~~ mass destruction, a specific date or event for declassification of the
35 information;

36
37 ~~The President may direct the agency head, not to exempt exceed~~
38 ~~December 31 of the year that is 50 years from the date of origin of the~~
39 ~~records.~~

40
41 (3) ~~The Panel may direct the agency not to exempt a designated~~ file series or to
42 declassify the information within that series at an earlier date than recommended. ~~The~~
43 ~~agency head may appeal such a decision to the President through the National Security~~
44 ~~Advisor.~~

45
46 (4) File series exemptions ~~previously~~ approved by the President ~~prior to~~
47 ~~December 31, 2008,~~ shall remain valid without any additional agency action: ~~pending~~

1 Panel review by the later of December 31, 2010, or December 31 of the year that is 10
2 years from the date of previous approval.
3

4 ~~(d) At least 180 days before information is automatically declassified under this section,~~
5 ~~an agency head or senior agency official shall notify the Director of the Information Security~~
6 ~~Oversight Office, serving as Executive Secretary of the Panel, of any specific information~~
7 ~~beyond that included in a~~
8 ~~notification to the President under paragraph (c) of this section that the agency proposes to~~
9 ~~exempt from automatic declassification. The notification shall include:~~

10
11 ~~(1) a description of the information, either by reference to information in specific~~
12 ~~records or in the form of a declassification guide;~~

13
14 ~~(2) an explanation of why the information is exempt from automatic~~
15 ~~declassification and must remain classified for a longer period of time; and~~

16
17 ~~(3) except for the identity of a confidential human source or a human intelligence~~
18 ~~source, as provided in paragraph (b) of this section, a specific date or event for~~
19 ~~declassification of the information. The Panel may direct the agency not to~~
20 ~~exempt the information or to declassify it at an earlier date than recommended.~~
21 ~~The agency head may appeal such a decision to the President through the~~
22 ~~Assistant to the President for National Security Affairs. The information will~~
23 ~~remain classified while such an appeal is pending.~~

24
25 ~~(e) The following provisions shall apply to the onset of automatic declassification:~~
26

27 (1) Classified records within an integral file block, as defined in this order, that
28 are otherwise subject to automatic declassification under this section shall not be
29 automatically declassified until December 31 of the year that is 25 years from the
30 date of the most recent record within the file block.

31
32 ~~(2) By notification to the Director of the Information Security Oversight Office,~~
33 ~~After consultation with the Director of the National Declassification Center (the~~
34 ~~Center) established by section 3.7 of this order and before the records are subject~~
35 ~~to automatic declassification, an agency head or senior agency official designated~~
36 ~~under section 5.4 of this order may delay automatic declassification for up to~~
37 ~~5five additional years for classified information contained in microforms, motion~~
38 ~~pictures, audiotapes, videotapes, or comparable media that make a review for~~
39 ~~possible declassification exemptions more difficult or costly.~~

40
41 ~~(3) By notification to the Director of the Information Security Oversight Office,~~
42 ~~before the records are subject to automatic declassification, an agency head or~~
43 ~~senior agency official designated under section 5.4 of this order may delay~~
44 ~~automatic declassification for up to 3 years for classified records that have been~~
45 ~~referred or transferred to that agency by another agency less than 3 years before~~
46 ~~automatic declassification would otherwise be required.~~(3) Other than for records
47 that are properly exempted from automatic declassification, records containing
48 classified information that originated with other agencies or the disclosure of

1 which would affect the interests or activities of other agencies with respect to the
2 classified information and could reasonably be expected to fall under one or more
3 of the exemptions in paragraph (b) of this section shall be identified prior to the
4 onset of automatic declassification for later referral to those agencies.

5
6 (4) ~~By notification to (A)~~ The information of concern shall be referred by
7 the Center established by section 3.7 of this order, or by the centralized
8 facilities referred to in section 3.7(e) of this order, in a prioritized and
9 scheduled manner determined by the Center.

10
11 (B) If an agency fails to provide a final determination on a referral made
12 by the Center within 1 year of referral, or by the centralized facilities
13 referred to in section 3.7(e) of this order within 3 years of referral, its
14 equities in the referred records shall be automatically declassified.

15
16 (C) If any disagreement arises between affected agencies and the Center
17 regarding the referral review period, the Director of the Information
18 Security Oversight Office shall determine the appropriate period of review
19 of referred records.

20
21 (D) Referrals identified prior to the establishment of the Center by section
22 3.7 of this order shall be subject to automatic declassification only in
23 accordance with subparagraphs (d)(3)(A)–(C) of this section.

24
25 (4) After consultation with the Director of the Information Security Oversight
26 Office, an agency head ~~or senior agency official designated under section 5.4 of~~
27 ~~this order~~ may delay automatic declassification for up to 3 years from the date of
28 discovery of classified records that were inadvertently not reviewed prior to the
29 effective date of automatic declassification.

30
31 (fe) Information exempted from automatic declassification under this section shall
32 remain subject to the mandatory and systematic declassification review provisions of this order.

33
34 (gf) The Secretary of State shall determine when the United States should commence
35 negotiations with the appropriate officials of a foreign government or international organization
36 of governments to modify any treaty or international agreement that requires the classification of
37 information contained in records affected by this section for a period longer than 25 years from
38 the date of its creation, unless the treaty or international agreement pertains to information that
39 may otherwise remain classified beyond 25 years under this section.

40
41 ~~(h) Records containing information that originated with other agencies or the disclosure~~
42 ~~of which would affect the interests or activities of other agencies shall be referred for (g) The~~
43 Secretary of Energy shall determine when information concerning foreign nuclear programs that
44 was removed from the Restricted Data category in order to carry out provisions of the National
45 Security Act of 1947, as amended, may be declassified. Unless otherwise determined, such
46 information shall be declassified when comparable information concerning the United States
47 nuclear program is declassified.

1 ~~review to those agencies and the information of concern shall be subject to automatic~~
2 ~~declassification only by those agencies, consistent with the provisions of subparagraphs (e)(3)~~
3 ~~and (e)(4) of this section.~~

4
5 ~~Sec. 3.4. Systematic Declassification Review. (a) Each agency that has originated~~
6 ~~classified information under this order or its predecessors shall establish and conduct a program~~
7 ~~for systematic declassification review. This program shall apply to records of permanent~~
8 ~~historical value exempted from automatic declassification under section 3.3 of this order.~~
9 ~~Agencies shall prioritize the systematic review of records based upon the degree of researcher~~
10 ~~interest and the likelihood of declassification upon review.~~

11
12 ~~(b) The Archivist shall conduct a systematic declassification review program for~~
13 ~~classified records: (1) accessioned into the National Archives as of the effective date of this~~
14 ~~order; (2) transferred to the Archivist pursuant to section 2203 of title 44, United States Code;~~
15 ~~and (3) for which the National Archives serves as the custodian for an agency or organization~~
16 ~~that has gone out of existence. This program shall apply to pertinent records no later than 25~~
17 ~~years from the date of their creation. The Archivist shall establish priorities for the systematic~~
18 ~~review of these records based upon the degree of researcher interest and the likelihood of~~
19 ~~declassification upon review. These records shall be reviewed in accordance with the standards~~
20 ~~of this order, its implementing directives, and declassification guides provided to the Archivist~~
21 ~~by each agency that originated the records. The Director of the Information Security Oversight~~
22 ~~Office shall ensure that agencies provide the Archivist with adequate and current declassification~~
23 ~~guides.~~

