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## AR 10-15 (U) CIA HISTORICAL REVIEW PROGRAM (Formerly AR 70-14)

CIO - AGENCY REGULATION SERIES 10 (INFORMATION MANAGEMENT) PUBLISHED ON 24 SEPTEMBER 2012

### Regulation Summary

Ingested from Regulations.cia on 10 May 2013

#### I. (U) Policy

##### **REVISION SUMMARY: 24 September 2012**

(U//~~AWO~~) This regulation supersedes AR 70-14, dated 29 November 2004.

(U//~~AWO~~) This regulatory revision provides current policy on the CIA Historical Review Program. This revision reflects the Corporate Governance Board's decision in December 2006, providing certain authorities to the Director/Information Management Services. This revision reflects the Agency's current organizational structure. AR 70-14 is also revised to update reference to the new Executive Order 13526, dated 29 December 2009. *Due to extensive revision of this regulation, boldfaced text has not been used to indicate revisions.*

(U//~~AWO~~) This regulation was revised by the Office of the Chief Information Officer/Information Management Services (CIO/IMS),  (secure). (b)(3)

#### 14. CIA HISTORICAL REVIEW PROGRAM

**SYNOPSIS.** This regulation prescribes the responsibilities, guidelines, and procedures for the declassification review and the release of permanent Agency records under the Central Intelligence Agency (CIA or Agency) Historical Review Program (the Program).

**a. AUTHORITIES.** The Program is established in accordance with:

- (1) Executive Order 13526, which prescribes a uniform system for classifying, declassifying, and safeguarding national security information.

- (2) Section 6 of the CIA Act of 1949, as amended, 50 U.S.C. § 403g, which exempts the Agency from the provisions of any law requiring the publication or disclosure of the organization, functions, names, official titles, salaries, or numbers of personnel employed and gives the Director, Central Intelligence Agency (D/CIA) responsibility to protect CIA sources and methods from unauthorized disclosure.
- (3) The CIA Information Act of 1984, 50 U.S.C. § 431 *et seq.*, which exempts certain designated operational files from the search and review provisions of the Freedom of Information Act.
- (4) Sections 402 and 403 of the State Department Basic Authorities Act of 1956, as amended, 22 U.S.C. § 4352 and § 4353, which requires the Agency to provide to Department of State historians compiling the *Foreign Relations of the United States* documentary series, full and complete access to Agency records pertinent to U.S. Government foreign policy decisions and actions, and also requires the Agency to review for declassification any records selected for inclusion in that series.

## **b. GENERAL**

- (1) The purpose of the Agency's Program is to make significant historical information available to the public without damage to the national security interests of the United States. Accordingly, in accordance with the process below, the Program will identify appropriate topics and documents for review. The goals of this Agency Program are to:
  - (a) Provide an accurate, objective understanding of the information and intelligence that has helped shape the foundation of major policy decisions.
  - (b) Uphold Agency leadership commitments to openness.
  - (c) Improve access to lessons learned, presenting historical material to emphasize the scope and context of past actions.
  - (d) Improve current decision-making and analysis by facilitating reflection on the impacts and effects arising from past decisions in

unclassified and broadly available publications.

(e) Provide the American public with valuable insight into the workings of their Government.

(2) The following records will be subject to historical declassification review:

(a) All records subject to systematic declassification review under Section 3.4 of Executive Order 13526 with the exception of certain files designated as operational files by the D/CIA under the provisions of the CIA Information Act of 1984. This covers permanent records more than 25 years old exempted from automatic declassification review under the file series exemption. The file series exemption identifies information which falls within a category exempted from automatic declassification.

(b) Other records of particular historical interest, including documents that the Department of State selects for inclusion in its *Foreign Relations of the United States (FRUS) documentary* series, records non-designated or de-designated from the operational files exemption, other topics identified by the D/CIA for declassification review, or topics identified through the Program's annual planning process.

(c) All issues of Studies in Intelligence.

(3) Reaffirming the principle that the U.S. Government's records should be available to the public, the Program will declassify and release to the public historical records consistent with:

