



NATIONAL SECURITY AGENCY
CENTRAL SECURITY SERVICE
NSA/CSS POLICY 1-30



Issue Date: 15 December 2004
Revised: 9 January 2012

REVIEW OF NSA/CSS INFORMATION FOR PUBLIC DISSEMINATION

PURPOSE AND SCOPE

This document sets forth the policy, procedures, and responsibilities that govern classification review and the pre-publication review of official NSA/CSS information intended for public dissemination.

This policy applies to all affiliates of NSA/CSS. It is the individual's responsibility to seek approval for the public dissemination of all official NSA/CSS information.

This policy implements DoDD 5230.09, "Clearance of DoD Information for Public Release" (Reference a).

DEBORAH A. BONANNI
Chief of Staff

Endorsed by
Associate Director for Policy

Encls:

- Annex A – Classification Review Process
- Annex B – Pre-Publication Review Process

DISTRIBUTION:

DJP5
DJP2
DJP1
DJP6 (VR)
DJP6 (Archives)

This Policy supersedes NSA/CSS Policy 1-30, dated 15 December 2004. This Policy was administratively updated on 25 March 2011 to effect changes in compliance with E.O. 13526 "Classified National Security Information," dated 29 December 2009. The NSA/CSS Chief of Staff approved an administrative update on 9 January 2012 to delegate Appeal Authority to the ADCIPR and to make additional administrative changes.
OPI: Declassification Services, DJP2, 969-2882s.

POLICY

1. Public Dissemination in *Official Capacity*:

a. The public dissemination of official NSA/CSS information shall be limited only as necessary to safeguard information requiring protection in the interest of national security or other legitimate government interest.

b. All current NSA/CSS affiliates shall submit for classification review all official NSA/CSS information intended for public dissemination. The classification review shall determine if such information contains *protected information* that is prohibited from public dissemination. NSA/CSS may deny permission for public dissemination of any official NSA/CSS information obtained during the course of employment or other service with NSA/CSS that could reasonably be expected to cause harm to the national security interests of the United States or is *protected by statute*.

c. All current NSA/CSS affiliates shall, in addition, submit for pre-publication review all official NSA/CSS information intended for public dissemination that is to be presented by the affiliate in his/her official capacity. Such pre-publication review shall determine if the information to be disseminated is consistent with established NSA/CSS, Department of Defense (DoD) and Intelligence Community (IC) policies and programs.

d. It is the responsibility of all current affiliates connecting to or accessing unclassified information systems for the exchange of official NSA/CSS information, regardless of means (email, chat, etc.), to ensure that any public dissemination of official NSA/CSS information is in accordance with this policy.

e. Official NSA/CSS information prepared as part of official duties that is approved for public dissemination will be used in accordance with DoD Directive 5500.07, "Standards of Conduct" and DoD 5500.7-R, "Joint Ethics Regulation (JER)" (References b and c), which preclude such use for monetary or non-monetary personal gain.

2. Public Dissemination in *Private Capacity*: NSA/CSS affiliates acting in a private capacity and not in connection with their official duties may prepare information for public dissemination provided:

- a. No laws or regulations are violated;
- b. Ethical standards and compliance with References b and c are maintained;
- c. The author does not use official NSA/CSS information generally not available to the public, knowledge gained while working with the Agency, or information that has not been released under NSA/CSS Policy 1-5, "NSA/CSS Freedom of Information Act Program" (Reference d), until it has been submitted for classification review; and
- d. A disclaimer is used, for any documents in which an NSA/CSS affiliation is cited, stating that the views and opinions expressed in the material are those of the author and do not reflect those of NSA/CSS.

3. Classification review determinations may be appealed in writing within 20 working days of receipt of such determination to the Associate Director for Community Integration, Policy and Records (ADCIPR). See Annex A.

4. Information disapproved for public dissemination during pre-publication review may be appealed in writing within 20 working days of receipt of such determination to the ADCIPR. See Annex B.

PROCEDURES

5. Procedures for classification review of information proposed for public dissemination that contains official NSA/CSS information are contained in Annex A.

6. Procedures for the pre-publication review of information proposed for public dissemination that contains official NSA/CSS information are contained in Annex B.