24
25 ~~(c) After consultation with affected agencies, the Secretary of Defense may establish~~
26 ~~special procedures for systematic review for declassification of classified cryptologic~~
27 ~~information, and the Director of Central Intelligence may establish special procedures for~~
28 ~~systematic review for declassification of classified information pertaining to intelligence~~
29 ~~activities (including special activities), or intelligence sources or methods.~~

30 ~~(h) Not later than 3 years from the effective date of this order, all records exempted from~~
31 ~~automatic declassification under paragraphs (b) and (c) of this section shall be automatically~~
32 ~~declassified on December 31 of a year that is no more than 50 years from the date of origin,~~
33 ~~subject to the following:~~

34
35 ~~(1) Records that contain information the release of which should clearly and~~
36 ~~demonstrably be expected to reveal the following are exempt from automatic~~
37 ~~declassification at 50 years:~~

38
39 ~~(A) the identity of a confidential human source or a human intelligence~~
40 ~~source; or~~

41
42 ~~(B) key design concepts of weapons of mass destruction.~~

43
44 ~~(2) In extraordinary cases, agency heads may, within five years of the onset of~~
45 ~~automatic declassification, propose to exempt additional specific information~~
46 ~~from declassification at 50 years.~~

1 (3) Records exempted from automatic declassification under this paragraph shall
2 be automatically declassified on December 31 of a year that is no more than 75
3 years from the date of origin unless an agency head, within 5 years of that date,
4 proposes to exempt specific information from declassification at 75 years and the
5 proposal is formally approved by the Panel.

6
7 (i) Specific records exempted from automatic declassification prior to the establishment
8 of the Center described in section 3.7 of this order shall be subject to the provisions of paragraph
9 (h) of this section in a scheduled and prioritized manner determined by the Center.

10
11 (j) At least 1 year before information is subject to automatic declassification under this
12 section, an agency head or senior agency official shall notify the Director of the Information
13 Security Oversight Office, serving as Executive Secretary of the Panel, of any specific
14 information that the agency proposes to exempt from automatic declassification under
15 paragraphs (b) and (h) of this section.

16
17 (1) The notification shall include:

18
19 (A) a detailed description of the information, either by reference to
20 information in specific records or in the form of a declassification guide;

21
22 (B) an explanation of why the information should be exempt from
23 automatic declassification and must remain classified for a longer period
24 of time; and

25
26 (C) a specific date or a specific and independently verifiable event for
27 automatic declassification of specific records that contain the information
28 proposed for exemption.

29
30 (2) The Panel may direct the agency not to exempt the information or to
31 declassify it at an earlier date than recommended. An agency head may appeal
32 such a decision to the President through the National Security Advisor. The
33 information will remain classified while such an appeal is pending.

34
35 (k) For information in a file series of records determined not to have permanent
36 historical value, the duration of classification beyond 25 years shall be the same as the
37 disposition (destruction) date of those records in each Agency Records Control Schedule or
38 General Records Schedule, although the duration of classification shall be extended if the record
39 has been retained for business reasons beyond the scheduled disposition date.

40
41 Sec. 3.4. Systematic Declassification Review. (a) Each agency that has originated
42 classified information under this order or its predecessors shall establish and conduct a program
43 for systematic declassification review for records of permanent historical value exempted from
44 automatic declassification under section 3.3 of this order. Agencies shall prioritize their review
45 of such records in accordance with priorities established by the Center.

46
47 (b) The Archivist shall conduct a systematic declassification review program for
48 classified records: (1) accessioned into the National Archives; (2) transferred to the Archivist

1 pursuant to 44 U.S.C. 2203; and (3) for which the National Archives serves as the custodian for
2 an agency or organization that has gone out of existence.

3
4 Sec. 3.5. Mandatory Declassification Review. (a) Except as provided in paragraph (b)
5 of this section, all information classified under this order or predecessor orders shall be subject to
6 a review for declassification by the originating agency if:

7
8 (1) the request for a review describes the document or material containing the
9 information with sufficient specificity to enable the agency to locate it with a
10 reasonable amount of effort;

11
12 (2) the document or material containing the information responsive to the request
13 is not contained within an operational file exempted from search and review,
14 publication, and disclosure under sections 105C, 105D, or 701 of the National
15 Security Act of 1947 (505 U.S.C. 403-5c, 403-5e, and 431)552 in accordance
16 with law; and

17
18 (3) the information ~~has is~~ not ~~been reviewed for declassification within the past 2~~
19 ~~years. If the agency has reviewed the information within the past 2 years, or the~~
20 ~~information is~~ the subject of pending litigation, ~~the agency shall inform the~~
21 ~~requester of this fact and of the requesters appeal rights.~~

22
23 _____ (b) Information originated by:

24
25 ~~(1)~~ the incumbent President or, ~~in the performance of executive duties,~~ the
26 incumbent Vice President;

27
28 ~~(2)~~ the incumbent ~~Presidents~~ President's White House Staff or, ~~in the performance~~
29 ~~of executive duties,~~ the incumbent Vice ~~Presidents~~ President's Staff;

30
31 ~~(3)~~ committees, commissions, or boards appointed by the incumbent President; or

32
33 ~~(4)~~ other entities within the Executive Office of the President that solely advise and assist the
34 incumbent President is exempted from the provisions of paragraph (a) of this section. However,
35 the Archivist shall have the authority to review, downgrade, and declassify papers or records of
36 former Presidents and Vice Presidents under the control of the Archivist pursuant to 44
37 U.S.C.sections 2107, 2111, 2111 note, or 2203 ~~of title 44, United States Code.~~ Review
38 procedures developed by the Archivist shall provide for consultation with agencies having
39 primary subject matter interest and shall be consistent with the provisions of applicable laws or
40 lawful agreements that pertain to the respective Presidential papers or records. Agencies with
41 primary subject matter interest shall be notified promptly of the ~~Archivists~~ Archivist's decision.
42 Any final decision by the Archivist may be appealed by the requester or an agency to the Panel.
43 The information shall remain classified pending a prompt decision on the appeal.

44
45 (c) Agencies conducting a mandatory review for declassification shall declassify
46 information that no longer meets the standards for classification under this order. They shall
47 release this information unless withholding is otherwise authorized and warranted under
48 applicable law.

