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## CHAPTER 20

## PERSONNEL SECURITY POLICY

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## 20-1 BASIC POLICY

1. SECNAVINST 5510.30, reference (bb), establishes the Department of the Navy Personnel Security Program. It designates the Chief of Naval Operations (Op-009) as the official responsible for implementing the program and establishes the basic policy that no person shall be appointed or retained as a civilian employee in the Department of the Navy, accepted or retained in the Navy or Marine Corps, granted access to classified information, or assigned to other sensitive duties that are subject to investigation under the provisions of this regulation unless appointment, acceptance, retention, clearance or assignment is clearly consistent with the interests of national security.

a. Appointment or retention in civilian employment and acceptance or retention in the Navy or Marine Corps will be assumed to be clearly consistent with the interests of national security unless or until competent authority has determined that there is a reasonable basis for doubting the person's loyalty to the Government of the United States. Determinations of suitability or eligibility for civilian employment or service in the Navy and Marine Corps, on any basis other than loyalty, are not personnel security determinations and, therefore, are not under the purview of this regulation.

b. Eligibility for access to classified information, or assignment to other sensitive duties subject to investigation under the provisions of this regulation, will be based on a determination of the person's loyalty, reliability, trustworthiness and judgment and governed by the provisions of this regulation.

c. A final adverse personnel security action, as described in paragraph 22-5, will not be taken unless the individual concerned has been given the procedural benefits in paragraph 22-6.

2. Sensitive duties are those in which an assigned military member or civilian employee could bring about, by virtue of the nature of the duties, a material adverse effect on the national security. Any duties requiring access to classified information are sensitive duties. Any civilian position entailing sensitive duties is a sensitive position.

## 20-2 APPLICABILITY

1. The personnel security policies and procedures in this regulation apply primarily to eligibility for access to classified information or assignment to sensitive duties that are subject to investigation under the provisions of this regulation. The only personnel security determinant in appointment and retention in civilian employment or acceptance and retention in the Navy and Marine Corps is loyalty. In other words, this regulation is not the authority to deny or terminate civilian employment or military service unless loyalty is the central issue.

2. Detailed requirements for specific programs are found in the regulations governing those programs - for example, special access programs and the industrial security program.

## 20-3 DEPARTMENT OF THE NAVY JURISDICTION

Personnel under the jurisdiction of the Department of the Navy, for personnel security purposes, are all Regular and Reserve military members of the Navy and Marine Corps; civilian personnel employed by, hired on a contractual basis by, or serving in an advisory capacity to the Department of the Navy whether on a permanent, temporary or part-time basis, and whether or not compensated from appropriated or non-appropriated funds; and applicants for positions in the Department of the Navy, military or civilian.

## 20-4 CITIZENSHIP

1. As a general rule, only United States citizens will be granted access to classified information or assigned to sensitive duties. When this regulation refers to U.S. citizens, it makes no distinction among those who are U.S. citizens by birth, those who are U.S. nationals (see definition in appendix B) and those who have derived U.S. citizenship or acquired it through naturalization. Non-U.S. citizens are identified in this regulation as immigrant aliens and foreign nationals. Immigrant aliens are those who have been lawfully admitted to the United States for permanent residence. Foreign nationals are defined for security purposes as those who are not U.S. citizens, U.S. nationals or immigrant aliens, those immigrant aliens who have failed to become citizens (see paragraph 5 below), and those U.S. citizens or immigrant aliens who represent a foreign government, foreign private interests or other foreign nationals, when they are acting in that capacity.

2. Immigrant aliens may not be granted access to classified information or assigned to sensitive duties unless the commanding officer or other designated clearance authority personally determines it is in the national interest to do so, considering essential operating requirements of the Department of the Navy. That determination cannot override any prohibitions or restrictions on access or assignment in this regulation. Non-U.S. citizens from the countries listed in exhibit 5A will not, in any event, be assigned to sensitive duties or granted access to classified information. Under no circumstances will immigrant aliens be cleared for sensitive compartmented information (SCI), SIOP-ESI, Presidential Support duties, Nuclear Weapon Personnel Reliability Program (PRP), NATO or any other Special Access program. They are not eligible for access to COMSEC keying material classified higher than Confidential, to naval nuclear propulsion information (NNPI), to cryptologic information or to intelligence information (unless authorized by the originator).

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3. Under Executive Order 11935, you cannot appoint a non-U.S. citizen to a civilian position in the Federal competitive service unless you get approval from the Office of Personnel Management (OPM) on a case-by-case basis. You must not construe OPM's approval of employment as a security decision, authorizing assignment to sensitive duties or access to classified information where prohibited or restricted by this regulation. As a matter of fact, if the position for which OPM's approval will be sought is a sensitive position, you must first determine that assignment or access would not be prohibited or restricted. For example, an immigrant alien cannot be granted a Top Secret clearance. There would be no point in asking for OPM approval for a position requiring access to Top Secret.

4. With few exceptions, only U.S. citizens are accepted as officers in the Navy and Marine Corps. Immigrant aliens are enlisted in the Navy and Marine Corps and, under a U.S.-Republic of Philippines agreement, Philippine nonimmigrant aliens may be enlisted in the Navy. Enlisted immigrant aliens (and Philippine nonimmigrant aliens) may not enter ratings or Military Occupational Specialties (MOS) which generally require access to classified information.

5. An immigrant alien, military or civilian, who has not been naturalized within one year following completion of the residence requirement, reverts to foreign national status for security purposes. If the individual has applied for naturalization and the delay in naturalization is beyond his or her control, a grace period of an additional year is authorized to complete the process. An immigrant alien who has reverted to foreign national status for security purposes cannot hold a security clearance or be assigned to sensitive duties. Because the naturalization process sometimes takes more than two years to complete, Chief of Naval Operations (Op-009P) will consider waiver of this rule upon request and assurance that the individual is actively pursuing U.S. citizenship.

6. Several allowances are made in applying the policy on immigrant aliens. There are so many variables in residence requirements under immigration and naturalization laws, it would be unreasonable to expect you to know each application. To simplify, you may assume a five-year residence requirement, starting on the date the individual acquired immigrant alien status. If the immigrant alien came to this country as a child, you may start counting the five years from his or her eighteenth birthday. This allowance is made on the premise that an immigrant alien entering the Navy and Marine Corps is advised for the first time that his or her status may affect assignments, clearance or access. In the interests of fairness, each non-U.S. citizen entering the Navy or Marine Corps or entering civilian employment in the Department of the Navy will be advised of the DON security policies affecting assignments, clearance and access.

7. Foreign nationals, other than Philippine nonimmigrant aliens on active duty with the Navy, are not eligible for Department of the Navy security clearance. The Office of the Secretary of Defense has granted a waiver to allow Philippine nonimmigrant aliens on active duty in the Navy to be granted Confidential

clearances. They are not eligible for sensitive compartmented information (SCI), SIOP-ESI, Presidential Support duties, Nuclear Weapon Personnel Reliability Program (PRP), NATO or any other Special Access programs, or for access to naval nuclear propulsion information (NNPI), to communications analysis, COMSEC information, or intelligence information (unless authorized by the originator). Foreign nationals employed by or affiliated with the DON in an individual capacity may be allowed limited access to classified information or assigned to sensitive duties only when specifically authorized by the Chief of Naval Operations (Op-009P) under the provisions of paragraphs 24-5 and 24-9. All other foreign nationals are to be considered foreign representatives and are governed by foreign disclosure policies and procedures in OPNAVINST 5510.48, reference (p) and OPNAVINST S5510.155, reference (v).

## 20-5 VERIFICATION OF CITIZENSHIP

1. As citizenship status affects investigative requirements, clearance eligibility and the access which may be granted, it must be considered before security processing begins. Those who hold a current, valid security clearance, issued by the Navy or Marine Corps or other component of the Department of Defense, do not have to submit evidence of citizenship to retain clearance at the present level. Verification is required for first-time clearance candidates and candidates for clearance at a higher level than currently held if citizenship was not verified previously.

2. Navy and Marine Corps officers were required to submit proof of citizenship before commissioning. Unless an individual's record specifically notes that he or she is not a U.S. citizen, you may assume that an officer is a U.S. citizen. Enlistees are required to submit documentation verifying citizenship status during enlistment processing. The documents sighted are listed and attested to by a recruiting official on the DD Form 1966, Application for Enlistment - Armed Forces of the United States.

3. Civilians are not required to provide documentation during the hiring process to prove the citizenship claimed on the application, so verification of citizenship will be required during security processing. You cannot assume a former officer is a U.S. citizen. Evidence of citizenship would be required in that case, because you would not have the officer personnel record to check.

4. The requirement to verify United States citizenship for first-time candidates and candidates for clearance at a higher level than currently held is satisfied under the following conditions:

a. An individual has a valid Background Investigation (BI) or Special Background Investigation (SBI) completed before 1 September 1979, provided U.S. citizenship was claimed at that time; or

b. An individual is an officer in the Navy or Marine Corps and his or her record does not contain evidence of non-citizenship; or

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c. An enlisted member's service record contains a DD Form 1966 with a certification that the documents verifying citizenship have been sighted; or, for Navy members, a NAVPERS 1070/601 (Immediate Reenlistment Contract) reflecting that the documentation has been sighted and the individual is a U.S. citizen; or

d. When none of the conditions above applies, the individual produces the documentation listed in paragraph 5 below.

5. The documentation required to prove U.S. citizenship is generally the same as that required for U.S. passport purposes:

a. If the individual was born in the United States, a birth certificate. Certification in the form officially issued and certified by the state or county agency is acceptable, provided it shows the birth record was filed shortly after birth and it bears the registrar's signature.

(1) A delayed birth certificate (a record filed more than one year after the date of birth) is acceptable, if it shows that the report of birth was supported by secondary evidence as described in paragraph (4) below.

(2) Verification of Birth (DD Form 372), on which the birth data listed is verified by the registrar, is acceptable for military members.

(3) A hospital birth certificate is acceptable if all of the vital information is given and it has an authenticating seal or signature. The hospital must be fully recognized and credentialed by a recognized authority (to preclude acceptance of birth certification from commercial birth centers or clinics.)

(4) If primary evidence is not obtainable, a notice from the registrar that no birth record exists should be submitted. The registrar's notice must be accompanied by the best combination of secondary evidence obtainable. Secondary evidence includes a baptismal certificate, a certificate of circumcision, affidavits of persons having personal knowledge of the facts of the birth, or other documents such as early census, school or family bible records, newspaper files and insurance papers. The secondary evidence should have been created as close to the time of birth as possible.

(5) All documents submitted as evidence of birth in the United States must be original or certified documents. Uncertified copies are not acceptable.

b. If citizenship was acquired by birth abroad to a U.S. citizen parent, a Certificate of Citizenship, issued by the Immigration and Naturalization Service, or a Report of Birth Abroad of a Citizen of the United States of America (Form FS-240), or a Certification of Birth (Form FS-545 or DS-1350) issued by a U.S. Consulate or the Department of State. For personnel born in the Canal Zone, a certificate of birth issued by the Canal Zone Government indicating U.S. citizenship and verified with the Canal Zone Commission is acceptable. Address the request for verification to: Vital

Statistics Unit, Administrative Services Division, Panama Canal Commission, APO Miami, FL 34011.

c. If the individual claims U.S. citizenship by naturalization, a Certificate of Naturalization. A Certificate of Citizenship is required if the individual claims to have derived U.S. citizenship through the naturalization of the parent(s). If the individual does not have a Certificate of Citizenship, the Certificate of Naturalization of the parent(s) may be accepted if the naturalization occurred while the individual was under 18 years of age (or under 16 years of age before 5 Oct 1978) and residing permanently in the U.S. Certificates presented must be originals, as it is illegal to make copies.

d. A U.S. passport issued to the individual or one in which the individual was included.

6. Immigrant aliens, that is, those who have been lawfully admitted for permanent residence, are registered by the Immigration and Naturalization Service (INS) and are issued proof of status. Immigrant alien status is verified by sighting Alien Registration Receipt Card, INS Form 551 or INS Form 151, or, if the individual has arrived within the past year, an entry in the passport or INS certification of status. The proof of status must be sighted before any processing for clearance or assignment to sensitive duties. If the individual does not have INS proof of immigrant alien status, he or she must be considered a foreign national for security purposes. For your information, every immigrant alien, regardless of age at the time of entry, is issued proof of status.

#### 20-6 DESIGNATION OF CIVILIAN SENSITIVE POSITIONS

1. Commanding officers will designate each civilian position in their commands as critical-sensitive, non-critical-sensitive or nonsensitive.

2. The criteria to be applied in designating a position as sensitive are:

a. Critical-sensitive:

(1) Access to Top Secret information.

(2) Development or approval of plans, policies, or programs that affect the overall operations of the Department of the Navy.

(3) Development of war plans, plans or particulars of future major or special operations of war, or critical and extremely important items of war.

(4) Investigative and certain investigative support duties, the issuance of personnel security clearances or access authorizations, or the making of personnel security determinations.

(5) Fiduciary, public contact, or other duties demanding the highest degree of public trust.

(6) Duties requiring access to sensitive compartmented information (SCI).

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(7) Category I automatic data program positions. (NOTE: This criterion will not be used to designate a position as critical-sensitive until further notice.)

(8) Any other position designated by the Secretary of the Navy or his designees (commanding officers).

b. Noncritical-sensitive:

(1) Access to Secret or Confidential information.

(2) Assignment to security police/provost marshal duties involving the enforcement of law, and security duties involving the protection and safeguarding of Department of the Navy personnel or property.

(3) Assignment to duties involving education and orientation of Department of the Navy personnel. (Applicable only to personnel who prepare formal instructional material or present formal courses of instruction.)

(4) Duties involving the design, operation, or maintenance of intrusion detection systems deployed to safeguard Department of the Navy personnel and property.

(5) Category II automatic data program positions.

(6) Any other position designated by the Secretary of the Navy or his designees (commanding officers).

3. Any one of the criteria will make a position sensitive. If more than one applies, only the predominant factor needs to be recorded. If access to classified information is one of the factors, it will always be predominant.

4. All other civilian positions in the Department of the Navy are to be designated as nonsensitive. Nonsensitive positions are not under the purview of this regulation except as noted in paragraph 20-1.

5. Commanding officers are responsible for ensuring that only those positions that meet the criteria above are designated as sensitive, that the designation of sensitive positions is held to the minimum consistent with mission requirements and that the investigative requirements for appointment to sensitive positions are met. The Director, Naval Civilian Personnel Command will provide an annual accounting to the Chief of Naval Operations (Op-009P) of the number of sensitive positions by category, showing the specific designation criteria (for example, critical-sensitive, designation criterion (1), Top Secret access.)

#### 20-7 MANAGEMENT DATA

1. To provide management data and input for reports which may be required by the Deputy Under Secretary of Defense for Policy or the Chief of Naval Operations (Op-009), the personnel security authorities specified will maintain the following data on an annual (calendar year) basis:

a. Number of civilian sensitive positions, showing the specific designation criteria of paragraph 20-6 (e.g., critical-sensitive, designation criteria (1)) - Director, Naval Civilian Personnel Command.

b. Number of security clearances granted, by level of classification - Commandant of the Marine Corps, Commander, Naval Military Personnel Command, Director, Naval Civilian Personnel Command.

c. Number of adverse personnel security actions taken by category (see paragraph 22-5) - Commandant of the Marine Corps, Commander, Naval Military Personnel Command, Director, Naval Civilian Personnel Command, Commander, Naval Intelligence Command and Commander, Naval Security Group Command.

d. Number of SCI Access Authorizations granted - Commander, Naval Intelligence Command, Commander, Naval Security Group Command.

e. Number of waivers of investigative requirements (see paragraph 24-4) - Commanding officers. (Negative reports not required.)

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## CHAPTER 21

## PERSONNEL SECURITY INVESTIGATIONS

## 21-1 BASIC POLICY

1. No person will be given access to classified information or be assigned to sensitive duties unless a favorable determination has been made of his or her loyalty, reliability, trustworthiness and judgment. The initial determination will be based on a personnel security investigation (PSI) appropriate to the access required or to other considerations of the sensitivity of the duties assigned.

2. Commanding officers are authorized to request PSI's on personnel under their jurisdiction as necessary to fulfill the investigative requirements described in this chapter.

3. Only the minimum investigation to satisfy a requirement may be requested. You cannot establish investigative requirements in addition to, or at variance with, those described in this chapter for any project or program without the approval of the Chief of Naval Operations (Op-009).

4. The Defense Investigative Service (DIS) or, where specified, the Office of Personnel Management (OPM), conducts or controls all PSI's for the Department of the Navy. You are prohibited from conducting PSI's, including local public agency inquiries, without the specific request from the DIS to support its investigative responsibilities.

5. Requests for PSI's must be kept to the absolute minimum. (See paragraph 21-14 for the determinations which must be made before requesting a PSI.) Disproportionate reliance on PSI's as a means of identifying problem personnel security cases will be avoided. Special attention is to be given to eliminating unnecessary and duplicative requests. Investigation will not be requested to resolve allegations of a suitability nature for the purpose of supporting personnel administrative decisions or disciplinary procedures independent of a personnel security determination.

## 21-2 TYPES OF PERSONNEL SECURITY INVESTIGATIONS

1. The term "personnel security investigation (PSI)" describes an inquiry by an investigative agency into an individual's activities, conducted for the purpose of making a personnel security determination. Other types of investigations may have an impact on employment, clearance or assignment but are conducted for other basic purposes and are, therefore, not PSI's. Examples of other types are investigations of compromise, current criminal activity, sabotage, espionage or subversion.

2. PSI's fall into one of the following categories:

a. National Agency Check (NAC) - a check of the files of Federal agencies, conducted by DIS. It in-

cludes, as a minimum, a check of the Defense Central Index of Investigations (DCII) and a check of FBI files. Other agencies are checked as indicated by the information on the individual's investigative forms. The NAC conducted on a first-term enlistee in the Navy or Marine Corps is called an Entrance NAC (ENTNAC). For an ENTNAC, a different fingerprint form is used and the FBI check is by name only, without the technical fingerprint search conducted for an NAC. The primary reason for an ENTNAC is to determine suitability for entry into the service. It is requested only at the time of initial entry, not at reenlistment or at a later date if you discover the person never had one. An NAC is also an integral part of each Background Investigation (BI) or Special BI (SBI) or Periodic Reinvestigation (PR). When an NAC discloses information that has to be resolved by DIS with additional investigative effort, the result is called an expanded NAC (ENAC).

b. National Agency Check and Inquiry (NACI) - a check of the files of Federal agencies (an NAC) conducted by the Office of Personnel Management (OPM) on civilian applicants, with written inquiries to law enforcement agencies, former employers, supervisors, references and schools. The "Record Check and Inquiry", conducted by OPM under the superseded Executive Order 9835, is the equivalent of an NACI.

c. Background Investigation (BI) - an investigation, conducted by DIS, to develop information on an individual's loyalty, character, emotional stability and reliability. It consists of an NAC plus field investigation by interview and written inquiry. Standard BI elements include checks of employment, education, affiliations, local agencies where the subject has lived, worked or gone to school and interviews of persons who know the individual. Depending on the information disclosed, the BI may also include credit and neighborhood checks and an interview of the subject to resolve any questionable or derogatory information. A Personal Interview-Oriented BI (IBI) is a new type of BI which focuses on a personal interview of the subject, plus the NAC, employment checks, developed character references, local agency checks and a credit check. Additional elements are covered only as necessary to resolve the information disclosed. IBI's are conducted on military personnel, but not on civilian employees. If a military member is not accessible for the personal interview because of deployment, remote location, etc., a standard BI is done. The scope of a BI (and an IBI) is usually 5 years or from the 18th birthday, whichever is the shorter period; however, at least the last 2 years will be covered, except that no investigation is conducted prior to an individual's 16th birthday. The scope of a BI signifies that certain elements of the investigation will be covered for that period only. No time limit is set for resolution of questionable or derogatory information. The scope of a BI for those being assigned to NATO billets and for non-U.S. citizens is 10 years (with the restriction on

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investigation before the 16th birthday). The Full Field Investigation (FFI) conducted by the FBI or OPM, is the equivalent of a BI.

d. Special Background Investigation (SBI) - an investigation, conducted by DIS, with extended coverage of the individual's background to provide a greater depth of knowledge than a standard BI. The term "Extended (or Expanded) BI (EBI)" is synonymous. An SBI also includes an NAC on the subject's spouse or cohabitant, and any members of the subject's immediate family 18 years of age or older who are U.S. citizens other than by birth or who are not U.S. citizens. The scope of an SBI is 15 years or since the 18th birthday, whichever is the shorter period; however, at least the last 2 years will be covered, except that no investigation is conducted prior to the subject's 16th birthday. SBIs are conducted only when specifically required by the Chief of Naval Operations or higher authority. At the present time, SBIs are authorized only for access to the Single Integrated Operational Plan - Extremely Sensitive Information (SIOP-ESI); access to sensitive compartmented information (SCI); assignment to certain Presidential support duties; and assignment to investigative agencies as special agents or investigative support personnel who require continuous access to investigative files and material. Any investigation conducted by a Federal agency under the standards of Director of Central Intelligence Directive (DCID)-1/14 meets SBI investigative requirements. An FFI by the FBI or OPM is usually equivalent to an SBI. The FFI would have to be reviewed to see if all the investigative elements have been covered.

e. Periodic Reinvestigation (PR) - a periodic updating of a valid investigation when specifically required under program regulations generated by CNO or higher authority. PR's may be requested only when specifically authorized (see paragraph 21-18 on validity of investigations and paragraph 21-13 on reinvestigation). Investigative elements covered depend on the reason for the periodic reinvestigation.

3. A Special Investigative Inquiry (SII) is an investigation, conducted by DIS, to supplement a PSI that has been closed but subsequently found to be incomplete; to prove or disprove allegations concerning an individual on whom a personnel security determination has been made; or to assess the current eligibility of an individual on whom an adverse personnel security determination had previously been made. SII is the coverall term for limited inquiries, post-adjudication investigation or other additional inquiries conducted by DIS. SII's do not include investigation of current criminal activity, sabotage, espionage or subversion. Those are matters under the purview of the Naval Investigative Service.

4. If adverse or questionable information, which could be relevant to a security determination, is developed during a PSI, regardless of type, the investigation is expanded to the extent necessary to substantiate or disprove the information.

5. When a member of an individual's immediate family, or any other person to whom the individual is bound by obligation or affection, resides in a nation whose

interests are inimical to the interests of the United States, a hostage situation exists. In the absence of coercion, influence or pressure, a personal interview will be conducted by a DIS agent (or, when authorized, by investigative personnel of other DOD investigative organizations). If the relationship is known at the time a BI or SBI is being conducted, DIS will include hostage situation coverage as part of the investigation. Otherwise, request the personnel interview as an SII. If there are indications that hostile intelligence is taking any action specifically directed against the individual or if there is evidence that the individual is being coerced, influenced or pressured, the case becomes a counterintelligence matter to be referred to the Naval Investigative Service.

6. An SBI (and SBI-PR) is the highest level of investigation, followed in descending order by a BI (which includes the FFI, IBI, and BI-PR), NACI, NAC, and ENTNAC. SII's supplement the basic PSI and are not entered as investigations on the Certificate of Personnel Security Investigation Clearance and Access (OPNAV Form 5520/20).

7. A check of the DCII (see paragraph 21-5.1a(2)) is not a PSI.

### 21-3 INVESTIGATIVE REQUIREMENTS FOR CIVILIAN EMPLOYMENT

1. The appointment of each civilian employee is subject to investigation, except for reappointment when the break in employment is less than 12 months, to determine whether employment is clearly consistent with the interests of national security.

2. The investigation required for a nonsensitive position is an NACI by OPM, requested no more than 3 work days after appointment. Investigation is not required for per diem, temporary, intermittent or seasonal appointment to a nonsensitive position for 3 months or less.

3. An NACI, completed by OPM before appointment, is required for a noncritical-sensitive position. If the appointee had a satisfactory NAC or ENTNAC while in military service or DOD contractor employment, and the investigation is still valid (see paragraph 21-18 for validity of investigations), he or she may be appointed to a noncritical-sensitive position after the NACI has been requested. If the appointee does not have any valid investigative basis for appointment, he or she may be placed in a noncritical-sensitive position only as an emergency measure after the commanding officer determines that delay in appointment would be harmful to the national security, the NACI has been requested and a check of locally available records is favorable. The commanding officer's determination, justifying the emergency appointment, has to be in writing and the record retained as prescribed by NCPINST 5521.1, reference (cc).

4. For summer hires for noncritical-sensitive positions, the investigative requirement is a pre-appointment NAC by DIS, rather than the NACI by OPM.

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5. A pre-appointment BI is required for a critical-sensitive position. In an emergency, a critical-sensitive position may be occupied pending completion of a BI by DIS only if the NAC portion of the BI (or other valid ENTNAC, NAC or NACI) has been favorably completed and the commanding officer has determined that delay in appointment would be harmful to the national security. The commanding officer's determination, justifying the emergency appointment, has to be in writing and the record retained as prescribed by NCPC INST 5521.1, reference (cc). There is no provision for appointment to a critical-sensitive position when the individual does not have any valid investigative basis.

6. In determining whether emergency appointment is justified, a delay in appointment may be considered harmful to the national security if regulatory requirements and mission-essential functions or responsibilities can't be met and no other cleared, or otherwise qualified, personnel are available on a temporary basis to do the work.

7. Before a Department of the Navy command overseas employs a foreign national for duties not requiring access to classified information, certain record checks are required. The hiring command will request the servicing Naval Investigative Service office (see appendix D), or the military investigative organization having investigative jurisdiction in the overseas area of the command, to conduct a record check of the host government law enforcement and security agencies at the city, state (province) and national level, wherever it is legally possible to do so in the country concerned. At the same time, Naval Investigative Service Headquarters will be requested to check the DCII. (See also paragraph 18-11 on temporary employment of foreign nationals for unclassified projects in the United States.)

#### 21-4 INVESTIGATIVE REQUIREMENTS FOR MILITARY APPOINTMENT OR ENLISTMENT

1. The appointment or enlistment of each member of the Navy and Marine Corps will be made subject to investigation.

2. An ENTNAC is required for each enlisted member of the Navy and Marine Corps, including Reserve components, at the time of initial entry into the service. If an individual reenlists after a break in service greater than 12 months, an NAC, not an ENTNAC, is required.

3. An NAC is required on each commissioned officer, warrant officer, midshipman and Reserve Officer Training Candidate before appointment. Exception may be made to this general rule to allow commissioning before completion of the NAC when a compelling need exists, if the NAC has been initiated and the applicant has agreed in writing that, if the NAC is unfavorable and he or she is found to be unqualified as a commissioned officer, he or she will be subject to discharge.

4. A previously conducted PSI which is still valid for clearance purposes suffices for appointment or commissioning purposes.

#### 21-5 INVESTIGATIVE REQUIREMENTS FOR ACCESS TO CLASSIFIED INFORMATION BY U.S. CITIZENS

1. Security clearance for access to classified information by U.S. citizens under the jurisdiction of the Department of the Navy will be based on the following investigative requirements:

##### a. Military personnel

(1) Top Secret. The investigative basis for a final Top Secret clearance is a BI. An interim Top Secret clearance may be granted on the basis of an NAC or ENTNAC if the BI has been requested and a check of locally available records is favorable. Individuals who currently hold final Top Secret clearance granted before 1 December 1980 on the previously allowed basis of an NAC plus 10 or 15 years continuous, honorable active duty, may retain that clearance without a BI. (See paragraph 21-13 on Periodic Reinvestigation.)

(2) Secret. The investigative basis for a final Secret clearance is an NAC or ENTNAC. An interim Secret clearance may be granted on the basis of a favorable check of the DCII by Naval Investigative Service Headquarters, when the NAC or ENTNAC has been requested and a check of locally available records is favorable.

(3) Confidential. The investigative basis for a final Confidential clearance is an NAC or ENTNAC. (Final clearance at the Confidential level is rarely granted once a PSI has been completed. See paragraph 23-4.) Until 1 January 1976, final Confidential clearance was authorized on the basis of a favorable review of locally available records. Clearances issued before 1 January 1976 on that basis remain valid without additional investigation. An interim Confidential clearance may be granted if the NAC or ENTNAC has been requested and a check of locally available records is favorable.

b. Civilian personnel (including consultants to the Department of the Navy hired under civil service procedures)

(1) Top Secret. The investigative basis for a final Top Secret clearance is a BI. An interim Top Secret clearance may be granted upon completion of the NAC portion of the BI (or other valid ENTNAC, NAC, or NACI) if the BI has been requested, a check of locally available records is favorable and emergency appointment to a critical-sensitive position has been justified under the provisions of paragraph 21-3. (See paragraph 21-13 on Periodic Reinvestigation.)

(2) Secret or Confidential. The investigative basis for a final Secret clearance is an NACI by OPM (except for summer hires and non-appropriated fund personnel, on whom an NAC is conducted by DIS). As noted in paragraph 23-4, final clearance is rarely granted at the Confidential level. An interim Secret or Confidential clearance may be granted if the NACI has been requested, a check of locally available records is favorable and, if the individual does not have a valid NAC or ENTNAC on record, emergency

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appointment to a noncritical-sensitive position has been justified under the provisions of paragraph 21-3.

2. The local records to be checked, as a condition for granting clearance, include available personnel, base/military police, medical and security records. They do not include records of public agencies such as police or credit bureaus.

3. You may not initiate investigation under the provisions of this paragraph for security clearance of those individuals who may have applied for U.S. citizenship but who have not yet been naturalized. (See paragraph 21-6 for investigative requirements for non-U.S. citizens).

#### **21-6 INVESTIGATIVE REQUIREMENTS FOR ACCESS TO CLASSIFIED INFORMATION BY NON-U.S. CITIZENS**

##### **1. Immigrant Aliens**

a. An immigrant alien in the Department of the Navy (see paragraph 20-4 for definition) is not eligible for a Top Secret clearance.

b. Subject to the policy in paragraph 20-4, an immigrant alien may be granted a Secret or Confidential clearance. The investigative basis for a final Secret or Confidential clearance is a BI, covering the 10-year period immediately preceding the investigation. Interim Secret clearance is not authorized. Interim Confidential clearance may be granted in an emergency situation if the individual has a valid NACI, NAC or ENTNAC, the BI has been requested, and a personal interview of the subject has been conducted by an investigative agent, counterintelligence specialist, or by the commanding officer, executive officer or security manager with favorable results.

c. If an immigrant alien has reverted to foreign national status for security purposes, as described in paragraph 20-4, you may not initiate investigation under the provisions of this paragraph. (See subparagraph 2 below.)