RESPONSIBILITIES

7. Current NSA/CSS affiliates acting in an official capacity shall:

- a. Submit for classification review all official NSA/CSS information intended for public dissemination. The classification review shall determine if such information contains protected information that is prohibited from public dissemination;

- b. In addition, submit for pre-publication review all official NSA/CSS

information intended for public dissemination that is to be presented by the affiliate in his/her official capacity;

c. Cooperate and assist in the review process. Information pertaining to NSA/CSS that appears in the public shall not be automatically viewed as UNCLASSIFIED or an official release. When a submitter claims that information intended for public dissemination is UNCLASSIFIED because it has already appeared in public, he/she may be called upon to identify any open sources for information that, in the Agency's judgment, originates from classified sources; and

d. Obtain written consent from each affiliate publicly identified with the information.

8. NSA/CSS affiliates acting in a private capacity shall:

a. Submit for classification review all official NSA/CSS information intended for public dissemination;

b. Notify the Agency if they have been asked to comment on any unofficial intelligence-related information (e.g., to review a book by a non-government author prior to publication, to review an article, etc.). The NSA/CSS affiliate shall regard his/her comments as a proposed unofficial publication subject to classification review, as provided by this policy. If upon submission, the reviewing official determines that all or part of the text must be reviewed in order to evaluate the comments, the Agency affiliate shall obtain the permission of the author before submitting relevant parts of any unpublished text to the Agency for review; and

c. Obtain written consent from each affiliate publicly identified with the information.

9. The Office of Policy and Records (DJP) shall:

a. Conduct classification reviews of all information intended for public dissemination within 20 working days of receipt;¹

b. Serve as the classification approval authority for all information intended for public dissemination;

c. Coordinate with other U.S. Government agencies and/or foreign governments for classification review of information containing NSA/CSS as well as other agency and/or government information;

d. Forward submissions requiring pre-publication review to the NSA/CSS Strategic Communications organization (DN);

¹ Except for information that must be referred outside of NSA/CSS or information exceeding 50 pages.

- e. Assist (when necessary) the Classification Advisory Officer (CAO) in resolving classification disputes;
- f. Serve as the authority for processing classification appeals;
- g. Notify the submitter in writing of the determination; and
- h. Maintain the central database and accountability for all records in accordance with the procedures mandated by the Office of Policy and Records.

10. The CAOs shall:

- a. Conduct classification reviews of information submitted by personnel in their supported organization in accordance with current NSA/CSS classification/ declassification guidance;
- b. Advise the affiliate how to proceed should the information contain information not approved for public dissemination; and
- c. Submit to the Office of Policy and Records the affiliate's request for pre-publication review, along with all the required information identified in Annex A.

11. The Directors, Associate Directors, NSA/CSS Chief of Staff, and Extended Enterprise Commanders/Chiefs shall:

- a. Develop a process, consistent with the provisions of this policy, Annex A and Annex B, and References a through l, for ensuring the proper classification and pre-publication review of official NSA/CSS information intended for public dissemination;
- b. Ensure personnel under their supervision are made aware of the requirements of this policy; and
- c. Ensure official NSA/CSS information submitted for review by their subordinates pursuant to this policy is reviewed in a timely manner.

12. The Associate Directorate for Security and Counterintelligence (Q) shall:

- a. Ensure that all affiliates are informed of their classification and pre-publication initial indoctrination;
- b. Ensure that all affiliates are reminded of their lifetime pre-publication and classification responsibility prior to signing their Security Debriefing forms at the end of their affiliation with the Agency; and

c. Conduct, when necessary, a preliminary inquiry to determine whether there is any basis to an allegation of improper disclosure of *classified information* and report those allegations determined to have a basis to the appropriate Agency officials, including the General Counsel and the ADCIPR.

13. The Office of General Counsel shall provide legal advice and guidance to the Office of Policy and Records and to the ADCIPR during the appeal process as set forth in Annex A, paragraph 2.

14. The Strategic Communications Organization (DN) shall:

a. Review all information intended for public dissemination in an official capacity within 10 working days of receipt, to ensure that the Agency's message is appropriate and correctly communicated;²

b. Serve as the pre-publication review approval authority for all information intended for public dissemination in an official capacity;

c. Obtain clearance from the Director, Washington Headquarters Service for all Agency Defense Intelligence Senior Executive Service (DISES) and Defense Intelligence Senior Level (DISL) pre-publication review; and

d. Notify the submitter in writing of the decision.

