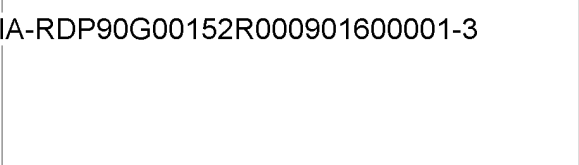


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DDA*2340*87
25 January 1988

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MEMORANDUM FOR: Executive Director
Deputy Director for Intelligence
Deputy Director for Operations
Deputy Director for Science and Technology
General Counsel
Inspector General
Comptroller


FROM: 
Chief, Regulatory Policy Division, DDA


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SUBJECT: Proposed Revision of  CIA Historical Review Program

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FOR YOUR INFORMATION:

1. This proposed revision of  was initiated by the Office of Information Technology (OIT). The regulation is being revised to reflect the transfer of responsibility for the Historical Review Program to the Director of Information Technology as well as the transfer of former Office of Information Services components to OIT. Also, organizational titles have been updated and minor editorial changes have been made.


2. We plan to forward this proposal to the Deputy Director for Administration for approval on 8 February 1988. If you have any questions or comments, please contact RPD editor  before that date.

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Attachments:

- A. Concurrence Sheet (OGC)
- B. Proposed Revision of 

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cc: AO/DCI OL
 SSA/DDA OMS
 EXA/DDA OP
 OC OS
 OF OTE
 OIT C/History Staff/DCI

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**EXECUTIVE SECRETARIAT
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| 10 | GC | | | | |
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| 12 | Compt | | | | |
| 13 | D/OLL | | X | | |
| 14 | D/PAO | | X | | |
| 15 | VC/NIC | | | | |
| 16 | C/HS/DCI | | X | | |
| 17 | D/OIS/DA | | X | | |
| 18 | IRO/DA | | X | | |
| 19 | D/OCR/DI | | X | | |
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Remarks

Executive Secretary
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 Date

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NINETY-NINTH CONGRESS

85- 2081/3

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT OPERATIONS

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515

June 5, 1985

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MAJORITY—225-8061
MINORITY—225-8074

The Honorable William J. Casey
Director of Central Intelligence
Central Intelligence Agency
Washington, D.C. 20505

Dear Mr. Casey:

Thank you for your letter enclosing a copy of your report on the feasibility of conducting systematic review for declassification and release of Central Intelligence Agency information of historical value.

I am referring your letter and report to the Government Information, Justice, and Agriculture Subcommittee, chaired by Congressman Glenn English, since that subcommittee has jurisdiction.

With every good wish, I am

Sincerely,



JACK BROOKS
Chairman

cc: The Honorable Glenn English, Chairman
Government Information, Justice, and
Agriculture Subcommittee

Info. cc: Legislation and National Security Subcommittee



D-110

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Central Intelligence Agency



Washington, D. C. 20505

29 MAY 1985

The Honorable Strom Thurmond
Chairman
Committee on the Judiciary
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

I take pleasure in submitting, as requested in Section 3 of the CIA Information Act, a report on the feasibility of conducting systematic review for declassification and release of Central Intelligence Agency information of historical value.

This kind of review is indeed feasible, and to carry it out we have established the new Historical Review Program that our report describes. Under this program we have begun the process of declassifying historically significant CIA records for transfer to the National Archives.

This report has been prepared in consultation with those officials and historians specified by the CIA Information Act; their findings are appended to mine. The involvement of these scholars has been extraordinarily helpful, and we have incorporated all of their recommendations into our Historical Review Program.

I especially endorse our consultants' recommendation that we reassemble them, or a comparable panel in two or three years, to assess the program's progress and to make such further recommendations as are necessary. This program has my strong support and we are determined to make it succeed.

As the CIA Information Act directs, I am also sending my report and this letter to the Chairman of the Select Committee on Intelligence of the Senate, and to the Chairmen of the Permanent Select Committee on Intelligence and the Committee on Government Operations of the House of Representatives.