2. **Foreign nationals.** Foreign nationals, as defined in paragraph 20-4, are not eligible for Department of the Navy security clearance, with the single exception of Philippine nonimmigrant aliens on active duty with the Navy. Philippine nonimmigrant aliens on active duty may be granted Confidential clearance upon completion of a BI of 10-year scope. Interim clearance is not authorized. Clearance or access at a level higher than Confidential is prohibited and no waivers will be granted. Limits on access by those Philippine nationals who have been granted access to Confidential information are described in paragraph 24-2. The investigative requirements for all other foreign nationals, for whom access may be authorized only under the provisions of paragraph 24-9, will be determined by CNO (Op-009P). You may not initiate any requests to DIS for investigation of foreign nationals (except Philippine nonimmigrant aliens on active duty) unless specifically authorized to do so by CNO (Op-009P). The only current authorization is held by Commander, Naval For-

ces, Philippines who has been authorized to request BIs on Philippine civilians employed by the Navy in the Philippines and to grant Confidential Limited Access Authorizations to those employees.

#### **21-7 INVESTIGATIVE REQUIREMENTS FOR ACCESS TO SENSITIVE COMPARTMENTED INFORMATION (SCI)**

1. ~~Access to sensitive compartmented information (SCI) is approved on an individual basis by Commander, Naval Intelligence Command or Commander, Naval Security Group Command.~~ Command Special Security Officers maintain the records indicating billets/incumbents requiring SCI access.

2. Investigation for SCI is authorized only for those specifically identified as requiring it. When military personnel are ordered to billets requiring SCI access, their transfer orders will identify the requirement. The security manager must ensure that the investigation request is submitted promptly and correctly (see paragraph 21-14 and 21-15.5d), and that all security requirements on the transfer orders are met before transfer.

3. Military personnel in the following categories must maintain continuous SCI eligibility at all times:

a. All 161X, 163X, 644X, 645X, 744X, and 745X naval officers.

b. All Cryptologic Technicians (CT's).

c. All Intelligence Specialists (IS's).

d. All Marine Corps personnel with MOS 26XX and MOS 02XX (except 0251).

4. The basic investigative requirement for SCI access is an SBI completed or updated within the past 5 years. Those who have continuing access to SCI must have the investigative basis for their access updated every 5 years (SBI-PR). (See paragraph 21-13.)

#### **21-8 INVESTIGATIVE REQUIREMENTS FOR ACCESS TO THE SINGLE INTEGRATED OPERATIONAL PLAN (SIOP)**

1. For investigative purposes, you may consider that there are two types of information, SIOP and SIOP-Extremely Sensitive Information (SIOP-ESI). Access to SIOP does not require any extraordinary investigative procedures. It is controlled by the level of clearance required for the classification of the material. All SIOP-ESI, however, is Top Secret and the person who is to have access to SIOP-ESI must have a Top Secret clearance based on an SBI. (See OPNAVINST S5511.35, reference (b).)

2. There is no time limit on the age of the SBI. As long as it is a valid SBI, it will be used as the basis for SIOP-ESI access. (See paragraph 21-13 on Periodic Reinvestigation.)

3. Before the requirement for an SBI (or EBI - Expanded or Extended BI - as it was previously called) was



established, SIOP-ESI access was granted on the basis of a standard BI. For those who were granted access to SIOP-ESI on that basis before 1978 and have had continuous access since, there is no requirement to initiate an SBI. However, as access to SIOP-ESI is granted by a command for access at that command only, any transfer would mean termination of the access. Before an individual could be granted access to SIOP-ESI at a subsequent command, a BI would not be sufficient, and an SBI would be required.

4. When SIOP-ESI is transmitted by electrical means, it carries the Special Category (SPECAT) communications caveat and, therefore, communications personnel who handle SPECAT messages containing SIOP-ESI must meet these investigative requirements.

#### **21-9 INVESTIGATIVE REQUIREMENTS FOR ACCESS TO NATO OR FOREIGN-ORIGINATED INFORMATION**

1. Access to NATO or foreign-originated information is based on a final U.S. security clearance, granted for classified information of equivalent level, under the investigative requirements of paragraph 21-5. Access to NATO or foreign-originated RESTRICTED information, for which there is no U.S. equivalent, no longer requires a security clearance.

2. For those personnel assigned to permanent billets in NATO commands, the investigative basis for the U.S. clearance must have been completed within the past five years. Incumbents of NATO billets have the investigative basis for their clearance (BI or NAC) updated every 5 years (PR). (See paragraph 21-13.)

3. The limitation on the age of the investigation and the periodic reinvestigation requirement apply only to those in permanent NATO billets. They do not apply to those who merely have access to NATO information, including those who visit NATO commands or attend conferences at which NATO classified information is disclosed.

#### **21-10 INVESTIGATIVE REQUIREMENTS FOR THE NUCLEAR WEAPON PERSONNEL RELIABILITY PROGRAM (PRP)**

1. Investigative requirements for the Nuclear Weapon Personnel Reliability Program (PRP) are based on the sensitivity of the position occupied, which may or may not reflect the classification level of information to which the incumbent may have access. Positions in the PRP are designated as Critical or Controlled. (See OPNAVINST C5510.83, BUPERSINST 5510.11 and MCO 5510.7, references (c), (dd) and (ee) for detailed requirements for the PRP, including interim certification pending completion of investigation and final certification.)

a. Critical position. The investigative basis for a Critical position is a BI completed before assignment. For initial assignment in the PRP, the BI must have been completed within the past five years. Updating of the investigation is not required for continued assignment to a PRP position.

b. Controlled position. The investigative basis for a Controlled position is an NACI, NAC or ENTNAC completed before assignment. For initial assignment in the PRP, an investigation (BI, NACI, NAC or ENTNAC) must have been completed within the past five years. Updating of the investigation is not required for continued assignment to a Controlled position.

2. Initial assignment in the PRP is interpreted as the first time an individual is screened and qualified for the program, regardless of the position occupied. For subsequent assignments in the PRP, reinvestigation is only required when the individual has been out of the PRP for more than five years and has not had an investigation within the last five years satisfying the requirement for the PRP position now being considered. When reinvestigation is necessary, a BI or NAC (as appropriate) is requested, not a PR.

3. For military personnel, a break in active duty over one year invalidates investigations completed before the break, for PRP purposes. This interpretation of a break in continuity of service (see paragraph 21-18) applies to the PRP only, not to eligibility for clearance. It affects those who go from active duty into the Reserves for over a year and then return to active duty. You cannot use an investigation, completed in the previous tour of active duty, as the basis for PRP assignment, including interim certification.

#### **21-11 INVESTIGATIVE REQUIREMENTS FOR PRESIDENTIAL SUPPORT ACTIVITIES**

1. The policies and procedures for nomination, screening, selection, and continued evaluation of military and civilian personnel assigned to Presidential Support Activities are contained in SECNAVINST 5312.12, reference (e).

2. Presidential Support Activities are designated as Category One and Category Two and the investigative requirements vary according to the category of the assignment.

a. Category One duties require an SBI.

b. Category Two duties require a BI except that an NAC is also conducted on the subject's spouse and any member of the subject's immediate family 18 years of age or older who is a U.S. citizen other than by birth or who is not a U.S. citizen.

3. The U.S. citizenship of foreign-born, immediate family members of Presidential Support nominees must be verified by investigation.

4. The investigation required for either category of duties must have been completed within the 12 months preceding selection and must be updated by a PR every five years. (See paragraph 21-13.)

#### **21-12 OTHER INVESTIGATIVE REQUIREMENTS FOR SPECIFIC PERFORMANCE OF DUTY**

1. Investigative requirements for performance of specific duties are as follows:

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a. The designated security manager of a command (see paragraph 2-7) must have a BI.

b. Any person authorized to grant personnel security clearances must have a BI. Signing the clearance entry in Part III of the Certificate of Personnel Security Investigation, Clearance and Access (OPNAV Form 5520/20) is granting security clearance and the signer must have a BI.

c. Any person selected to serve with a board, committee, or other group responsible for adjudicating personnel security cases must have a BI.

d. Any person selected for duties in connection with formal programs involving the education and training of military or civilian personnel must have an NACI, NAC or ENTNAC prior to assignment. This requirement applies to those assigned to formal programs and doesn't include those incidentally involved in training.

e. Any Navy military or civilian personnel assigned to communications duties must have completed the investigative requirements for a Top Secret clearance. (This requirement only applies to Marine Corps personnel in the communications field who are officers or staff NCO's.)

f. Investigative agents and those noninvestigative personnel assigned to investigative agencies whose official duties require access to investigative files and material require an SBI.

g. Any Non-Appropriated Fund (NAF) personnel assigned to positions of trust require an NAC by DIS. A favorable prior investigation for Federal service will satisfy this requirement if there has not been a break greater than 12 months between the Federal service and employment by Non-Appropriated Fund Instrumentalities.

h. An NAC by DIS is required on Red Cross or United Service Organization (USO) personnel as a prerequisite for assignment to activities overseas. (See SECNAVINST 5521.18, reference (ff).) Immigrant aliens require a BI.

i. Personnel whose duties involve access to or security of chemical agents require an NAC completed within the past five years before assignment, in accordance with SECNAVINST 5510.29B of 11 May 1979 (NOTAL) (Chemical Agent Security Program).

j. Department of the Navy employees, appointed as custom inspectors under waiver approved in accordance with SECNAVINST 5840.6 of 13 Apr 1972 (NOTAL) require an NAC completed within the past five years.

k. Consultants hired under civil service procedures (as opposed to consultants under the Defense Industrial Security Program) for sensitive duties require an NACI by OPM or, if access to Top Secret is required, a BI by DIS.

2. Normally, entry into restricted areas is limited to individuals who either have been investigated and

cleared or are escorted by cleared personnel. In exceptional situations, when unescorted entry into restricted areas is necessary for contractor employees who cannot be investigated and cleared under the Defense Industrial Security Program because their duties do not otherwise require access to classified information, an NAC to determine trustworthiness may be conducted when the following conditions have been satisfied:

a. The entry into restricted areas is required regularly (at least weekly);

b. The command is vulnerable to sabotage and its mission is of critical importance to national security;

c. A request for authorization to conduct an NAC has been submitted to CNO (Op-009P), for approval by the Deputy Under Secretary of Defense for Policy (DUSD(P)), with a justification clearly detailing the importance of the command's mission to the national security, its vulnerability to sabotage, and the need for unescorted entry; and

d. DUSD(P) has authorized the investigation.

3. PSI's for purposes other than allowed by this regulation will not be requested unless authorized after detailed justification has been submitted to CNO (Op-009P) and approved by DUSD(P).

#### 21-13 REINVESTIGATIONS

1. An individual who has already been investigated under the provisions of this regulation (see paragraph 21-18 for validity of prior investigations) will be re-investigated only under the following conditions:

a. To meet a program requirement for assignment or access to be based on an investigation completed within a specified number of years;

b. To meet a program requirement for periodic updating of the investigative basis for continued assignment or access. (This is the only condition under which a PR is requested.)

c. To assess the current eligibility of an individual on whom a previous adverse security determination had been made, if there are reasonable indications that the basis for the adverse determination no longer exists and there is a potential need for clearance; or

d. To resolve relevant issues that could have an adverse impact on the security status of an individual who holds clearance or is assigned to a position requiring a trustworthiness determination. (See paragraph 21-2 Special Investigative Inquiry.)

2. Reinvestigation under conditions other than 1b is not a Periodic Reinvestigation (PR). It is not requested as a PR, nor documented as a PR. It is important that you make this distinction. Unless a PR is authorized, the investigation is requested as a new investigation of the type required. For example, if entry into a program requires a BI completed within the past five years (condition 1a), and the candidate has a BI older

than five years, reinvestigation is authorized, but the investigation requested is a BI, not a BI-PR.

**3. The specific programs for which reinvestigation is authorized are:**

a. Initial assignment to the Personnel Reliability Program (PRP). The investigation required for the billet (BI or NAC) must have been completed within the past five years. Reinvestigation is also authorized for reassignment to the PRP of those who have been out of the program for more than five years and have not had an investigation within the last five years satisfying the requirement, or for reassignment of military personnel who have had a break in active duty greater than one year. Periodic reinvestigation (PR) is not required for continued PRP assignment.

b. Assignment to a NATO billet. The investigative basis for the U.S. clearance (BI or NAC, depending on the NATO access the billet requires) must have been completed within the past five years. Continued assignment to a NATO billet requires a PR every five years. (See NOTE 1 for NAC-PR and NOTE 2 for BI-PR.)

c. Assignment involving access to or security of chemical agents. An NAC must have been completed within the past five years. PR is not required for continued assignment.

d. Assignment as a customs inspector. An NAC must have been completed within the past five years. PR is not required for continued assignment.

e. Access to sensitive compartmented information (SCI). An SBI must have been completed or updated within the past five years. A PR every five years is required for continued SCI access. (See NOTES 2 and 3.)

f. Assignment to Presidential Support duties. An SBI (for Category One) or BI (for Category Two) must have been completed within the past twelve months. A PR every five years is required for continued assignment (See NOTE 2.)

g. Continued access to Top Secret (including SIOP-ESI). A PR is required every five years for continued TS access. (See NOTES 2 and 3.)

h. Continued assignment in a civilian critical-sensitive position. A PR is required every five years. (See NOTES 2 and 3.)

i. Continuation of the Limited Access Authorization granted to foreign nationals employed by the Department of the Navy overseas. A PR is required every five years. (See NOTE 4.)

NOTE 1. The PR consists of a review of locally available records, an NAC and a check of the security files of the host government when permissible under the laws of that country.

NOTE 2. The PR consists of a command review of locally available records, and DIS investigation to include a personal interview, an NAC, local agency

checks, credit checks, interviews of at least two employment references and two developed references, and additional elements as necessary to resolve questionable or unfavorable information.

NOTE 3. The number of PR's for access to SCI or Top Secret, and for civilian critical-sensitive positions is limited by a monthly quota assigned by DIS. DIS will accept these PR requests only from the single point of contact for each DOD department or agency. Submit SBI-PR's for SCI access to COMNAVINTCOM or COMNAVSECGRU. Submit PR's for Top Secret access or assignment to civilian critical-sensitive positions to CNO (Op-009P), Washington, DC 20350. DO NOT SUBMIT THESE PR REQUESTS TO DIS.

NOTE 4. The PR consists of a command review of an updated personnel security questionnaire and locally available records, a DCII check, and a check of the security files of the host government by the military investigative organization having jurisdiction in the overseas area, when permissible under the laws of the host country. The results of the PR are then submitted to CNO (Op-009P). (See paragraph 24-9.)

#### 21-14 REQUESTS FOR PERSONNEL SECURITY INVESTIGATIONS

1. Submit requests for PSI's only for appointment or enlistment purposes; or when necessary to provide the investigative basis required for the level or kind of access, position or duties; or when necessary to prove or disprove allegations relating to the criteria in paragraph 22-2 concerning an individual who holds a security clearance or is assigned to duties requiring a trustworthiness determination. Before initiating an investigation, you must determine that the individual does not have a valid investigation (see paragraph 21-18) which satisfies the requirements and that personnel, medical, legal, security and other locally available records do not contain information which clearly indicates that the individual is not a proper candidate for a position of trust.

2. Military personnel are to be screened before a PSI (other than an ENTNAC) is initiated to be sure sufficient obligated service remains to warrant investigation. Only in extraordinary circumstances will investigation be requested for military personnel with less than nine months' service remaining.

3. Before the request for investigation for access to sensitive compartmented information (SCI) is submitted, the nominee must be personally interviewed by the command at which currently assigned. If the command has a Special Security Officer, the SSO is to conduct the interview. If that is not possible, or if the command does not have an SSO, the interview is to be conducted by the commanding officer or one of the following officials designated in writing by the commanding officer: executive officer, security manager, personnel security specialist, personnel officer or counterintelligence or investigative personnel organic to the command. Clerical personnel are not authorized to conduct these interviews. Guidance on conducting the personal interview for SCI access under the cognizance of Commander, Naval Intelligence Command is contained in exhibit 21A. Commander,

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Naval Security Group Command has an established program and organization for personal interviews of personnel under the security cognizance of or ordered to billets under the control of COMNAVSECGRU. Separate guidance on action to be taken on those personnel will be received from COMNAVSECGRU as needed. Exceptions to the personal interview requirement apply under the following circumstances:

a. The requirement for interview is waived for officers in command status. Officers in command status include commanding officers and unit commanders who have been formally screened for command by a command selection board.

b. Contractor personnel nominated for access to SCI will be interviewed by DIS unless a specific program has been authorized by CNO (Op-009P) to use other procedures.

4. When a BI or SBI is required incident to transfer, the losing command must put the anticipated transfer date and the gaining command (and any intermediate stations) in item 20, on the Request for Personnel Security Investigation (DD Form 1879). DIS must have this information to facilitate investigation.

5. The commanding officer or other designated clearance authority must personally validate the request for BI for an immigrant alien. A certification will be placed in item 20, Remarks, on the DD Form 1879, stating "Investigation required to meet essential operating requirements of the Navy (or Marine Corps)". The clearance authority will affix his or her signature and official title under this certification.

6. Any request for investigation of a commanding officer or other commander authorized to grant security clearances has to be submitted by the next senior in the chain of command and the results returned to the senior for adjudication and granting clearance.

7. Whenever it becomes necessary for a commanding officer to authorize access to a member of another military department or Department of Defense agency who has not been granted the required clearance, he or she will submit the request for investigation to the Defense Investigative Service and the request for clearance to the parent organization. When a member of the Department of the Navy is assigned to another service or component of the Department of Defense, including the unified and specified commands, and the user activity finds it needs to authorize access to classified information to an individual who has not been granted the required clearance, the user activity will submit the request for investigation to DIS and the clearance request to the authority prescribed in paragraph 23-4.

8. Requests for investigation for Navy and Marine Corps Reservists are to be submitted by the active duty command holding the service record or exercising administrative jurisdiction.

9. All requests for investigation of contractor personnel, using authorized industrial security forms, are processed by the Defense Industrial Security Clearance

Office (DISCO), except for programs with specific approval from CNO (Op-009P) to use other procedures.

#### 21-15 PREPARATION AND SUBMISSION OF INVESTIGATION REQUESTS

1. Submit investigation requests on the forms indicated in paragraph 5 below, prepared according to the detailed procedures in exhibits 21B through 21J. The justification for the request must be explicit on the request form submitted to the investigating agency.

2. New investigative forms have been developed to replace the Statement of Personnel History (DD Form 398) and the National Agency Check Request (DD Form 1584). The replacement for the SPH is the Personnel Security Questionnaire (BI/SBI) with the same DD 398 form number. The first part of the form (items 1 through 13) is used for the NAC portion of a BI or SBI, so a separate NAC request for the subject is not required. One set of the PSQ (BI/SBI) comprises an original and one copy of the complete form plus three copies of the first part (items 1 through 13). The SPH is still available in stock or in command supplies, and may be used until supplies are exhausted. When the SPH is used as part of a BI/SBI request package, an NAC request form must also be used. The replacement for the NAC Request (DD Form 1584) is the Personnel Security Questionnaire (National Agency Check) (DD Form 398-2). As the DD Form 1584 is no longer available through the supply system and command stock on hand should be depleted by the time this regulation is distributed, references to and instructions for use of the DD Form 1584 have been eliminated.

3. The FD 258 (Fingerprint Card) acceptable to the FBI is printed in blue, on index-weight paper with a clipped upper left corner, and carries the stock number S/N 0104-LF-400-8602 with a revision date of 7/77 or later. Any FD 258 which does not meet these specifications cannot be used in conjunction with a PSI.

4. When the results of an investigation are to be reported to a central adjudication authority, make sure the forms identify, with the complete address, the duty station to be notified after the adjudication.

5. As forms prepared by an individual for personnel security investigation constitute solicitation of personal information protected by the Privacy Act of 1974, a standard statement advising an individual of his or her rights has been prepared and is available through the same supply source as the forms or has been integrated with new forms. (A sample Privacy Act statement is exhibit 22K.) Provide the individual with the Privacy Act statement applicable to a form at the time he or she is requested to complete the form. Although the individual is not required to acknowledge receipt of the advisement nor are you required to maintain a record of that action, commanding officers have an absolute responsibility for ensuring that individuals, from whom personnel security investigation forms are requested, do receive this protection of the law. Do not send Privacy Act statements with the investigative forms to the agency conducting the investigation. If an individual refuses to provide or permit access to relevant information for investigative purposes, after

being advised of the effect of the refusal, terminate administrative processing for access to classified information or assignment to sensitive duties. The individual will not be eligible for access or assignment to sensitive duties unless the information is made available.

6. Submit requests as follows:

a. National Agency Check (NAC) and Entrance National Agency Check (ENTNAC)

(1) For an NAC, use the Personnel Security Questionnaire (National Agency Check) (DD Form 398-2) (exhibit 21B) and the Fingerprint Card (FD 258) (exhibit 21C). The ENTNAC, on inductees and first-term enlistees, is normally initiated at the Military Entrance Processing Station (MEPS) using the DD 398-2 and a Police Record Check (DD Form 369) (exhibit 21D) instead of the FD 258.

(2) Prepare an original and one copy of the DD 398-2 and one FD 258 (or DD 369).

(3) Place one copy of the DD 398-2 in the official personnel record of the subject.

(4) Send the original DD 398-2 and the FD 258 (or DD 369) to:

Personnel Investigations Center  
Defense Investigative Service  
Post Office Box 1083  
Baltimore, MD 21203

b. National Agency Check and Inquiry (NACI) (Civilians Only)

(1) Prepare an original and two copies of Data for Nonsensitive or Noncritical-Sensitive Position (SF-85) (exhibit 21E) and one U.S. Office of Personnel Management Fingerprint Chart (SF-87) (exhibit 21F).

(2) Place a signed copy of the SF-85 in the official personnel folder (OPF) as a tickler, and retain it until final action is taken.

(3) Send the original SF-85, the SF-87, and the original application submitted by the appointee (usually the SF-171) to:

Office of Personnel Management  
Division of Personnel Investigations  
NACI Center  
Boyers, PA 16018

c. Background Investigation (BI)

(1) Prepare:

(a) An original and three copies of the Request for Personnel Security Investigation (DD Form 1879) (exhibit 21G).

(b) An original and two copies of the complete Personnel Security Questionnaire (BI/SBI)

(DD Form 398) (exhibit 21H) and three copies of the first part (items 1 through 13) of the PSQ (BI/SBI). (See NOTE)

(c) An original Authority for Release of Information and Records (DD Form 2221) (exhibit 21I).

(d) One Fingerprint Card (FD 258).

NOTE: If you are using the Statement of Personal History (DD Form 398) (exhibit 21J) rather than the PSQ (BI/SBI), prepare an original and five copies and an original and two copies of the PSQ (NAC) (DD Form 398-2).

(2) Place one copy of the DD Form 398 (complete PSQ or SPH) in the official personnel record of the subject.

(3) Place one copy of the DD Form 1879 in the official personnel record as a tickler, and retain it until results are received and final action taken.

(4) Send the original and two copies of the DD Form 1879, original and one copy of the complete PSQ (BI/SBI) and the three copies of the first part of that form (items 1 through 13) (or the original and four copies of the SPH and the original and two copies of DD Form 398-2), the DD Form 2221 and the FD 258 to:

Personnel Investigations Center  
Defense Investigative Service  
Post Office Box 454  
Baltimore, MD 21203

d. Special Background Investigation (SBI)

(1) Prepare the same forms as required for a BI plus an original and two copies of the PSQ (NAC) (DD Form 398-2), completed through item 8, for the subject's spouse and for each member of the subject's immediate family who is a foreign national, immigrant alien, or naturalized U.S. citizen. If the SBI is for SCI access, prepare an additional copy of each form in the request package (except the Fingerprint Card FD 258).

(2) Place one copy of the DD Form 398 (PSQ or SPH) in the official personnel record of the subject.

(3) Place a copy of the DD Form 1879 in the official personnel record and retain it until results are received and final action is taken. If the SBI is for SCI access, and the command has a Special Security Officer (SSO) who is submitting the request, the SSO is to give the security manager the copy of the DD Form 1879 and DD Form 398 for the personnel record.

(4) If the SBI is for SCI access, send the extra copy of each form to:

Commander, Naval Intelligence Command  
(NIC-41)  
4600 Silver Hill Road (NIC Bldg. 1)  
Washington, DC 20389

or

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Commander, Naval Security Group  
Command (G-12)  
3801 Nebraska Avenue, NW  
Washington, DC 20390

(5) Send the rest of the forms to:

Personnel Investigations Center  
Defense Investigative Service  
Post Office Box 454  
Baltimore, MD 21203

e. Periodic Reinvestigation (PR). Preparation of the forms for a PR is the same as for the basic investigation. Place a copy of the DD Form 1879 in the official personnel record and retain it until results are received and final action taken, then destroy it. See paragraph 21-13 NOTE 3 for submission of PRs for SCL, Top Secret and civilian critical-sensitive positions. Submit other PRs to:

Personnel Investigations Center  
Defense Investigative Service  
Post Office Box 454  
Baltimore, MD 21203

f. Special Investigative Inquiry (SII). Submit a request for SII on the DD Form 1879. Attach any additional investigative forms (DD Form 398, NACI, NAC or ENTNAC results, FD 258) needed by DIS to resolve the issue. Prepare an extra copy of each and send the copy of the request package to your servicing Naval Investigative Service office (see appendix D). For civilians, send a copy of the DD Form 1879 to NCPC if the SII is to expand an OPM NACI. (Do not place a copy of the DD Form 1879 in the official personnel record if it contains unfavorable information.) Submit the original request package to DIS Personnel Investigations Center (P.O. Box 454). In case of urgent need for an SII, or when mailing the request to DIS PIC would prejudice timely pursuit of investigative action, you may direct the request to the nearest DIS Field Office. Overseas, a request for an SII on an overseas subject may be submitted directly to the military investigative organization with investigative responsibility in the area concerned, with a copy of the request to DIS. In that case, the military investigative organization will complete the investigation and forward the report to DIS, with a copy to the requester.

g. Defense Central Index of Investigations (DCII) Check. Submit a request for DCII Check to Naval Investigative Service Headquarters by letter or message. Include the subject's full name, rank/rate, social security number and date and place of birth.

#### 21-16 FOLLOW-UP ACTIONS ON INVESTIGATION REQUESTS

1. If the investigation request is rejected by the investigative agency because the forms were not completely or properly executed, and investigation is still required, take corrective action immediately and re-submit the request. All of the forms being resubmitted and the copy of the request form which was placed in the official personnel record are to be annotated with the resubmission date. If the subject has been

transferred, forward the request package immediately to the gaining command for correction and resubmission.

2. If an investigation is in a pending status and the subject is released from active duty, is discharged, or resigns, the investigation is to be promptly cancelled. If an individual is transferred from the command, allow the investigation to proceed unless it is evident that the investigation will not be required after transfer.

3. When an individual is transferred after a BI or SBI has been requested, the losing command will notify DIS of the proper recipient of the results of the investigation. DIS will be notified by a corrected copy of the DD Form 1879. (This procedure is not required for NACIs, NACs or ENTNACs.) A copy of the corrected DD Form 1879 will replace the copy in the official personnel record.

4. If results of an investigation are not received within a reasonable time, tracer action may be initiated. Tracer action on an NAC or ENTNAC should not be taken until at least 60 days after submission of the investigation request. NACI tracers should not be sent until at least 90 days after submission of the investigation request. Tracer action will not be initiated until at least 90 days after submission of a request for a BI or SBI. Requests for the status of an SBI for access to SCI will not be directed to Commander, Naval Intelligence Command or Commander, Naval Security Group Command until at least 120 days after submission of the request and only after coordination with the local or servicing SSO or Special Access Program Officer. Tracer action is accomplished by forwarding, to the investigative agency, a copy of the request form which had been placed in the official personnel record, with the word TRACER printed or stamped in large letters across the face of the form. (See also paragraph 21-19 on verification of prior investigations.)

#### 21-17 REPORTS OF INVESTIGATION

1. The investigating agency will forward the results to the command indicated on the investigation request to receive the results.

a. NAC or ENTNAC. DIS forwards results of an NAC or ENTNAC as Report of NAC/ENTNAC (RON) on DIS Form 1. The date on the RON is the date of completion of the investigation. If the NAC or ENTNAC disclosed unfavorable information which required expansion of the investigation, the results are forwarded under DIS Form 1, transmitted by PIC Form 13. The date on the PIC Form 13 is the date of completion of the investigation. DIS NAC's on civilians are sent to Naval Civilian Personnel Command by DIS.

b. NACI. OPM reports completion of NACIs as follows:

(1) All NACIs for nonsensitive positions are reported to the requester (except those with unfavorable loyalty information which are forwarded to Naval Civilian Personnel Command for review). The SF 85 and the original application are returned to the requester

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(or to NCPC in loyalty cases) with the annotation on the application that investigation was conducted under Executive Order 10450 and the date.

(2) All satisfactory NACIs for noncritical-sensitive positions are reported to the requester with the SF 85 and the original application with the annotation of investigation under E.O. 10450 and the date. All unfavorable NACIs for noncritical-sensitive positions are forwarded by OPM to NCPC for adjudication.

c. BI, SBI and PR

(1) DIS usually reports a BI or SBI (and the periodic reinvestigation) by forwarding the Reports of Investigation (ROI's) (DIS Form 1) with the DD Form 1879 stamped "attached documents forwarded for security determination". Sometimes, DIS reports a favorable BI or SBI (and PR) by stamped endorsement on the DD Form 1879, with no ROI's attached.

(2) DIS reports BIs (or SBIs for access to SIOP-ESI or assignment to an investigative agency) on civilian personnel to NCPC for adjudication. If the results of investigation are inadvertently returned to the requester by DIS, forward them immediately to NCPC.

(3) DIS reports SBIs for access to SCI to COMNAVINTCOM or COMNAVSECGRU for adjudication. Any results of an SBI from DIS in these cases, received by the requesting command, are to be forwarded immediately to COMNAVINTCOM or COMNAVSECGRU. After the SCI adjudication, COMNAVINTCOM or COMNAVSECGRU forwards the SBI on a civilian to NCPC.

(4) All reports of SBI for assignment of military personnel to NAVINVSERV are returned by DIS to Headquarters, Naval Investigative Service for adjudication.

(5) When geographic or political situations prevent the completion of a BI on an immigrant alien and the individual's services are required in the interest of national security, the requesting command is to forward any results of the investigation and full details as to the need for the individual's services (including the access required) to CNO (Op-009P). The requesting command will then be advised whether Secret or Confidential clearance may be granted or that CNO (Op-009P) has granted a Limited Access Authorization (see paragraph 24-5) for specific tasks or projects.

d. SII. DIS forwards results of an SII to the requester as a Report of Investigation. (SII's are not entered on the Certificate of Personnel Security Investigation, Clearance and Access (OPNAV Form 5520/20).)