15. The Office of the Senior Acquisition Executive (BA) shall ensure, in coordination with the Office of General Counsel, that contracts contain necessary provisions to require compliance by contractors and their employees with the provisions of this policy.

REFERENCES

16. References:

a. DoDD 5230.09 "Clearance of DoD Information for Public Release," dated 22 August 2008.

b. DoDD 5500.07, "Standards of Conduct," dated 29 November 2007.

c. DoDD 5500.7-R, "Joint Ethics Regulation (JER)," dated August 1993.

d. NSA/CSS Policy 1-5, "NSA/CSS Freedom of Information Act Program," dated 24 May 2004.

e. Internal Security Act of 1950, 50 U.S.C. 781, et seq.

² Except for information exceeding 50 pages.

f. Executive Order 13526, "Classified National Security Information," dated 29 December 2009.

g. Executive Order 12333, as amended, "United States Intelligence Activities," dated 30 July 2008.

h. Executive Order 10450, "Security Requirements for Government Employment," dated 27 April 1953.

i. Director of Central Intelligence Security Directive 6/1 "Security Policy for Sensitive Compartmented Information and Security Policy Manual," dated 1 March 1995.

j. DoDI 5230.29 "Security and Policy Review of DoD Information for Public Release," dated 8 January 2009.

k. Public Law 88-290, 50 U.S.C. 831-835. "National Security Agency Personnel Security Procedures." dated 26 March 1964.

l. Public Law 86-36, 50 U.S.C. 402. "National Security Agency Act of 1959." dated 29 May 1959.

DEFINITIONS

17. Affiliate – Current or former NSA/CSS employee, advisor, military assignee, or Agency contractor.

18. Classification Review – A review to determine if information contains protected information that is prohibited from public dissemination.

19. Non-Disclosure Agreement – Agency affiliates are legally bound and obligated by the Non-Disclosure Agreement they sign upon indoctrination for access to NSA/CSS information. They agree to certain lifetime obligations regarding the safeguarding of protected information. Specifically, NSA/CSS affiliates agree to safeguard all protected information; to submit all information intended for publication and/or public dissemination for classification and pre-publication review; and to report any unauthorized disclosure of protected information. They cannot confirm, deny, defend or otherwise comment on information about NSA/CSS that appears in the public domain without prior approval through the classification or pre-publication process.

20. Official Capacity – Acting on behalf of NSA/CSS.

21. Official NSA/CSS Information All DoD and/or IC information that is in the custody and control of NSA/CSS, relates to NSA/CSS information, or was obtained during the course of employment or other service with NSA CSS.

22. Pre-publication Review – A review to determine if information proposed for public dissemination in one's official capacity is consistent with established NSA/CSS, DoD, and IC policies and programs.

23. Private Capacity – Acting on behalf of one's self and not in association with NSA/CSS.

24. Protected Information:

a. Classified Information – Information that is classified or is in the process of a classification determination pursuant to the standards of Executive Order 13526 or any successive order and implementing regulations. It includes, but is not limited to, intelligence and intelligence-related information, sensitive compartmented information (information concerning or derived from intelligence sources and methods), and cryptologic information (information concerning communications security and signals intelligence, including information that is also sensitive compartmented information) protected by Section 798 of Title 18, United States Code.

b. Information Protected by Statute – Unclassified information relating to the organization, functions, and activities of NSA/CSS; relating to the names, titles, salaries, and number of persons employed by, detailed or assigned to NSA/CSS; and relating to communications security information involving codes, ciphers, and cryptographic systems used by the United States Government or any foreign governments.

25. Public Dissemination – Dissemination of information in a documentary form (including, but not limited to, written material, videos, and photographs) to one or more persons who do not have the appropriate access authorization, security clearance, and need-to-know to receive official NSA/CSS information.