Sincerely,

WJ William J. Casey
William J. Casey
Director of Central Intelligence

Enclosures

Central Intelligence Agency

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Washington, D.C. 20505

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29 MAY 1985

The Honorable David Durenberger
 Chairman
 Select Committee on Intelligence
 United States Senate
 Washington, D.C. 20510

Dear Mr. Chairman:

I take pleasure in submitting, as requested in Section 3 of the CIA Information Act, a report on the feasibility of conducting systematic review for declassification and release of Central Intelligence Agency information of historical value.

This kind of review is indeed feasible, and to carry it out we have established the new Historical Review Program that our report describes. Under this program we have begun the process of declassifying historically significant CIA records for transfer to the National Archives.

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As the CIA Information Act directs, I am also sending my report and this letter to the Chairman of the Committee on the Judiciary of the Senate, and the Chairmen of the Permanent Select Committee on Intelligence and the Committee on Government Operations of the House of Representatives.

Sincerely,

/s/ William J. Casey

William J. Casey
 Director of Central Intelligence

Enclosures

Central Intelligence Agency

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20 MAY 1985

The Honorable Jack Brooks
 Chairman
 Committee on Government Operations
 U.S. House of Representatives
 Washington, D.C. 20515

Dear Mr. Chairman:

I take pleasure in submitting, as requested in Section 3 of the CIA Information Act, a report on the feasibility of conducting systematic review for declassification and release of Central Intelligence Agency information of historical value.

This kind of review is indeed feasible, and to carry it out we have established the new Historical Review Program that our report describes. Under this program we have begun the process of declassifying historically significant CIA records for transfer to the National Archives.

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I especially endorse our consultants' recommendation that we reassemble them, or a comparable panel in two or three years, to assess the program's progress and to make such further recommendations as are necessary. This program has my strong support and we are determined to make it succeed.

As the CIA Information Act directs, I am also sending my report and this letter to the Chairman of the Permanent Select Committee on Intelligence of the House of Representatives, and to the Chairmen of the Committee on the Judiciary and the Select Committee on Intelligence of the Senate.

Sincerely,

/s/ William J. Casey

William J. Casey
 Director of Central Intelligence

Enclosures

Central Intelligence Agency



Washington, D.C. 20505

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29 MAY 1985

The Honorable Lee H. Hamilton
Chairman
Permanent Select Committee on Intelligence
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

I take pleasure in submitting, as requested in Section 3 of the CIA Information Act, a report on the feasibility of conducting systematic review for declassification and release of Central Intelligence Agency information of historical value.

This kind of review is indeed feasible, and to carry it out we have established the new Historical Review Program that our report describes. Under this program we have begun the process of declassifying historically significant CIA records for transfer to the National Archives.

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As the CIA Information Act directs, I am also sending my report and this letter to the Chairman of the Committee on Government Operations of the House of Representatives, and to the Chairmen of the Committee on the Judiciary and the Select Committee on Intelligence of the Senate.

Sincerely,

/s/ William J. Casey
William J. Casey
Director of Central Intelligence

Enclosures

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PUBLIC LAW 98-477—OCT. 15, 1984

98 STAT. 2209

Public Law 98-477
98th Congress

An Act

To amend the National Security Act of 1947 to regulate public disclosure of information held by the Central Intelligence Agency, and for other purposes.

Oct. 15, 1984
[H.R. 5164]*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Central Intelligence Agency Information Act".*

SEC. 2. (a) The National Security Act of 1947 is amended by adding at the end thereof the following new title:

Central
Intelligence
Agency
Information Act.
50 USC 401 note.**"TITLE VII—PROTECTION OF OPERATIONAL FILES OF THE
CENTRAL INTELLIGENCE AGENCY****"EXEMPTION OF CERTAIN OPERATIONAL FILES FROM SEARCH, REVIEW,
PUBLICATION, OR DISCLOSURE****"SEC. 701. (a) Operational files of the Central Intelligence Agency may be exempted by the Director of Central Intelligence from the provisions of section 552 of title 5, United States Code (Freedom of Information Act), which require publication or disclosure, or search or review in connection therewith.**