2. In recognition of the sensitivity of personnel security reports and records, particularly with regard to personal privacy, handle results of investigation with the highest degree of discretion. Control and safeguard results of investigation as described below unless the results are reported as clearly favorable, with no investigative material attached; or by stamped endorsement on the DD Form 1879; or by Report of

NAC/ENTNAC with all agencies checked with favorable results. Any report of investigation which includes any investigative material, favorable or unfavorable, must be handled, stored, and transmitted in accordance with the safeguards described.

a. Investigative reports are to be made available only to those authorities who require access in the performance of their official duties for the purposes of determining eligibility for access to classified information, assignment to sensitive duties, acceptance or retention in the Armed Forces, appointment or retention in civilian employment, or for law enforcement and counterintelligence purposes. PSI's will not be made available to or communicated to selecting officials. For any other uses, specific written approval must be obtained from the Deputy Under Secretary of Defense for Policy via CNO (Op-009P). Restrict reproduction of investigative reports to the minimum required for the performance of official duties. Destroy all copies of PSI's as soon as final action is taken. Retention of PSI's longer than 120 days after final action has been completed must be specifically approved, in writing, by the investigating agency.

b. Store investigative reports in a vault, safe, or steel filing cabinet having at least a lockbar and an approved, three-position, dial-type combination padlock, or in a similarly protected container or area.

c. Do not show reports of investigation to the subject of the investigation without the specific approval of the investigating agency. Under no circumstances will reports of investigation be placed in the subject's official personnel record.

d. When being transmitted by mail, or carried by persons not authorized access, seal reports of investigation in double envelopes or covers. The inner container is to bear a notation that it is to be opened only by an official designated to receive reports of personnel security investigations.

3. If the results of an investigation are received at a command after the subject has been transferred within the Department of Defense, forward the results to the gaining command. Results of Department of Defense investigations will be released outside the DOD only with the specific approval of the investigating agency.

4. Record completed PSI's, (unless the subject is in a category for which a certificate is not to be executed), on the Certificate of Personnel Security Investigation, Clearance and Access (OPNAV Form 5520/20). (See exhibit 22A) (Also, see paragraph 23-4 for the distribution of OPNAV Form 5520/20 upon entry of a completed PSI.) The adjudication of the investigation will also be recorded under the procedures in chapter 22 for recording personnel security determinations.

5. Report all adverse or unfavorable actions taken by a command, based on the results of a DIS investigation, to DIS.

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**21-18 VALIDITY OF PRIOR PERSONNEL SECURITY INVESTIGATIONS**

1. A personnel security investigation (SBI, BI, IBI, FFI, NACI, NAC or ENTNAC), completed by an agency of the Federal Government, remains valid unless the individual's continuous service has been interrupted for a period greater than 12 months since completion of the investigation. (See paragraph 22-7 for validity of clearance.)

2. Continuous service consists of honorable active duty (including attendance at the military academies); "active status" in a military Reserve force (Ready Reserve or Standby Reservists not officially placed on the Inactive Status List, National Guard, Air National Guard, etc.); civilian employment in the Government service; employment with a DOD contractor under the Defense Industrial Security Program if the employment involved access to classified information; or a combination of these types of service. Continuity of service is maintained with change from one status to another as long as there is no break greater than 12 months. Reenlistment within 12 months is considered continuous service. Retired status does not constitute continuous service. The service date on the OPNAV Form 5520/20 is the date continuous service started.

3. If an individual has a valid investigation, regardless of its age, you may not request further investigation unless:

a. The investigation on record does not satisfy the requirement specified in this chapter or in specific program regulations for the level or kind of access, position or duty now under consideration. For example, an NAC does not satisfy the requirement for Top Secret clearance, so a BI must be requested. Another example is meeting the requirement for a specific program, such as an NAC completed within the past 5 years for initial assignment to a Controlled billet in the Personnel Reliability Program (see paragraph 21-10). An NAC older than 5 years is still valid for clearance purposes but does not satisfy the specific requirement for the PRP and another NAC would have to be requested.

b. Periodic reinvestigation is specifically required for a program approved by CNO or higher authority (see paragraph 21-13). For example, NATO requires the investigative basis for clearance of personnel assigned to NATO billets to be updated every 5 years. (See paragraph 21-9.) A PSI may remain valid for other purposes but not for NATO certification so a PR would have to be requested every 5 years as long as the individual was in a NATO billet.

c. Derogatory information becomes available which requires investigation to resolve. In this case, the further investigation would be a Special Investigative Inquiry (SII).

d. The current eligibility must be assessed of an individual on whom an adverse personnel security determination had been made, when there is a potential need for clearance and there are reasonable indications that the factors on which the adverse determina-

tion was made no longer exist. The further investigation would be an SII.

4. An investigation conducted by a Federal agency under the standards prescribed by Director of Central Intelligence Directive (DCID) 1/14 is the equivalent of an SBI.

5. An NACI conducted by OPM satisfies the requirement for an NAC for the purposes of this regulation. An NAC is not sufficient, however, where an NACI is specified. It is important to understand this difference. Often, a candidate for appointment to a civilian sensitive position will have a valid NAC on record, conducted while in the military service or DOD contractor employment. That valid NAC can be used to effect the appointment and as the basis for an interim Secret clearance. But, an NACI is required for employment in a noncritical-sensitive position and for final Secret clearance so the NACI request must be submitted to OPM. For critical-sensitive positions, a previously conducted, valid NAC may be used as the basis for emergency appointment and, after the required BI has been requested of DIS, for interim Top Secret clearance.

6. An NAC conducted incident to commissioning as an officer or appointment as a warrant officer from civilian status, is valid for clearance purposes.

7. If a foreign national employed by the Department of the Navy acquires immigrant alien status or becomes a naturalized citizen, a satisfactory BI which had been conducted as the basis for a Limited Access Authorization is a valid basis for granting security clearance, if clearance is required. A BI conducted on a Philippine nonimmigrant alien on active duty with the Navy, as the basis for Confidential clearance, remains valid if the Navy member acquires immigrant alien status or becomes a naturalized citizen. The ENTNAC conducted on a non-U.S. citizen at the time of enlistment may be used as the basis for clearance after naturalization.

**21-19 VERIFICATION OF PRIOR INVESTIGATION**

1. When there is no valid certification of clearance or documentation of completed investigation in the record, but there are clear indications that prior investigation has been conducted which would still be valid for current needs, request verification of the prior investigation from the following:

a. Commander, Naval Military Personnel Command (NMPC 81), for naval personnel. (See below for former naval personnel.)

b. Director, Naval Investigative Service for

(1) Marine Corps personnel.

(2) Civilian personnel.

(3) All former military and civilian personnel.

c. Defense Industrial Security Clearance Office (DISCO) Columbus, OH 43215, for all present or former DOD contractor employees.



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2. Formal verification of a valid investigation which meets the current needs, received from the appropriate authority above, will be accepted and used as the source for clearance and access actions. Telephone verification is not an acceptable basis for entries on the Certificate of Personnel Security Investigation, Clearance and Access (OPNAV 5520/20).

3. When civilian employees transfer from one command to another, the SF 75, Request for Preliminary Employment Data, may be used to verify the clearance held. That verification may be used as the basis for granting access until the Official Personnel Folder containing the OPNAV Form 5520/20 is received.

**21-20 REQUESTS FOR PRIOR INVESTIGATIVE FILES**

1. When there is a valid security clearance or Special Access authorization on the record, or a prior valid investigation has been verified by the appropriate au-

thority in paragraph 21-19, you may not request investigative agencies to forward prior investigative files for review unless the review is essential to making a personnel security determination for one of the following reasons:

a. Significant derogatory information developed subsequent to the date of clearance or Special Access authorization is known to the requester.

b. The individual concerned is being considered for a higher level of clearance, for a Special Access authorization, or for initial assignment to a "high risk" program.

2. Request for prior investigative files must be justified in writing, citing the specific justification. Requests will include the date, level, and issuing organization of the individual's current or most recent security clearance or Special Access authorization.

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## EXHIBIT 21A

## GUIDELINES FOR PERSONAL INTERVIEWS

1. Purpose. The purpose of the personal interview is to eliminate the obviously unsuitable candidate from consideration for access to sensitive compartmented information (SCI) and thereby keep to an absolute minimum the number of personnel security investigations conducted by Defense Investigative Service (DIS). The guidelines that follow apply to interviews conducted for SCI access under the cognizance of Commander, Naval Intelligence Command (see paragraph 21-14).

2. The Interviewer. Persons conducting personal interviews should have broad latitude in performing this essential and important function and, therefore, a high premium must be placed upon the exercise of good judgment and common sense. To ensure that personal interviews are conducted in a manner which does not violate lawful civil and private rights or discourage lawful political activity in any of its forms, or intimidate free expression of thought, it is necessary that the interviewer have a keen and well-developed awareness of, and respect for, the rights of the interviewee.

### 3. The Interview

a. Preparation. The interviewer will, before conducting the interview, review all available command personnel, security and medical records and compare the instructions in exhibits 21B, 21C and 21H (or 21J) on completing investigation forms with the investigation forms prepared on the subject.

b. Scope. Questions asked during the course of a personal interview must have a relevance to a security determination. Care must be taken not to inject improper matters into the personal interview. For example, religious beliefs and affiliations, or beliefs or opinions regarding racial matters, political beliefs and affiliations of a nonsubversive nature, opinions regarding the constitutionality of legislative policies, and affiliations with labor unions are generally irrelevant topics. The interviewer should always be prepared to explain the relevance of all inquiries.

#### c. Procedures

(1) The subject should be advised that the purpose of the interview is to assist in determining his or her acceptability for nomination and further processing for access to sensitive compartmented information prior to conducting a Special Background Investigation. The subject will be given the same Privacy Act advisement as was provided with the Statement of Personal History, or Personnel Security Questionnaire (BI/SBI) (DD Form 398).

(2) All entries on the SPH or PSQ should be reviewed with the subject to ensure that pertinent information has not been withheld inadvertently or purposely. The subject should be reminded that a knowing and willful false statement on the SPH or PSQ can be punished by fine or imprisonment or both. Every omis-

sion, gap, inconsistency or similar defect in the SPH or PSQ should be corrected. Ambiguous, evasive or irrelevant responses on the form should be examined to determine the basis for the responses and their significance. Significant information which experience has shown often has investigative merit (foreign travel and connections or organizational affiliations) is often not entered on the form because its importance isn't recognized by the subject. The interviewer must ensure that all information of potential investigative value is brought to light. Listed misdemeanor arrests, nonspecific charges such as disturbing the peace or public nuisance, should be explored.

(3) The interviewer will offer the subject the opportunity to contribute any additional information he or she feels may be pertinent or might expedite completion of the SBI. He or she will be informed that the procedure is designed to preclude any future judgment that significant information which might develop during the conduct of the SBI was withheld intentionally.

(4) Advice regarding self-incrimination and the right to counsel is not required where the subject is a civilian and the interviewer is not a law enforcement agent. Even when the subject is in the military, such advice is not ordinarily required because the interview is a screening process and not an interrogation in which an incriminating response is sought or anticipated. If, however, the interviewer suspects a military subject of an offense, care must be taken to ensure that the subject is accorded his or her rights under the Uniform Code of Military Justice. When the interviewer suspects a military subject of an offense before the interview commences, the subject will be advised of his or her UCMJ rights. Check with the command legal officer for the proper advisement before the interview. If such a suspicion is developed during the course of the interview, questioning will be interrupted immediately and the subject will be appropriately advised of his or her rights. If a military subject wishes to exercise the privilege against self-incrimination or the right to counsel at any time before or during the interview, the interview will cease immediately and COMNAVINTCOM (NIC-41) will be contacted by the interviewer for further guidance.

(5) If the subject refuses to be interviewed or declines to provide information in response to specific, pertinent questions, the interview will be terminated and COMNAVINTCOM (NIC-41) will be contacted for guidance. A command appraisal of the individual and recommendations as to further processing should be included in the report.

### 4. Report of Interview

a. All information developed during the interview will be kept in personnel security channels and made available only to those who have a need to know.

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b. Any unfavorable or questionable information developed during the interview should be reported to COMNAVINTCOM, by letter or message, with a command appraisal of the individual and a recommendation as to further processing. An information copy will be sent to the Commander, Naval Military Personnel Command or the Commandant of the Marine Corps (INTS) as appropriate, for military personnel. COMNAVINTCOM (NIC-41) will then provide advice as to whether processing for SCI access should continue.

c. If the decision is made to continue processing, unfavorable or questionable information developed during the interview will be detailed in item 20 of the DD Form 1879, or on an attachment, when the SBI request is submitted in accordance with paragraph 5 below. Unfavorable or questionable information will not be entered on the copy of the DD Form 1879 retained in the individual's official personnel record.

d. In all cases in which an SBI is requested for SCI access, the DD Form 1879 will be annotated under item 20 (Remarks) with the statement, "Personal in-

terview conducted by (cite billet title of the interviewing official)." If it is impossible to conduct the interview, the reason must be fully justified on the DD Form 1879.

5. Request for Investigation. When it has been determined that an SBI will be requested, commands with SSO's will continue the present procedure of submitting the forms directly to DIS, with an information copy, plus the SSO 111, (NAVINTCOM Form 5510/12), to COMNAVINTCOM (NIC-41). Commands without SSO's will forward the investigative package directly to DIS with one copy of each form, less the fingerprint card, to COMNAVINTCOM (NIC-41), 4600 Silver Hill Road, (NIC Bldg 1), Washington, DC 20389. If the investigation is being requested incident to transfer, put the anticipated transfer date and the gaining command (and any intermediate stations) in item 20 of the DD Form 1879. For Navy personnel enter the BUPERS order number, also. On all requests, the "Return Results to" block on the DD Form 1879 will show the COMNAVINTCOM address above.

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## EXHIBIT 21B

**DETAILED INSTRUCTIONS FOR COMPLETING DD FORM 398-2  
(PERSONNEL SECURITY QUESTIONNAIRE (NATIONAL AGENCY CHECK))  
(SEE COVER SHEET ON FORM FOR PRIVACY ACT STATEMENT AND GENERAL INSTRUCTIONS)**

**Item 1: (NAME)\***

a. List your name in the following order: last name, first name, and middle name. Names should agree with military or civilian employment records; if not, explain on an attached sheet of plain white paper.

(1) If no middle name enter "NMN."

(2) If name consists of initial(s) only, enter the appropriate initial(s) followed by "(IO)."

(3) Include additional designations such as Jr., Sr., II, (2nd), III, (3rd), when applicable.

b. List maiden name (if applicable).

**Item 2: (ALIASES)** List any other name by which you are or have been known. Include former names, changes in name, nicknames, or variant spellings used. If the name has changed, explain why, when, and where such change took place on an attached sheet of plain white paper. Also provide the inclusive dates any other name was used.

**Item 3: (SEX)\*** Enter "Male" or "Female."

**Item 4: (SOCIAL SECURITY NUMBER)\***  
Self-explanatory.

**Item 5: (DATE OF BIRTH)\*** Give the year, month, and day of your birth using the last two digits of the year, a two digit number for the month, and a two digit number for the day, e.g., 1 August 1944 would be entered as 44-08-01.

**Item 6: (PLACE OF BIRTH)\*** List your place of birth in the following order:

a. City. (Do not abbreviate.)

b. County. (Do not abbreviate.)

c. State. (Use two-letter abbreviations for the state.)

d. Country (if other than the U.S.). (Do not abbreviate.)

**Item 7: (CIVILIAN OR MILITARY STATUS)** Check either:

a. Civilian, or

b. Military.

c. **Grade.\*** If civilian and employed by the Federal Government, enter appropriate grade. If civilian and not employed by the Federal Government, enter "N/A." If military, enter appropriate pay grade.

d. **Branch of Service.\*** If military, place an "x" by the appropriate branch of service.

**Item 8: (CITIZENSHIP STATUS)** Check either:

a. U.S. citizen, or

b. Alien.

If U.S. citizen:

c. **Native.** Check either "yes" or "no". ("Native" includes those who are U.S. citizens by birth even if born outside the U.S.)

d. **Naturalization Certificate Number.** If naturalized, provide naturalization certificate number.

e. **Derived Citizenship.** If citizenship is derived through naturalization of parent(s), list the number of your Certificate of Citizenship. If no Certificate of Citizenship was issued to you, enter the naturalization certificate number(s) of parent(s) from whom citizenship is derived.

f. **Date.** List date Certificate of Naturalization or Certificate of Citizenship was issued.

g. **Place.** List city and state where Certificate of Naturalization was issued or Certificate of Citizenship was obtained.

h. **Court.** List the name of the court where the Certificate of Naturalization is recorded (not required for Certificate of Citizenship.)

If alien:

i. **Registration Number.** List alien registration number. (See item m.)

j. **Current Citizenship.** List the country of which you are currently a citizen.

k. **Date of Entry.** List date you entered the United States.

l. **Port of Entry.** List the city and state where you entered the United States.

m. **Form I-151 or I-551 Number.** List above registration number.

**Item 9: (FORMER MILITARY SERVICE)** Indicate each period of enlistment or extended active duty from which a discharge certificate of service was received even though you may have been ordered back to active duty the next day. If service was with foreign armed forces, identify the foreign country on an attached sheet of plain white paper. Officers who have

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had prior enlisted or warrant service or who have been integrated into regular status will include the applicable information in this item. Reserve or National Guard service will be shown in this item.

a. From.\* Enter date service began.

b. To.\* Enter date service ended. (If currently on active duty enter "present" for the latest entry and appropriate ending dates for all other periods of service.)

c. Branch.\* List the branch of service.

d. Rank.\* List rank as of the date of discharge from each period of service.

e. Service Number(s).\* If you entered the U.S. Armed Forces after January 1970, the service number is the same as the Social Security Number. If you entered the U.S. Armed Forces before January 1970, but did not receive your discharge until after January 1970, enter both your Social Security Number and your original service number.

f. Type of Discharge. Self-explanatory.

Item 10: (FAMILY/ASSOCIATES) List father, mother, spouse, and children. Also list guardians, stepparents, foster parents, brothers and sisters, stepbrothers and stepsisters, and other relatives or friends to whom you are bound by affection or obligation, if such persons are residing in or are citizens of any foreign country.

a. Relationship and Name.\* Enter the individual's relationship to you if not already provided on the form. Enter the individual's name. Include maiden name of mother and spouse (if applicable).

b. Date of Birth.\* Provide date of birth for all persons listed in terms of year, month, and day using the last two digits of the year, a two digit number for the month and a two digit number for the day, e.g., 1 August 1944 would be entered as 44-08-01.

c. Place of Birth.\* List city and state or country (if other than the U.S.).

d. Address.\* Provide the current address of each person listed. (If person listed is deceased, enter "Deceased.")

e. Citizenship.\* Enter citizenship of each person listed.

Item 11: (RESIDENCES) List all places of residence during the last 5 years in chronological order beginning with the current address. If you are under 21, list residences for the past 3 years or since your 16th birthday, whichever is the shorter period.

a. Dates.\* Give the inclusive dates for each period of residence.

b. Number and Street.\* Do not list a permanent mailing address or family residence in this item unless you actually resided at such address during the period

listed. Furnish residence address in local community or on base/installation while in military service. If the residence was on a military installation, include the complete on-base address, to include barracks or house number. List the actual place of residence while attending school. Do not list merely the name of the school or "On Campus" as a place of residence. If you give a metropolitan address, list the borough or suburb.

c. City.\* (Do not abbreviate.)

d. State.\* (Use two-letter abbreviations for the State.)

e. Country.\* (Do not abbreviate.)

f. Zip Code.\* Self-explanatory.

Item 12: (DUTY OR EMPLOYMENT ORGANIZATION) List in chronological order beginning with the present, each period of employment (to include part-time employment and unemployment) during the last 5 years. If under 21, list each period for the last 3 years or since your 16th birthday, whichever is the shorter period. If unemployed and not attending school full time during any period, list the name and current address of an individual who can verify your activities during the unemployment period on an attached sheet of plain white paper.

a. Dates.\* Provide the inclusive dates for each period of employment, part-time employment, and unemployment.

b. Name\* of Employer. Military personnel should identify each unit, organization, or station to which assigned during the most recent 5-year period. If self-employed during any period, list the name and address of the business. If any period of employment was for a temporary help supplier, list only the temporary help supplier as the employer, even though work may have been performed at different locations with client companies using the temporary help supplier's services. If employed through a union hiring hall, list firms by which employed. Do not list the union as an employer unless the salary was, in fact, paid by the union.

c. Address.\* Provide the address for each employment listed. If any period of employment was in a large metropolitan area (e.g., New York, Chicago, Los Angeles), include the borough or suburb. If employed by a large manufacturing concern (i.e. Chrysler or General Motors Corporation in Detroit, Michigan), give the specific name and address of the plant where employed.

d. Name\* of Immediate Supervisor. List last name, first name and middle initial.

Item 13: (FEDERAL SERVICE-FOREIGN TRAVEL-FOREIGN CONNECTIONS)

a. Federal Service. List on an attached sheet of plain white paper, the inclusive dates of service, name and address of last organization. If already listed in item 12, indicate "see item 12."

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b. Foreign Travel. List on an attached sheet of plain white paper, all periods of foreign travel in the last 5 years. Travel connected with the U.S. Government should be identified as such. List inclusive dates of travel for each country visited and the purpose of the travel. Travel in cities or countries divided into free world and Communist-oriented parts will indicate in which part the travel was performed.

c. Foreign Connections. On an attached sheet of plain white paper, explain the nature and extent of foreign interests. If employed by or acted as a consultant, identify the foreign government, firm, or agency and describe the nature of employment or relationship. If this information has already been provided in response to item 12, indicate "see item 12."

Item 14: (ARRESTS) Check either "Yes" or "No" for each question in this item. If "Yes" is checked, provide the following clarifying information:

a. Date.\* Self-explanatory.

b. Nature of Offense. Any action that resulted in the placement of your name on a police or court record (give docket number or indictment number, if known) must be listed including any act committed while still a juvenile or if you were considered a "Juvenile Offender." List all Article 15, UCMJ, or Captains' Mast if they resulted in fines, restrictions, demotions, etc. (You may exclude minor traffic violations for which a fine of \$100 or less was imposed.)

c. Name and Address of Police Agency. List the name of the police agency on the top line and its address (city or county and state), on the second line.

d. Name and Address of Court. List the name of the court on the top line and its address (city or county and state), on the second line.

e. Penalty Imposed or Other Disposition in Each Case. Self-explanatory.

o When in doubt as to the necessity for listing information in this item, it is recommended that incidents be listed to preclude future questions regarding omissions from the form.

Item 15: (MEDICAL/FINANCIAL) If "Yes" is answered to any of the questions, describe the circumstances on an attached piece of plain white paper. Provide a full detailed statement.

a. Item 15a and b - Drug Abuse. Attached is a listing of those drugs which have been designated as controlled substances. If you illegally used, purchased, possessed, or sold any of these drugs your response

should be affirmative and should identify the particular substance used and/or trafficked.

b. Item 15c and d - Medical. Response regarding medical matters must identify the primary physicians, therapists, and counsellors who treated you and state if the treatment is continuing or when it was completed. Response should also include dates, places, and names of institutions or agencies involved.

c. Item 20e - Bankruptcy. In the case of bankruptcy, give the date and court where judgment was made.

Item 16: (ORGANIZATIONS)

a. List all organizations, except those referred to in b., below, in which you hold or have held membership.

(1) Name.\* Provide the full name of the organization (do not use initials or abbreviations).

(2) Address.\* List number and street, city, and state or country, if other than the U.S.

(3) Identify the type of organization, e.g., social, fraternal, etc.

(4) From. Provide the inclusive dates of membership in terms of year and month using the last two digits of the year and a two digit number for the month, e.g., October 1979 would be entered as 79-01.

(5) To.

b. Check either "Yes" or "No," for each question. If "Yes" is checked, list on an attached sheet of plain white paper, the full name of the organization (do not use initials or abbreviations) and describe the circumstances of your membership or association. Provide a full detailed statement to include dates, places, and offices, positions or credentials now or formerly held. If associations have been with individuals who are members of the described organizations, then list the individuals and the organizations with which they were or are affiliated.

If the requester is not the same as the "Return Results To" entry at the bottom of the form, show the requester at the top of the form. If the NAC is on the spouse or other family member of the subject of an SBI, identify the subject of the SBI on the form. As only items 1 through 8 are completed on an NAC for that purpose, a notation such as "Spouse of subject James Keene Russell" can be placed in one of the unused portions of the form.

**FOOTNOTE:**

\* Indicates standard data elements registered in the DoD Data Element Program under DoD 5000.12-M

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**DRUGS****OFTEN PRESCRIBED BRAND NAMES**Narcotics

Opium  
Morphine  
Codeine  
Heroin  
Meperidine (Pethidine)  
Methadone  
Other Narcotics

Dover's Powder, Paregoric  
Morphine  
Codeine  
None  
Demerol, Pethadol  
Dolophine, Methadone, Methadose  
Dilaudid, Leritine Numorphan, Percodan

Depressants

Chloral Hydrate  
Barbiturates  
  
Glutethimide  
Methaqualone  
Tranquilizers  
  
Other Depressants

Noctec, Somnos  
Amytal, Butisol, Nembutal, Phenobarbital,  
Seconal, Tuinal  
Doriden  
Optimil, Parest, Quaalude, Somnafac, Sopor  
Equanil, Librium, Miltown Serax, Tranxene,  
Valium  
Clonopin, Dalmane, Dormate, Noludar, Placydil,  
Valmid

Stimulants

Cocaine  
Amphetamines  
Phenmetrazine  
Methylphenidate  
Other Stimulants

Cocaine  
Benzedrine, Biphedamine, Desoxyn, Dexedrine  
Preludin  
Ritalin  
Bacarate, Cylert, Didrex, Ionamin, Plegine,  
Pondimin, Pre-State, Sanorex, Voranil

Hallucinogens

LSD  
Mescaline  
Psilocybin-Psilocyn  
MDA  
PCP  
Other Hallucinogens

None  
None  
None  
None  
Sernylan  
None

Cannabis

Marijuana  
Hashish  
Hashish Oil

None  
None  
None

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## SAMPLE DD FORM 398-2

**PERSONNEL SECURITY QUESTIONNAIRE (National Agency Check) DD 398-2****DATA REQUIRED BY THE PRIVACY ACT OF 1974 (5 U.S.C. 552a)****AUTHORITY:** Internal Security Act of 1950 and Executive Orders 10450, 12036, and 12065**PRINCIPAL PURPOSES:** To obtain background information for personnel security investigative and evaluative purposes in connection with the making of security determinations with respect to (1) employment or retention in employment in sensitive Department of Defense civilian positions or for other positions that have been designated as requiring a determination as to whether employment in or assignment to such positions is clearly consistent with the interests of national security, (2) membership in the Armed Forces of the United States, or (3) access to classified information.**ROUTINE USES:** (1) Determine the scope of a personnel security investigation.  
(2) Provide evaluators or adjudicators with personal history information relevant to personnel security determinations.

The information may be disclosed to other Federal agencies that are authorized under specific statutory or Executive authority to make personnel security determinations.

A copy of the report of personnel security investigation will be maintained by the Personnel Investigations Center of the Defense Investigative Service Headquarters and may be used in future employment or security clearance determinations. You have the right to obtain a copy of the report of investigation and/or to request amendment to the file.

**MANDATORY OR VOLUNTARY DISCLOSURE AND EFFECT ON INDIVIDUAL OF NOT PROVIDING INFORMATION:**

Voluntary. Failure, however, to furnish all or part of the information requested may result in (1) nonselection for employment, membership in the Armed Forces, or certain other duties requiring a determination as to whether employment in or assignment to such duties is clearly consistent with the interests of national security, (2) denial of access to classified information, or (3) reassignment to nonsensitive duties. Disclosure of your social security number is necessary to fulfill requirements of the above cited authorities. It is intended that this notice be retained for personal records.

**GENERAL INSTRUCTIONS FOR COMPLETING DD FORM 398-2**

THE PERSONNEL SECURITY QUESTIONNAIRE (PSQ) IS AN IMPORTANT DOCUMENT AND MUST BE COMPLETED WITHOUT MISSTATEMENT OR OMISSION OF IMPORTANT FACTS. ALL ENTRIES ARE SUBJECT TO VERIFICATION BY INVESTIGATION.

- THE FORM MUST BE TYPED OR PRINTED.
- IF ADDITIONAL SPACE IS REQUIRED FOR ANY ITEM, ATTACH ADDITIONAL SHEETS OF PLAIN WHITE PAPER. WHEN ATTACHING ADDITIONAL SHEETS ALWAYS IDENTIFY THE ITEM NUMBER BEING CONTINUED AND FOLLOW THE FORMAT FOR ENTERING INFORMATION PRESCRIBED ON THE FORM AND IN THE DETAILED INSTRUCTIONS.
- ALL QUESTIONS MUST BE ANSWERED. IF AN ITEM IS NOT APPLICABLE INDICATE "NOT APPLICABLE" OR "N/A." DO NOT USE THE TERM "UNKNOWN" FOR DATES OF EMPLOYMENT OR RESIDENCE. IF THIS INFORMATION IS NOT KNOWN PRECISELY, GIVE THE DATE AS BEST YOU CAN RECALL FOLLOWED BY APPROPRIATE QUALIFYING LANGUAGE. E.G., "DATE ESTIMATED" OR "APPROX."
- UNLESS OTHERWISE SPECIFIED:
  - ALL DATES SHOULD BE ENTERED IN TERMS OF YEAR AND MONTH USING THE LAST TWO DIGITS OF THE YEAR AND A TWO DIGIT NUMBER REPRESENTING THE MONTH, E.G., JANUARY 1979 WOULD BE ENTERED AS 79-01 AND DECEMBER 1979 WOULD BE ENTERED AS 79-12.
  - NAMES OF PERSONS SHOULD BE ENTERED IN THE FOLLOWING ORDER: LAST NAME, FIRST NAME AND MIDDLE INITIAL.
  - ADDRESSES SHOULD INCLUDE THE NUMBER AND STREET, CITY, STATE OR COUNTRY, AND ZIP CODE.
- BEFORE ENTERING ANY INFORMATION ON THE FORM, READ CAREFULLY THE DETAILED INSTRUCTIONS PROVIDED WITH THE FORM. IF AT ANY TIME DURING COMPLETION OF THE FORM, A QUESTION ARISES THAT DOES NOT APPEAR TO BE COVERED BY THE DETAILED INSTRUCTIONS, CONTACT THE INDIVIDUAL OR OFFICE THAT PROVIDED YOU WITH THE FORM.
- BEFORE SIGNING THE FORM, READ IT CAREFULLY AND CHECK EACH ITEM AGAINST THE DETAILED INSTRUCTIONS.