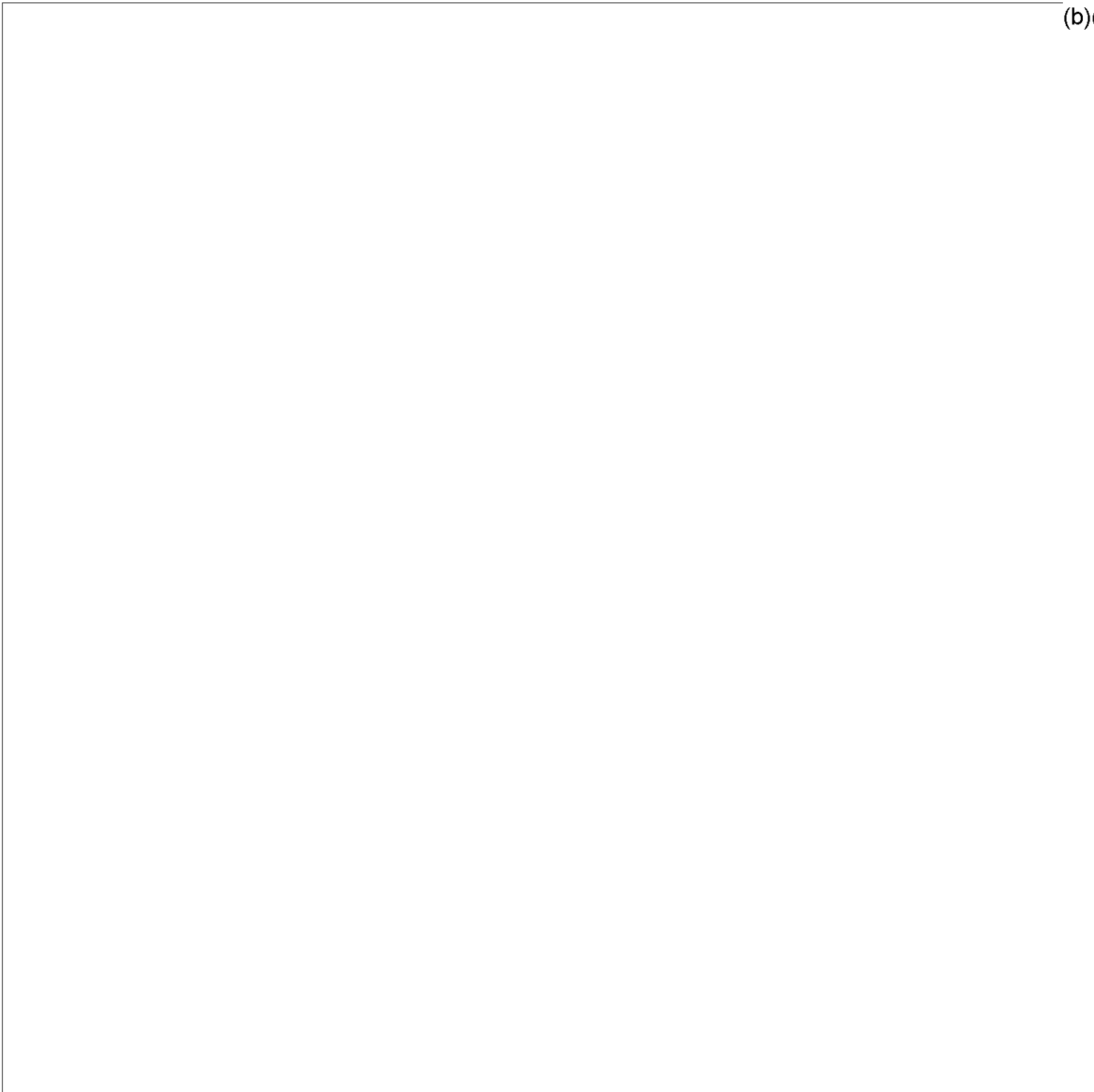
(a) The responsibilities of the D/CIA under the Central Intelligence Agency Act of 1949, as amended, to protect intelligence sources and methods and organizational and personnel information.

(b) The requirements of Executive Order 13526, and successor orders to protect national security information.

(c) The provisions of law that govern the public disclosure of information.

- (4) With the concurrence of the National Archives and Records Administration (NARA), the Agency will transfer records which have been declassified and approved for release under the Program (except for documents released for publication in the Department of State's *Foreign Relations of the United States* series) to NARA for public use.

**c. RESPONSIBILITIES**



(b)(3)

#### d. CRITERIA FOR REVIEW PRIORITY

- (1) (U//~~FOUO~~) The Historical Collections Division, with the assistance of the CIA History Staff, and relevant information management technical officers, will use archival listings that describe the Agency's permanent records as well as on-site research at the Agency Archives and Records Center to identify and locate specific groups of records of historical significance for review under the Program.
- (2) The Historical Collections Division will determine the order in which records are reviewed, using as primary criteria their historical value, the Historical Review Panel recommendations, public interest in the subject matter, and the potential yield of documents that can be released. The Program will give special attention to records originated

by the D/CIA or his principal subordinates and other senior Agency officials, finished intelligence, and disseminated intelligence reports.

- (3) The Historical Collections Division, in consultation with the CIA History Staff, will evaluate records in light of the contribution their declassification and release can make to public understanding the history of the Agency and its role in U.S. intelligence, foreign policy, and international developments.
- (4) To determine historical value, the Historical Collections Division and the CIA History Staff will consider the recommendations of the D/CIA Historical Review Panel and other groups of historians and academics inside and outside of government.
- (5) The Historical Collections Division will review Agency records selected by the Department of State for declassification and inclusion in its *Foreign Relations of the United States* series, in accordance with sections 402 and 403 of the State Department Basic Authorities Act of 1956, as amended, (as interpreted by the President's signing statement of 28 October 1991) and in accordance with the Department of State/CIA Memorandum of Understanding regarding the *Foreign Relations of the United States* documentary series, dated May 10, 2002.