ANNEX A

CLASSIFICATION REVIEW PROCESS

1. PROCEDURES:

a. Current NSA/CSS affiliates acting in an official capacity shall submit for supervisory approval all official NSA/CSS information intended for public dissemination. Once written approval is received from the supervisor confirming that the information is appropriate for dissemination, the affiliate shall submit the information, security confirmation(s) and written consent from affiliates identified in the information (if applicable) to his/her Classification Advisory Officer (CAO) for a classification determination. The CAO shall forward the information, including contracting officer approval (if applicable) to the Office of Policy and Records for final release determination and referral outside NSA/CSS, if required. A complete list of CAOs can be found on NSAnet by typing "go cao" for CAOs at NSA-Washington and by typing "go field-cao" for CAOs in the Extended Enterprise.

b. Current NSA/CSS affiliates acting in a private capacity using knowledge gained while working with the Agency shall also submit information for classification review to his/her CAO.

c. Current NSA/CSS affiliates are not required to obtain supervisory approval on resumes. However, resumes must be submitted to a CAO for a classification review prior to submission to the Office of Policy and Records for final clearance.

d. The CAO shall confirm that employee names in association with the Agency are releasable.

e. Former affiliates shall send information covered by this policy to:

NSA/CSS
ATTN: DJP2, Pre-Publication Review
9800 Savage Road
Suite 6248
Fort George G. Meade, MD 20755-6248

for dissemination to the appropriate organizational element for a classification review. Upon completion of review and coordination, the organizational element shall provide its determination within 20 days to the Office of Policy and Records for direct response to the submitter.

f. Where information intended for public dissemination is available to the submitter from classified sources and also independently from open sources, the

Annex A to Policy 1-30
Dated: 15 December 2004

submitter may be permitted to publish the information if he or she can cite an adequate open source publication and if publication of the information by the submitter at the time of review will not cause additional damage to the national security through confirmation of previous publications. The approving official may give permission to publish contingent on the submitter's citation of open sources in a footnote. The approving official shall exercise discretion in making these determinations on a case-by-case basis and include the following as factors in his/her decision:

- 1) The sensitivity of the information from classified sources;
- 2) The number and currency of the previous publications;
- 3) The level of detail previously exposed;
- 4) The source of the previous disclosures (whether authoritative and acknowledged or anonymous "leak");
- 5) The submitter's access to classified sources; and
- 6) The authority and credibility that the submitter's Agency experience brings to a confirmatory statement.

2. APPEAL PROCESS:

a. A pre-publication review classification determination may be appealed in writing within 20 working days of receipt of such determination to the Associate Director for Community Integration, Policy and Records (ADCIPR). At his/her discretion, the ADCIPR may allow an additional 30 days to file a written appeal, provided that the submitter files a written notice of intent to appeal within 20 working days of receipt of the initial determination and presents justification to support a time extension. In appealing, the submitter shall specifically identify the disputed portions of the initial determination and the reasons for appeal and shall include any supporting information that the ADCIPR should consider.

b. The Office of Policy and Records will schedule meetings with the Office of General Counsel, as necessary, to review the disputed information and, within 30 working days of receipt of the appeal, advise the submitter of the determination and, to the extent consistent with national security, the reasons for determinations adverse to the submitter's interests.

c. Per Section 1.8 of Executive Order 13526 (Reference f), the final Agency classification decision on documents submitted for pre-publication review pursuant to an approved non-disclosure agreement cannot be further appealed.

d. Information disapproved for public dissemination for reasons other than classification may be appealed to the ADCIPR. See Annex B.

ANNEX B

PRE-PUBLICATION REVIEW PROCESS

1. PROCEDURES:

a. Current NSA/CSS affiliates acting in an official capacity shall submit for pre-publication review all official NSA/CSS information intended for public dissemination. In order to obtain pre-publication approval, NSA/CSS affiliates shall comply with the Procedures as identified in Annex A, paragraph 1.a.

b. After completion of final classification review per Annex A, paragraph 1.a., the Office of Policy and Records shall forward submissions to the Strategic Communications Organization (DN), who shall issue a pre-publication review determination to the affiliate.

2. APPEALS: A pre-publication review determination may be appealed in writing within 20 working days of receipt of such determination to the ADCIPR. At his/her discretion, the ADCIPR may allow an additional 30 days to file a written appeal, provided that the submitter files a written notice of intent to appeal within 20 working days of receipt of the initial determination and presents justification to support a time extension. In appealing, the submitter shall specifically identify the disputed portions of the determination and the reasons for appeal and shall include any supporting information that the ADCIPR should consider. The final ADCIPR decision on documents submitted for pre-publication review cannot be further appealed.