G/N 0103-LF-000-0020



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## EXHIBIT 21C

## INSTRUCTIONS FOR COMPLETING FD 258

## (APPLICANT FINGERPRINT CARD)

The FD 258 is used for personnel security investigations submitted to the Defense Investigative Service, except ENTNAC's for which the DD Form 369 is used. (Investigations submitted to the Office of Personnel Management require the SF 87, U.S. OPM Fingerprint Chart.) The FD 258 to be used is printed in blue, on index-weight paper with a clipped upper left corner and carries the stock number S/N 0104-LF-400-8602 with a revision date of 7/77 or later. Other revisions may not be used.

The information required on the front of the FD 258 is full name, aliases, citizenship, race, sex, height, weight, color of hair and eyes, date and place of birth, social security number, residence of the person being fingerprinted, employer and address, and the reason the fingerprints are being submitted. The form must be signed by the subject, dated, and signed by the official taking the fingerprints. The FBI requires that all of the information above be supplied and will reject incomplete cards. The Privacy Act advisement (exhibit 21K) must be given to any person being fingerprinted.

**RECOMMENDED EQUIPMENT**

The basic equipment required for taking fingerprints consists of an inking plate, a cardholder, printer's ink (heavy black paste), and a roller. This equipment is simple and inexpensive.

To obtain clear, distinct fingerprints, it is necessary to spread the printer's ink in a thin, even coating on a small inking plate. A roller similar to that used by printers in making galley proofs is best adapted for use as a spreader. Its size is a matter determined by individual needs and preferences; however, a roller approximately 6 inches long and 2 inches in diameter has been found to be very satisfactory. These rollers may be obtained from a fingerprint supply company or a printing supply house.

An inking plate may be made from a hard, rigid, scratch-resistant metal plate 6 inches wide by 14 inches long or by inlaying a block of wood with a piece of glass  $\frac{1}{4}$  of an inch thick, 6 inches wide, and 14 inches long. The glass plate by itself would be suitable, but it should be fixed to a base to prevent breakage. The inking surface should be elevated to a sufficient height to allow the subject's forearm to assume a horizontal position when the fingers are being inked. For example, the inking plate may be placed on the edge of a counter or a table of counter height. In such a position, the operator has greater assurance of avoiding accidental strain or pressure on the fingers and should be able to procure more uniform impressions. The inking plate should also be placed so that the subject's fingers which are not being printed can be made to "swing" off the table to prevent their interfering with the inking process. This equipment should be supplemented by a cleansing fluid and necessary cloths so

that the subject's fingers may be cleaned before rolling and the inking plate cleaned after using. Denatured alcohol and commercially available cleaning fluids are suitable for this purpose.

**TAKING FINGERPRINTS PROPERLY**

There are two types of impressions involved in the process of taking fingerprints. The upper 10 prints are taken individually—thumb, index, middle, ring, and little fingers of each hand in the order named. These are called "rolled" impressions, the fingers being rolled from side to side in order to obtain all available ridge detail. The smaller impressions at the bottom of the card are taken by simultaneously printing all of the fingers of each hand and then the thumb without rolling. These are called "plain" or "simultaneous" impressions and are used as a check upon the sequence and accuracy of the rolled impressions. Rolled impressions must be taken carefully in order to ensure that an accurate fingerprint classification can be obtained by examination of the various patterns. Each focal point (cores and all deltas) must be clearly printed to obtain accurate ridge counts and tracings.

In preparing to take a set of fingerprints, place a small daub of ink on the inking glass or slab and roll it thoroughly until a very thin, even film covers the entire surface. The subject should stand in front of and at a forearm's length from the inking plate. In taking the rolled impressions, place the side of the bulb of the finger upon the inking plate, and roll the finger to the other side until it faces the opposite direction. Be sure the bulb of each finger is inked evenly from the tip to below the first joint. By pressing the finger lightly on the card and rolling in exactly the same manner, a clear rolled impression of the finger surface may be obtained. It is better to ink and print each finger separately, beginning with the right thumb and then, in order, the index, middle, ring, and little fingers. (Stamp pad ink, printing ink, ordinary writing ink, or other colored inks are not suitable for use in fingerprint work as they are too light or thin and do not dry quickly.)

If consideration is given the anatomical or bony structure of the forearm when taking rolled impressions, more uniform impressions will be obtained. The two principal bones of the forearm are known as the radius and ulna, the former being on the thumb side and the latter on the little finger side of the arm. As suggested by its name, the radius bone revolves freely about the ulna as a spoke of a wheel about the hub. In order to take advantage of the natural movement in making finger impressions, the hand should be rotated from the more difficult to the easy position. This requires that the thumbs be rolled toward and the fingers away from the center of the subject's body. This process relieves strain and leaves the fingers

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relaxed upon the completion of rolling so that they may be lifted easily from the card without danger of slipping which smudges and blurs the prints.

The degree of pressure to be exerted in inking and taking rolled impressions is important, and this may best be determined through experience and observation. It is quite important, however, that the subject be cautioned to relax and refrain from trying to help the operator by exerting pressure as this prevents the technician from gauging the amount of pressure needed. It will help relax the subject's hands if he or she is told to look at some distant object and not to look at the hands. The person taking the fingerprints should stand to the left of the subject when printing the right hand, and to the right of the subject when printing the left hand. In any case, the positions of both the subject and the technician should be natural and relaxed if the best fingerprints are to be obtained.

To obtain "plain" impressions, press all of the fingers of the right hand lightly upon the inking plate, then press simultaneously upon the lower right hand corner of the card in the space provided. The left hand should be similarly printed, and the thumbs of both hands should be inked and printed, without rolling, in the space provided.

**CAUSES OF UNSATISFACTORY PRINTS**

Indistinct or illegible prints are usually caused by one or more of the following factors:

1. Failure to reproduce the focal points (del-tas or cores) because the finger has not been fully rolled from one side to the other, and the bulb of the finger from joint to tip has not been completely inked.

2. Allowing the fingers to slip or twist, resulting in smears, blurs, and false-appearing patterns. The fingers should be held securely, but with the technician not applying too much pressure. The subject should be instructed not to try to help and to remain passive throughout the fingerprinting procedure.

3. The use of writing or similar ink resulting in impressions that are too light and faint or in which the ink has run, obliterating the ridge detail. The best results will be obtained by using heavy black printer's ink, which should not be thinned before using. This ink will dry quickly and will not blur or smear with handling.

4. Failure to clean thoroughly the fingers or inking apparatus of foreign substances and perspiration, causing the appearance of false markings and the disappearance of ridge characteristics. Alcohol or a nonflammable cleaning agent may be used. In warm weather, each finger should be wiped dry of perspiration before inking and printing the fingers.

5. The use of too much ink, obliterating or obscuring the ridges. If printer's ink is used, a small amount of ink applied to the inking plate will suffice for several sets of prints. It should be spread to a thin, even film by rolling the ink over the plate by means of the roller.

6. Insufficient ink resulting in ridges too light and faint to be counted or traced.

**UNUSUAL FINGERPRINTING SITUATIONS**

In taking inked fingerprints, the technician frequently encounters permanent or temporary physiological characteristics which call for different fingerprinting techniques. These situations include crippled fingers (bent, broken), deformities (webbed or extra fingers), lack of fingers at birth, amputations, and advanced age of the subject.

If the subject has crippled or deformed fingers, it is not sufficient to merely indicate on the fingerprint card the condition of the fingers such as "bent," "broken," or "crippled." Only in those cases where the fingers are so badly bent or crippled that they are touching the palms and cannot be moved is such a notation appropriate. Fortunately, such cases are extremely rare, and through the use of special inking devices similar to those used for fingerprinting the deceased, it is possible to obtain clear, legible fingerprints from bent or crippled fingers. The equipment for this fingerprint technique consists of a spatula, small rubber roller, and a curved holder for individual finger block cardstock. Each crippled or bent finger is handled individually, and after the finger has been inked and printed, the individual finger blocks should be pasted on a fingerprint card in their proper sequence. Worn and indistinct friction ridges or those bearing numerous creases can be readily reproduced in this same manner. Webbed and split fingers should be printed in the same manner. An appropriate notation should be made on the fingerprint card concerning any of these deformities. An extra digit, usually an extra thumb or extra little finger, sometimes appears on the extreme outside of either hand. In some instances, it may be necessary to use the process for printing crippled fingers in order to obtain satisfactory impressions. A notation concerning this abnormality is to be made on the fingerprint card.

The problems encountered in fingerprinting persons of an advanced age are mentioned at this point for discussion purposes only. Crippled fingers due to advanced age can be handled in the same manner as bent and crippled fingers. Because of advanced age, the fingerprint ridges are sometimes very faint. To get legible inked prints, use a very small amount of ink on the inking plate and very little pressure in rolling the fingers. Practice with this technique will produce satisfactory fingerprint impressions.

To obtain an accurate classification, missing fingers must be clearly explained on the fingerprint card. Some individuals are born without certain fingers, and in those instances, the notation "missing at birth," should be used rather than just the word "missing." A proper notation concerning this situation will prevent the fingerprint card from having to be returned. If an individual's fingers have been amputated, a proper notation to this effect should appear in each applicable individual fingerprint block. If just a portion of the first joint of a finger is amputated, ink and print the remaining portion of the first joint and place a notation such as "tip amputated" on the fingerprint

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card. If all 10 fingers are amputated, consideration should be given to obtaining footprints.

Temporary disabilities, such as fresh cuts, wounds, and bandaged fingers, are beyond the control of the fingerprint technician. However, a complete classification formula is necessary in order that a fingerprint card be retained in FBI files. An indication on the fingerprint card to the effect that a finger is "freshly cut, bandaged" will cause the fingerprint card to be returned to the contributor since accurate classification is impossible. In the event of temporary injury, the fingerprints should be taken, if possible, after the injury has healed. This same situation prevails with large blisters which temporarily disfigure ridge detail.

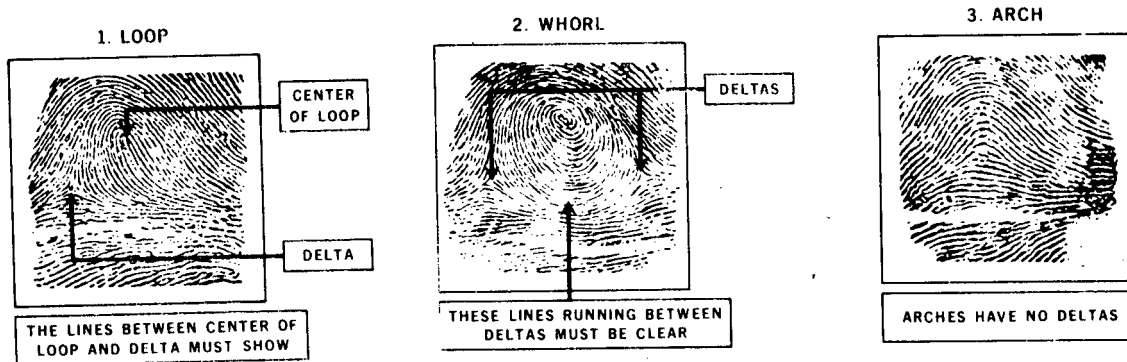
Problems resulting from the occupation of the individual (such as carpenters, bricklayers, cement workers) are a definite challenge to the fingerprint technician. When it is obvious that the occupation of the individual being fingerprinted has affected or worn

the ridges on the tips of the fingers to the point where it is difficult to obtain legible fingerprints, consideration should be given to the use of softening agents (oils and creams) or fingerprinting at a later date when the ridges have had an opportunity to reform. It is possible in many instances to obtain legible fingerprints when the ridges are worn by using a very small amount of ink on the inking plate as described above in taking fingerprint impressions of persons of advanced age.

Excessive perspiration will result in the failure of ink to adhere properly to the tips of the fingers. When this situation is encountered, the subject's fingers should be individually wiped clean and immediately inked and printed. This process should be followed with each finger. It is also helpful to wipe the fingers with alcohol or some other drying agent which will temporarily reduce the amount of perspiration and thus permit the technician to obtain clear, legible fingerprint impressions.

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### SUMMARY OF THE GUIDELINES FOR OBTAINING CLASSIFIABLE FINGERPRINTS

1. Loop Pattern. The lines between center of loop and delta must show.
2. Whorl Pattern. The lines running between deltas must be clear.
3. Arch Pattern. Arches have no deltas. This pattern can be classified as such only if a sufficiently clear impression is obtained to show the pattern as belonging to the arch category.
4. Use black printer's ink. Distribute ink evenly on inking slab. Wash and dry fingers thoroughly. The bulb of each finger should be inked evenly from the tip to below the first joint.
5. Roll fingers from nail to nail, and avoid allowing fingers to slip. In rolling prints, the hand should be rotated from the more difficult to the easy position, i.e., the thumbs are rolled toward and the fingers away from the subject's body.
6. Ensure that impressions are recorded in correct order. If an amputation or deformity makes it impossible to print a finger, make a notation to that effect in the individual finger block. If some physical condition makes it impossible to obtain perfect impressions, submit the best that can be obtained with a memo stapled to the card explaining the circumstances.
7. Examine completed prints to see if they can be classified. If, upon examination, it appears that any of the impressions cannot be classified, new prints should be made. Don't submit prints if it is apparent they can't be classified.
8. On the prints on the sample FD 258, fingers have been rolled from nail to nail. In rolling from nail to nail, each focal point (cores and all deltas) and the lines running between them show for each finger. One of the most common errors made is simply one of not rolling fingers from nail to nail which results in both deltas not being picked up on whorl patterns and the loop and the delta not being picked up on loop patterns.
9. The FBI continues to recommend the use of black printer's ink, but will now accept fingerprint impressions taken by inkless chemical processes provided they are recorded with a medium which provides uniform black impressions, clear in contrast, and the endurance of the medium is attested to as being permanent. This certificate should come from the supplier of the process, usually on the label.

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## EXHIBIT 21E

## INSTRUCTIONS FOR COMPLETING SF-85

(DATA FOR NONSENSITIVE OR NONCRITICAL-SENSITIVE POSITION)  
(FOR CIVILIAN EMPLOYMENT)

**SUBMISSION REQUIREMENTS:** This form must be submitted for each person entering a nonsensitive or noncritical-sensitive position. See Federal Personnel Manual Chapter 736 and FPM Supplement 296-33, for details on requirements and exceptions. This form is to be prepared in triplicate by the employing command. Type all answers. Complete all items except 19 and 22. If the answer to an item is "No" or "None", so state.

The appointee should furnish the information for items 1B thru 7 and 10 thru 14, and should sign the original and first carbon copy of the certification below item 14. The command should supply the remaining data from the application, or Standard Form 50, or other records. If more space is needed for any item, use item 21.

**ALL REFERENCES:** All SF-85s, for both nonsensitive and noncritical-sensitive positions, will have the notation "ALL REFERENCES" recorded immediately above the title at the top of the form in order to obtain the expanded FBI name check coverage which OSD has arranged with the FBI to conduct on all DOD cases.

**Item 1A:** Give full name. Initials and abridgments of full name are not acceptable. If no middle name, show "(NMN)"; if initials only, show "(initial only)".

**Item 1B:** Insert OTHER NAMES USED, such as maiden name, names by former marriages, former names changed legally or otherwise, aliases, nicknames, etc. Insert "NEE" before maiden name. For any other name used, insert only the name in item 1B and identify it in item 21; also give in item 21 the dates the name was used. (For example, "Jane Mary Doe, name by former marriage, June 1946 to July 1950".)

**Item 2:** Give Armed Services serial number. For branch of service show "Army", "AF", "Navy", "Marine" as appropriate. Give month and year the service began and ended, using numbers. (For example, show service from May 1943 to June 1944 as "5/43 to 6/44".)

**Item 3:** Social Security Number must be filled in even if it is the same as serial number in item 2.

**Item 4:** Date and place of birth.

**Item 5:** Give title of position for which the form is being completed.

**Item 6:** Give name of activity, installation or office, and city and state where it is located. Do not use abbreviations or acronyms.

**Item 7:** Give dates and places of residence. Begin with present and go back to January 1 1937, or appli-

cant's 16th birthday, whichever is later. Use only one line for each address, using standard abbreviations if necessary. Dates may be given as numerals. Do not extend dates beyond the broken line dividing item 7. Continue addresses under item 21 on other side if necessary. The last 5 years must have COMPLETE addresses AND zip codes, or the SF-85 will be returned incomplete to the security office of the requesting command.

**Item 8:** Fill in the date of the request.

**Item 9:** Check block indicating appropriate sensitivity of the position for which the form is being completed.

**Item 10:** Check the current appropriate answer.

**Item 11:** Enter name of spouse, date and place of marriage, date and place of spouse's birth. If divorced, enter above information for each ex-spouse and date and place of divorce. Any former names of spouses should be included (i.e. maiden name or former names or aliases of spouse). The same applies for widowers or widows.

**Item 12:** List identifying numbers, such as passport number, alien registration number, naturalization number or other numbers. Do not list social security number (item 3) or service serial number (item 2).

**Item 13:** List organizations such as National Honor Society, Toastmasters, civic and community organizations, etc. Do not list political or religious organizations.

**Item 14:** Beginning with present employer (if today is first day at this command, start with most recent past employment or unemployment), list date started and the date ended employment with each employer and the name of the agency or company and the complete address for all employers. (The last 5 years MUST have complete addresses AND zip codes.) List all periods of unemployment in this manner also. Do not skip any time spans or SF-85 will be returned marked "incomplete" or requesting further information. Item 21 should be used if more space is necessary.

**Item 15:** Insert date of appointment or indicate "applicant".

**Item 16:** Insert place of duty if it differs from command address listed in item 6.

**Item 17:** Check block indicating appropriate type of appointment.

**Item 18:** Insert OPM regulation number, certificate number, or other appointment authority.

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Item 19: Leave blank.

Item 20: Give name of command and full address, including zip code. Do not use abbreviations or acronyms. Provide autovon and commercial telephone numbers of individual or office submitting forms who can be contacted for additional information or clarifi-

cation of data on the form. For all noncritical-sensitive cases insert the following:

"SEND ALL DEROGATORY INFORMATION TO DIRECTOR, NAVAL CIVILIAN PERSONNEL COMMAND, (CODE 06), 800 NO. QUINCY STREET, ARLINGTON, VA 22203."



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21. SPACE FOR CONTINUING ANSWERS TO OTHER QUESTIONS (SHOW ITEM TO WHICH ANSWERS APPLY. REVERSE THE CARBON PAPER BEFORE WRITING ON THIS SIDE).

IF MORE SPACE IS NEEDED USE A SEPARATE SHEET OF PAPER. WRITE NAME ON EACH SHEET AND ATTACH TO THIS FORM.

22. REPORT OF INFORMATION DEVELOPED (THIS SPACE RESERVED FOR FBI USE)

DATE:

SAMPLE

**INSTRUCTIONS***Makes sure typewriter produces dark, distinct image.*

**GENERAL INSTRUCTIONS:** This form must be submitted for each person entering a nonsensitive or noncritical-sensitive position. See Federal Personnel Manual Chapter 736 and FPM Supplement 296-31, Appendix A, for details on requirements and exceptions. This form is to be prepared in triplicate by the employing agency. Type all answers. Complete all items except 19 and 22. If the answer to an item is "No" or "None," so state.

The appointee should furnish the information for items 1B thru 7 and 10 thru 14, and should sign the original and first carbon copy of the certification below item 14. The agency should supply the remaining data from the application, or Standard Form 50, or other records. If more space is needed for any item, use item 21.

**ITEMS 1 THRU 9:** These items, within the heavy lines, will be photocopied directly from the form to a master for use in printing investigative records and forms. Type the items with special care, making any corrections neatly. Do not extend any answer beyond the edge of the box provided for it. Except for the following, the items are self-explanatory:

Item 1A—Give full name. Initials and abridgments of full name are not acceptable. If no middle name, show "(NMN)"; if initials only, show "(initial only)".

Item 1B—Insert **OTHER NAMES USED**, such as maiden name, names by former marriages, former names changed legally or otherwise, aliases, nicknames, etc. Insert "NEE" before maiden name. For any other name used, insert only the name in item 1B and identify it in item 21; also give in item 21 the dates the name was used. (For example, "Jane Mary Doe, name by former marriage, June 1946 to July 1950".)

Item 2 — Give Armed Services serial number. For branch of service show "Army," "AF," "Navy," "Marine" as appropriate. Give month and year the service began and ended, using numbers. (For example, show service from May 1943 to June 1944 as "5/43 to 6/44.")

Item 5 — Give title of position for which the form is being completed.

Item 6 — Give name of department or agency, installation or office, and city and State where it is located.

Item 7 — Give dates and places of residence. Begin with present and go back to January 1, 1937, or applicant's 16th birthday, whichever is later. Use only one line for each address, using standard abbreviations if necessary. Dates may be given as numerals. Do not extend dates beyond the broken line dividing item 7. Continue addresses under item 21 on the other side if necessary. Give ZIP codes only for addresses during the past ten years. The same applies for employers under item 14.

**SUBMISSION REQUIREMENTS:** For nonsensitive cases, the following forms and papers must be submitted *within three days* after appointment, to the office of the Civil Service Commission which serves your office. For noncritical-sensitive cases, these forms generally must be submitted and the results of the national agency checks received *prior to* assignment to noncritical-sensitive duties:

A. The signed **ORIGINAL** and one unsigned carbon copy of this form (Standard Form 85).

B. Standard Form 57 (Fingerprint Chart).

C. Original application from which appointment was made. Include investigative information about the person received on voucher forms or otherwise. **RETAIN THE SIGNED CARBON COPY OF STANDARD FORM 85 FOR YOUR FILES.**

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## EXHIBIT 21F

INSTRUCTIONS FOR COMPLETION OF SF 87  
(CSC FINGERPRINT CHART)

**SUBMISSION REQUIREMENTS:** This form must be submitted for each person entering a nonsensitive or noncritical-sensitive position. See Federal Personnel Manual Chapter 736 and FPM Supplement 296-33 for details on requirements and exceptions. Only ONE set of fingerprints is required. All blanks on the chart are to be completed unless stated otherwise. Use a typewriter for everything except the signatures, which should be written in ink. Complete the blanks on the fingerprint chart as listed below:

1 - Name - Insert last, given and middle name. If no middle name, show "(NMN)"; if initials only, show "(IO)". Also enter any former names (i.e. maiden name, nicknames, aliases, and former names).

2 - Signature of person being fingerprinted.

3 - Residence - Give number, name of street, city, state, and zip code of person being fingerprinted.

4 - Position to which appointed - Give title of the position for which appointee is being fingerprinted.

5 - Signature of official taking fingerprints.

6 - Title and address - Enter the title of the person taking the fingerprints and the name and location of the activity or company where the fingerprints are being taken.

7 - Department, Bureau, and Duty Station - Give complete mailing address, including city, state and zip code for the position for which the person is being fingerprinted.

8 - Height - Enter the height in inches (i.e. 65).

9 - Date of Birth - Enter month, day, and year (i.e. 4-12-43).

10 - Place of Birth - Enter city and state.

11 - Color of eyes and hair, weight, and sex are self explanatory. However, if bald so state.

(See exhibit 21C for guidance on obtaining classifiable fingerprints.)

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## EXHIBIT 21G

**INSTRUCTIONS FOR COMPLETING DD FORM 1879  
(REQUEST FOR PERSONNEL SECURITY INVESTIGATION)**

This form is submitted for each person on whom a Background Investigation, Special Background Investigation, Periodic Reinvestigation or Special Investigative Inquiry is being requested. It is not used when the investigation being requested is an NAC or ENTNAC alone. The form is prepared by the command and submitted with the attachments required for the type of investigation being requested. Only those investigations justified by current policies may be requested, and the justification for the investigation must be obvious from the entries on the form.

The same DD Form 1879 will not be reused to request additional investigation after DIS has indicated that the investigative action has been completed. If an investigation package has been returned for correction of the forms, the same DD Form 1879 may be reused but the date of the request must be changed to show the resubmission date.

DETAILED INSTRUCTIONS

Item 1. Enter the title and address (including zip code) of the command requesting the investigation.

Item 2. Enter the Unit Identification Code (UIC) or Personnel Accounting System (PAS) code of the command requesting the investigation.

Item 3. To be used by the requester for internal filing - usually the Standard Subject Identification Code (SSIC) 5521.

Item 4. Enter the date the request is submitted.

Item 5. Check one block. The five types of investigation listed are the only ones authorized by general policy. Until the form is revised, check Limited Inquiry if the investigation needed is an SII. In each instance, the reason for the SII must be explained in item 20. The BI or SBI Bring-up is now called a Periodic Reinvestigation (PR). Check BI/SBI Bring-up only when a PR is authorized as described in paragraph 21-13. Also, print or stamp "PR" in large letters in item 20. If the subject has a previous BI or SBI but needs a current investigation to meet a specific program requirement, request a BI or SBI, not a Bring-up (PR). Any other type of investigation has to be specifically approved by the Chief of Naval Operations (Op-009P) and the Deputy Under Secretary of Defense for Policy. When the request is based on the approved exception, the "Other" block will be checked and the authority will be cited in item 20.

Current policies allow SBI's only for those assigned to Category I Presidential Support duties, those with access to sensitive compartmented information (SCI), those requiring access to SIOP-ESI and those assigned to investigative agencies. Requests for SBI's for those assigned to investigative agencies will be annotated in

item 20, "SBI required IAW DOD 5200.2-R para 3-609". Periodic updating of SBI's is currently allowed for those in Presidential Support duties, those with SIOP-ESI access, and those with continuous access to SCI. For an SBI-PR for Presidential Support, the notation "SBI-PR required IAW DOD Directive 5210.55" is placed in item 20. Those who have continuous access to SCI have SBI-PR's every five years and the notation, "SBI-PR required IAW DCID 1/14 paragraph 13" is placed in item 20. If an individual who has had an SBI is out of the SCI program for more than 12 months and the last SBI or SBI-PR was completed more than 5 years ago, an updated investigation is required before reentering the program. In that case, the investigation is not a PR and the request will be for an SBI. BI-PR's are only authorized for those with access to Top Secret and for civilians in critical-sensitive positions.

Item 6. The block checked in this item is the basis for the justification for the investigation. There is a correlation between items 5 and 6. The type of investigation in item 5 is justified by the reason in item 6 plus any required notations in item 20. When you have made the correct entries in these items, the justification for submitting the request is established on the face of the request. Don't expect DIS to search through the other forms to find out why you are requesting the investigation.

Policies precisely delineate the type of investigation required so the reason for the investigation has to be directly supported by a specific policy statement or an approved exception. For example, you cannot check BI (in item 5) and show access to Secret as the reason (in item 6) unless a supporting authorized reason, (PRP, immigrant alien, etc.) is checked in subsequent blocks or explained in item 20. If there is more than one reason for an investigation, all other blocks that apply are to be checked. Investigative requirements are described in this regulation and referenced directives.

If the reason for the investigation is to grant access to classified information, the first block in this item must be checked, and the highest level of access indicated by lining out the others. Remember, for access less than Top Secret, there has to be an authorized reason for requesting a BI. If there are additional reasons for requesting an investigation for access to Top Secret information, then the appropriate additional blocks in this item must be checked. For example, if subject is to be given access to sensitive compartmented information, and SIOP-ESI, the first block of this item will be checked, with the words Confidential and Secret lined out, and each appropriate block will also be checked.

The first six reasons listed in Item 6 are not comprehensive. For example, other reasons for which investigations are authorized are a civilian critical-

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sensitive position, or assignment to an investigative agency even though a subject in a given category might not require access to Top Secret information. The reasons must be identified by checking the block "Other" and typing the reason that applies under the block. Provide explanatory comments in Item 20 justifying the reason for the investigation. Type "critical-sensitive position" in Item 20 for all those positions designated critical-sensitive which do not require access to Top Secret information.

Provide the unclassified project or program title, or other special authorization in Item 20 for all SBI requests which are not based on sensitive compartmented information, Presidential Support requirements or SIOP-ESI.

Item 7. Usually, the results of an investigation are returned to the requester. The full command address, including zip code, is placed in the Return Results To block. There are several exceptions to this rule.

a. Background Investigation results on civilian applicants or employees are returned to Director, Naval Civilian Personnel Command (Code 06) 800 N. Quincy Street, Arlington, VA 22203 (except for initial BI's for Category II Presidential Support).

b. If the subject will be transferred before the investigation could be completed, the receiving command will be shown to receive the results.

c. SBI's for access to SCI are all (military and civilian) returned to COMNAVINTCOM or COMNAV-SECGRU. For SIOP-ESI alone, results are returned to the requester for military and to NCPC for civilians.

d. On SBI requests for military personnel being transferred to NAVINVSERV, results are returned to Naval Investigative Service Headquarters, Washington, D.C. 20388 marked NIS PERSONNEL - TO BE OPENED BY SECURITY MANAGER ONLY. (Civilian requests are returned to NCPC.)

e. A request on a commanding officer is to be returned to the next senior in the chain of command.

f. The block is left blank on forms submitted to CNO (Op-009P) for Limited Access Authorizations.

Item 8. The subject's name will be entered in the following order: Last name, first name, middle name, with the last name only in capital letters.

Item 9. Each name entered will be identified as to type, e.g.:

Nee - BLACK, Virginia Jean

Also Known as (AKA) - BLACK, Robert Joseph, Mrs.

Alias - SCHWARTZ, Jinny

Item 10. Enter date of birth in order of year, month, and day. Do not use numerical code for month. Spell out using standard abbreviation (e.g., Jan., Feb., etc.). Cite complete year (19xx). Example: 1956 Jan 14.

Item 11. Enter social security number. Include dashes.

Item 12. If subject is military or former military, enter all previous service numbers.

Item 13. Enter "M" for male or "F" for female.

Item 14. For those subjects born in the United States, list the city and state. In case of foreign birth, list the city and the political division of the country which differentiates cities of the same name and country; e.g., Oberursel/taunus, Hesse, Germany.

Item 15. Enter the service with which subject of the investigation is affiliated (USN, USNR, USMC, USMCR, etc.)

Item 16. Enter grade for military personnel (O-1, E-2, etc.); for civilian employees enter pay scale (GS-1, WG-8, etc.); for others, enter CIV.