1
2 (d) If an agency has reviewed the requested information for declassification within the
3 past 2 years, the agency need not conduct another review and may instead inform the requester
4 of this fact and the prior review decision and advise the requester of appeal rights provided under
5 subsection (e) of this section.
6

7 (e) In accordance with directives issued pursuant to this order, agency heads shall
8 develop procedures to process requests for the mandatory review of classified information.
9 These procedures shall apply to information classified under this or predecessor orders. They
10 also shall provide a means for administratively appealing a denial of a mandatory review request,
11 and for notifying the requester of the right to appeal a final agency decision to the Panel.
12

13 (ef) After consultation with affected agencies, the Secretary of Defense shall develop
14 special procedures for the review of cryptologic information; the Director of ~~Central~~National
15 Intelligence shall develop special procedures for the review of information pertaining to
16 intelligence sources, methods, and activities ~~(including special activities), or intelligence sources~~
17 ~~or methods~~; and the Archivist shall develop special procedures for the review of information
18 accessioned into the National Archives.
19

20 (g) Documents required to be submitted for prepublication review or other administrative
21 process pursuant to an approved nondisclosure agreement are not covered by this section.
22

23 (h) This section shall not apply to any request for a review made to an element of the
24 Intelligence Community that is made by a person other than an individual as that term is defined
25 by 5 U.S.C. 552a(a)(2), or by a foreign government entity or any representative thereof.
26

27 Sec. 3.6. Processing Requests and Reviews. Notwithstanding section 4.1(i) of this order,
28 in response to a request for information under the Freedom of Information Act, the Presidential
29 Records Act, the Privacy Act of 1974, or the mandatory review provisions of this order,
30 or pursuant to the automatic declassification or systematic review provisions of this order:
31

32 (a) An agency may refuse to confirm or deny the existence or nonexistence of requested
33 records whenever the fact of their existence or nonexistence is itself classified under this order or
34 its predecessors.
35

36 (b) When an agency receives any request for documents in its custody that contain
37 classified information that was originally classified by another agency, originated with other
38 agencies or the disclosure of which would affect the interests or comes across activities of other
39 agencies with respect to the classified information, or identifies such documents in the process of
40 ~~the automatic declassification or systematic review provisions~~ implementing sections 3.3 or 3.4
41 of this order, it shall refer copies of any request and the pertinent documents to the originating
42 agency for processing; and may, after consultation with the originating agency, inform any
43 requester of the referral unless such association is itself classified under this order or its
44 predecessors. In cases in which the originating agency determines in writing that a response
45 under paragraph (a) of this section is required, the referring agency shall respond to the requester
46 in accordance with that paragraph.
47

1 Sec. 3.7. Declassification Database. (a) ~~The Director of the Information Security~~
2 ~~Oversight Office, in conjunction with those agencies that originate classified information, shall~~
3 ~~(c) Agencies may extend the classification of information in records determined not to have~~
4 ~~permanent historical value or nonrecord materials, including artifacts, beyond the time frames~~
5 ~~established in sections 1.5(b) and 2.2(f) of this order, provided:~~

6 ~~coordinate—the linkage and effective utilization of existing agency databases of~~
7 ~~records that have been declassified and publicly released.~~

8
9 (b) ~~Agency heads shall fully cooperate with the Director of the Information Security~~
10 ~~Oversight Office in these efforts.~~

11
12 (1) the specific information has been approved pursuant to section 3.3(j) of this order
13 for exemption from automatic declassification; and

14
15 (2) the extension does not exceed the date established in section 3.3(j) of this order.

16
17 Sec. 3.7. National Declassification Center (a) There is established within the National
18 Archives a National Declassification Center to streamline declassification processes, facilitate
19 quality-assurance measures, and implement standardized training regarding the declassification
20 of records determined to have permanent historical value. There shall be a Director of the Center
21 who shall be appointed or removed by the Archivist in consultation with the Secretaries of State,
22 Defense, Energy, and Homeland Security, the Attorney General, and the Director of National
23 Intelligence.

24
25 (b) Under the administration of the Director, the Center shall coordinate:

26
27 (1) timely and appropriate processing of referrals in accordance with section
28 3.3(d)(3) of this order for accessioned Federal records and transferred presidential
29 records.

30
31 (2) general interagency declassification activities necessary to fulfill the
32 requirements of sections 3.3 and 3.4 of this order;

33
34 (3) the exchange among agencies of detailed declassification guidance to enable
35 the referral of records in accordance with section 3.3(d)(3) of this order;

36
37 (4) the development of effective, transparent, and standard declassification work
38 processes, training, and quality assurance measures;

39
40 (5) the development of solutions to declassification challenges posed by
41 electronic records, special media, and emerging technologies;

42
43 (6) the linkage and effective utilization of existing agency databases and the use
44 of new technologies to document and make public declassification review
45 decisions and support declassification activities under the purview of the Center;
46 and
47

1 (7) storage and related services, on a reimbursable basis, for Federal records
2 containing classified national security information.

3
4 (c) Agency heads shall fully cooperate with the Archivist in the activities of the Center
5 and shall:

6
7 (1) provide the Director with adequate and current declassification guidance to
8 enable the referral of records in accordance with section 3.3(d)(3) of this order;
9 and

10
11 (2) upon request of the Archivist, assign agency personnel to the Center who
12 shall be delegated authority by the agency head to review and exempt or
13 declassify information originated by their agency contained in records
14 accessioned into the National Archives, after consultation with subject-matter
15 experts as necessary.

16
17 (d) The Archivist, in consultation with representatives of the participants in the Center
18 and after input from the general public, shall develop priorities for declassification activities
19 under the purview of the Center that take into account the degree of researcher interest and the
20 likelihood of declassification.

21
22 (e) Agency heads may establish such centralized facilities and internal operations to
23 conduct internal declassification reviews as appropriate to achieve optimized records
24 management and declassification business processes. Once established, all referral processing of
25 accessioned records shall take place at the Center, and such agency facilities and operations shall
26 be coordinated with the Center to ensure the maximum degree of consistency in policies and
27 procedures that relate to records determined to have permanent historical value.

28
29 (f) Agency heads may exempt from automatic declassification or continue the
30 classification of their own originally classified information under section 3.3(a) of this order
31 except that in the case of the Director of National Intelligence, the Director shall also retain such
32 authority with respect to the Intelligence Community.

33
34 (g) The Archivist shall, in consultation with the Secretaries of State, Defense, Energy,
35 and Homeland Security, the Attorney General, the Director of National Intelligence, the Director
36 of the Central Intelligence Agency, and the Director of the Information Security Oversight
37 Office, provide the National Security Advisor with a detailed concept of operations for the
38 Center and a proposed implementing directive under section 5.1 of this order that reflects the
39 coordinated views of the aforementioned agencies.

