

ADK

Memorandum



To : All SACs
All Legats

Date October 13, 1982

From : Director, FBI (62-119783)

Subject : DOCUMENT CLASSIFICATION MATTERS
EXECUTIVE ORDER (EO) 12356

Enclosed is a Classification Policy Directive which addresses several frequently asked questions concerning EO 12356, which became effective August 1, 1982. The Department of Justice implementing regulations will soon be published, and Foreign Counterintelligence Manual changes dealing with specific issues will be forthcoming thereafter. In the interim, this Directive will provide guidance for classification of national security information by the FBI.

Recipients are to ensure that each Security Officer and other individuals involved with classification matters become familiar with this Directive.

Enclosure

NOTE: This was prepared to provide guidance to FBI personnel concerning implementation of EO 12356, which prescribes a uniform system for classifying, declassifying, and safeguarding of national security information.

- 1 - Mr. Colwell
- 1 - EAD - Investigative
- 1 - Mr. Otto
- 1 - Each Assistant Director
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- 1 - Mr. Dean
- 1 - Mr. Downum

- 1 - Mr. McCauley
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**Classification Policy Directive
Executive Order (EO) 12356**

EO 12356, "National Security Information," which prescribes a uniform system for classifying, declassifying, and safeguarding national security information, became effective August 1, 1982, replacing EO 12065. Information Security Oversight Office (ISOO) Directive No. 1, which implements EO 12356, also became effective August 1, 1982. Each Security Officer and individual handling national security information/classification matters is to become familiar with these two documents. The following guidance is furnished to supplement classification instructions contained therein.

EO 12356, § 1.3(a) sets forth the specific criteria which must be met for information to be considered for classification, while § 1.3(b) mandates classification "when an original classification authority also determines that its unauthorized disclosure, either by itself or in the context of other information, reasonably could be expected to cause damage to the national security." Virtually all FBI information which warrants classification falls within the following criteria: foreign government information; intelligence activities, sources or methods; foreign relations or foreign activities of the United States; and cryptology.

It should be noted that, with one exception, there is no requirement under EO 12356 (nor was there under EO 12065) to show on the document the reason for classification. EO 12065 required a reason for extension of classification beyond six years, but that requirement was deleted in EO 12356, which indicates in § 1.4(a) that "information shall be classified as long as required by national security considerations."

The one exception noted above which requires an explanation for classification is when otherwise unclassifiable information (such as a newspaper article, an FD-302, Immigration and Naturalization Service (INS) record, public source information, or the like), is combined or associated with other unclassified or classified information and thus warrants classification [EO 12356, § 1.3(b) and ISOO Directive No. 1, § 2001.3(a).] The placing of this previously unclassifiable information in an FBI file could then render the information classifiable by now causing it to fit within one of the categories in EO 12356, § 1.3(a).

Classification based solely on this "mosaic" principle must be supported by a written explanation. (The "mosaic" principle in classification is a determination that seemingly innocuous bits of information, when pieced together, may enable a hostile

analyst to reach conclusions resulting in damage to the national security.) A classification guide is being prepared which will include this written explanation and will be referenced on the "Classified by" line in the same manner as any other approved classification guide. In the event this "mosaic" situation arises prior to the issuance of this guide, the written explanation or reference will have to be furnished by the classifier. It is anticipated the above situation will be encountered very infrequently since the vast majority of classifiable FBI information will clearly fall within the categories of EO 12356, § 1.3(a).

There is no need to cite more than one classification guide as a basis for classification of a portion, if one guide covers the reason adequately. However, if different guides or different classification authorities are used as the basis for classification of separate portions of a document, the overall document must be marked "classified by multiple sources," and the specific guide, classifier credential number, or written explanation placed beside each classified portion, i.e., (S) (6080) or (C) (G-3).

In the event there is reasonable doubt as to whether or not information should be classified or at what level, EO 12356, § 1.1(c) mandates the safeguarding of that information at the higher level, but instructs that a determination must be made within 30 days to resolve the doubt. Classification is a positive judgment, i.e., there must be a reasonable basis for classification. If an approved classification guide does not cover the issue, and insufficient information exists to resolve the doubt, the information should be safeguarded appropriately and brought to the attention of the Security Programs Unit (SPU), FBIHQ, Room 5434C, for a classification determination to be made within the 30-day period.

The duration of classification has been changed with the new Order, and the FBI will utilize "Originating Agency's Determination Required," as indicated by the abbreviation "OADR," on its documents to show the duration of classification, except in those rare instances where there is a clear determination the information can be declassified on a specific date or event. In the vast majority of cases OADR will apply.

The markings of "Top Secret," "Secret" and "Confidential" on the top and bottom of the front of each page and on the back of the last page remain unchanged from EO 12065. Only two lines, however, will be utilized on the first page in the majority of cases, and will be as follows:

Classified by _____
Declassify on: OADR

In instances where the identity of the originating agency and office are not apparent on the face of a document, the identity of the originating agency must be placed below the "Classified by" line [ISOO Dir. No. 1, § 2001.5(c)]. This situation would occur most frequently at FBIHQ in classifying other government agency information, such as an INS record. The FBI would be considered the originating agency for the classification decision in this instance, and would have to be so noted. If this addition warrants classification, the portion should be marked accordingly.

Although the new EO does not require use of the "Classified by" line if the classifier is the originator of the document, for purposes of uniformity this line will be utilized in all instances by the FBI, including teletypes. The abbreviation "C by _____, DECL:OADR" will be utilized on teletypes.

The marking "Warning Notice - Intelligence Sources or Methods Involved" (WNINTEL) will be utilized only in connection with Sensitive Compartmented Information (SCI) or uniquely sensitive information. In the same sense, "Foreign Government Information" will not be marked routinely on such information. At the discretion of the classifier, this notation or the initials "FGI" may be placed on the document if it is not readily apparent the information falls within this category and it is desired to highlight this fact to prevent inadvertent declassification by subsequent reviewers.

Classification guides shall be utilized whenever possible and shall be cited on the "Classified by" line whenever utilized. New and revised classification guides will be available in the near future which should cover virtually all classification decisions currently being made by the FBI.

ISOO Directive No. 1 answers most of the specific and technical questions that may arise concerning classifying, declassifying, and safeguarding national security information. Any remaining questions should be directed to the FBI Security Programs Unit, Room 5434C, JEH, extension 3605.