Item 17. The review of local files will be indicated by checks in the applicable blocks. If unfavorable information is developed, summarize it in item 20. If there is evidence of past or present mental or nervous disorder or emotional instability, set forth full details in item 20. If no records were reviewed, indicate the reason they were not reviewed in item 20 and state where the records are located. Remember, adverse information is not put on the tickler copy of the DD Form 1879 placed in the official personnel record.

Item 18. Verification, partial verification, or non-verification of U.S. Government employment or current military service will be indicated by a check in the appropriate block. The DIS will not verify U.S. Government employment or current military service when the requester indicates that it has been verified as listed on the personal history form. If the requestor indicates that U.S. Government employment or current military service has not been verified or has been only partially verified, the DIS will accomplish full verification.

Item 19. Enter information as to types of any previous investigations when the information is locally available, with the dates, case control numbers, and agencies conducting the investigations. If unknown, so state.

Item 20. Enter information necessary to clarify entries in preceding items and to list additional names when there is insufficient space in item 9. Indicate in this item what specific additional investigation is required when submitting a request for additional investigation. This item may be continued on plain bond paper. Specific statements required in this space include:

a. On requests for SBI's for SCI access:

(1) "Personal interview conducted by (name and official title)" or the reason why the interview was not conducted.

(2) "Subject's U.S. citizenship verified".

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b. On requests for BI's for immigrant aliens, "Investigation required to meet essential operating requirements of the (Navy) (Marine Corps)," validated with the personal signature and official title of the commanding officer or other designated clearance authority.

c. On requests for BI or SBI incident to transfer, the anticipated transfer date and the gaining command (and any intermediate stations.) On requests for SCI access for Navy personnel, indicate BUPERS order number.

d. On all Periodic Reinvestigations, "PR" printed or stamped in large letters.

Item 21. Enter the number and identification of enclosures.

Item 22. The official signing the request for investigation must be the commanding officer or other designated clearance authority. The signer is responsible for ensuring that the request is in consonance with security policies in this regulation, that all forms are completed in accordance with the instructions in this regulation and that the prescribed number and type of forms are included. Under no circumstances will an individual request his or her own investigation. A request for investigation of the commanding officer must be submitted by the next senior in the chain of command.

Remember, unless there is a policy requiring a specific type of investigation for a specific reason, or an approved exception, the investigation isn't justified.

**Page Denied**

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## EXHIBIT 21H

## INSTRUCTIONS FOR COMPLETING DD FORM 398

## (PERSONNEL SECURITY QUESTIONNAIRE (BI/SBI))

(SEE COVER SHEET ON FORM FOR PRIVACY ACT STATEMENT AND GENERAL INSTRUCTIONS)

SPECIAL INSTRUCTIONS FOR PERIODIC REINVESTIGATION (BI OR SBI). If you have previously been the subject of a background investigation (BI) or special background investigation (SBI) and this form is being completed as part of a periodic reinvestigation, you may, if you have a copy of the previously submitted DD Form 398 that can be forwarded along with this form, complete the form as follows:

1. Complete items 1.a. and 3.
2. For all other items, enter only changes or additions that have occurred since the date of completion of the DD Form 398 used for conducting the prior investigation.
3. Enter "N/C" (No Change) in each item where no new entry is required.
4. In item 18, "Remarks," enter the following certificate: I HEREBY CERTIFY THAT THE ABOVE ENTRIES ARE COMPLETE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND INDICATE ANY AND ALL CHANGES THAT HAVE OCCURRED SINCE (DATE OF PREVIOUS 398 SUBMITTED WITH REQUEST FOR INVESTIGATION).

If you do not have a copy of the previously completed DD Form 398, then a current form must be completed in accordance with the following Detailed Instructions.

DETAILED INSTRUCTIONSItem 1: (NAME)\*

- a. List your name in the following order:

Last name, first name, and middle name. Names should agree with military or civilian employment records; if not, explain in item 18, "Remarks."

- (1) If no middle name, enter "NMN."
- (2) If name consists of initial(s) only, enter the appropriate initial(s) followed by "(IO)."
- (3) Include additional designations such as Jr., Sr., II, (2nd), III, (3rd), when applicable.

- b. List maiden name (if applicable).

Item 2: (ALIASES) List any other name by which you are or have been known. Include former names, changes in name, nicknames, or variant spellings used. If the name has changed, explain why, when, and where such change took place in item 18, "Remarks." Also include the inclusive dates any other name was used.

Item 3: (SOCIAL SECURITY NUMBER)\*  
Self-explanatory.

Item 4: (DATE OF BIRTH)\* Give the year, month, and day of your birth using the last two digits of the year, a two digit number for the month and a two digit number for the day, e.g., 1 August 1944 would be entered as 44-08-01.

Item 5: (PLACE OF BIRTH)\* List your place of birth in the following order:

- a. City. (Do not abbreviate.)
- b. County. (Do not abbreviate.)
- c. State. (Use two-letter abbreviation for the state.)
- d. Country (if other than U.S.). (Do not abbreviate.)

Item 6: (CIVILIAN OR MILITARY STATUS)\*

Check either:

- a. Civilian, or
- b. Military.
- c. Grade.\* If civilian and employed by the Federal Government, enter appropriate grade. If civilian and not employed by the Federal Government, enter "N/A". If military, enter appropriate pay grade.
- d. Branch of Service.\* If military, place an "X" by the appropriate branch of service.

Item 7: (IDENTIFYING DATA)

- a. Sex.\* Enter "Male" or "Female."
- b. Race.
  - Red (American Indian)
  - Yellow (Asian/Mongoloid)
  - Black (Negroid or African)
  - White (Caucasoid)
  - Other
  - Unknown
- c. Height. Enter height in feet and inches.
- d. Weight. Enter weight in pounds.
- e. Color of Hair. Complete as appropriate.
- f. Color of Eyes. Complete as appropriate.

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**Item 8: (CITIZENSHIP STATUS)**

Check either:

- a. U.S. citizen, or
- b. Alien.

If U.S. citizen:

c. Native. Check either "yes" or "no." ("Native" includes those who are U.S. citizens by birth, even if born outside the U.S.)

d. Naturalization Certificate Number

If naturalized, provide naturalization certificate number.

e. Derived Citizenship. If citizenship is derived, list the number of your Certificate of Citizenship or the Certificate of Naturalization number(s) of parent(s), from whom citizenship is derived.

f. Date. List date Certificate of Naturalization or Certificate of Citizenship was issued.

g. Place. List city and state where Certificate of Naturalization was issued or Certificate of Citizenship was obtained. (The place of issuance will not appear on the Certificate of Citizenship.)

h. Court. List the name of the court where the Certificate of Naturalization was issued. (Not required for Certificate of Citizenship.)

If alien:

i. Registration Number. List alien registration number. (See item m.)

j. Current Citizenship. List the country of which you are currently a citizen.

k. Date of Entry. List date you entered the United States.

l. Port of Entry. List the city and state where you entered the United States.

m. Form I-151 or I-551 Number. List alien registration number.

**Item 9: (FORMER MILITARY SERVICE)**

Indicate each period of enlistment or extended active duty from which a discharge certificate of service was received even though you may have been ordered back to active duty the next day. If service was with foreign armed forces, identify the foreign country in item 18, "Remarks." Officers who have had prior enlisted or warrant service or who have been integrated into regular status will include the applicable information in this item. Reserve or National Guard service will be shown in this item.

a. From.\* Enter date service began.

b. To.\* Enter date service ended. (If currently on active duty, enter "present" for the latest entry and

appropriate ending dates for all other periods of service.)

c. Branch.\* List the branch of service.

d. Rank.\* List the rank as of the date of discharge from each period of service.

e. Service Number(s).\* If you entered the U.S. Armed Forces after January 1970, the service number is the same as the Social Security Number. If you entered the U.S. Armed Forces before January 1970 but did not receive your discharge until after January 1970, enter both your Social Security Number and your original service number.

f. Type of Discharge: Self-explanatory.

**Item 10: (FAMILY/ASSOCIATES)**. List father, mother, spouse, (or cohabitant) and children. Also list guardians, stepparents, foster parents, brothers and sisters, stepbrothers and stepsisters, and other relatives or friends to whom you are bound by affection or obligation, if such persons are residing in or are citizens of any foreign country.

a. Relationship and Name.\* Enter the individual's relationship to you on the top line, if not already provided on the form. On the second line, enter the individual's name. Include maiden name of mother and spouse (if applicable).

b. Date of Birth.\* Provide date of birth for all persons listed in terms of year, month, and day using the last two digits of the year, a two digit number for the month and a two digit number for the day, e.g., 1 August 1944 would be entered as 44-08-01.

c. Place of Birth.\* List city and state or country (if other than the U.S.).

d. Address.\* Provide the current address of each person listed. (If person listed is deceased, enter "Deceased.")

e. Citizenship.\* Enter citizenship of each person listed.

**Item 11: (RESIDENCES)**

**For BI**. List all places of residence during the last 5 years in chronological order beginning with the current address.

**For SBI**. List all places of residence during the last 15 years in chronological order beginning with the current address. If any period of residence was overseas, provide in item 18, "Remarks," the names and addresses of two individuals (preferably currently living in the U.S.) who can verify the period of overseas residence through personal knowledge.

**For BI or SBI**. If you are under 21, list residences for the past 3 years or since your 16th birthday, whichever is the shorter period.

a. Dates.\* Give the inclusive date for each period of residence.

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b. Number and Street.\* Do not list a permanent mailing address or family residence in this item unless you actually resided at such address during the period listed. Furnish residence address in local community or on base/installation while in military service. If the residence was on a military installation, include the complete on-base address, to include barracks or house number. List the actual place of residence while attending school. Do not list merely the name of the school or "On Campus" as a place of residence. If you give a metropolitan address, list the borough or suburb.

c. City.\* (Do not abbreviate.)

d. State.\* (Use two-letter abbreviations for the State.)

e. Country.\* (Do not abbreviate.)

f. Zip Code.\* Self-explanatory.

Item 12: (DUTY OR EMPLOYMENT ORGANIZATION)

For BI. List in chronological order, beginning with the present, each period of employment (to include part-time employment and unemployment) during the last 5 years.

For SBI. List in chronological order beginning with the present, each period of employment (to include part-time employment and unemployment) during the last 15 years. If any period of employment was overseas, list in item 18, "Remarks," the names and addresses of two individuals (preferably currently living in the U.S.) who can verify the period of overseas employment through personal knowledge. Individuals listed in item 11 to verify residences may also be used to verify employment.

For BI or SBI. If unemployed and not attending school full time during any period, list the name and current address of an individual who can verify your activities during the unemployment period in item 18, "Remarks."

a. Dates.\* Provide the inclusive dates for each period of employment, part-time employment, and unemployment.

b. Name\* of Employer. Military personnel should identify each unit, organization, or station to which assigned during the required reporting period (last 5 years for BI and last 15 years for SBI). If self-employed during any period, list the name and address of the business. If any period of employment was for a temporary help supplier, list only the temporary help supplier as the employer, even though work may have been performed at different locations with client companies using the temporary help supplier's service. If employed through a union hiring hall, list firms by which employed. Do not list the union as an employer unless the salary was, in fact, paid by the union.

c. Address.\* Provide the address for each employment listed. If any period of employment was in a large metropolitan area (e.g., New York, Chicago, Los

Angeles), include the borough or suburb. If employed by a large manufacturing concern (e.g., Chrysler or General Motors Corporation in Detroit, Michigan), give the specific name and address of the plant where employed.

d. Name\* of Immediate Supervisor. List last name, first name, and middle name.

Item 13: (FEDERAL SERVICE-FOREIGN TRAVEL-FOREIGN CONNECTIONS)

a. Federal Service. List in item 18, "Remarks" the inclusive dates of service, name, and address of last organization. If already listed in item 12, indicate "see item 12."

b. Foreign Travel

For BI. List in item 18, "Remarks," all periods of foreign travel in the last 5 years.

For SBI. List in item 18, "Remarks," all periods of foreign travel in the last 15 years.

For BI and SBI. Travel connected with the U.S. Government should be identified as such. List inclusive dates of travel for each country visited and the purpose of the travel. If travel was in cities or countries divided into free world and communist-oriented parts, indicate in which part the travel was performed.

c. Foreign Connections. In item 18, "Remarks," explain the nature and extent of foreign business connections and property interests. If employed by or acted as a consultant to a foreign entity, identify the foreign government, firm, or agency and describe the nature of employment or relationship.

Item 14: (MARITAL STATUS)

a. Check appropriate block.

b. Name(s) of Former Spouse(s). If divorced, list name of any and all former spouses.

c. Date(s)\* of Prior Marriage(s). Self-explanatory.

d. Place.\* List the city and state where married.

e. Date\* of Divorce. Self-explanatory.

f. Court. Provide the identity of the court where divorce was granted.

g. Location.\* List the city and state where divorce was granted.

Item 15: (EDUCATION)

For BI. List in chronological order, beginning with the last school attended, all full-time attendance at colleges, universities and/or service academies during the last 5 years. High school need not be listed unless it was the last school attended in the last 5 years.

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For SBI. List in chronological order, beginning with the last school attended, all full-time attendance at colleges, universities, and/or service academies during the last 15 years. High school need not be listed unless it was the last school attended in the last 15 years. When education occurred overseas, except under the auspices of the U.S. Government, list the names and addresses of two individuals, preferably residing in the U.S., who can verify the period of foreign education through personal knowledge. The same references listed to verify residences (item 11) or employment (item 12) may be listed to verify education.

a. Dates.\* List the inclusive dates for each period of education.

b. Name of School. Self-explanatory.

c. Address.\* Provide number and street, city and state or country. If located in a large metropolitan area (e.g. New York, Chicago, Los Angeles), indicate borough or suburb.

d. Major. Self-explanatory.

e. Degree. Use appropriate abbreviation, e.g., B.A., B.S., etc.

Item 16: (CREDIT REFERENCES) List three individuals and/or firms that have extended credit to you during the past 5 years. Do not include relatives, former employers, or persons living outside the United States. If bona fide credit references cannot be furnished, list a school where tuition was paid, or any store, gasoline station, automobile dealer, repair shop, life insurance company, doctor, lawyer, etc., where cash was paid for services or goods and who has knowledge or records of the financial transaction.

a. Name.\* Self-explanatory.

b. Account Number. If listing company, business, credit card, etc., provide account number.

c. Number and Street.\* When listing a mail order company, list billing address.

d. City.\* Self-explanatory.

e. State.\* (Use two-letter abbreviation for the state.)

f. Zip Codes.\* Self-explanatory.

Item 17: (CHARACTER REFERENCES)

For BI. List 5 good friends, co-workers, colleagues, classmates, etc., whose total association with you covers the last 5 years of your life or the period since your 16th birthday, whichever is the shorter period.

For SBI. List 5 good friends, co-workers, colleagues, classmates, etc., whose total association with you covers the last 15 years of your life or the period since your 16th birthday, whichever is the shorter period.

For BI or SBI. Each person listed must be someone who knows you well. Do not include relatives, former employers, or persons residing outside the United States.

a. Name.\* List last name, first name, and middle initial of each reference.

b. From. List the inclusive periods of association with each reference by years, e.g., From: 77 To: 79.

c. To.

Give current complete address of each reference as follows. If available, list both the home address and business address and telephone numbers for each. If any reference is located in a large metropolitan area (e.g., New York, Chicago, Los Angeles), indicate the borough or suburb. For a rural or Star Route address, give complete instructions for locating the address from the nearest town or post office (e.g., Star Route, Jackson County, 5 miles south of Grass Lake, Michigan, on Highway 31, turn left on Parma Road, proceed 1-½ miles to third white house on right side of the road).

d. Number and Street.\* Self-explanatory.

e. City. (Do not abbreviate.)

f. State. Use two-letter abbreviation for the state.)

g. Zip Code. Self-explanatory.

NOTE: Military references may be listed if their present military grade, organization, and address are known.

Item 18: (REMARKS) Use this space for the continuation of those items where insufficient space was provided. If necessary, attach additional sheets and indicate "See Attached Sheet(s)" at the end of the "Remarks" section. When using the "Remarks" section or attaching additional sheets, always identify the item number being continued and follow the format for entering information prescribed on the form and in the instructions.

Item 19: (ORGANIZATIONS)

a. List all organizations, except those referred to in b below, in which you hold or have held membership.

(1) Name.\* Provide the full name of the organization (do not use initials or abbreviations).

(2) Address.\* List number and street, city, and state or country, if other than the U.S.

(3) Type. Identify the type of organization, e.g., social, fraternal, etc.

(4) From. Provide the inclusive dates of membership in terms of year and month using the last two digits of the year and a two digit number for the month,

(5) To.

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e.g., October 1979 would be entered as 79-10.

b. Check either "Yes" or "No," for each question. If "Yes" is checked, list in item 18, "Remarks," the full name of the organization (do not use initials or abbreviations) and describe the circumstances of your membership or association. If necessary, attach additional sheets for a full detailed statement. Include dates, places and offices, positions, or credentials now or formerly held. If associations have been with individuals who are members of the described organizations, then list the individuals and the organizations with which they were or are affiliated.

Item 20: (MEDICAL/FINANCIAL) If "Yes" is answered to any of the questions in this item, describe the circumstances in item 18, "Remarks." If necessary, attach additional sheets for a full detailed statement.

a. Item 20a and b - Drug Abuse. Attached is a listing of those drugs which have been designated as controlled substances. If you illegally used, purchased, possessed, or sold any of these drugs, your response should be affirmative and should identify the particular substance used and/or trafficked.

b. Item 20c and d - Medical. Response regarding medical matters must identify the primary physicians, therapists, and counsellors who treated you and state if the treatment is continuing or when it was completed. Response should also identify dates, places, and names of institutions or agencies involved.

c. Item 20e - Bankruptcy. In the case of bankruptcy, give the date and court where judgment was made.

Item 21: (ARRESTS) Check either "Yes" or "No" for each question in this item. If "Yes" is checked, provide the following clarifying information.

a. Date. \* Self-explanatory.

b. Nature of Offense. Any action that resulted in the placement of your name on a police or court record (give docket number or indictment number, if known) must be listed including any act committed while still a juvenile or if you were considered a "Juvenile Offender." List all Article 15, UCMJ, or Captains' Mast if they resulted in fines, restrictions, demotions, etc. (You may exclude minor traffic violations for which a fine of \$100 or less was imposed.)

c. Name and Address of Police Agency. List the name of the police agency on the top line and its address (city or county and state), on the second line.

d. Name and Address of Court. List the name of the court on the top line and its address (city or county and state), on the second line.

e. Penalty Imposed or Other Disposition in each Case. Self-explanatory.

When in doubt as to the necessity for listing information in this item, it is recommended that incidents be listed to preclude future questions regarding omissions from the form.

\* Indicates standard data elements registered in the DoD Data Elements Program under DoD 5000.12-M.

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**DRUGS****OFTEN PRESCRIBED BRAND NAMES**Narcotics

Opium  
Morphine  
Codeine  
Heroin  
Meperidine (Pethidine)  
Methadone  
Other Narcotics

Dover's Powder, Paregoric  
Morphine  
Codeine  
None  
Demerol, Pethadol  
Dolophine, Methadone, Methadose  
Dilaudid, Leritine Numorphan, Percodan

Depressants

Chloral Hydrate  
Barbiturates  
  
Glutethimide  
Methaqualone  
Tranquilizers  
  
Other Depressants

Noctec, Somnos  
Amytal, Butisol, Nembutal, Phenobarbital,  
Seconal, Tuinal  
Doriden  
Optimil, Parest, Quaalude, Somnafac, Sopor  
Equanil, Librium, Miltown Serax, Tranxene,  
Valium  
Clonopin, Dalmane, Dormate, Noludar, Placydil,  
Valmid

Stimulants

Cocaine  
Amphetamines  
Phenmetrazine  
Methylphenidate  
Other Stimulants

Cocaine  
Benzedrine, Biphedamine, Desoxyn, Dexedrine  
Preludin  
Ritalin  
Bacarate, Cylert, Didrex, Ionamin, Plegine,  
Pondimin, Pre-State, Sanorex, Voranil

Hallucinogens

LSD  
Mescaline  
Psilocybin-Psilocyn  
MDA  
PCP  
Other Hallucinogens

None  
None  
None  
None  
Sernylan  
None

Cannabis

Marijuana  
Hashish  
Hashish Oil

None  
None  
None

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## SAMPLE DD FORM 398

**PERSONNEL SECURITY QUESTIONNAIRE (BI/SBI) DD FORM 398****DATA REQUIRED BY THE PRIVACY ACT OF 1974 (5 U.S.C. 552a)****AUTHORITY:** Internal Security Act of 1950 and Executive Orders 10450, 12036, and 12065**PRINCIPAL PURPOSES:** To obtain background information for personnel security investigative and evaluative purposes in connection with the making of security determinations with respect to (1) employment or retention in employment in sensitive Department of Defense civilian positions or for other positions that have been designated as requiring a determination as to whether employment in or assignment to such positions is clearly consistent with the interests of national security, (2) membership in the Armed Forces of the United States, or (3) access to classified information.**ROUTINE USES:** (1) Determine the scope of a personnel security investigation.

(2) Provide evaluators or adjudicators with personal history information relevant to personnel security determinations.

The information may be disclosed to other Federal agencies that are authorized under specific statutory or Executive authority to make personnel security determinations.

A copy of the report of personnel security investigation will be maintained by the Personnel Investigations Center of the Defense Investigative Service Headquarters and may be used in future employment or security clearance determinations. You have the right to obtain a copy of the report of investigation and/or to request amendment to the file.

**MANDATORY OR VOLUNTARY DISCLOSURE AND EFFECT ON INDIVIDUAL OF NOT PROVIDING INFORMATION:**

Voluntary. Failure, however, to furnish all or part of the information requested may result in (1) nonaction for employment, membership in the Armed Forces, or certain other duties requiring a determination as to whether employment in or assignment to such positions is clearly consistent with the interests of national security, (2) denial of access to classified information, or (3) reassignment to nonsensitive duties. Your social security number is necessary to fulfill requirements of the above cited authorities. It is intended that this notice be retained for your records.

**GENERAL INSTRUCTIONS FOR COMPLETING DD FORM 398**

THE PERSONNEL SECURITY QUESTIONNAIRE (PSQ) IS AN IMPORTANT DOCUMENT AND MUST BE COMPLETED WITHOUT MISSTATEMENT OR OMISSION OF IMPORTANT FACTS. ALL ENTRIES ARE SUBJECT TO VERIFICATION BY INVESTIGATION.

- FORMS MUST BE TYPED OR PRINTED. ALL COPIES MUST BE LEGIBLE.
- IF ADDITIONAL SPACE IS REQUIRED FOR ANY ITEM, USE ITEM 18. "REMARKS." IF SPACE PROVIDED IN ITEM 18 IS INSUFFICIENT, USE SEPARATE SHEET(S) OF PLAIN WHITE PAPER.
- ALL QUESTIONS MUST BE ANSWERED. IF AN ITEM IS NOT APPLICABLE INDICATE "NOT APPLICABLE" OR "N/A." DO NOT USE THE TERM "UNKNOWN" FOR DATES OF EMPLOYMENT OR RESIDENCE. IF THIS INFORMATION IS NOT KNOWN PRECISELY, GIVE THE DATE AS BEST YOU CAN RECALL FOLLOWED BY APPROPRIATE QUALIFYING LANGUAGE, E.G. "DATE ESTIMATED" OR "APPROX."
- UNLESS OTHERWISE SPECIFIED:
  - ALL DATES SHOULD BE ENTERED IN TERMS OF YEAR AND MONTH USING THE LAST TWO DIGITS OF THE YEAR AND A TWO DIGIT NUMBER REPRESENTING THE MONTH. E.G., JANUARY 1979 WOULD BE ENTERED AS 79-01 AND DECEMBER 1979 WOULD BE ENTERED AS 79-12.
  - NAMES OF PERSONS SHOULD BE ENTERED IN THE FOLLOWING ORDER: LAST NAME, FIRST NAME, AND MIDDLE INITIAL.
  - ADDRESSES SHOULD INCLUDE THE NUMBER AND STREET, CITY, STATE OR COUNTRY, AND ZIP CODE.
- BEFORE ENTERING ANY INFORMATION ON THE FORM, READ CAREFULLY. THE DETAILED INSTRUCTIONS PROVIDED WITH THE FORM. IT IS PARTICULARLY IMPORTANT THAT YOU PROVIDE INFORMATION IN RESPONSE TO ITEMS 11, 12, 13.b., 15 and 17 THAT COVER THE REQUIRED TIME PERIOD; I.E., MOST RECENT 5 YEARS FOR BACKGROUND INVESTIGATIONS AND MOST RECENT 15 YEARS FOR SPECIAL BACKGROUND INVESTIGATIONS EXCEPT THAT IN BOTH INSTANCES IF YOU ARE UNDER THE AGE OF 21, THE TIME PERIOD IS THE LAST 3 YEARS OR THE PERIOD SINCE YOUR 16th BIRTHDAY, WHICHEVER IS SHORTER. IF AT ANY TIME DURING COMPLETION OF THE FORM A QUESTION ARISES THAT DOES NOT APPEAR TO BE COVERED BY THE DETAILED INSTRUCTIONS, CONTACT THE INDIVIDUAL OR OFFICE THAT PROVIDED YOU WITH THE FORM.
- BEFORE SIGNING THE FORM, READ IT CAREFULLY AND CHECK EACH ITEM AGAINST THE DETAILED INSTRUCTIONS.

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## EXHIBIT 21J

**INSTRUCTIONS FOR COMPLETING  
DD FORM 398 (OLD)  
(STATEMENT OF PERSONAL HISTORY)**

This form is an important document and must be completed without misstatement or omission of important facts. It is essential that each time an individual is asked to prepare a Statement of Personal History, he or she is advised of rights under the Privacy Act. (See exhibit 21K for the Privacy Act statement used when the subject is requested to complete the DD Form 398 (SPH) or FD 258.

General Instructions:

The form should be typed using black carbon paper. All copies must be legible. The original MUST NOT be part carbon copy. If the form is not typed, the information must be neatly printed and, unless the necessary number of copies are reproduced from the original, care must be taken to make sure the information is identical on each copy.

Copies may be reproduced from an original (typed or hand-printed) but the original and each copy must be signed and witnessed. Carbon or reproduced signatures are acceptable for the copies.

If additional space is needed for any item, use item 20. If more space is needed, use separate sheets of plain white paper.

Zip code numbers should be provided with all addresses. ALL questions must be answered. If an item is not applicable, indicate "None" or "N/A". Do not use the term "Unknown" for dates of schooling, employment, or residence. If this information is not known precisely, indicate by appropriate qualifying language, e.g., "Date Estimated" or "Approx." All dates should be entered in terms of year, month and day, using two digit numbers for each, e.g. 10 December 1982 would be 82-12-10.

When an abbreviated DD Form 398 is allowed for a person who has previously been the subject of a background investigation (BI), the following applies:

1. Complete items 1 through 6, 8, 14, and 16 through 21.

2. For all other items, enter any changes or additions which have occurred since the date of the DD Form 398 used for conducting the prior investigation (not the date of completion of the investigation). However, items 13 and 15 must always include, as a minimum, current employment and current residence respectively even though no changes have occurred. In each instance, enter the social security number in item 13.

3. References with whom you have had recent association or credit dealings must be listed in item 14. Do not list character references who were previously listed on a personal history form. Enter "N/C"

(No Change) in each item where no new entry is required. One complete copy of the previous SPH will be enclosed with each copy of a "No Change" SPH. If the previous SPH is not available, the form must be completed in its entirety.

Before the DD Form 398 is signed, ensure that each item is checked against the detailed instructions given below and that the completed form is carefully proofread. Errors and incomplete items in the form could delay an assignment or employment in a sensitive position for which a security clearance is required.

Detailed Instructions:

Item 1. (Name) List full name, to include first, middle (maiden name, if applicable), and last name, in that order. Names should agree with military or civilian employment records; if not, explain in item 20. If no middle name, use ("NMN)." If initial only, insert the appropriate initial followed by "(IO)." Check appropriate block for Mr., Mrs., or Miss. Include additional designators such as Jr., Sr., II(2nd), III(3rd), when applicable. Oriental or Arabic names written in English should also have Oriental characters (ideographs) or the Arabic script, if known.

Item 2. (Status) Complete only one status block. Civilians, including National Guard, Reserve personnel not on active duty, and applicants for enlistment or appointment, will check the civilian block.

Item 3. (Aliases) List all aliases, nicknames or changes in names. This means all names under which you have been known to employers, associates, or others. If known by the middle name, list it also. If the name has changed, utilize additional space under item 20 to explain where, when and why (e.g., name may have been changed when adopted or naturalized). If not applicable, enter "None."

a. Women who are married or were formerly married should list maiden name (e.g., Mary Ann Jones) and names acquired through marriage (Mary Ann Smith, Mary Jones Smith, Mrs. Robert Louis Smith) unless listed in item 1.

b. If known by any last name other than that which appears in item 1, give inclusive dates.

Item 4. (Permanent mailing address) List permanent mailing address (that is, permanent home address or legal address; an address at which you are known and can always be contacted by mail). Do not give military address. If this is a large metropolitan area (e.g., New York, Chicago, Los Angeles) give the borough or suburb in which the address is located and always include the zip code.

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**Item 5. (Birth Data and Physical Description)** Give complete birth data (do not abbreviate city, county or country other than U.S.) and physical description, to include any distinguishing marks, scars, tattoos, etc. Physical description must correspond with that entered on the fingerprint card, when the card is required. Indicate the place where the birth certificate is recorded.

**Item 6. (History-Mental, Drugs, Alcohol)** Check appropriate blocks. Ensure that all three questions are answered.

a. If the answer to the first question is "Yes," include a complete explanation in item 20 with dates and places and the doctor and/or hospital if any treatment was involved. If treatment was received from the Veterans Administration, show the VA case number and type of treatment in item 20.

b. The second question concerns habit-forming drugs which are being taken or have been taken without a doctor's prescription. If the answer is "yes", fully explain in item 20.

c. The third question concerns use of alcoholic beverages which requires, or has required, medical attention or has caused difficulty with employers or law enforcement agencies. If the answer to this question is "yes", include the name(s) of the doctor and/or hospital if treatment was involved. Include a complete explanation in item 20 with dates and places. If treatment was received from the Veterans Administration, show the VA case number and type of treatment in item 20.