40
41 **PART 4--SAFEGUARDING**

42
43 **Sec. 4.1. General Restrictions on Access.** (a) A person may have access to classified
44 information provided that:

45
46 (1) a favorable determination of eligibility for access has been made by an
47 agency head or the agency ~~head~~'s designee;

- 1 (2) the person has signed an approved nondisclosure agreement; and
2
3 (3) the person has a need-to-know the information.
4

5 (b) Every person who has met the standards for access to classified information in
6 paragraph (a) of this section shall receive contemporaneous training on the proper safeguarding
7 of classified information and on the criminal, civil, and administrative sanctions that may be
8 imposed on an individual who fails to protect classified information from unauthorized
9 disclosure.
10

11 (c) ~~Classified information shall remain under the control of the originating agency or its~~
12 ~~successor in function. An agency shall not disclose information originally classified by another~~
13 ~~agency without its authorization.~~ An official or employee leaving agency service may not
14 remove classified information from the agency's control or direct that information be
15 declassified in order to remove it from agency control.
16

17 (d) Classified information may not be removed from official premises without proper
18 authorization.
19

20 (e) Persons authorized to disseminate classified information outside the executive branch
21 shall ensure the protection of the information in a manner equivalent to that provided within the
22 executive branch.
23

24 (f) Consistent with law, executive orders, directives, and regulations, an agency head or
25 senior agency official or, with respect to the Intelligence Community, the Director of National
26 Intelligence, shall establish uniform procedures to ensure that automated information systems,
27 including networks and telecommunications systems, that collect, create, communicate, compute,
28 disseminate, process, or store classified information ~~have controls that:~~
29

- 30 (1) prevent access by unauthorized persons; ~~and~~
31
32 (2) ensure the integrity of the information; ~~and~~
33
34 (3) to the maximum extent practicable, use:
35

36 (A) common information technology standards, protocols, and interfaces
37 that maximize the availability of, and access to, the information in a form
38 and manner that facilitates its authorized use; and
39

40 (B) standardized electronic formats to maximize the accessibility of
41 information to persons who meet the criteria set forth in section 4.1(a) of
42 this order.
43

44 (g) Consistent with law, executive orders, directives, and regulations, each agency head
45 or senior agency official, or with respect to the Intelligence Community, the Director of National
46 Intelligence, shall establish controls to ensure that classified information is used, processed,
47 stored, reproduced, transmitted, and destroyed under conditions that provide adequate protection
48 and prevent access by unauthorized persons.

1
2 (h) Consistent with directives issued pursuant to this order, an agency shall safeguard
3 foreign government information under standards that provide a degree of protection at least
4 equivalent to that required by the government or international organization of governments that
5 furnished the information. When adequate to achieve equivalency, these standards may be less
6 restrictive than the safeguarding standards that ordinarily apply to U. nited-S. tates "Confidential"
7 information, including modified handling and transmission and allowing access to individuals
8 with a need-to-know who have not otherwise been cleared for access to classified information or
9 executed an approved nondisclosure agreement.

10
11 ~~(i) Except as otherwise provided by statute, this order, directives implementing this~~
12 ~~order, or by direction of the President, classified information originating in one agency shall not~~
13 ~~be disseminated outside any other agency to which it has been made available without the~~
14 ~~consent of the originating agency.-(i)(1) Classified information originating in one agency may be~~
15 ~~disseminated to another agency or U.S. entity by any agency to which it has been made~~
16 ~~available without the consent of the originating agency, as long as the criteria for access under~~
17 ~~section 4.1(a) of this order are met, unless the originating agency has determined that prior~~
18 ~~authorization is required for such dissemination and has marked or indicated such requirement~~
19 ~~on the medium containing the classified information in accordance with implementing directives~~
20 ~~issued pursuant to this order.~~

21
22 (2) Classified information originating in one agency may be disseminated by any
23 other agency to which it has been made available to a foreign government in
24 accordance with statute, this order, directives implementing this order, direction
25 of the President, or with the consent of the originating agency. For the purposes
26 of this section, "foreign government" includes any element of a foreign
27 government, or an international organization of governments, or any element
28 thereof.

29
30 (3) Documents created prior to the effective date of this order shall not be
31 disseminated outside any other agency to which they have been made available
32 without the consent of the originating agency. An agency head or senior agency
33 official may waive this requirement for specific information that originated within
34 that agency.

35
36 (4) For purposes of this section, the Department of Defense shall be considered
37 one agency-, except that any dissemination of information regarding intelligence
38 sources, methods, or activities shall be consistent with directives issued pursuant
39 to section 6.2(b) of this order.

40
41 (5) Prior consent of the originating agency is not required when referring records
42 for declassification review that contain information originating in several
43 ageneies.more than one agency.

44
45 Sec. 4.2. Distribution Controls. (a) ~~Each agency shall establish controls over the~~
46 ~~distribution of classified information to ensure that it is distributed only to organizations or~~
47 ~~individuals eligible for access and with a need to know the information.~~(a) The head of each
48 agency shall establish procedures in accordance with applicable law and consistent with

1 | directives issued pursuant to this order to ensure that classified information is accessible to the
2 | maximum extent possible by individuals who meet the criteria set forth in section 4.1(a) of this
3 | order.
4 |

5 | (b) In an emergency, when necessary to respond to an imminent threat to life or in
6 | defense of the homeland, the agency head or any designee may authorize the disclosure of
7 | classified information (including information marked pursuant to section 4.1(i)(1) of this order)
8 | to an individual or individuals who are otherwise not eligible for access. Such actions shall be
9 | taken only in accordance with ~~the~~ directives implementing this order and any ~~procedures~~
10 | procedure issued by agencies governing the classified information, which shall be designed to
11 | minimize the classified information that is disclosed under these circumstances and the number
12 | of individuals who receive it. Information disclosed under this provision or implementing
13 | directives and procedures shall not be deemed declassified as a result of such disclosure or
14 | subsequent use by a recipient. Such disclosures shall be reported promptly to the originator of
15 | the classified information. For purposes of this section, the Director of CentralNational
16 | Intelligence may issue an implementing directive governing the emergency disclosure of
17 | classified intelligence information.
18 |

19 | (c) Each agency shall update, at least annually, the automatic, routine, or recurring
20 | distribution ~~of mechanism for~~ classified information that ~~they distribute-it distributes~~. Recipients
21 | shall cooperate fully with distributors who are updating distribution lists and shall notify
22 | distributors whenever a relevant change in status occurs.
23 |

24 | Sec. 4.3. Special Access Programs. (a) Establishment of special access programs.
25 | Unless otherwise authorized by the President, only the Secretaries of State, Defense, ~~and~~ Energy,
26 | and Homeland Security, the Attorney General, and the Director of CentralNational Intelligence,
27 | or the principal deputy of each, may create a special access program. For special access
28 | programs pertaining to intelligence ~~activities (including special sources, methods, and~~ activities;
29 | ~~(but not including military operational, strategic, and tactical programs), or intelligence sources~~
30 | ~~or methods~~, this function shall be exercised by the Director of CentralNational Intelligence.
31 | These officials shall keep the number of these programs at an absolute minimum, and shall
32 | establish them only when the program is required by statute or upon a specific finding that:
33 |

34 | (1) the vulnerability of, or threat to, specific information is exceptional; and

35 | (2) the normal criteria for determining eligibility for access applicable to
36 | information classified at the same level are not deemed sufficient to protect the
37 | information from unauthorized disclosure.
38 |

39 | (b) Requirements and limitations. (1) Special access programs shall be limited to
40 | programs in which the number of persons who ~~will have access~~ ordinarily will have access will
41 | be reasonably small and commensurate with the objective of providing enhanced protection for
42 | the information involved.
43 |

44 | (2) Each agency head shall establish and maintain a system of accounting for
45 | special access programs consistent with directives issued pursuant to this order.
46 |
47 |

1 (3) Special access programs shall be subject to the oversight program established under
2 section 5.4(d) of this order. In addition, the Director of the Information Security
3 Oversight Office shall be afforded access to these programs, in accordance with the
4 security requirements of each program, in order to perform the functions assigned to
5 the Information Security Oversight Office under this order. An agency head may
6 limit access to a special access program to the Director of the Information
7 Security Oversight Office and no more than one other employee of the
8 Information Security Oversight Office, or, for special access programs that are
9 extraordinarily sensitive and vulnerable, to the Director only.

