

Carrie

Please substitute the attached
page - OS 3 1512

ANNEX B

DCID 1/14 APPEALS

POLICY

1. This annex establishes common appeals procedures for the denial or revocation of access to Sensitive Compartmented Information (SCI) by entities of the Intelligence Community after adjudication pursuant to the provisions of DCID 1/14. This annex is promulgated pursuant to Executive Order 12333, Executive Order 12356 and Section 102 of the National Security Act of 1947. For the purpose of this annex, all references to DCID 1/14 include the basic document and all of its annexes. Any person who has been considered for initial or continued access to SCI pursuant to the provisions of DCID 1/14 shall, to the extent provided below, be afforded an opportunity to appeal the denial or revocation of such access. This annex supersedes any and all other practices and procedures for the appeal of the denial or revocation of SCI access. This annex shall not be construed to require the disclosure of classified information or information concerning intelligence sources and methods, nor shall it be construed to afford an opportunity to appeal prior to the actual denial or revocation of SCI access. In addition, the provisions of DCID 1/14, this annex, or any other document or provision of law shall not be construed to create a property interest of any kind in the access of any person to SCI. Further, since the denial or revocation of access to SCI cannot by the terms of DCID 1/14 render a person ineligible for access to other classified information solely for that reason, the denial or revocation of SCI access pursuant to the provisions of DCID 1/14 and this annex shall not

be construed to create a liberty interest of any kind.

APPLICABILITY

2. This annex applies to all United States Government civilian and military personnel, as well as any other individuals, including contractors and employees of contractors, who are considered for initial or continued access to SCI. This annex does not apply to decisions regarding employment and shall not be construed to affect or impair Public Law 88-290 or the authority of any entity to effect applicant or personnel actions pursuant to Public Law 88-290, Public Law 86-36, or other applicable law.

SCI ACCESS DETERMINATION AUTHORITY

3. Adjudications for access to SCI shall be made in accordance with DCID 1/14 by a Determination Authority designated by the Senior Official of the Intelligence Community (SOIC) of each entity. Access to SCI shall be denied or revoked whenever it is determined that a person does not meet the security standards provided for in DCID 1/14.

PROCEDURES

4a. Persons shall be:

- (1) notified of the denial or revocation of SCI access,
- (2) notified that they may request to be provided the reasons for such denial or revocation, and/or
- (3) afforded an opportunity to appeal,

whenever the Determination Authority of any entity, in the exercise of his or her discretion, deems such action in any given case to be clearly consistent with the interests of the national security.

b. Any person who is given notification and afforded an opportunity to

appeal pursuant to subparagraph a. above may, within 45 days of the date on which such person is notified of the reasons for denial or revocation of SCI access, submit a written appeal of that denial or revocation to the Determination Authority. The written material submitted for consideration may include any information which the person believes will assist the Determination Authority in reviewing the case.

c. After a further review of the case in the light of the written appeal, the person will be notified of the decision of the Determination Authority.

d. If the Determination Authority reaffirms a denial or revocation of access, the person may, within 30 days of the date on which such person is notified of the Determination Authority's reaffirmation, request a final review of the case. In that event, the SOIC, or his or her designee, shall personally review the case and exercise his or her discretion pursuant to the provisions of DCID 1/14, and shall inform the person of his or her decision, which shall be final and unreviewable.

OS REGISTRY

ROUTING AND RECORD SHEET

FILE OPM-2
DD/A Registry
83-1491/1

SUBJECT: (Optional)

DCID No. 1/14

FROM [Redacted]
Director of Security
4E-60 Headquarters

EXTENSION

NO.

DATE

DDA-1491-83*
8 JUN 1983

TO: (Officer designation, room number, and building)

DATE

OFFICER'S INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

1. DDA
7D-18 Headquarters

9 JUN 1983

[Signature]

2.

3. Executive Registry
7E-12 Headquarters

9 JUN 1983

[Signature]

4. Executive Director
7D-55 Headquarters

21 JUN 1983

[Signature]

5. DDCI
7D-6011 Headquarters

27 JUN 1983

[Signature]

6.

7. DCI
7D-5607 Headquarters

27 JUN 1983

[Signature]

8. EXDIR - HAS COPY

9. D/Security
4E-60 Headquarters

It is recommended that you sign the attached memorandum to update Agency implementation of Annex B of DCID No. 1/14. While there is nothing improper or culpable in our current procedures, this new write-up should help should there be a challenge to our system over who effected a given disapproval, who handled the appeal, and who served as the ultimate arbiter of the matter.

The Office of General Counsel concurs in the attached memorandum.

Att

4-5,7: Concur

[Signature]

OS 3 1512

ROUTING AND TRANSMITTAL SLIP

Date
28 JUN 1983

TO: (Name, office symbol, room number, building, Agency/Post)

Initials

Date

1. DD/PAW

[Handwritten initials] 6/30

2. CIPPG

[Handwritten initials] 6/30

3.

[Redacted box]

[Handwritten initials] 7/1/83

4. REGISTRY

5.

Action	File	Note and Return
Approval	For Clearance	Per Conversation
As Requested	For Correction	Prepare Reply
Circulate	For Your Information	See Me
Comment	Investigate	Signature
Coordination	Justify	

REMARKS

D/OS was briefed 6/30/83

CC. DD/PSI ✓

DO NOT use this form as a RECORD of approvals, concurrences, disposals, clearances, and similar actions

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