**Item 7. (Citizenship)** Citizenship status as reflected in this item must be complete; i.e., each box must be completed or annotated "N/A," as appropriate, unless native born.

a. If a naturalized citizen, list naturalization certificate number and the date and location of the court where naturalized.

b. If citizenship was derived, list your Certificate of Citizenship number or the naturalization certificate number(s) of parents and the date and place of their naturalization.

c. If lawfully admitted into the United States under an immigration visa for permanent residence, list Immigration and Naturalization number.

d. If not an immigrant alien and not a U.S. citizen, explain status under item 20.

e. If born abroad to U.S. parents, indicate how and where birth and citizenship were recorded. If the required information is not readily available, obtain it from parents or other sources in possession of such information. State in item 20 whether or not a Certificate of Citizenship or Department of State Form FS240 was received. Enter the certificate or Form FS240 number in item 20.

f. If an alien, list the alien registration number. If stateless, so indicate as an additional remark in the "Native Country" block.

**Item 8. (Military Service)** Indicate current military status. Include all requested data pertaining to military service.

a. Under "Date Current Active Service Started," indicate the date of the present enlistment or the date entered on current active duty, if applicable.

b. Under the "Previous Tours" block, indicate each previous period of enlistment or extended active duty service from which a discharge certificate of service was received even though you enlisted or were ordered back to extended active duty the following day. Show the grade and all present and former service numbers pertinent to each entry. "From" and "To" dates will show day, month and year and must agree with military records.

c. Officers with prior enlisted or warrant officer service, or who have been integrated into regular status, will include the applicable information under the "Previous Tours" block. Show the grade and all service numbers pertinent to each entry.

d. Under organization and station, give current working location to include room and building if on a base/installation. If assignment at present organization and station has been for a period of less than six months, list in item 20 the last previous organization and station and working location to include room and building if on a base/installation.

e. Current Reserve and National Guard Service will be listed in this block. Previous Reserve affiliation will be listed in item 20.

**Item 9. (Education)** List in chronological order beginning with the last school attended. Give calendar month and year schooling commenced and terminated. Include service academies, but do not include in-service professional courses or schools. Grammar schools will be listed only if the grammar school was the last school attended. Indicate whether or not graduated from each school and indicate degree(s) received, if any.

a. Location of school must be shown; if located in a large metropolitan area (e.g., New York, Chicago, Los Angeles), borough or suburb must be shown. Location of schools shown in this item should agree with residences in item 15; if not, explain the difference in locations in item 20.

b. Names of schools attended in foreign countries must be shown in both English and the language of that country.

c. The specific school, course, or college at all universities attended must be shown. (This is particularly important when a college or university was attended outside the U.S.).

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d. When education occurred overseas, except under auspices of the United States Government, list in item 20 the names and addresses of two individuals, preferably U.S. citizens residing in the U.S., who can verify the period of foreign education through personal knowledge.

Item 10: (Family)

a. List full names and aliases of spouse, (or cohabitant) former spouse(s), and each close relative including parents, guardians, stepparents, foster parents, parents-in-law, children, stepchildren, adopted children, brothers, sisters, stepbrothers, and stepsisters and any other persons you resided with or with whom a close relationship exists or existed even if these persons are deceased.

(1) Precede each name with the relationship (i.e., brother, sister, daughter, former spouse, etc.).

(2) For each female relative, give both maiden and married names in full. (Example: Alice May Jones, nee: Smith, also known as (AKA) Mrs. James Robert Jones.)

b. Give day, month and year of birth. Indicate place of birth by city (or county) and state, if born in the U.S. Give complete addresses including street, house number, city, state, and zip code. Include country if other than the U.S.

c. For each person listed as born outside the U.S. and its territories, use item 20 to show: date and port of entry into the U.S.; alien registration number; date of naturalization; place of naturalization; name under which naturalized; name and location of court of jurisdiction; and naturalization certificate number, when applicable.

d. If not married, indicate "None" in "Spouse" block. If married or formerly married, list in item 20 the date and place of marriage and place where the marriage is recorded.

e. If divorced or legally separated, list the last known address of the spouse. Indicate in item 20 the date and place of divorce or separation to include name and location of the court where the legal action is recorded.

f. Indicate date of death for deceased relatives or former spouse.

g. Show current citizenship status of all non-U.S. citizen relatives.

h. If born in any country or city now divided into free world and communist-oriented parts, specify in which part the individual was born. For example, East or West Germany, East or West Berlin, North or South Korea.

NOTE: IF YOU ARE PREPARING THE SPH FOR INVESTIGATION REQUIRED FOR SCI ACCESS, THE FOLLOWING ADDITIONAL INFORMATION IS REQUIRED: List brothers and sisters of the spouse if

they are not native born U.S. citizens. If any member of the spouse's immediate family is foreign-born, citizenship status must be explained. If immigrant alien, the date and port of entry, alien registration number and addresses for the past five years must be given. If naturalized citizen, the naturalization certificate number, date and place of issuance and addresses for the past five years must be given. If the spouse is not a U.S. citizen, append a statement signed by him/her declaring his/her intention concerning application for U.S. citizenship. Negative responses require an explanation. List prospective spouse and prospective parents-in-law.

Item 11. (Relatives and Associates) Give complete identifying data for each relative including grandparents, aunts, uncles, cousins, brothers-and sisters-in-law, and other persons with whom a close relationship exists or existed.

a. If any relative, or alien friend, of you or your spouse is currently residing in any of the following countries the method (mail, personal visits, etc.), regularity, and recency of contact, if any, with those individuals must be shown in item 20 or on a separate sheet: Afganistan, Albania, Angola, Bulgaria, Kampuchea, People's Republic of China (including Tibet), Democratic Republic of the Congo, Cuba, Czechoslovakia, North Korea, German Democratic Republic (East Germany, including the Soviet sector of Berlin), Hungary, Laos, Mongolian Peoples Republic (Outer Mongolia), Nicaragua, Poland, Rumania, Union of Soviet Socialist Republics (including Estonia, Latvia, Lithuania, and all other constituted republics), Kurile Islands, and South Sakhalin (Karafuto), Vietnam and Yugoslavia. If the country is geographically divided (e.g., East/West Germany, Taiwan/Mainland China), specific area of the country must be provided. Oriental or Arabic names and addresses should be written in English and the Oriental characters (ideographs) or the Arabic script, if known.

b. If a relative, who is residing overseas, is a U.S. citizen with no indicated connection with the U.S. Government, explain in item 20.

Item 12. (Foreign Travel) List all periods of foreign travel not under auspices of the U.S. Government. Include the duration of the visit for each country visited, and the purpose of the travel. If travel was in cities or countries divided into free world and communist-oriented parts, indicate in which part the travel was performed.

Item 13. (Employment) List each period of employment, self-employment, and/or unemployment during the 5-year period immediately preceding the date of accomplishment of the DD Form 398 (15 year period for SBI's) or from the date of the 18th birthday, whichever is the shorter period. If under age 21, list each period of employment, self-employment, and/or unemployment during the last three year period. Information in this item must be listed in chronological order beginning with the present period of employment, self-employment or unemployment. The month and the year of beginning and ending of each period must be shown.

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a. If self-employed during any period, list in item 20 or on an attached sheet the complete name and address of the business and names and addresses of two individuals who can verify such period(s) of self-employment.

b. List part-time employment during school vacations to include position held (e.g., clerk, accountant, laborer, electrician, etc.) and the department and supervisor's name. List all part-time employments while on active duty with the military service, and identify as such.

c. When employment has occurred overseas, except under the sponsorship of the U.S. Government, list in item 20 the names and addresses of two individuals, preferably U.S. citizens, who can verify the period(s) of employment through personal knowledge.

d. Include complete name(s), street, house number, city, and state for each entry regarding periods of employment, self-employment, or unemployment.

e. Foreign names and addresses should be in English and in the Oriental characters (ideographs) or the Arabic script, if known.

f. Do not list military service in this item; list military service under item 8. Do not list any education under this item; list education under item 9.

g. If any period of employment was in a large metropolitan area (e.g., New York, Chicago, Los Angeles), indicate the borough or suburb. If employed by a large manufacturing concern (e.g., Chrysler or General Motors Corporation in Detroit, Michigan), give the specific name and location of the plant where actually employed. If presently employed in a civilian capacity with the U.S. Government, give current working location, to include room and building number, if on a base/installation.

h. If any period of employment was for a temporary help supplier, list as the employer, even though work may have been performed at different locations with client companies using the temporary help supplier's services.

i. If employed through a union hiring hall, list firms by which employed. Do not list the union as an employer unless the salary was, in fact, paid by the union.

j. If summer activities or similar periods are not reflected under employment, education, military service, etc., enter the term "Unemployed" at the appropriate chronological place within item 13 and give the names and addresses of two individuals who can verify such periods of unemployment.

k. Ensure that all three questions are answered at the bottom of item 13 and that the social security number is typed in the appropriate block. Social security number must be given. If not known, it must be obtained before submitting form. If any one of the three questions is answered "Yes", explain fully in item 20.

Item 14. (Credit and Character References) Give three credit and five character references. Identify individuals by first name, middle initial, and last name. (Do not list relatives or persons under 18 years of age. Members of the same family are not acceptable as separate character references.) Prefix the name with Mr., Mrs., Miss., or other appropriate title.

a. Credit references should be individuals or firms who have extended credit to you during the past 5 years.

b. If bona fide credit references cannot be furnished, list a school where tuition was paid, or any store, gasoline station, automobile dealer, repair shop, life insurance company, landlord, doctor, lawyer, etc., where cash was paid for services or goods and who has knowledge or records of the financial transactions.

c. Each character reference should be residing in the U.S. and should be an individual with whom a close and continuing association exists or has existed. Such an association is defined as one which permits the character reference to have personal knowledge of the subject's activities and traits of character.

d. List the inclusive periods of association with each reference by years (e.g., 54-62). When possible, indicate month within the years listed.

(1) The combined period of time that the five character references have associated with you should cover the last 5 years (15 years for an SBI) or since your 18th birthday, whichever is the shortest period.

(2) If you are under 21 years of age, the combined period of time that the character references associated with you must cover is the last 3 years of your life.

(3) If you have had a prior BI or SBI, the combined period of time that the character references associated with you must cover the period since the last DD Form 398 was submitted with request for investigation. Do not list character references who were listed on any previous personal history form.

e. Do not give hometown references unless they fall within the above definition. A complete explanation must be provided in item 20 if a character reference is listed with whom a close and continuing relationship has not existed.

f. Give current, complete address of each reference. If available, list the home and business addresses and both telephone numbers. Give such complete instructions with the address that a stranger could find the location. That is, in the case of a business address, give the name of the firm where the reference is employed, plus the exact address. If any reference is located in a large metropolitan area (e.g., New York, Chicago, Los Angeles), indicate the borough or suburb and zip code. If the address is a small town or on a rural or Star Route, give complete instructions from the post office or nearest town. In the case of a rural address, indicate county, and show the rural route address (e.g., Star Route, Dickson County, 5

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miles south of White Bluff, Tennessee, on Highway 191 turn left on Turner Road, proceed 1-1/2 miles to third white house on right side of road). If space is insufficient, show the additional information in item 20 or on an attached sheet. Schematic or free drawn map is also helpful.

g. Do not list military references unless their present military grade, military organization, and address are known.

**Item 15: (Residences)**

a. List all places of residence (not employment or education) during the last 5 years (15 for SBI), or since 18th birthday, whichever is the shorter period, in chronological order beginning with the current address. If you are under the age of 21, list residences for the past three years. Give the beginning and ending month and year for each period of residence. Do not list permanent mailing address or home of record in this item unless you actually resided at the address during the period(s) listed.

b. Include all military duty stations (including home-ports) and concurrent civilian residences if such existed. List all residences not identical with yours maintained by spouse, such as during overseas deployment or until legally separated or divorced.

c. Furnish residence addresses in local community or on base/installation while in military service (not the permanent home address). List the actual place of residence while attending school. Do not list merely the name of the school or "On Campus" as a place of residence. If a metropolitan address is given, list the borough or suburb in which it is located. For a rural address, include complete instructions for locating the residence as explained in subparagraph f, item 14, above.

d. If the residence was on a military installation, include the military organization to which assigned along with the complete on-base residence address to include barracks or house number.

e. If residence was in a foreign country, foreign names and addresses should be in English and in the Oriental characters (ideographs) or the Arabic script, if known.

f. When residence was overseas, except under auspices of the U.S. Government, list in item 20 the names and addresses of two individuals, preferably U.S. citizens, who can verify the period of foreign residence through personal knowledge. The same references listed to verify education or employment in overseas areas may be listed to verify residences overseas.

**Item 16. (Organizations)** Give pertinent information, including complete names and locations, of each organization of which you are or have been a member, and indicate any office held. Avoid abbreviations. Show name and address of national organizations from

which local organizations are derived or with which they are affiliated. Affiliation with labor unions, religious organizations, or political parties will not be listed. If this item does not apply, enter "None."

**Item 17. (Affiliations)** Each question requires either a "Yes" or "No" answer. If "Yes" has been checked in answer to any question, enter a complete and detailed explanation in the space provided or in item 20 (or on attached sheets, if necessary).

**Item 18. (Arrests)** The question at the beginning of this item must be checked either "Yes" or "No".

a. If "Yes" is checked, identify the appropriate police agency in addition to the date and court where any trial took place. Include information if detained, held, arrested or summoned into court (in either the U.S. or in a foreign country) even though it resulted in an acquittal or the charges were dropped. Any action which resulted in the placement of your name on a police blotter or court record (give docket number or indictment number, if known) must be listed, including any act committed while still a juvenile or if you were considered a "Juvenile Offender." List all courts-martial giving date, charges, and disposition. List all non-judicial punishment under Article 15, UCMJ if it resulted in fines, restrictions, demotions, etc. Use item 20 or a separate sheet to explain the circumstances of all incidents listed.

b. When in doubt as to the necessity for listing information in this item, it is better that incidents be listed to preclude future questions regarding omissions from the form.

**Item 19. (Additional incidents)** Give details of any situation or incident which might require some explanation.

**Item 20. (Remarks)** Use this space for continuation of other items where insufficient space was provided. If necessary, attach additional sheets and indicate "See Attached Sheet(s)" at the end of the space. Include the item number to which the information pertains.

The witnessing official must read the certification statement to the subject and must assure himself or herself that the subject understands the contents. The subject must understand that the information provided must be accurate in every detail, and further understand the implications of certifying to false statements. Thereafter, the subject and the witnessing official must sign and date the forms and the attached sheet(s), if any, in the presence of each other. While the originals require original signatures, carbon signatures are acceptable on the copies. The information must be current as of the date the form is signed. The form must be completed, signed, and dated within 60 days prior to the date the request for investigation is dispatched to the Defense Investigative Service.

When the DD Form 398 is executed to cover only the period since the date of submission of a previous

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form, enter the following certificate under this item: I HEREBY CERTIFY THAT THE ABOVE ENTRIES ARE COMPLETE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND INDICATE ANY

AND ALL CHANGES THAT HAVE OCCURRED SINCE DATE OF PREVIOUS PERSONAL HISTORY FORM. The form will be signed by the subject and witnessed.

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EXHIBIT 21K

PRIVACY ACT STATEMENT

DATA REQUIRED BY THE PRIVACY ACT OF 1974

AUTHORITY: The Department of Defense (DOD) is authorized to collect personal information under 5 U.S.C 301, Executive Orders 10450 and 9397, and Director of Central Intelligence Directive 1/14.

PRINCIPAL PURPOSES: This information is being collected for the purpose of enabling DOD officials to make security determinations regarding your

1. employment or retention in employment in a sensitive civilian position, or
2. membership or retention in the Armed Forces of the United States, or
3. access to classified information.

Additionally, the information obtained from you will be furnished to DOD officials to make personnel management decisions.

ROUTINE USES: The information obtained from you will be furnished to DOD officials. Upon request it may be furnished to accredited Federal agencies, and law enforcement agencies for their official use.

VOLUNTARY NATURE OF DISCLOSURE: The disclosure of personal information is voluntary. However, failure to furnish all or part of the information requested may result in

1. non-selection for civilian employment or for membership in the Armed Forces, or
2. reassignment to non-sensitive duties, or
3. denial of access to classified information.

DISCLOSURE OF SOCIAL SECURITY NUMBER: Federal agencies are authorized by Executive Order 9397 to maintain systems of records by social security number to verify the identity of individuals. Your social security number will be used to determine if information pertaining to you is contained in DOD records and may also be used to enter information about you into these records. The furnishing of your social security number is voluntary on your part.



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## CHAPTER 22

## PERSONNEL SECURITY DETERMINATIONS

## 22-1 BASIC POLICY

1. The principal objective of personnel security determinations is to ensure that the loyalty, reliability, judgment, and trustworthiness of those with access to classified information or those assigned to sensitive duties are such that entrusting them with classified information or assigning them to sensitive duties is clearly consistent with the interests of national security.

2. The personnel security determination of eligibility for access to classified information or assignment to sensitive duties requires a commonsense evaluation of all available information about the individual. All information, favorable and unfavorable, is to be considered and assessed in terms of accuracy, completeness, relevance, seriousness and overall significance.

3. A determination to grant security clearance or to assign an individual to sensitive duties will be based, as a minimum, on a personnel security investigation or check in accordance with the requirements specified in chapter 21 for the various levels or kinds of access, positions or duties.

4. Determinations of suitability or eligibility for civilian employment or military service are not personnel security determinations unless loyalty is the central issue. Unless or until competent authority determines that there is a reasonable basis for doubting a person's loyalty to the Government of the United States, decisions regarding appointment or retention in civilian employment or acceptance or retention in the Navy and Marine Corps are governed by personnel administration (nonsecurity) policies and procedures, not this regulation. It is essential that this distinction be made and understood.

5. Personnel security determinations will be documented on the Certificate of Personnel Security Investigation, Clearance and Access (OPNAV Form 5520/20), as required by exhibit 22A. Each time a final clearance action or other documentation of a personnel security determination is entered on OPNAV Form 5520/20 for a military member, a copy of the form must be sent to Commander, Naval Military Personnel Command (NMPC-81) for a Navy member or to the Commandant of the Marine Corps (MSRB) for a Marine Corps member.

## 22-2 SECURITY CRITERIA

1. The personnel security determination required by paragraphs 20-1 and 22-1 will be an overall, commonsense determination based on all available information. In arriving at the determination, certain activities and associations, current or past, of varying degrees of seriousness, warrant appropriate investigation and careful consideration.

2. Involvement in any of the following, while not necessarily an all-inclusive listing, will be evaluated:

a. Commission of any act of sabotage, espionage, treason, terrorism, sedition, or attempts thereat or preparation therefor, or conspiring with or aiding or abetting another to commit or attempt to commit any act of sabotage, espionage, treason, terrorism, or sedition.

b. Establishing or continuing a sympathetic association with a saboteur, spy, traitor, seditionist, anarchist, terrorist, or revolutionist, or with an espionage or other secret agent or representative of a foreign nation whose interests are inimical to the interests of the United States, or with any person who advocates the use of force or violence to overthrow the Government of the United States or the alteration of the form of Government of the United States by unconstitutional means.

c. Advocacy of use of force or violence to overthrow the Government of the United States or of the alteration of the form of Government of the United States by unconstitutional means.

d. Knowing membership with the specific intent of furthering the aims of, or adherence to and active participation in, any foreign or domestic organization, association, movement, group, or combination of persons that unlawfully advocates or practices the commission of acts of force or violence to prevent others from exercising their rights under the Constitution or laws of the United States or any State or subdivision thereof by unlawful means.

e. Performing or attempting to perform one's duties, or otherwise acting, so as to serve the interests of another government in preference to the interests of the United States.

f. Close or continuing association with persons or organizations whose activities are of the type described in a through e.

g. Excessive indebtedness.

h. Criminal or dishonest conduct.

i. Deliberate false statement, deception or fraud in applying for enlistment or appointment or in providing information in connection with a security clearance or assignment to a sensitive position.

j. Habitual or episodic use of intoxicating beverages to excess.

k. Abuse of, or addiction to, narcotics, drugs, or other controlled substances.

l. Any facts, circumstances, or conduct that furnishes reason to believe that the person concerned may be subjected to coercion, influence, or pressure that could cause him or her to act contrary to the national security. Such facts or circumstances may include the pressure of an immediate family member, friend or as-

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sociate residing in a nation whose interests may be inimical to the interests of the United States or in satellites or occupied areas of such a nation. Immediate family includes parents, brothers, sisters, children, and spouse.

m. Any facts, circumstances, or conduct that indicate poor judgment, unreliability, or untrustworthiness, thereby suggesting that the person concerned might fail to safeguard classified information, deliberately or inadvertently, or may not be suitable for assignment to sensitive duties.

n. Any illness, including any mental condition, of a nature which in the opinion of competent medical authority may cause significant defect in the judgment or reliability of the person concerned, with due regard to the transient or continuing effect of the illness and medical findings in such case.

o. Wanton or reckless disregard of public law, statutes, Executive Orders, or willful disregard of security regulations.

p. Refusal or intentional failure to provide material facts in a personal history statement or security form or otherwise intentionally failing or refusing in the course of an investigation, interrogation or hearing, to answer or to authorize others to answer, any material questions regarding the matters set forth in a through o of this paragraph.

## 22-3 PERSONNEL SECURITY DETERMINATION AUTHORITIES

1. The authority to deny appointment or retention in employment of civilian personnel, for loyalty reasons, is vested solely in the Secretary of the Navy. Under the authority delegated to the Chief of Naval Operations (Director of Naval Intelligence) by SECNAVINST 5510.30, reference (bb), other personnel security responsibilities are delegated to designated officials, as follows:

### a. Commanding officers:

(1) Adjudicate investigations and other relevant information on military personnel under their jurisdiction to determine eligibility for access to classified information or assignment to sensitive duties.

(2) Grant personnel security clearances to or authorize assignment to sensitive duties of those military personnel on whom a favorable determination is made and those civilian personnel who have been determined to be eligible by Director, Naval Civilian Personnel Command.

(3) Deny or revoke security clearances or reassign from sensitive duties those military personnel on whom adverse personnel security determinations are made.

(4) Review investigations and other relevant information on military personnel containing adverse loyalty information and refer to the Commander, Naval Military Personnel Command (NMPC-81) (Navy personnel) or Commandant of the Marine Corps (Code

MM) (Marine Corps personnel) those cases in which non-acceptance or non-retention for loyalty reasons is recommended.

### b. Director, Naval Civilian Personnel Command:

(1) Adjudicate investigations and other relevant information on civilian personnel of the Department of the Navy to determine eligibility for access to classified information or assignment to sensitive duties.

(2) Notify commanding officers of eligibility for access to classified information or assignment to sensitive duties of civilians on whom favorable security determinations are made.

(3) Deny or revoke security clearances or eligibility for assignment to sensitive duties of those civilians on whom adverse personnel security determinations are made.

(4) Review investigations and other relevant information on civilian personnel containing adverse loyalty information and refer to the Secretary of the Navy, via the Director of Naval Intelligence, those cases in which denial of appointment or termination of employment for loyalty reasons is recommended.

### c. Commander, Naval Military Personnel Command:

(1) Adjudicate investigations and other relevant information on Navy military personnel when appropriate.

(2) Grant personnel security clearances to Navy military personnel when appropriate.

(3) Deny acceptance or retention in the Navy for loyalty reasons.

(4) Grant or deny appeals from Navy military personnel of adverse personnel security determinations or establish procedures to delegate this authority.

### d. Commandant of the Marine Corps:

(1) Adjudicate investigations and other relevant information on Marine Corps military personnel when appropriate.

(2) Grant personnel security clearances to Marine Corps military personnel when appropriate.

(3) Deny acceptance or retention in the Marine Corps for loyalty reasons.

(4) Grant or deny appeals from Marine Corps military personnel of adverse personnel security determinations or establish procedures to delegate this authority.

### e. Chief of Naval Operations:

(1) Grant or deny appeals, from Department of the Navy civilian personnel, of adverse personnel security determinations made by Director, Naval Civilian

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lian Personnel Command - by means of the Department of the Navy Personnel Security Appeals Board (PSAB) established and appointed by CNO (Op-01). CNO (Op-01) will establish the PSAB to act in his or her stead in deciding appeals from Department of the Navy civilian personnel of adverse personnel security determinations made by DIR NCPC pursuant to paragraphs 22-3.1b and 22-6.1. (Exhibit 22B prescribes the PSAB composition and the procedures under which it will act.)

(2) Grant or deny Limited Access Authorization - Op-009.

~~2. The Director of Naval Intelligence, as the Senior Official of the Intelligence Community (SOIC) for the Department of the Navy, has been designated by the Secretary of Defense as the official authorized to grant, deny or revoke access to sensitive compartmented information (SCI). Under procedures established by the DNI, Commander Naval Intelligence Command and Commander, Naval Security Group Command have been delegated authority to:~~

a. ~~Adjudicate personnel security investigations and relevant information on all nominees for access to SCI.~~

b. ~~Grant, deny or revoke access to SCI.~~

#### 22-4 PERSONNEL SECURITY DETERMINATIONS

1. A personnel security determination must be made and documented when a personnel security investigation is completed. A personnel security determination is also required when access to classified information or assignment to sensitive duties is necessary under interim or emergency conditions; or questionable or unfavorable information becomes available about an individual on whom a favorable determination had been made; or there are reasonable indications that the factors upon which a previous adverse determination was made no longer exist and the individual is a candidate for clearance or assignment to sensitive duties.

2. You will notice that a determination must be made when a personnel security investigation is done but an investigation is not the only basis for a determination. All available information must be evaluated by the determining authority to determine initial and continued eligibility for access to classified information or assignment to sensitive duties. The Adjudication Guidelines in exhibit 22C are to be used in evaluating information in personnel security investigations and information available from other sources including personnel, medical, legal and security files. As the basis for a personnel security determination is usually expressed in terms of the investigative requirements, there is sometimes a tendency to discount information acquired about an individual because it isn't documented by an investigation. Eligibility for access or assignment to sensitive duties depends on consideration of all information from any source reflecting on an individual's loyalty, reliability, judgment and trustworthiness. In all adjudications, the protection of the national security must be the paramount determinant.

3. Usually, the personnel security determination is recorded as a clearance action on OPNAV Form 5520/20. In rare cases, a clearance action will not be appropriate, in which case, record the determination in the Comments section of OPNAV Form 5520/20. A clearance entry is not appropriate, for example, when a personnel security determination is made for assignment to a civilian sensitive position that excludes access to classified information. Although it would appear to make little difference if a clearance were granted in a favorable case, a problem would arise if an adverse personnel security determination were subsequently made. Action to revoke a clearance, which the position did not require, could create insurmountable legal difficulties. A clearance entry is not appropriate to reflect the adjudication of an investigation of a lower order than the basis for a current clearance, that is, when a National Agency Check is conducted after an NACI or a Background Investigation. The situation would arise if an NAC had to be completed to satisfy requirements for current investigation (within the past 5 years) for the PRP or for a NATO billet at the Secret level, and the individual had a Top Secret clearance based on a BI.

#### 22-5 ADVERSE PERSONNEL SECURITY ACTIONS

1. The following constitute adverse personnel security actions under the provisions of this regulation, when the actions described are based on adverse personnel security determination:

a. Denial (including granting security clearance for a lower classification than the level of the investigation would normally support) or revocation of security clearance;

b. Denial or revocation of a Special Access Authorization (including access to sensitive compartmented information);

c. Non-appointment to or non-selection for sensitive duties;

d. Reassignment to duties of lesser sensitivity or to a civilian nonsensitive position;

e. Non-appointment to or termination of civilian employment for loyalty reasons;

f. Non-acceptance for or discharge from the Navy or Marine Corps for loyalty reasons.

2. Military members or civilians will not be removed from employment or separated from the service using this regulation as authority if removal or separation can be effected under administrative (nonsecurity) regulations.

3. Reduce to writing the rationale underlying each adverse personnel security determination. Normally, the statement of reasons and the written final reasons, required by paragraph 22-6, will suffice as the rationale.

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4. The commanding officer will determine whether, on the basis of all the facts available upon receipt of the initial derogatory information, it is in the interests of national security to take interim action to suspend or limit the individual's access to classified information or assignment to other sensitive duties until a final determination is made.

#### 22-6 ADVERSE PERSONNEL SECURITY DETERMINATION PROCEDURES

1. With the exceptions noted below, when an adverse personnel security action is being taken under the authority of this regulation, the person concerned will be given:

a. A written statement of the reasons why the adverse personnel security action is contemplated;

b. An opportunity to reply in writing;

c. A written response to any submission under subparagraph b above, stating the final determination with the reasons therefor, or, when the person concerned has failed to reply within a specified period, a written statement of the final determination with the reasons for the action as specifically as privacy and national security considerations permit; and

d. An opportunity to appeal to a higher level of authority. (See paragraph 22-3.)

2. The authority to deny appointment or terminate employment of civilian personnel for loyalty reasons is vested solely in the Secretary of the Navy, under procedures established in compliance with the Federal Personnel Manual, Chapter 732. Any civilian whose employment has been terminated under the provisions of this regulation will not be reinstated, restored to duty or reemployed unless the Secretary of the Navy finds that such reinstatement, restoration or reemployment is clearly consistent with the interests of national security.

3. The authority to take final adverse personnel security action to deny acceptance or retention in the Navy and Marine Corps for loyalty reasons is vested in the Commander, Naval Military Personnel Command and the Commandant of the Marine Corps. A case may be referred to the Secretary of the Navy for concurrence or nonconcurrence. When action is proposed to separate a military person for loyalty reasons, follow the procedures prescribed in SECNAVINST 1910.4, reference (gg).

4. When the adverse personnel security action being taken is denial or termination of access to sensitive compartmented information, procedures promulgated by the Commander, Naval Intelligence Command or Commander, Naval Security Group Command apply.

5. Red Cross and United Service Organization employees are afforded procedures as prescribed for the Defense Industrial Security Clearance Program. (See SECNAVINST 5521.18, reference (ff).)

6. Report final adverse personnel security actions, based on Defense Investigative Service (DIS) investiga-

tions, to DIS for recording in the Defense Central Index of Investigations, in addition to any other reporting requirements that may be established.

#### 22-7 VALIDITY AND RECIPROCAL ACCEPTANCE OF PERSONNEL SECURITY DETERMINATIONS

1. A personnel security clearance, granted by an authority of the Department of Defense, remains valid and will be mutually and reciprocally accepted within the Department of Defense until:

a. The individual is separated from the Armed Forces or civilian employment, or the individual has no further official relationship with the Department of Defense, or

b. The clearance has been officially withdrawn, or it has been denied or revoked for cause.

2. The clearance of any individual, military or civilian, will be issued only by the designated authorities of the parent military department or Defense agency, and will not be issued or reissued by another department or agency to which the individual is detailed or assigned for a tour of duty. Commanding officers may issue interim clearances to personnel under their administrative jurisdiction, pending final clearance action by the parent department or agency. In those cases, provide written notice of the action to the parent department or agency. (See paragraph 23-4 for transcription to OPNAV Form 5520/20 when an individual transfers to the Department of the Navy from another DOD component.)