10
11 (4) The agency head or principal deputy shall review annually each special
12 access program to determine whether it continues to meet the requirements of this
13 order.

14
15 (5) Upon request, an agency head shall brief the Assistant to the President for
16 National Security Affairs Advisor, or a designee, on any or all of the agency's
17 special access programs.

18
19 (6) For the purposes of this section, the term "agency head" refers only to the
20 Secretaries of State, Defense, Energy, and Homeland Security, the Attorney
21 General, and the Director of National Intelligence, or the principal deputy of each.

22
23 (c) Nothing in this order shall supersede any requirement made by or under 10 U.S.C.
24 119.

25
26 Sec. 4.4. Access by Historical Researchers and Certain Former Government Personnel.

27 (a) The requirement in section 4.1(a)(3) of this order that access to classified information may
28 be granted only to individuals who have a need-to-know the information may be waived for
29 persons who:

30
31 (1) are engaged in historical research projects;

32
33 (2) previously have occupied senior policy-making positions to which they were
34 appointed or designated by the President ~~under section 105(a)(2)(A) of title 3,~~
35 United States Code, or the Vice President ~~under 106(a)(1)(A) of title 3, United~~
36 States Code; or

37
38 (3) served as President or Vice President.

39
40 (b) Waivers under this section may be granted only if the agency head or senior agency
41 official of the originating agency:

42
43 (1) determines in writing that access is consistent with the interest of the national
44 security;

45
46 (2) takes appropriate steps to protect classified information from unauthorized
47 disclosure or compromise, and ensures that the information is safeguarded in a
48 manner consistent with this order; and

1
2 (3) limits the access granted to former Presidential appointees or designees and
3 Vice Presidential appointees or designees to items that the person originated,
4 reviewed, signed, or received while serving as a Presidential ~~appointee~~ or a Vice
5 Presidential appointee or designee.

6
7 PART 5--IMPLEMENTATION AND REVIEW

8
9 Sec. 5.1. Program Direction. (a) The Director of the Information Security Oversight
10 Office, under the direction of the Archivist and in consultation with the ~~Assistant to the President~~
11 ~~for National Security Affairs~~ Advisor, shall issue such directives as are necessary to implement
12 this order. These directives shall be binding ~~upon~~ the agencies. Directives issued by the
13 Director of the Information Security Oversight Office shall establish standards for:

- 14
15 (1) classification, declassification, and marking principles;
16
17 (2) safeguarding classified information, which shall pertain to the handling,
18 storage, distribution, transmittal, and destruction of and accounting for classified
19 information;
20
21 (3) agency security education and training programs;
22
23 (4) agency self-inspection programs; and
24
25 (5) classification and declassification guides.

26
27 (b) The Archivist shall delegate the implementation and monitoring functions of this
28 program to the Director of the Information Security Oversight Office.

29
30 (c) The Director of National Intelligence, after consultation with the heads of affected
31 agencies and the Director of the Information Security Oversight Office, may issue directives to
32 implement this order with respect to the protection of intelligence sources, methods, and
33 activities. Such directives shall be consistent with this order and directives issued under
34 paragraph (a) of this section.

35
36 Sec. 5.2. Information Security Oversight Office.

37 (a) There is established within the National Archives an Information Security Oversight
38 Office. The Archivist shall appoint the Director of the Information Security Oversight Office,
39 subject to the approval of the President.

40
41 (b) Under the direction of the Archivist, acting in consultation with the ~~Assistant to the~~
42 ~~President for National Security Affairs~~ Advisor, the Director of the Information Security
43 Oversight Office shall:

- 44
45 (1) develop directives for the implementation of this order;
46
47 (2) oversee agency actions to ensure compliance with this order and its
48 implementing directives;

1
2 (3) review and approve agency implementing regulations ~~and agency guides for~~
3 ~~systematic declassification review~~ prior to their issuance ~~by the agency; to ensure~~
4 ~~their consistency with this order and directives issued under section 5.1(a) of this~~
5 ~~order;~~
6

7 (4) have the authority to conduct on-site reviews of each agency's program
8 established under this order, and to require of each agency those reports, ~~and~~
9 information, and other cooperation that may be necessary to fulfill its
10 responsibilities. If granting access to specific categories of classified information
11 would pose an exceptional national security risk, the affected agency head or the
12 senior agency official shall submit a written justification recommending the denial
13 of access to the President through the ~~Assistant to the President for~~ National
14 Security ~~Affairs~~ Advisor within 60 days of the request for access. Access shall be
15 denied pending the response;
16

17 (5) review requests for original classification authority from agencies or officials
18 not granted original classification authority and, if deemed appropriate,
19 recommend Presidential approval through the ~~Assistant to the President for~~
20 National Security ~~Affairs~~ Advisor;
21

22 (6) consider and take action on complaints and suggestions from persons within
23 or outside the Government with respect to the administration of the program
24 established under this order;
25

26 (7) have the authority to prescribe, after consultation with affected agencies,
27 standardization of forms or procedures that will promote the implementation of
28 the program established under this order;
29

30 (8) report at least annually to the President on the implementation of this order;
31 and
32

33 (9) convene and chair interagency meetings to discuss matters pertaining to the
34 program established by this order.
35

36 Sec. 5.3. Interagency Security Classification Appeals Panel.

37

38 (a) Establishment and administration.

39

40 (1) There is established an Interagency Security Classification Appeals Panel.
41 The Departments of State, Defense, and Justice, the ~~Central Intelligence Agency,~~
42 ~~the~~ National Archives, ~~the Office of the Director of National Intelligence,~~ and the
43 ~~Assistant to the President for~~ National Security ~~Affairs~~ Advisor shall each be
44 represented by a senior-level representative who is a full-time or permanent part-
45 time Federal officer or employee designated to serve as a member of the Panel by
46 the respective agency head. The President shall ~~select the~~ designate a Chair ~~of the~~
47 ~~Panel~~ from among the ~~Panel~~ members, of the Panel.
48

1 | (2) Additionally, the Director of the Central Intelligence Agency may appoint a
2 | temporary representative who meets the criteria in paragraph (a)(1) of this section
3 | to participate as a voting member in all Panel deliberations and associated support
4 | activities concerning classified information originated by the Central Intelligence
5 | Agency.
6 |

7 | (3) A vacancy on the Panel shall be filled as quickly as possible as provided in
8 | paragraph (a)(1) of this section.
9 |

10 | (34) The Director of the Information Security Oversight Office shall serve as the
11 | Executive Secretary of the Panel. The staff of the Information Security Oversight
12 | Office shall provide program and administrative support for the Panel.
13 |

14 | (45) The members and staff of the Panel shall be required to meet eligibility for
15 | access standards in order to fulfill the Panel's functions.
16 |