#### **e. GUIDELINES FOR DECLASSIFICATION AND REVIEW FOR RELEASE**

- (1) Executive Order 13526 requires that information be classified only if its disclosure reasonably could be expected to cause damage to the national security, and that it shall be declassified or downgraded as soon as national security considerations permit.
- (2) There shall be a general presumption in favor of disclosure except as provided in paragraph (4) below. Reviewers conducting declassification review of information under the Program, who advocate the continued classification of information, will bear the burden of identifying any damage its disclosure reasonably could be expected to cause to the national security. Information, including information classified solely on the basis of the "mosaic" effect, may remain classified only if the reviewer can identify and describe such damage and a clear

connection between disclosure and the projected damage. To show such damage with respect to information older than 25 years, a reviewer must further articulate how the information meets the standards of continued classification under section 3.3 of the Executive Order 13526. Unless a showing of possible damage is made with reasonable specificity, the information will be identified for declassification.

- (3) Factors to be considered in determining whether disclosure reasonably could be expected to cause damage to the national security include the effect of the passage of time on the sensitivity of the information, any prior disclosures of the information, the link between disclosure and possible harm, and past experience with respect to disclosures of similar information.
- (4) Decisions to acknowledge covert actions will be made on a case-by-case basis and with the approval of the National Security Council or its authorized representative. The Program's focus will be on those covert actions selected by D/CIAs for declassification review and those covert actions requested by the Department of State for inclusion in a specific *Foreign Relations of the United States* volume. The Historical Collections Division/Foreign Relations of the United States coordinator will be the Agency focal point for coordinating declassification of covert action information under the Program.
- (5) The Historical Collections Division will coordinate its review decisions with all other U.S. Government agencies that have equities in the reviewed information before declassification or release action is taken under the Program, or the transfer of records to NARA is arranged.
- (6) A consideration in reviewing information for declassification and damage to national security under the Program will be the extent to which the information is already available to the public. Classified information will not be declassified automatically as a result of any unofficial or unauthorized disclosure of identical or similar information.
- (7) OGC will provide the Historical Collection Division with guidance concerning information that may require continued protection because

of statutory or common law privilege (for example, based on the Privacy Act, the CIA Act, Executive Privilege, Attorney-Client Privilege, and so forth.).

- (8) In no case will information be kept classified in order to conceal violations of law, inefficiency, or administrative error; to prevent embarrassment to a U.S. person, organization, or agency; or to prevent or delay the release of information that does not require protection in the interest of national security.

## **f. PROCEDURES**

- (1) Individual documents will be released in full, withheld in full, or released in part. When a document cannot be released in full, an effort to redact the document by deleting those portions that cannot be declassified, or that cannot be made public for other lawful reasons, will be undertaken. This procedure will be followed only when it will not slow the pace of the review unduly, will not obscure the record's essential significance, and will not distort the document's bibliographical identity, even if details of internal dissemination are excised. Documents that cannot be redacted according to these criteria will be withheld in full.
- (2) The Historical Collection Division will provide all Program declassification and release determinations to the Directorate and D/CIA Area IROs whose components originated or have a substantial interest in the records, to include OGC. The responsible IRO(s) and OGC will have 30 working days from the date of receipt of such records in which to appeal, or raise any claim of statutory or common law privilege in writing to the Chief, Information Review and Release Group/IMS (C/IRRG) regarding any decision to declassify and release information, except that 30 day time limit may be extended when the C/IRRG deems it appropriate.
- (3) (~~U//A//FO~~) If any disagreements cannot be resolved (other than claims made under Executive Privilege, Attorney-Client Privilege, Attorney Work Product Privilege, or the Privacy Act, or claims relating to the protection of Office of Inspector General or OGC information, which may be addressed in other channels by D/IMS), the matter will be



forwarded to the Agency Release Panel (ARP) per AR 70-1 (U) Information Management Program, which will consider the claim and vote whether to assert or not assert the claim. Any ARP member will have 10 working days from the day after the vote to appeal the results of the vote to the D/IMS for decision. In the event of a disagreement with any declassification and release decision by D/IMS, Directorate or Independent Office Heads may appeal to the Associate Deputy Director of CIA (ADD/CIA) for resolution. The final Agency decision shall reflect the vote of the ARP, unless changed by the D/IMS or the ADD/CIA.

- (4) The Historical Collections Division will maintain a complete record of all relevant information about the Program reviews and final determinations.
- (5) This regulation is intended to provide direction and guidance for those engaged in the review of records for declassification and release under the Program. Nothing contained in the regulation or in any procedures promulgated to implement this regulation is intended to confer, and does not confer any substantive or procedural right or privilege on any person or organization.