3. Personnel security determinations of agencies of the Federal Government, other than the Department of Defense, may be accepted for clearance purposes provided the investigative basis for the other agency's determination is valid and inquiry to the other agency discloses no reason why the clearance should not be accepted.

4. A Special Access Authorization issued by a military department or agency of the Department of Defense, except when access to sensitive compartmented information (SCI) has been authorized by the parent command under a waiver, will be accepted for access purposes by other military departments and DOD agencies.

5. Personnel in the Department of Defense who require access to Restricted Data do not need additional clearances. A security clearance granted by a DOD activity has been accepted by the Department of Energy (DOE) as the basis for access to Restricted Data of the same or lower classification. DOE and Nuclear Regulatory Commission (NRC) clearances for personnel of other Federal agencies are accepted by DOD as follows:

#### DOE and NRC Clearances

"L" (For NRC employees, consultants and contractor personnel, and for DOE contractor personnel only, access up to Secret except Restricted Data

#### DOD Clearance

Secret

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for which access to Confidential only is authorized

"Q"

Secret

"Q" (with specific authority for Top Secret access)

Top Secret

6. Whenever a personnel security determination or Special Access Authorization is in the record, commanding officers may not request DOD investigative agencies to forward prior investigative files for review unless:

a. Significant derogatory information, developed subsequent to the date of last determination or Special Access Authorization, is known to the requestor, or

b. The individual concerned is being considered for a higher level of clearance or for a Special Access Authorization not currently held.

**22-8 CONTINUOUS EVALUATION OF ELIGIBILITY**

1. Personnel security responsibilities don't stop once a favorable personnel security determination is made.

~~Each command must have a program for continuous evaluation of eligibility for access to classified information or assignment to sensitive duties.~~

2. Under this program, ~~establish internal channels for reporting information reflecting on an individual's loyalty, reliability, judgment and trustworthiness, so it~~ will be assessed from a security perspective. There should be complete understanding by the personnel officer, security officer, legal officer, medical officer and supervisory personnel that information which could place an individual's loyalty, reliability, judgment, and trustworthiness in question has to be evaluated from a security standard. They should be familiar with the Adjudication Guidelines in exhibit 22C and alerted that behavior indicating unexplained affluence, financial instability, alcohol and drug abuse, mental or emotional instability, or criminal conduct are significant considerations. The purpose of the program is to remove potential risk before damage is done.

3. When derogatory or questionable information is acquired on an individual who holds a security clearance or Special Access Authorization or who is assigned to sensitive duties, the appropriate determination authority (see paragraph 22-3) must re-evaluate that individual's eligibility for access or assignment.

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EXHIBIT 22A

DETAILED INSTRUCTIONS FOR COMPLETING OPNAV FORM 5520/20  
(CERTIFICATE OF PERSONNEL SECURITY INVESTIGATION, CLEARANCE AND ACCESS)

GENERAL

A Certificate of Personnel Security Investigation, Clearance and Access (OPNAV Form 5520/20) is executed for each member of the Department of the Navy on whom a personnel security investigation has been completed or a personnel security determination has been made, with the following exceptions:

1. Foreign nationals (except Philippine non-immigrant aliens on active duty in the Navy under the conditions described below);
2. Civilian appointees to nonsensitive positions;
3. Individuals granted Limited Access Authorizations.

A certificate will not be executed solely to record an ENTNAC, NAC, or NACI on an immigrant alien. Only if the immigrant alien is being processed for security clearance, the required BI has been requested, and interim Confidential clearance is necessary, will a certificate be executed, citing the ENTNAC, NAC, or NACI as the basis for interim Confidential. A certificate will not be executed for a Philippine nonimmigrant alien on active duty in the Navy unless the BI, required for Confidential clearance, has been completed.

A certificate will not be executed solely to record access granted at your command to visitors, persons on temporary additional duty or reservists on active duty for training. Erasures, typeovers and white outs are not permissible. If an error is made, the incorrect entry may be lined out, and initialed by the authorizing official and a new entry made. If a correction makes a significant difference, an explanation may be given in the Comments section. Corrections may be made to show change of status (name, citizenship, change from enlisted to officer or military to civilian etc).

Each time a personnel security investigation or a personnel security determination or a correction is entered on OPNAV Form 5520/20 for a military member, you must send a copy to Commander, Naval Military Personnel Command (NMPC-81) for a Navy member, or Commandant of the Marine Corps (MSRB) for a Marine Corps member. NMPC and CMC do not require copies of entries in Part IV - Record of Access.

DETAILED INSTRUCTIONS

Part I - Identification Data. Enter complete personal identification: first, middle and last name, date of birth as a six-digit number by year, month and day (e.g., 580203), place of birth showing city and state/-

possession or city and country if born abroad, and the social security number. Status as officer, enlisted or civilian is to be marked, with rank/grade/rating and service affiliation (USN or USMC). The service date, expressed as a six-digit number, is to be the year, month and day continuous service commenced. (See paragraph 21-18 for a definition of continuous service.) The sole purpose of the service date is to establish validity of investigations. You must verify citizenship status in accordance with paragraph 20-5 before entry on the form. If U.S. citizenship was acquired at birth, check U.S. Native. If citizenship was acquired through naturalization of the subject or the subject's parents, enter the effective date and the certificate number.

If the subject is an immigrant alien, that is, an individual who has been accepted for permanent residence in the U.S., enter the date immigrant alien status was acquired and the alien registration number. Place the following statement in the Comments section:

"(date) Immigrant alien, not eligible for Top Secret clearance, for Special Access programs such as SCI, SIOP-ESI, Presidential Support duties, PRP, NATO, or for access to COMSEC keying material classified higher than Confidential, to naval nuclear propulsion information (NNPI), to cryptographic information or to intelligence information (unless authorized by the originator)."

If the subject is a Philippine nonimmigrant alien on active duty in the Navy, place the following statement in the Comments section:

"(date) Philippine nonimmigrant alien. Clearance not authorized above Confidential level. Not eligible for Special Access programs such as SCI, SIOP-ESI, PRP, NATO, Presidential Support duties, or for access to naval nuclear propulsion information (NNPI), to communications analysis, COMSEC information, or to intelligence information (unless approved by the originator)".

If citizenship status changes, line out and initial the old status and any restrictive comments, mark the new status and enter any new statement in the Comments section. When an immigrant alien reverts to foreign national status for security purposes because of failure to become naturalized within the time limit prescribed in paragraph 20-4, line out the statement in the Comments section and enter "Not eligible for clearance". (Any clearance entered in Part III will be withdrawn under the instructions for Part III and that action will be reflected in the Comments section.)

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**Part II - Record of Investigation.** Enter each ENTNAC, NAC, NACI, BI, FFI, SBI, BI-PR OR SBI-PR (unless the subject is in a category for which a certificate is not to be executed), the agency which conducted the investigation - DIS (or its predecessors), OPM (or CSC), etc. The date to be entered, as a six-digit number showing year, month and day, is the date the investigation was completed. Enter the case control number (CCN) if available. A CCN is not assigned to every investigation and is not an essential element of the record, so if the CCN is not known, enter "N/A". A personnel security determination will be made upon completion of each investigation, and reflected in a clearance entry in Part III. In those rare instances when it is not appropriate to reflect the personnel security determination in a clearance action, enter the results of the determination in the Comments section, signed by the commanding officer or a designated clearance authority. (See paragraph 22-4 for a discussion on the circumstances under which a clearance action is not appropriate.)

**Part III - Record of Clearance.** Enter, as a six-digit number showing year, month and day, the date the clearance entry is made. Enter the level of clearance as Top Secret, Secret or Confidential and indicate whether it is an interim or final clearance. Enter the basis for the clearance. In most cases, the basis will be the investigation recorded in Part II, unless other basis for clearance has been authorized, e.g., a check of locally available records (LRC) for interim Confidential or for final Confidential granted before 1 January 1976 and a DCII check for interim Secret. Enter the date of the basis for clearance (investigation completion date or date of the records or DCII check) as a six-digit number for year, month and day. An entry in Part III must be signed by a designated clearance authority with his or her typed name and command. The signer must have had a BI and, if not the commanding officer, must be specifically designated as a clearance authority.

#### Entries Based on ENTNAC's

If the subject of an ENTNAC is not a candidate for clearance or assignment to sensitive duties at the time the ENTNAC is completed, entry in Part III will be made as follows:

1. If the ENTNAC is favorable or favorably adjudicated, enter "None" in Clearance column and "Clearance not required" in the Remarks column.

2. If the ENTNAC is not favorable, enter "None" in Clearance column and "See page (13) (11)" (referring to record entries required by BUPERSINST 5521.2 or MCO 5521.3) in the Remarks column.

#### Interim Clearance

For interim clearance, enter in the Remarks column the date of the request for the investigation required for final clearance and a clearance expiration date six months from the date of the request. Interim clearance can be extended in six-month increments if

the investigation is not completed by the expiration date and TRACER action confirms the investigation is still open.

#### Final Clearance

The final clearance granted will be at the highest level the investigation will support (that is, a Top Secret clearance will be granted when the investigation is a BI, SBI, BI-PR, SBI-PR or FFI, a Secret clearance when the investigation is an ENTNAC, NAC, NAC-PR or NACI) unless:

1. An adverse personnel security determination has been made (see paragraph 22-5, and note that clearance at a level lower than the investigation would support constitutes a denial of clearance at the higher level and is an adverse personnel security determination); or
2. The subject is an immigrant alien and not eligible for Top Secret clearance upon completion of a BI; or
3. The subject is a Philippine nonimmigrant alien on active duty in the Navy and not eligible for clearance above the Confidential level upon completion of a BI.

When final clearance is not granted for the highest level the investigation will support, the action must be explained in the Comments section. If the action is based on an adverse personnel security determination, state the action taken in the Comments section with a reference to the personnel record entry or command correspondence or other documentation which supports the action, e.g. "(date) Clearance granted at the Confidential level per CO USS Argo ltr ser 123 of 18 Aug 1982." The entries already required for immigrant aliens or Philippine nonimmigrant aliens on active duty in the Navy are sufficient explanation for their level of clearance.

When clearance is administratively withdrawn, overwrite the clearance entry, "WITHDRAWN" and place a statement of the reason, signed by a designated clearance authority, in the Comments section, e.g. "(date) Not eligible for clearance for citizenship reasons or "(date) Reassigned to nonsensitive position".

When clearance is denied, enter "Denied" in Part III and explain in the Comments section. When clearance is revoked for cause, overwrite the clearance entry, "REVOKED", and explain in the Comments section. The explanation in the Comments section, signed by a designated clearance authority, will not specify the cause for denial or revocation (such as "Revoked for drug abuse") but refer to the personnel record entry, command correspondence, or other documentation supporting the action, e.g. "(date) Clearance (denied) (revoked) per CO USS Argo ltr ser 123 of 18 Aug 1982."

If a clearance is being transcribed from an obsolete certificate or other clearance certification, the

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date in Part III will be the date the current entry is made. Place, in the Comments section, a statement "(date) Transcribed from (command which originally granted clearance) certificate of clearance of (date)." The clearance level entered will be the highest level the investigation will support if it is apparent by the absence of unfavorable information that the original clearance was issued at a lower level without prejudice to the individual.

#### Part IV - Record of Access

For each entry, the record will show the command granting the access, the level of classification or kind of access, the date from which access is effective (six-digit number showing year, month and day), the signa-

ture and typed name and title of the authorizing official and any clarifying remarks. Adjust access to reflect current need. No explanation need be given for a change in access unless it is the result of an adverse personnel security determination. In that case, the notation, "See Comments," would be placed in the Remarks column and reference to the adverse determination entered in the Comments section. When a clearance is administratively withdrawn, or revoked for cause, all accesses based on the clearance will be formally terminated. Otherwise, access is automatically terminated when the individual transfers from the command, is discharged or is separated from Federal service. A date of termination is needed only if access is terminated for reasons other than automatic termination.



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## EXHIBIT 22B

PERSONNEL SECURITY APPEALS BOARD (PSAB)  
(CIVILIAN PERSONNEL)A. AUTHORITY. OPNAVINST 5510.1G

B. PURPOSE. The purpose of the Personnel Security Appeals Board is to act in the stead of the Deputy Chief of Naval Operations (Manpower, Personnel, and Training) (Op-01) in deciding appeals from Department of the Navy civilian personnel of adverse personnel security determinations made by the Director, Naval Civilian Personnel Command pursuant to paragraph 22-3.1b and 22-6.1 of OPNAVINST 5510.1G.

C. ESTABLISHMENT OF THE PSAB. The PSAB is hereby established under the authority of CNO (Op-01).

D. COMPOSITION OF THE PSAB

1. CNO (Op-01) shall appoint standing and ad hoc members of the PSAB.

2. CNO (Op-01) shall appoint a President and alternate from the standing members of the PSAB.

3. Members of the PSAB shall be, at the minimum, in the military grade of O-5 or civilian grade GM/GS-14.

4. Each member of the PSAB must have been the subject of a background investigation.

5. The PSAB shall consist of the following members:

a. One member with personnel security background from the staff of the Director of Naval Intelligence.

b. One member with a civilian personnel background from the staff of CNO (Op-14).

c. One member who is an officer from the staff of Naval Military Personnel Command, Military Personnel Performance and Security Department (NMPC-8).

d. A Navy employee of Senior Executive Service (SES) grade shall be appointed to serve as a member of the PSAB to sit in place of the member with a civilian personnel background when an employee of the Navy who is a member of the SES submits an appeal.

e. A civilian employee of the Marine Corps with a civilian personnel background shall be appointed to serve as a member of the PSAB to sit in place of the member with a civilian personnel background when an employee of the Marine Corps submits an appeal.

f. When an employee of the Marine Corps who is a member of the SES submits an appeal, an employee of the Marine Corps of SES grade shall be

appointed as an ad hoc member to sit in place of the member with a civilian personnel background.

E. PROCEDURES

1. CNO (Op-01) shall establish procedures to:

a. Govern the frequency of meetings to review appeals;

b. Set places and times of the meetings;

c. Select and notify which standing members shall attend meetings or serve as a panel of the PSAB (i.e., rotational duty);

d. Delegate signature authority;

e. Determine which review procedures shall be followed; and

f. Handle other administrative matters.

2. CNO (Op-14) shall make an attorney available for any legal questions, guidance, or opinions requested by the PSAB.

3. The PSAB is the sole appellate authority for adverse personnel security determination appeals for DON civilians and other personnel for whom NCPC adverse personnel security determinations have been made. There is no appeal of the decision of the PSAB. In acting on appeals, the PSAB shall adhere to the following procedures:

a. Upon receipt of an appeal from an individual, the President of the PSAB shall request the case file from NCPC. The PSAB shall review the appeal and the associated case file.

b. The PSAB shall render a decision on the appeal pursuant to the criteria set forth in paragraph 22-2 of OPNAVINST 5510.1G or its successor. The decision shall be based solely on the written record. Hearings shall not be held, and there shall be no personal presentation before the PSAB. PSAB members shall not engage in ex parte communications with appellants or their representatives.

c. Formal meetings are not a prerequisite for PSAB action. The PSAB may act in a formal meeting or by routing appeals and case files to the members. Should any member request a formal meeting to discuss any case or cases, the President shall call such a meeting. The PSAB decision shall be based on a majority of the votes cast. If the PSAB review is accomplished by routing the case file and appeal through the members, their votes shall be recorded on the routing sheet. Only sitting PSAB members may vote on an appeal. Each case must be reviewed by all three members.

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d. The President of the PSAB or, in his/her absence, the alternate shall sign appeal decisions on behalf of Op-01.

e. The individual shall be notified of the decision via the commanding officer. If the appeal results in an adverse personnel security determination, the PSAB's notification shall advise the individual, as specifically as national security and privacy considerations permit, of the reason(s) for the determination.

f. The case file and a copy of the determination shall then be sent to NCPC for retention.

g. Appeals filed more than 30 calendar days after the date the individual signed the enclosure to the NCPC final notification, or more than 40 calendar days after his/her receipt of the notification in the event the individual refused to sign the enclosure to the notification, or after the limiting date set for filing an appeal in the grant of an extension, shall, in the absence of good cause shown, be rejected as untimely. The PSAB shall be the sole determiner whether good cause has been shown for the delay in submitting the appeal.

h. Requests for extensions shall be granted only for good cause shown, and the determination whe-

ther good cause for the extension has been shown shall be made by the President unless he/she submits the issue to the PSAB. The decision on the extension shall then be based on a majority of the votes cast, and the decision whether good cause has been shown shall be made in the same manner as a decision on the merits of the appeal. Only sitting members may vote on an extension. The PSAB shall be the sole determiner whether good cause has been shown. The President or, in his/her absence, the alternate shall sign approvals/denials of requests for extensions of time in which to file appeals. Submission of a request for an extension does not authorize a delay in the filing of an appeal beyond the normal time limits. The individual shall be notified of the decision on his/her request for an extension via the commanding officer.

F. EFFECT OF FAILURE TO APPEAL OR OF INDICATION OF AN INTENT NOT TO APPEAL. Failure of an individual to submit a timely appeal to the PSAB or completion of the enclosure to the notification of NCPC's decision indicating an intent not to appeal that decision shall result in the NCPC action becoming the final decision of the Department of the Navy on the adverse personnel security determination.

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**EXHIBIT 22C**  
**ADJUDICATION GUIDELINES**  
**INTRODUCTION**

The following guidelines have been developed to assist personnel security adjudicators in making determinations with respect to an individual's eligibility for assignment to sensitive duties or access to classified information.

While equity demands reasonable consistency in evaluating individual cases, the nature and complexities of human behavior preclude the development of a single formula that is equally applicable in every personnel security case. Accordingly, the guidelines are not intended nor should they be interpreted as being hard and inflexible rules of procedure. On the contrary, the guidelines are intentionally broad and general, demanding continued dependence on the adjudicator's sound judgment, mature thinking, and careful analysis. Each case must be weighed on its own merits, taking into consideration all relevant factors, and prior experience in similar cases.

Each adjudication is to be an overall commonsense determination based upon consideration and assessment of all available information, both favorable and unfavorable, with particular emphasis being placed on the nature, seriousness, recency, and frequency of and motivation for the individual's conduct; the individual's age, the extent to which conduct was voluntary and undertaken with knowledge of the circumstances involved; and, to the extent that it can be estimated, the probability that conduct will or will not continue in the future. In all adjudications the protection of the national security shall be the paramount determinant. In the last analysis the final decision in each case must be arrived at by applying the standard that the issuance of clearance or assignment to sensitive duties is clearly consistent with the interests of national security.

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**FINANCIAL IRRESPONSIBILITY**

Basis: Failure to meet just and avoidable financial obligations voluntarily incurred.

**Factors Which May be Considered in Determining Whether to Deny or Revoke Clearance:**

1. History of bad debts and unmanageable indebtedness.
2. Recent bankruptcy with continuing financial problems.
3. Indebtedness aggravated or caused by gambling, alcohol, drug abuse, or mental or emotional defects.
4. A history or pattern of writing checks not covered by sufficient funds.
5. Unfavorable judgments, liens, or repossessions.
6. Deceit or deception, embezzlement, or change of address without advising creditors.
7. Indifference to financial obligations or a stated intention not to meet these obligations in the future.
8. Financial mismanagement or irresponsible expenditures that exceed income or other assets.

**Mitigating Factors:**

1. Systematic efforts to satisfy creditors.
2. Favorable change in financial habits.
3. Stable employment record and favorable references.
4. Circumstances beyond the individual's control contributing to indebtedness; e.g., major illness, debilitation, decrease or cutoff of income, and indebtedness due to court order.
5. Business-related bankruptcy.

CRIMINAL CONDUCT

**Basis:** Any criminal violation of a federal, state, or local law.

Factors Which May be Considered in Determining Whether to Deny or Revoke a Clearance:

1. Criminal conduct involving:
  - a. Force, coercion, or intimidation.
  - b. Firearms or explosives.
  - c. Dishonesty or false statements.
  - d. Obstruction or corruption of government functions.
  - e. Deprivation of civil rights.
  - f. Violence against persons or property.
2. Criminal conduct punishable by confinement for 1 year or more.
3. An established pattern of criminal conduct.
4. Failure to complete a rehabilitation program resulting from disposition of a criminal proceeding.
5. Criminal conduct that is so recent in time as to preclude a determination that recurrence is unlikely.
6. Close and continuing association with persons known to be involved in criminal activities.
7. Criminal conduct indicative of a serious mental aberration, lack of remorse, or insufficient probability of rehabilitative success.
8. Disposition
  - a. Conviction.
  - b. Disposition on a legal issue not going to the merits of the crime.
  - c. Arrest or indictment pending trial.

9. Arrest record. In evaluating an arrest record, information that indicates that the individual was acquitted, that the charges were dropped or the subject of a stet or nolle prosequi, that the record was expunged, or that the case was dismissed due to error not going to the merits does not necessarily negate the security significance of the indictment. Personnel security determinations are to be made on the basis of all available information concerning a person's conduct and actions rather than the legal outcome of a criminal proceeding.

Mitigating Factors:

1. Immaturity of the individual at the time of the offense.
2. Extenuating circumstances of the offense.
3. Circumstances indicating that the actual offense was less serious than the offense charged.
4. Isolated nature of the conduct.
5. Conduct occurring only in the distant past (such as, more than 5 years in the past) in the absence of subsequent criminal conduct.
6. Transitory conditions contributing to the conduct (such as, divorce action, death in the family) in the absence of subsequent criminal conduct.

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**SEXUAL MISCONDUCT**

**Basis:** Sexual behavior that makes applicable the guidance for criminal misconduct or mental or emotional illness, or which indicates that the applicant may be subjected to coercion, pressure, or influence to act contrary to the interests of the United States or which suggests recklessness, irresponsibility, or poor judgment.

**Factors Which May be Considered in Determining Whether to Deny or Revoke Clearance:**

1. The misconduct has been recent or frequent.
2. The applicant indicates explicitly or implicitly an intention to repeat the misconduct.
3. The applicant appears to be susceptible to blackmail.
4. The misconduct involves:
  - a. Open or public behavior;
  - b. A person under the age of 18;
  - c. Inducement or coercion by force or intimidation of another person;
  - d. Prostitution;
  - e. Sexual harassment.

**Mitigating Factors:**

1. Sexual misconduct on a limited number of occasions during or preceding adolescence, with no evidence of subsequent misconduct, and clear indication that the individual has no intention of participating in sexual misconduct in the future.
2. Activity occurred more than 3 years ago.
3. Subject does not appear to be susceptible to blackmail.
4. The applicant was a minor involved in an incestuous relationship.

MENTAL OR EMOTIONAL ILLNESS

Basis: An abnormal mental condition that may cause a significant defect in the judgment or reliability of the individual concerned.

Factors Which May be Considered in Determining Whether to Deny or Revoke Clearance:

1. Conduct reflecting abnormal behavior indicative of mental illness even though there is no confirming medical history.
2. Refusal by the individual concerned to furnish medical information or to allow medical information to be obtained for the purpose of determining the significance of bizarre behavior or conduct.
3. Documented spouse or child abuse.
4. Diagnosis by competent medical authority that an earlier incapacitating mental illness is of a type that has a high incidence of recurrence even though the individual concerned currently manifests no symptoms of mental or emotional illness.

Mitigating Factors:

1. No evidence of a psychotic condition for the past 20 years, a serious or disabling neurotic disorder for the past 10 years, or a serious character or personality disorder for the past 10 years.
2. Medical records and physician interview reflect that the person's illness or condition has not caused a significant defect in judgment or reliability.
3. The factor(s) causing the mental condition have been rectified.
4. Testimony of medical authority that continued maintenance of prescribed medication is likely to preclude recurrence of a condition effecting a significant defect in judgment or reliability.



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HOSTAGE AND FOREIGN CONNECTIONS

**Basis:** An applicant who has immediate family members or other persons to whom he or she is bound by affection or obligation residing in a communist country or other countries currently hostile to the United States. These countries are of two categories:

Category I. Countries which, based on current assessment of the U.S. Intelligence Community, possess an intelligence organization with a demonstrated capability of recruiting and exploiting U.S. personnel for intelligence purposes.

Category II. Countries which, although having national intelligence objectives inimical to the United States, do not have the capability of exploiting U.S. personnel for intelligence purposes or have not undertaken to target U.S. personnel for such purposes, but which may support such activities by non-indigenous intelligence services. These countries are:

CATEGORY I

Albania  
Bulgaria  
People's Republic of China  
Cuba  
Czechoslovakia  
German Democratic Republic  
Hungary  
Iran  
Libyan Arab Republic  
North Korea  
Poland  
Rumania  
USSR-including Estonia, Latvia  
and Lithuania  
Vietnam  
Yugoslavia

CATEGORY II

Afghanistan  
Angola  
Kampuchea (Cambodia)  
Ethiopia  
Iraq  
Laos  
Nicaragua  
Outer Mongolia  
People's Democratic Republic  
of Yemen  
Syria

Factors Which May be Considered in Determining Whether to Deny or Revoke Clearance:

1. Residence of a member of immediate family or a person to whom the individual is bound by affection or obligation in a Category I country.
2. Travel, correspondence, or financial aid to Category I or Category II countries on a regular basis without satisfactory explanation.
3. Dating or cohabiting with a foreign national from a Category I country.

Mitigating Factors:

1. Individual has a member of his or her immediate family or person to whom they are bound by affection or obligation in a Category II country.
2. Individual's personal or financial interest in the U.S. appears sufficient to counter any potential pressure that might be brought to bear, such as, home owner with strong civic and community ties.

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**SUBVERSIVE ACTIVITY**

**Basis:** Unlawfully advocating or practicing the commission of acts of force or violence either to prevent others from exercising their rights under the Constitution or laws of the United States, or to overthrow or alter the form of Government of the United States by unconstitutional means. Knowing membership with the specific intent of furthering the aims of, or adherence to and active participation in, any foreign or domestic organization, association, movement, group, or combination of persons that support the above-cited activities.

**Factors Which May be Considered in Determining Whether to Deny or Revoke Clearance:**

1. Organization has been characterized by the Department of Justice as one which meets the above-cited criteria.
2. Participation in acts that involve force or violence to prevent others from exercising their rights under the Constitution or to overthrow or alter the form of Government of the United States.
3. Monetary contributions, service, or other support of the organization with the intent of furthering the unlawful objectives of the organization.
4. Deliberate misrepresentation of association with the organization.
5. Evidence of continuing sympathy with the unlawful aims and objectives of the organization.
6. Holding a position of major doctrinal or managerial influence in the organization.

**Mitigating Factors:**

1. Lack of understanding of the unlawful aims or objectives of the organization.
2. Staleness of affiliation or activity.
3. Temporary affiliation out of curiosity or academic interest.
4. Sympathy or support limited to the stated, lawful objectives of the organization.
5. Immaturity at the time of conduct.

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ALCOHOL ABUSE

**Basis:** The consumption of alcohol on an episodic or recurring basis that results in impairment of the individual's ability to perform assigned duties or to safeguard classified information adequately.

Factors Which May be Considered in Determining Whether to Deny or Revoke Clearance:

1. Use of alcohol which results in behavior that adversely affects a person's judgment, reliability or discretion.
2. Repeated alcohol-related incidents.
3. Alcohol consumption resulting in the deterioration of the individual's physical health, as determined by competent medical authority.

Mitigating Factors:

1. Successfully undergoing recognized treatment program or completion of such a program.
2. Individual has discontinued alcohol abuse for at least 2 years.

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Basis: The illegal or improper use of any psychoactive substance to include any narcotic,<sup>1</sup> dangerous drug<sup>2</sup> or Cannabis.<sup>3</sup>

Factors Which May be Considered in Determining Whether to Deny or Revoke Clearance:

1. Experimental abuse<sup>4</sup> of any narcotic or dangerous drug within the past 12 months.
2. Occasional abuse<sup>5</sup> of any narcotic or dangerous drug within the last 3 years.
3. Regular abuse<sup>6</sup> or addiction<sup>7</sup> to any narcotic or dangerous drug within the last 5 years.
4. Regular abuse of Cannabis within the last 12 months.
5. Illegal trafficking, cultivation, processing, manufacture, sale, distribution or purchase of any narcotic, dangerous drug, or Cannabis whether or not the individual was arrested for such activity.
6. Information that the individual intends to continue to use (regardless of frequency) any narcotic, dangerous drug, or Cannabis.

Mitigating Factors:

1. Individual has abstained from the illegal or improper use of any narcotic or dangerous drug for at least 3 years and:
  - a. Appears to have a stable lifestyle, including a satisfactory employment record; and
  - b. States that he or she will not use narcotics or dangerous drugs in the future.
2. Experimental abuse of narcotics or dangerous drugs occurred more than 12 months ago, there is no subsequent indication of drug abuse, and the individual has stated intention not to abuse such drugs in the future.
3. Abuse of Cannabis occurred more than 12 months ago and the individual has indicated intention not to use or possess Cannabis in the future.
4. Experimental or occasional abuse of Cannabis within the past 12 months provided the individual has:
  - a. Not evidenced any indications of physical<sup>8</sup> or psychological dependence<sup>9</sup>;
  - b. Has had not more than one drug-related arrest within the past 2 years; and
  - c. Has a stable lifestyle, including a satisfactory employment record.

- 
1. Narcotic. Opium and opium derivatives or synthetic substitutes.
  2. Dangerous Drug. Any of the nonnarcotic drugs which are habit forming or have a potential for abuse because of their stimulant, depressant or hallucinogenic effect.
  3. Cannabis. The intoxicating products of the hemp plant, Cannabis Sativa, including but not limited to marijuana, hashish, and hashish oil.
  4. Experimental Abuse. Abuse occurring not more than a few times for reasons of curiosity, peer pressure, or other similar reasons.
  5. Occasional Abuse. Recurrent but infrequent abuse of drugs; no consistent pattern of drug abuse.
  6. Regular Abuse. Drug abuse on a frequent recurrent basis to the point of habituation.
  7. Addiction. Psychological or physical dependency to the point of compulsive use.
  8. Physical Dependence. The adaptive alteration in the body produced by the prolonged use of a psychoactive substance, which results in withdrawal symptoms when the substance's use is stopped.
  9. Psychological Dependency. The craving for the pleasurable mental or emotional effects of a psychoactive substance and the desire for this drug-induced state in preference to the normal state such that repeated use is seen as necessary for well-being.

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**SECURITY VIOLATIONS**

Basis: Failure to comply with policies and procedures established for the purpose of safeguarding classified information.