17 | (56) The Panel shall meet at the call of the Chair. The Chair shall schedule
18 | meetings as may be necessary for the Panel to fulfill its functions in a timely
19 | manner.
20 |

21 | (67) The Information Security Oversight Office shall include in its reports to the
22 | President a summary of the Panel's activities.
23 |

24 | (b) Functions. The Panel shall:

25 |
26 | (1) decide on appeals by persons who have filed classification challenges under
27 | section 1.8 of this order;
28 |

29 | (2) approve, deny, or amend agency exemptions from automatic declassification
30 | as provided in section 3.3 of this order; ~~and~~
31 |

32 | (3) decide on appeals by persons or entities who have filed requests for
33 | mandatory declassification review under section 3.5 of this order; and
34 |

35 | (4) appropriately inform senior agency officials and the public of final Panel
36 | decisions on appeals under sections 1.8 and 3.5 of this order.
37 |

38 | (c) Rules and procedures. The Panel shall issue bylaws, which shall be published in the
39 | Federal Register. The bylaws shall establish the rules and procedures that the Panel will follow
40 | in accepting, considering, and issuing decisions on appeals. The rules and procedures of the
41 | Panel shall provide that the Panel will consider appeals only on actions in which:
42 |

43 | (1) the appellant has exhausted his or her administrative remedies within the
44 | responsible agency;
45 |

46 | (2) there is no current action pending on the issue within the Federal courts; and
47 |

1 (3) the information has not been the subject of review by the Federal courts or the
2 Panel within the past 2 years.

3
4 (d) Agency heads shall cooperate fully with the Panel so that it can fulfill its functions in
5 a timely and fully informed manner. ~~An agency head may appeal a decision of the Panel to the~~
6 ~~President through the Assistant to the President for National Security Affairs.~~ The Panel shall
7 report to the President through the ~~Assistant to the President for~~ National Security
8 ~~Affairs~~ Advisor any instance in which it believes that an agency head is not cooperating fully
9 with the Panel.

10
11 (e) The Panel is established for the sole purpose of advising and assisting the President in
12 the discharge of his constitutional and discretionary authority to protect the national security of
13 the United States. Panel decisions are committed to the discretion of the Panel, unless changed
14 by the President.

15
16 (f) An agency head may appeal a decision of the Panel to the President through the
17 National Security Advisor. The information shall remain classified pending a decision on the
18 appeal.

19
20 ~~(f) Notwithstanding paragraphs (a) through (e) of this section, whenever the Panel~~
21 ~~reaches a conclusion that information owned or controlled by the Director of Central Intelligence~~
22 ~~(Director) should be declassified, and the Director notifies the Panel that he objects to its~~
23 ~~conclusion because he has determined that the information could reasonably be expected to~~
24 ~~cause damage to the national security and to reveal (1) the identity of a human intelligence~~
25 ~~source, or (2) information about the application of an intelligence source or method (including~~
26 ~~any information that concerns, or is provided as a result of, a relationship with a cooperating~~
27 ~~intelligence element of a foreign government), the information shall remain classified unless the~~
28 ~~Director's determination is appealed to the President, and the President reverses the~~
29 ~~determination.~~

30
31 Sec. 5.4. General Responsibilities. Heads of agencies that originate or handle classified
32 information shall:

33
34 (a) demonstrate personal commitment and commit senior management to the successful
35 implementation of the program established under this order;

36
37 (b) commit necessary resources to the effective implementation of the program
38 established under this order;

39
40 (c) ensure that agency records systems are designed and maintained to optimize the
41 appropriate sharing and safeguarding of classified information, and to facilitate its
42 declassification under the terms of this order when it no longer meets the standards for continued
43 classification; and

44
45 (d) designate a senior agency official to direct and administer the program, whose
46 responsibilities shall include:

1 | (1) overseeing the agency's program established under this order, provided, an
2 | agency head may designate a separate official to oversee special access programs
3 | authorized under this order. This official shall provide a full accounting of the
4 | agency's special access programs at least annually;

5 |
6 | (2) promulgating implementing regulations, which shall be published in the
7 | Federal Register to the extent that they affect members of the public;

8 |
9 | (3) establishing and maintaining security education and training programs;

10 |
11 | (4) establishing and maintaining an ongoing self-inspection program, which shall
12 | include the ~~periodic review and assessment~~regular reviews of representative
13 | samples of the agency's ~~original and derivative~~classified product classification
14 | actions, and shall authorize appropriate agency officials to correct
15 | misclassification actions not covered by sections 1.7(c) and 1.7(d) of this order;
16 | and reporting annually to the Director of the Information Security Oversight
17 | Office on the agency's self-inspection program;

18 |
19 | (5) establishing procedures consistent with directives issued pursuant to this
20 | order to prevent unnecessary access to classified information, including
21 | procedures that:

22 |
23 | (A) require that a need for access to classified information ~~is~~be
24 | established before initiating administrative clearance procedures; and

25 |
26 | (B) ensure that the number of persons granted access to classified
27 | information meets the mission needs of the agency while also
28 | satisfying~~mis limited to minimum consistent with~~ operational and security
29 | requirements and needs;

30 |
31 | (6) developing special contingency plans for the safeguarding of classified
32 | information used in or near hostile or potentially hostile areas;

33 |
34 | (7) ensuring that the performance contract or other system used to rate civilian or
35 | military personnel performance includes the designation and management of
36 | classified information as a critical element or item to be evaluated in the rating of:

37 |
38 | (A) original classification authorities;

39 |
40 | (B) security managers or security specialists; and

41 |
42 | (C) all other personnel whose duties significantly involve the creation or
43 | handling of classified information; including personnel who regularly
44 | apply derivative classification markings;

45 |
46 | (8) accounting for the costs associated with the implementation of this order,
47 | which shall be reported to the Director of the Information Security Oversight
48 | Office for publication; ~~and~~

1
2 | (9) assigning in a prompt manner agency personnel to respond to any request,
3 | appeal, challenge, complaint, or suggestion arising out of this order that pertains
4 | to classified information that originated in a component of the agency that no
5 | longer exists and for which there is no clear successor in function; and

6 |
7 | (10) establishing a secure capability to receive information, allegations, or
8 | complaints regarding over-classification or incorrect classification within the
9 | agency and to provide guidance to personnel on proper classification as needed.

10
11 Sec. 5.5. Sanctions. (a) If the Director of the Information Security Oversight Office
12 finds that a violation of this order or its implementing directives has occurred, the Director shall
13 make a report to the head of the agency or to the senior agency official so that corrective steps, if
14 appropriate, may be taken.

15
16 (b) Officers and employees of the United States Government, and its contractors,
17 licensees, certificate holders, and grantees shall be subject to appropriate sanctions if they
18 knowingly, willfully, or negligently:

19
20 (1) disclose to unauthorized persons information properly classified under this
21 order or predecessor orders;

22
23 (2) classify or continue the classification of information in violation of this order
24 or any implementing directive;

25
26 (3) create or continue a special access program contrary to the requirements of
27 this order; or

28
29 (4) contravene any other provision of this order or its implementing directives.

30
31 (c) Sanctions may include reprimand, suspension without pay, removal, termination of
32 classification authority, loss or denial of access to classified information, or other sanctions in
33 accordance with applicable law and agency regulation.

34
35 (d) The agency head, senior agency official, or other supervisory official shall, at a
36 minimum, promptly remove the classification authority of any individual who demonstrates
37 reckless disregard or a pattern of error in applying the classification standards of this order.

38
39 (e) The agency head or senior agency official shall:

40
41 (1) take appropriate and prompt corrective action when a violation or infraction
42 under paragraph (b) of this section occurs; and

43
44 (2) notify the Director of the Information Security Oversight Office when a
45 violation under paragraph (b)(1), (2), or (3) of this section occurs.

46
47 PART 6--GENERAL PROVISIONS

1 Sec. 6.1. Definitions. For purposes of this order:

2
3 (a) "Access" means the ability or opportunity to gain knowledge of classified
4 information.

5
6 (b) "Agency" means any "Executive agency," as defined in 5 U.S.C. 105; any "Military
7 department" as defined in 5 U.S.C. 102; and any other entity within the executive branch that
8 comes into the possession of classified information.

9
10 (c) "Authorized holder" of classified information means anyone who satisfies the
11 conditions for access stated in section 4.1(a) of this order.

12
13 (d) "Automated information system" means an assembly of computer hardware,
14 software, or firmware configured to collect, create, communicate, compute, disseminate, process,
15 store, or control data or information.

16
17 ~~(de)~~ "Automatic declassification" means the declassification of information based solely
18 upon:

19
20 (1) the occurrence of a specific date or event as determined by the original
21 classification authority; or

22
23 (2) the expiration of a maximum time frame for duration of classification
24 established under this order.

25
26 ~~(ef)~~ "Classification" means the act or process by which information is determined to be
27 classified information.

28
29 ~~(fg)~~ "Classification guidance" means any instruction or source that prescribes the
30 classification of specific information.

31
32 ~~(gh)~~ "Classification guide" means a documentary form of classification guidance issued
33 by an original classification authority that identifies the elements of information regarding a
34 specific subject that must be classified and establishes the level and duration of classification for
35 each such element.

36
37 ~~(hi)~~ "Classified national security information" or "classified information" means
38 information that has been determined pursuant to this order or any predecessor order to require
39 protection against unauthorized disclosure and is marked to indicate its classified status when in
40 documentary form.

41
42 ~~(j)~~ "Compilation" means an aggregation of preexisting unclassified items of information.

43
44 ~~(k)~~ "Confidential source" means any individual or organization that has provided, or that
45 may reasonably be expected to provide, information to the United States on matters pertaining to
46 the national security with the expectation that the information or relationship, or both, are to be
47 held in confidence.

1 | (j) "Damage to the national security" means harm to the national defense or foreign
2 | relations of the United States from the unauthorized disclosure of information, taking into
3 | consideration such aspects of the information as the sensitivity, value, utility, and provenance of
4 | that information.

5 |
6 | (k) "Declassification" means the authorized change in the status of information from
7 | classified information to unclassified information.

8 |
9 | ~~(l) "Declassification authority" means:~~

10 |
11 | ~~(1) the official who authorized the original classification, if that official is still~~
12 | ~~servicing in the same position;~~

13 |
14 | ~~(2) the originator's current successor in function;~~

15 |
16 | ~~(3) a supervisory official of either; or~~

17 |
18 | ~~(4) officials delegated declassification authority in writing by the agency head or~~
19 | ~~the senior agency official.~~

20 |
21 | (m) "Declassification guide" means written instructions issued by a declassification
22 | authority that describes the elements of information regarding a specific subject that may be
23 | declassified and the elements that must remain classified.

24 |
25 | (n) "Derivative classification" means the incorporating, paraphrasing, restating, or
26 | generating in new form information that is already classified, and marking the newly developed
27 | material consistent with the classification markings that apply to the source information.
28 | Derivative classification includes the classification of information based on classification
29 | guidance. The duplication or reproduction of existing classified information is not derivative
30 | classification.

31 |
32 | (o) "Document" means any recorded information, regardless of the nature of the
33 | medium or the method or circumstances of recording.

34 |
35 | (p) "Downgrading" means a determination by a declassification authority that
36 | information classified and safeguarded at a specified level shall be classified and safeguarded at
37 | a lower level.

38 |
39 | (q) "File series" means file units or documents arranged according to a filing system or
40 | kept together because they relate to a particular subject or function, result from the same activity,
41 | document a specific kind of transaction, take a particular physical form, or have some other
42 | relationship arising out of their creation, receipt, or use, such as restrictions on access or use.

43 |
44 | (r) "Foreign government information" means:

45 |
46 | (1) information provided to the United States Government by a foreign
47 | government or governments, an international organization of governments, or any

1 element thereof, with the expectation that the information, the source of the
2 information, or both, are to be held in confidence;

3
4 (2) information produced by the United States Government pursuant to or as a
5 result of a joint arrangement with a foreign government or governments, or an
6 international organization of governments, or any element thereof, requiring that
7 the information, the arrangement, or both, are to be held in confidence; or
8

9 (3) information received and treated as "foreign government information" under
10 the terms of a predecessor order.

11
12 (ts) "Information" means any knowledge that can be communicated or documentary
13 material, regardless of its physical form or characteristics, that is owned by, is produced by or
14 for, or is under the control of the United States Government. ~~"Control" means the authority of
15 the agency that originates information, or its successor in function, to regulate access to the
16 information.~~

17
18 (ut) "Infraction" means any knowing, willful, or negligent action contrary to the
19 requirements of this order or its implementing directives that does not constitute a "violation," as
20 defined below.

21
22 (v#) "Integral file block" means a distinct component of a file series, as defined in this
23 section, that should be maintained as a separate unit in order to ensure the integrity of the
24 records. An integral file block may consist of a set of records covering either a specific topic or
25 a range of time, such as a Ppresidential administration or a 5-year retirement schedule within a
26 specific file series that is retired from active use as a group. For purposes of automatic
27 declassification, integral file blocks shall contain only records dated within 10 years of the oldest
28 record in the file block.

29
30 (vw) "Integrity" means the state that exists when information is unchanged from its
31 source and has not been accidentally or intentionally modified, altered, or destroyed.

32
33 (x) "Intelligence" means includes foreign intelligence and counterintelligence as defined
34 by Executive Order 12333 of December 4, 1981, as amended, or by a successor order.

35
36 (y) "Intelligence activities" means all activities that elements of the Intelligence
37 Community are authorized to conduct pursuant to law or Executive Order 12333, as amended, or
38 a successor order.

39
40 (z) "Intelligence Community" means an element or agency of the U.S. Government
41 identified in or designated pursuant to section 3(4) of the National Security Act of 1947, as
42 amended, or section 3.5(h) of Executive Order 12333, as amended.

43
44 (z#) "Mandatory declassification review" means the review for declassification of
45 classified information in response to a request for declassification that meets the requirements
46 under section 3.5 of this order.
47

1 | (aabb) "Multiple sources" means two or more source documents, classification guides, or
2 | a combination of both.