**Factors Which May be Considered in Determining Whether to Deny or Revoke Clearance:**

1. Intentional disclosure of classified information to unauthorized persons.
2. Deliberate disregard of security regulations which results in the compromise of classified information.
3. Recent deliberate violations of security regulations, such as, taking classified information home or carrying classified while in a travel status without proper authorization.
4. Nondeliberate security violations which indicate a pattern of negligence or carelessness.

**Mitigating Factors:**

1. Violation of security procedures was caused or contributed to by an improper or inadequate security briefing.
2. Individual is personally responsible for a large volume of classified information and the violation was administrative in nature, such as inaccurate entry on document log or certificate of destruction.

**CHAPTER 23****CLEARANCE****23-1 BASIC POLICY**

1. As a general rule, personnel security determinations are expressed in terms of eligibility for access to classified information - security clearance. (See paragraph 22-4 for instances when security clearance action is inappropriate.) A security clearance indicates that the person concerned is eligible for access to classified information should his or her official duties require it. The decision to grant access to classified information is a separate determination based on a need to know (see chapter 24.)

2. Security clearance will be granted only upon affirmation that clearance is clearly consistent with the interests of national security. Investigative requirements for each level of clearance are specified in chapter 21.

3. Citizenship status will be verified before a security clearance is granted. (See paragraph 20-5.)

**23-2 CLEARANCE ELIGIBILITY**

1. Eligibility for security clearance is, as a general rule, limited to members of the Executive Branch of the Government, or employees of Department of Defense contractors under the Industrial Security Program, who are U.S. citizens, U.S. nationals or immigrant aliens. (See paragraph 22-7 for reciprocal acceptance of clearances within the Executive Branch of the Government.)

2. Individuals outside the Executive Branch of the Government and foreign nationals (except for certain Philippine nationals), even though employed by the Department of the Navy, are not eligible for and will not be granted security clearances. Under some circumstances, however, the Chief of Naval Operations (Op-009P) may grant Limited Access Authorization under the provisions of paragraph 24-5.

3. Immigrant aliens are eligible for Confidential or Secret clearance subject to the access restrictions of paragraph 24-2. They are not eligible for Top Secret clearance. Immigrant aliens, therefore, are not eligible for civilian critical-sensitive positions which require access to Top Secret information, nor may they be granted emergency access to any classified information under the provisions of paragraph 24-4.

4. As the only exception to the rule that foreign nationals may not be granted security clearances, Philippine nonimmigrant aliens on active duty with the Navy, because of their unique position as the only foreign nationals allowed to enter the Armed Forces in peacetime, may be granted Confidential clearances (see paragraph 21-6 for investigative requirements and paragraph 24-2 for restrictions on Confidential access). This exception does not apply to Philippine nationals employed by the Navy in a civilian status.

5. Reserve personnel in an "active status" (see appendix B for definition) are eligible for security clearances, as required. Retired personnel and Reserve personnel in an inactive status are not considered to be members of the Executive Branch of the Government and, therefore, are not eligible for clearance. They may, however, be eligible for Limited Access Authorization by the Chief of Naval Operations (Op-009P) (see paragraph 24-7).

6. Members of Congress, by virtue of their elected status, do not require security clearances but members of Congressional staffs are cleared, as necessary, for access to Department of Defense classified information. Records of their clearances are held by the Security Division, Washington Headquarters Services, Department of Defense.

**23-3 INTERIM AND FINAL CLEARANCES**

1. Security clearances are of two types:

a. Final clearance - one granted upon completion of all investigative requirements as set forth in chapter 21.

b. Interim clearance - one granted temporarily, based on the lesser requirement set forth in chapter 21, pending completion of the full investigative requirements.

2. Interim clearances are effective for 6 months. Investigation required to effect a final clearance must be requested at the time interim clearance is granted as a condition of the interim clearance. An interim clearance may be extended in 6 month increments if tracer action (see paragraph 21-16) confirms that the investigation is still pending. Document the extension on OPNAV Form 5520/20. A final clearance will be executed upon satisfactory completion of the investigation. (See also paragraph 24-4 on emergency access.)

**23-4 GRANTING AND RECORDING CLEARANCE**

1. Upon receipt of a completed personnel security investigation (including Periodic Reinvestigation), adjudicate the results, considered with all other information available on the individual, and make a personnel security determination to grant or deny clearance (see paragraph 22-4 for exceptions). Record the action on the Certificate of Personnel Security Investigation, Clearance and Access (OPNAV Form 5520/20). (See exhibit 22A.)

2. Clearance will be granted for the highest level of classification the investigation supports (i.e., Secret for an ENTNAC, NAC or NACI; Top Secret for a BI or SBI) with the following exceptions:

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a. When unfavorable information disclosed in the investigation or known to the determining authority results in an adverse personnel security determination, clearance will be denied or granted at a lower level. Make an entry in the Comments section of the OPNAV Form 5520/20 referring to the correspondence or location in the personnel record or command records where the basis for the adverse determination is documented. (See paragraph 22-6 for adverse personnel security action procedures and paragraph 23-9 for reports required for adverse personnel security determinations.)

b. Clearance will not be granted nor will a certificate be executed to record the NACI for a civilian in a nonsensitive position. If an individual moves from a nonsensitive position to a position requiring access or involving sensitive duties, a personnel security determination is required under the procedures established by NCPICINST 5521.1, reference (cc), before a certificate may be executed.

c. Immigrant aliens will not be granted Top Secret clearance. Annotate the certificate, in the Comments section, "Immigrant Alien - not eligible for Top Secret clearance." (See exhibit 22A for entries regarding access limitations.) Interim clearance is not authorized for Secret but may be granted for Confidential in an emergency situation upon completion of a satisfactory NACI, NAC or ENTNAC, if the Background Investigation has been requested and a personal interview of the subject has been conducted by an investigator or counterintelligence specialist, or by the commanding officer, executive officer, or security manager with favorable results.

d. Philippine nonimmigrant aliens on active duty with the Navy will not be granted clearance for a level of classification higher than Confidential. Annotate the certificate, in the Comments section, "Philippine nonimmigrant alien." (See exhibit 22A for entries regarding access restrictions.) Interim clearance, pending completion of the Background Investigation, is not authorized.

3. Record interim clearance, as such, in the same manner as final. When interim clearance is based on other than an investigation, indicate the basis for the clearance.

4. Entries on OPNAV Form 5520/20 must be signed by the commanding officer or other designated clearance authority. (The investigative requirement of paragraph 21-12.1b applies to all clearance authorities.)

5. Certificates of Personnel Security Clearance (OPNAV Form 5521/429), issued before 1 July 1979, are acceptable if there has been no investigative, clearance or access action since 1 July 1979. After that date, an OPNAV Form 5520/20 must be prepared if there is an investigative, clearance or access action. (As noted in paragraph 24-2, access is automatically terminated upon transfer of an individual, so any access granted after 1 July 1979 would make preparation of OPNAV Form 5520/20 mandatory, even if the access were recorded on some other medium.) When

clearance data are transcribed from the OPNAV Form 5521/429 or other clearance certification, the clearance will be issued with a current date and the entry signed by the commanding officer or other clearance authority for the command preparing the OPNAV Form 5520/20. The clearance entered will be for the highest level the investigation will support, subject to the provisions of subparagraph 2 above, if it is apparent by the absence of unfavorable information that the original clearance was issued at the lower level without prejudice to the individual. In each case, annotate the Comments section: "Transcribed from (CO USS NEVERSAIL) certificate of clearance of (date)". Detailed instructions on completing the OPNAV Form 5520/20 are in exhibit 22A.

6. The Special Security Officer or Special Access Program Officer will advise the commanding officer when a final favorable determination of eligibility for access to sensitive compartmented information (SCI), or other Department of the Navy Special Access program, is received from Commander, Naval Intelligence Command or Commander, Naval Security Group Command. Notification of a final favorable adjudication for SCI access will be accepted as sufficient justification for issuing a final Top Secret clearance. The security manager will ensure that the investigation and clearance are recorded on the Certificate of Personnel Security Investigation, Clearance and Access. When an unfavorable SCI determination is made, COMNAVINTCOM or COMNAVSECGRU forwards the investigation to Commander, Naval Military Personnel Command (Navy personnel), Director, Naval Civilian Personnel Command (civilian personnel), or Commandant of the Marine Corps (Marine Corps personnel) for review and adjudication. The commanding officer will then be advised of the clearance determination.

7. Navy and Marine Corps Reservists in an "active status" may be granted clearance as necessary. Clearances for Reservists are issued under the same procedures and conditions as those for active duty personnel, except that the authority to grant security clearances to Reservists is restricted to active duty commanding officers or commands supported by full-time active duty officers. Normally, the clearance authority will be either the command holding the service record and exercising administrative jurisdiction over the Reservist or the active duty sponsoring command. (See paragraph 24-6 for authority to grant access.) Inactive duty commanding officers (except those supported by full-time active duty officers) are not authorized to grant security clearances.

8. The clearance for a member of the Department of the Navy assigned to another service or component of the Department of Defense (see paragraph 22-7) will be processed by the authority described below, who will ensure that appropriate clearance is issued and the user activity notified:

a. Naval personnel

(1) Officers - if no Navy activity or other competent authority has been designated to grant se-

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curity clearances for naval officers assigned to the user activity, the Commander, Naval Military Personnel Command will take the necessary action.

(2) Enlisted - the command holding the individual's service record.

b. Marine Corps personnel - the command holding the individual's service record.

c. Civilian personnel - the Department of the Navy command having administrative control of the individual.

9. Place the Certificate of Personnel Security Investigation, Clearance and Access in the individual's official personnel record (the right side of the civilian Official Personnel Folder) and retain it as a permanent, cumulative part of the individual's official record. If the form has been completely filled in, prepare an additional form and attach it to the original. The signature of the authorizing official - the commanding officer or other designated clearance authority - and the name of the command making the entry are required for each clearance action. Facsimile or carbon signatures are not authorized. Each time a completed investigation or final clearance action is entered, send a signed copy (reproduction or duplicate) to the Naval Military Personnel Command (NMPC 81) for Navy members, or to the Commandant of the Marine Corps (Code MSRB) for Marine Corps members. NMPC and CMC don't require a copy of Part IV - Record of Access.

10. The original certificate will not be released to the subject; however, the certificate will not be removed on those occasions when military personnel are directed to carry their service records. If a copy is given to the subject at his or her request, annotate it: "This copy provided to the subject. It shall not be accepted for any official purposes."

#### 23-5 COMMANDING OFFICER CLEARANCE

1. Each commanding officer must have a security clearance for the level necessary at the command. Normally, the commanding officer being relieved will review the records of the relieving commanding officer and ensure that a security clearance has been granted for the appropriate level. If the incoming commanding officer does not have the required clearance, the commanding officer being relieved or, in his or her absence, the next senior in the chain of command will grant the clearance.

2. If the investigation for the level of clearance required has not been conducted, the request for investigation is to be submitted by the next senior in the chain of command.

#### 23-6 CLEARANCE UNDER THE DEPARTMENT OF DEFENSE INDUSTRIAL SECURITY PROGRAM

1. Under the Department of Defense Industrial Security Program, employees of industrial, educational and commercial entities (hereafter called contractors) may

be cleared for access to classified information when access is essential to the accomplishment of a necessary function in the interest of promoting the national security. As a general rule, a contractor must be granted a facility clearance, in accordance with the DOD Industrial Security Regulation, reference (f), before employees may be processed for security clearance. Facility clearances and personnel security clearances are processed in accordance with reference (f) and are issued by the Defense Industrial Security Clearance Office (DISCO).

2. There is also a provision in reference (f) for contractors with classified Government contracts to issue Confidential clearances to their U.S. citizen employees. The contractor-issued Confidential clearance is valid and will be accepted as the basis for access to DOD classified information except Restricted Data, cryptographic information, communications intelligence and NATO information. Neither DISCO nor the Defense Cognizant Security Office will have the records to verify contractor-issued Confidential clearances.

#### 23-7 NATO SECURITY CLEARANCES

1. A final United States security clearance, for the equivalent level of classification, is the basis for access to NATO classified information. (Clearance is no longer required for NATO Restricted information.) Additional certification of clearance is required only when personnel travel overseas to confer with officials of a foreign government or with NATO commands or contractors and the visit will involve access to NATO classified information or when personnel are assigned to permanent billets at NATO commands.

2. When additional certification of security clearance is required, use the appropriate format from appendix E or F of OPNAVINST C5510.101, reference (a). Security clearance for permanent assignment to a NATO command must be based on the investigative requirements of paragraph 21-9.

3. Interim clearances may not be used as the basis for access to NATO information except under emergency conditions requiring immediate action in furtherance of a United States or NATO purpose. If the "emergency situation" option is used, report the action immediately to the Central U.S. Registry via the Chief of Naval Operations (Op-009P).

#### 23-8 ADMINISTRATIVE WITHDRAWAL OF CLEARANCE

1. The security clearance of an individual will not be administratively withdrawn unless there is no foreseeable need for access to classified information in connection with his or her official duties or contractual obligations. "No foreseeable need" is construed to mean that, given the individual's career or employment pattern, he or she does not now and is not likely to require, in the future, access to classified information or assignment to sensitive duties. The determination of foreseeable need is not to be limited to consideration of the individual's current need for access.



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2. When a security clearance is administratively withdrawn, annotate the OPNAV Form 5520/20, in the Comments section, to show that the action was taken administratively and without prejudice to the individual's future eligibility for access. A security clearance is never administratively withdrawn or lowered in level for cause. An adverse personnel security determination will result in denial or revocation of clearance (see paragraph 23-9).

3. When an immigrant alien, who has not become naturalized in the period specified in paragraph 20-4, reverts to foreign national status for security purposes, administratively withdraw any clearance held and annotate the certificate.

4. When a security clearance is administratively withdrawn, OPNAV Form 5520/20, with its appropriate annotation, remains in the official personnel record. A copy will be sent to Commander, Naval Military Personnel Command (NMPC 81) or Commandant of the Marine Corps (MSRB).

5. When a clearance is administratively withdrawn, debrief the individual in accordance with paragraph 3-11. File the executed Security Termination Statement in the official personnel record.

#### **23-9 DENIAL OR REVOCATION OF CLEARANCE FOR CAUSE**

1. When a personnel security determination has been made that an individual does not meet or no longer meets the criteria for security clearance in paragraph 22-2, clearance will be denied or revoked for cause by the determining authority (the commanding officer for military personnel, the Director, Naval Civilian Personnel Command for civilian personnel).

2. Denial or revocation of security clearance for cause is an adverse personnel security determination, as described in paragraph 22-5 and the adverse action procedures in paragraph 22-6 must be followed. Annotate Part III of OPNAV Form 5520/20 "Denied", or in red overwriting, "REVOKED" with reference to the

letter of denial or revocation. (See also paragraph 22-5 for other adverse personnel security determinations.) On revocations, debrief the individual, in accordance with paragraph 3-11, and file the Security Termination Statement in the official personnel record.

3. A decision to grant clearance at a lower level of classification than the investigation would support is, in effect, a decision to deny clearance for the higher level, and is an adverse personnel security determination. Annotate the certificate that the individual is not eligible for access to the higher classification, with reference to the letter of denial.

4. Detailed instructions for processing cases of denial or revocation (or those exceptional cases where an adverse personnel security determination is not expressed in terms of clearance) will be provided by Commander, Naval Military Personnel Command for Navy personnel, Commandant of the Marine Corps for Marine Corps personnel and Director, Naval Civilian Personnel Command for civilian employees of the Navy and Marine Corps. In any case where the denial or revocation is based on information in an investigation done by the Defense Investigative Service, you must advise DIS, in addition to any other reporting requirements.

5. A security clearance, previously denied or revoked for cause, may be reinstated when it is determined that the individual now meets the criteria for clearance and a need for clearance exists. The concurrence of the Commander, Naval Military Personnel Command is required before initiating action to reinstate clearance for a Navy member. For a Marine Corps member, the commanding officer may reinstate clearance without prior concurrence of the Commandant of the Marine Corps. For civilian personnel, a recommendation to grant or reinstate security clearance must be submitted to the Director, Naval Civilian Personnel Command for consideration. A recommendation would not be appropriate until at least 12 months after final NCPC or Personnel Security Appeals Board action.

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## CHAPTER 24

## ACCESS

## 24-1 BASIC POLICY

1. The Department of Defense employs a security formula based on the simple principle of circulation control, i.e., control of access to classified information. Knowledge or possession of classified information is permitted only for individuals whose official duties require access in the interest of promoting national security and only if they have been determined to be eligible for access.

2. No one has a right to have access to classified information solely because of rank, position or security clearance. The final responsibility for determining whether a person's official duties require access to any element or item of classified information (the "need to know"), and whether he or she has been granted the appropriate security clearance by proper authority, rests upon the individual who has the authorized possession, knowledge or control of the information involved and not upon the prospective recipient.

3. These principles are equally applicable if the prospective recipient is an organizational entity, including commands, other Federal agencies, defense contractors, foreign governments, and others.

4. Commanding officers will ensure that personnel under their jurisdiction are briefed in accordance with chapter 3 before granting access to classified information.

## 24-2 GRANTING ACCESS

1. The ultimate authority for granting access to classified information rests with the commanding officer who is responsible for the security of the information or material in his command. A commanding officer may grant access to classified information to an individual who has an official need to know, has a valid security clearance and about whom there is no locally available disqualifying information. (See chapter 18 for access by various categories of visitors.)

2. The authority of a commanding officer to grant access to classified information is subject to the following restrictions:

a. Immigrant aliens will not be granted access to foreign intelligence information without approval of the originating agency (see chapter 12), to COMSEC keying material classified higher than Confidential, to naval nuclear propulsion information (NNPI), to cryptographic information, to SCI, SIOP-ESI, or to NATO information.

b. Philippine nonimmigrant aliens on active duty with the Navy, who have been granted Confidential clearance under the provisions of paragraph 23-2, will not be authorized access to foreign intelligence information without approval of the originating agency (see chapter 12), to naval nuclear propulsion information,

(NNPI) communications analysis, COMSEC, SCI, SIOP-ESI, or NATO information,

c. DOD contractor employees holding only contractor-issued Confidential clearances will not be granted access to Restricted Data, cryptographic information, communications intelligence, or NATO Confidential information. (Other restrictions on DOD contractors for access to foreign intelligence are described in chapter 12.)

d. Individuals who have been granted Limited Access Authorizations by the Chief of Naval Operations (Op-009P) (see paragraph 24-5) will not be allowed to have access to any classified information beyond that specifically authorized.

e. The degree of access by representatives of foreign governments, including Personnel Exchange Program personnel (PEP), will be scrupulously limited to that allowed by the Foreign Disclosure Authorization issued by the Chief of Naval Operations (Op-62) on a case-by-case basis.

3. The steps to be taken in granting access to a member of the command are:

a. Determine the level of access necessary for the individual to perform his or her official duties (need to know).

b. Check the individual's official personnel record and determine whether he or she has the proper clearance. (If not, take the appropriate action as required by Chapter 21.)

c. Review records available in the command for disqualifying information. (See Chapter 21 on prohibition against conducting public inquiries.)

d. If the individual has the proper clearance and no disqualifying information, grant the access and record it.

4. As granting access is a command responsibility, access is terminated automatically when the individual transfers from the command, is discharged or separated from Federal service. It is also terminated when a security clearance is withdrawn, denied, or revoked for cause. (The Security Termination Statement is not executed upon termination of access alone. See paragraph 3-11 for requirements for executing the Security Termination Statement.)

5. When questionable or unfavorable information becomes available on an individual who has been granted access, the commanding officer may decide to restrict or suspend access. Restriction or suspension of access for cause may only be used as a temporary measure until the individual's eligibility for access has been resolved.

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**24-3 RECORDING ACCESS**

1. The access granted by a command must be recorded, preferably on the Certificate of Personnel Security Investigation, Clearance and Access (OPNAV Form 5520/20) in accordance with the detailed instructions in exhibit 22A. Access entries will be signed by the commanding officer or designated representative. Adjust the access required, and the record, as necessary to reflect current need. A record is required for the level of classification for which there is a need to know, and for programs which require that access be formally granted (SIOP-ESI, NATO, CNWDI, SCI). There is no need to record the commanding officer's access except for those programs noted above which require that access be formally granted. Commander, Naval Military Personnel Command and Commandant of the Marine Corps do not require copies of entries in Part IV - Record of Access on the OPNAV Form 5520/20. Certificates are not to be executed for the sole purpose of recording access granted to visitors, persons on TAD, Reservists on active duty for training, or those with Limited Access Authorization.

2. The commanding officer will ensure that the restrictions on access listed in paragraph 24-2.2a and b above are entered in the Comments section of OPNAV Form 5520/20 for any member of the command to whom they apply.

**24-4 EMERGENCY ACCESS**

1. When an individual requires access to classified information and the investigative requirements for security clearance have not been met, the commanding officer may authorize emergency access under the following conditions:

a. The procedures necessary for clearance have been initiated.

b. Awaiting completion of the investigative requirements will cause a crucial delay in the training or assignment of personnel.

c. Interim clearance procedures do not apply.

d. Immediately available records have been reviewed and the individual is otherwise eligible for the access required.

2. Access will not be granted, under the authority of this paragraph, to non-U.S. citizens; to civilian appointees to critical-sensitive positions; to civilian employees and military personnel selected to attend any nuclear weapons course which includes access to Top Secret or Secret Restricted Data nuclear weapon design information; or for any person or program for which a final clearance is a requisite.

3. Action under authority of this paragraph does not include granting clearance; therefore, an entry will not be made in Part III of the Certificate of Personnel Security Investigation, Clearance and Access. The commanding officer granting emergency access will make a written record of the authorization, with the reasons for the determination of crucial delay, and the access

granted will be entered in Part IV of the certificate. As granting emergency access constitutes a waiver of investigative requirements, the commanding officer is required to maintain records of such waivers in accordance with paragraph 20-7.

**24-5 LIMITED ACCESS AUTHORIZATION**

1. When a commanding officer considers that it would be in the interest of national security to grant access to classified information, for which he or she is responsible, to an individual who is outside the Executive Branch of the Government, or otherwise not eligible for a security clearance, a request may be submitted to the Chief of Naval Operations (Op-009P) for a Limited Access Authorization (LAA).

2. Submit requests for Limited Access Authorization only after due consideration of the security policy of limiting disclosure of classified information to those with a need to know and whose access would promote the national security. Submit the request by letter, stating the justification of the need for access; the classification, nature and scope of the information; and the period of time for which access is desired. Accompany the request with the forms necessary for an investigation commensurate with the classification of the information or the citizenship status of the individual.

3. CNO (Op-009P) will not accept requests from the prospective recipient of the information. Access must be sponsored by an active duty commanding officer who will assume responsibility for briefing the individual, limiting the access to that authorized and debriefing at the end of the access period.

4. Access will be authorized by CNO (Op-009P) only for the specific purpose and the specific classified information stated in the request. In the case of foreign nationals, the information must be releasable to the country of origin (see paragraph 24-9). The authorization will be effective for the period of time necessary but usually not longer than two years. Physical custody of classified material normally is not allowed. A Limited Access Authorization is not to be construed as a security clearance or as a command-granted access and will not be entered on the Certificate of Personnel Security Investigation, Clearance and Access.

5. The provisions of this paragraph apply when access is justified for inactive Reserve personnel (see paragraph 24-6); for retired personnel (see paragraph 24-7); for historical researchers (see paragraph 24-8); for foreign nationals (see paragraph 24-9); for civilian counsel in judicial proceedings (see paragraph 12-12); for attendees at Department of the Navy-sponsored meetings (see paragraph 19-6); for members of advisory groups and for others in circumstances when access would promote national security.

**24-6 ACCESS BY RESERVE PERSONNEL**

1. Reserve personnel in an "active status" (see definition in appendix B) may be granted access to classified information as necessary for active duty for training or inactive duty training, if they hold the appropri-

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ate clearance. The need for access will be determined by the clearing authority (see paragraph 23-4) or the authority with the information to be disclosed. Access granted for inactive duty training will be recorded on the Certificate of Personnel Security Investigation, Clearance and Access.

2. "Inactive status" Reserve personnel (see definition in appendix B) are not eligible for access to classified information unless specifically authorized by Chief of Naval Operations (Op-009P) under the Limited Access Authorization procedures in paragraph 24-5. As an exception, inactive status Reserve flag or general officers may be granted access to Secret or Confidential information, without recourse to CNO (Op-009P), when an active duty flag or general officer determines that access to the classified information for which he or she is responsible will promote the national security.

3. Reserve personnel may be given access to training editions of codes, cipher systems, authentication systems, call sign encryption systems, operating instructions, and maintenance manuals as required to maintain proficiency in their specialties. Access to other COMSEC publications, listed as study material for advancement in rating, may also be granted. Additionally, selected units have been authorized to have operational COMSEC material. Properly cleared inactive duty personnel participating in unit drills with these selected units may be given access to COMSEC material as required in the performance of duties. Further details are in CMS 4 (reference (j)).

#### 24-7 ACCESS BY RETIRED PERSONNEL

1. Retired personnel, including those on the temporary disability retired lists, are not entitled to access to classified information merely by virtue of their present or former status. When a commanding officer considers that access to classified information, for which he or she is responsible, would promote the national security, a request for a Limited Access Authorization may be submitted to the Chief of Naval Operations (Op-009P) under the provisions of paragraph 24-5.

2. As an exception to the above, an active duty flag or general officer may grant access to Secret or Confidential information for which he or she is responsible, to a retired flag or general officer, without authorization from CNO, when a need to know has been established and access would promote the national security.

#### 24-8 ACCESS BY HISTORICAL RESEARCHERS

1. Individuals outside the Executive Branch of the Government engaged in private historical research projects may be granted Limited Access Authorization for classified information, under the provisions of paragraph 24-5, if steps are taken to ensure that classified information or material is not published or otherwise compromised.

2. Requests for access to Department of the Navy information will be processed by the Director of Naval History, Office of the Chief of Naval Operations (Op-09BH) or the Director of Marine Corps History and

Museums (CMC (Code HD)), Headquarters Marine Corps. Upon receipt of an access request, the CNO (Op-09BH) or CMC (Code HD) will seek to declassify the requested records. If declassification cannot be accomplished, CNO (Op-09BH) or CMC (Code HD) will:

a. Make a written determination that access is clearly consistent with the interests of national security in view of the intended use of the material for which access is requested.

b. Obtain from the applicant the investigative forms appropriate for the level of access and submit them with a Limited Access Authorization request to CNO (Op-009P), who will advise whether access is authorized for the specific project.

c. Limit the individual's access to specific categories of information over which the Department of the Navy has classification jurisdiction or to information within the scope of the historical research under the classification jurisdiction of other DOD or non-DOD departments or agencies, if the researcher has obtained their written consent.

d. Retain custody of the classified information at a DOD installation or activity or authorize access to documents in the custody of the National Archives and Records Service.

e. Obtain the researcher's written agreement to safeguard the information and to submit any notes and manuscript for review by the Department of the Navy or other DOD or non-DOD department or agency with classification jurisdiction, to determine that they do not contain classified information.

3. Limited Access Authorizations are valid for not more than two years from the date of issuance. Extensions may be granted by CNO (Op-009P), if recommended by CNO (Op-09BH) or CMC (Code DH).

#### 24-9 ACCESS BY FOREIGN NATIONALS

1. In each case, employment of a foreign national, or an immigrant alien of the Department of the Navy who has reverted to foreign national status for security purposes, for duties involving access to classified information must be approved by the Chief of Naval Operations (Op-009P). (See paragraph 20-4.7 for exception for Philippine nonimmigrant alien on active duty in the Navy.) When the employment is considered a matter of absolute necessity, the commanding officer will submit a request for Limited Access Authorization to CNO (Op-009P) (see paragraph 24-5). The request must clearly show that the individual's services are of such unique quality and character as to be unobtainable elsewhere and that, if those services are not obtained, the work cannot proceed or will be seriously impaired to the extent that the national security will directly suffer. The information to which the foreign national will have access must be releasable to the country of his or her origin under the guidance contained in OPNAVINST 5510.48, reference (p).

2. Requests for Limited Access Authorization will include the forms necessary for a Background Investiga-

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tion. If geographic and political situations prevent the full completion of a Background Investigation, CNO (Op-009P) will render an opinion on the adequacy of the investigation.

3. Authorization will not be given for access to Top Secret information.

4. A Certificate of Personnel Security Investigation, Clearance and Access, or any equivalent certificate, will not be executed for a foreign national granted a Limited Access Authorization. Access will not be granted foreign nationals on the basis of personnel security clearances or assurances of other U.S. Government agencies for visits, conferences or other purposes. Access to Department of the Navy classified information by any foreign nationals must be specifically approved by the Chief of Naval Operations. (See paragraph 12-14 for disclosures to representatives of foreign governments and training of foreign nationals.)

5. A foreign national employee with a Limited Access Authorization cannot attend classified courses of instruction or training unless the information is releasable to his or her government. (See paragraph 12-14.) In requesting a quota, provide the training command with a precise description of the exact material or subject matter for which limited access has been granted.

6. Limited Access Authorizations granted to foreign national employees of Department of the Navy overseas activities are subject to periodic reinvestigation every five years. (See paragraph 21-13.) Submit the results of the PR to Chief of Naval Operations (Op-009P) who will review the information submitted and investigative files disclosed by the check of the Defense Central Index of Investigations and advise the commanding officer as to the continuation or termina-

tion of the Limited Access Authorization. Commander, U.S. Naval Forces Philippines is authorized to conduct the review for those Philippine employees granted LAA's by COMNAVPHIL (see paragraph 21-6).

#### **24-10 ACCESS BY FORMER PRESIDENTIAL APPOINTEES**

1. Individuals who previously occupied policy-making positions, to which they were appointed by the President, may not remove classified information upon departure from office. They may be authorized access to classified information which they originated, reviewed, signed or received or which was addressed to them while in public office, under a Limited Access Authorization granted by CNO (Op-009P).

2. Commanding officers receiving requests for such access will refer the requester to CNO (Op-009P).

#### **24-11 ACCESS BY INVESTIGATIVE AND LAW ENFORCEMENT AGENTS**

1. Normally, investigative agents of other departments or agencies may obtain access to classified information through established liaison or investigative channels.

2. When the urgency or delicacy of a Federal Bureau of Investigation (FBI), Drug Enforcement Administration (DEA), or Secret Service investigation precludes use of established liaison or investigative channels, FBI, DEA or Secret Service agents may obtain access to classified information as required. However, this information will be protected as required by its classification. Prior to any public release of the information so obtained, the approval of the head of the activity or higher authority must be obtained.