3 |
4 | (ccbb) "National security" means the national defense or foreign relations of the United
5 | States.

6 |
7 | (eedd) "Need-to-know" means a determination within the executive branch in
8 | accordance with directives issued pursuant to this order ~~made by an authorized holder of~~
9 | ~~classified information~~ that a prospective recipient requires access to specific classified
10 | information in order to perform or assist in a lawful and authorized governmental function.

11 |
12 | (ddee) "Network" means a system of two or more computers that can exchange data or
13 | information.

14 |
15 | (eeff) "Original classification" means an initial determination that information requires,
16 | in the interest of the national security, protection against unauthorized disclosure.

17 |
18 | (ffgg) "Original classification authority" means an individual authorized in writing,
19 | either by the President, the Vice President, or by agency heads or other officials designated by
20 | the President, to classify information in the first instance.

21 |
22 | (gghh) "Records" means the records of an agency and Presidential papers or Presidential
23 | records, as those terms are defined in title 44, United States Code, including those created or
24 | maintained by a government contractor, licensee, certificate holder, or grantee that are subject to
25 | the sponsoring agency's control under the terms of the contract, license, certificate, or grant.

26 |
27 | (hhii) "Records having permanent historical value" means Presidential papers or
28 | Presidential records and the records of an agency that the Archivist has determined should be
29 | maintained permanently in accordance with title 44, United States Code.

30 |
31 | (iiij) "Records management" means the planning, controlling, directing, organizing,
32 | training, promoting, and other managerial activities involved with respect to records creation,
33 | records maintenance and use, and records disposition in order to achieve adequate and proper
34 | documentation of the policies and transactions of the Federal Government and effective and
35 | economical management of agency operations.

36 |
37 | (jjkk) "Safeguarding" means measures and controls that are prescribed to protect
38 | classified information.

39 |
40 | (kkll) "Self-inspection" means the internal review and evaluation of individual agency
41 | activities and the agency as a whole with respect to the implementation of the program
42 | established under this order and its implementing directives.

43 |
44 | (Hmmm) "Senior agency official" means the official designated by the agency head under
45 | section 5.4(d) of this order to direct and administer the agency's program under which
46 | information is classified, safeguarded, and declassified.

47

1 | (~~mmnn~~) "Source document" means an existing document that contains classified
2 | information that is incorporated, paraphrased, restated, or generated in new form into a new
3 | document.
4 |

5 | (~~nnoo~~) "Special access program" means a program established for a specific class of
6 | classified information that imposes safeguarding and access requirements that exceed those
7 | normally required for information at the same classification level.
8 |

9 | (~~oopp~~) "Systematic declassification review" means the review for declassification of
10 | classified information contained in records that have been determined by the Archivist to have
11 | permanent historical value in accordance with title 44, United States Code.
12 |

13 | (~~ppqq~~) "Telecommunications" means the preparation, transmission, or communication of
14 | information by electronic means.
15 |

16 | (~~qqrr~~) "Unauthorized disclosure" means a communication or physical transfer of
17 | classified information to an unauthorized recipient.
18 |

19 | (~~ss~~) "U.S. entity" includes:

20 |
21 | (1) State, local, or tribal governments;

22 |
23 | (2) State, local, and tribal law enforcement and firefighting entities;

24 |
25 | (3) public health and medical entities;

26 |
27 | (4) regional, state, local, and tribal emergency management entities, including
28 | State Adjutants General and other appropriate public safety entities; or

29 |
30 | (5) private sector entities serving as part of the nation's Critical
31 | Infrastructure/Key Resources.
32 |

33 | (~~tt~~) "Violation" means:

34 |
35 | (1) any knowing, willful, or negligent action that could reasonably be expected to
36 | result in an unauthorized disclosure of classified information;

37 |
38 | (2) any knowing, willful, or negligent action to classify or continue the
39 | classification of information contrary to the requirements of this order or its
40 | implementing directives; or

41 |
42 | (3) any knowing, willful, or negligent action to create or continue a special access
43 | program contrary to the requirements of this order.
44 |

45 | (~~ppuu~~) "Weapons of mass destruction" means ~~chemical, biological, radiological, and~~
46 | ~~nuclear weapons~~any weapon of mass destruction as defined in 50 U.S.C. 1801(p).
47 |

1 Sec. 6.2. General Provisions. (a) Nothing in this order shall supersede any requirement
2 made by or under the Atomic Energy Act of 1954, as amended, or the National Security Act of
3 1947, as amended. "Restricted Data" and "Formerly Restricted Data" shall be handled,
4 protected, classified, downgraded, and declassified in conformity with the provisions of the
5 Atomic Energy Act of 1954, as amended, and regulations issued under that Act.

6
7 (b) The Director of National Intelligence may, with respect to the Intelligence
8 Community and after consultation with the heads of affected departments and agencies, issue
9 such policy directives and guidelines as the Director of National Intelligence deems necessary to
10 implement this order with respect to the classification and declassification of all intelligence and
11 intelligence-related information; and for access to and dissemination of all intelligence and
12 intelligence-related information, both in its final form and in the form when initially gathered.
13 Procedures or other guidance issued by Intelligence Community element heads shall be in
14 accordance with such policy directives or guidelines issued by the Director of National
15 Intelligence. Any such policy directives or guidelines issued by the Director of National
16 Intelligence shall be in accordance with directives issued by the Director of the Information
17 Security Oversight Office under section 5.1(a) of this order.

18
19 (c) The Attorney General, upon request by the head of an agency or the Director of the
20 Information Security Oversight Office, shall render an interpretation of this order with respect to
21 any question arising in the course of its administration.

22
23 (d) Nothing in this order limits the protection afforded any information by other
24 provisions of law, including the Constitution, Freedom of Information Act exemptions, the
25 Privacy Act of 1974, and the National Security Act of 1947, as amended. This order is not
26 intended to and does not create any right or benefit, substantive or procedural, enforceable at law
27 by a party against the United States, its departments, agencies, or entities, its officers, employees,
28 or agents, or any other person. The foregoing is in addition to the specific provisos set forth in
29 sections 1.1(b), 3.1(b), and 5.3(e) of this order."

30
31 ~~(d) Executive Order 12356 of April 6, 1982, was revoked as of October 14, 1995.~~

32
33 (e) Nothing in this order shall be construed to obligate action or otherwise affect
34 functions by the Director of the Office of Management and Budget relating to budgetary,
35 administrative, or legislative proposals.

36
37 (f) This order shall be implemented subject to the availability of appropriations.

38
39 (g) Executive Order 12958 of April 17, 1995, and amendments thereto, including
40 Executive Order 13292 of March 25, 2003, are hereby revoked as of the effective date of this
41 order.

42
43 Sec. 6.3. Effective Date. ~~This order is effective immediately, except for section 1.6,~~
44 ~~which shall become effective 180 days from the date of this order.~~ This order is effective 180
45 days from the date of this order, except for sections 1.7, 3.3, and 3.7, which are effective
46 immediately.

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Sec. 6.4 Publication. The Archivist of the United States shall publish this Executive Order in the *Federal Register*.

THE WHITE HOUSE,

GEORGE W. BUSH