50 USC 431.

"(b) For the purposes of this title the term 'operational files' means—**"(1) files of the Directorate of Operations which document the conduct of foreign intelligence or counterintelligence operations or intelligence or security liaison arrangements or information exchanges with foreign governments or their intelligence or security services;****"(2) files of the Directorate for Science and Technology which document the means by which foreign intelligence or counterintelligence is collected through scientific and technical systems; and****"(3) files of the Office of Security which document investigations conducted to determine the suitability of potential foreign intelligence or counterintelligence sources;****except that files which are the sole repository of disseminated intelligence are not operational files.****"(c) Notwithstanding subsection (a) of this section, exempted operational files shall continue to be subject to search and review for information concerning—****"(1) United States citizens or aliens lawfully admitted for permanent residence who have requested information on themselves pursuant to the provisions of section 552 of title 5, United States Code (Freedom of Information Act), or section 552a of title 5, United States Code (Privacy Act of 1974);****"(2) any special activity the existence of which is not exempt from disclosure under the provisions of section 552 of title 5, United States Code (Freedom of Information Act); or****"(3) the specific subject matter of an investigation by the intelligence committees of the Congress, the Intelligence Over-**

98 STAT. 2210

PUBLIC LAW 98-477—OCT. 15, 1984

sight Board, the Department of Justice, the Office of General Counsel of the Central Intelligence Agency, the Office of Inspector General of the Central Intelligence Agency, or the Office of the Director of Central Intelligence for any impropriety, or violation of law, Executive order, or Presidential directive, in the conduct of an intelligence activity.

"(d)(1) Files that are not exempted under subsection (a) of this section which contain information derived or disseminated from exempted operational files shall be subject to search and review.

"(2) The inclusion of information from exempted operational files in files that are not exempted under subsection (a) of this section shall not affect the exemption under subsection (a) of this section of the originating operational files from search, review, publication, or disclosure.

"(3) Records from exempted operational files which have been disseminated to and referenced in files that are not exempted under subsection (a) of this section and which have been returned to exempted operational files for sole retention shall be subject to search and review.

"(e) The provisions of subsection (a) of this section shall not be superseded except by a provision of law which is enacted after the date of enactment of subsection (a), and which specifically cites and repeals or modifies its provisions.

Courts, U.S.

"(f) Whenever any person who has requested agency records under section 552 of title 5, United States Code (Freedom of Information Act), alleges that the Central Intelligence Agency has improperly withheld records because of failure to comply with any provision of this section, judicial review shall be available under the terms set forth in section 552(a)(4)(B) of title 5, United States Code, except that—

"(1) in any case in which information specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign relations which is filed with, or produced for, the court by the Central Intelligence Agency, such information shall be examined ex parte, in camera by the court;

"(2) the court shall, to the fullest extent practicable, determine issues of fact based on sworn written submissions of the parties;

"(3) when a complaint alleges that requested records were improperly withheld because of improper placement solely in exempted operational files, the complainant shall support such allegation with a sworn written submission, based upon personal knowledge or otherwise admissible evidence;

"(4)(A) when a complainant alleges that requested records were improperly withheld because of improper exemption of operational files, the Central Intelligence Agency shall meet its burden under section 552(a)(4)(B) of title 5, United States Code, by demonstrating to the court by sworn written submission that exempted operational files likely to contain responsive records currently perform the functions set forth in subsection (b) of this section; and

"(B) the court may not order the Central Intelligence Agency to review the content of any exempted operational file or files in order to make the demonstration required under subparagraph (A) of this paragraph, unless the complainant disputes the Central Intelligence Agency's showing with a sworn written

PUBLIC LAW 98-477—OCT. 15, 1984

98 STAT. 2211

submission based on personal knowledge or otherwise admissible evidence;

"(5) in proceedings under paragraphs (3) and (4) of this subsection, the parties shall not obtain discovery pursuant to rules 26 through 36 of the Federal Rules of Civil Procedure, except that requests for admission may be made pursuant to rules 26 and 36;

28 USC app.

"(6) if the court finds under this subsection that the Central Intelligence Agency has improperly withheld requested records because of failure to comply with any provision of this section, the court shall order the Central Intelligence Agency to search and review the appropriate exempted operational file or files for the requested records and make such records, or portions thereof, available in accordance with the provisions of section 552 of title 5, United States Code (Freedom of Information Act), and such order shall be the exclusive remedy for failure to comply with this section; and

"(7) if at any time following the filing of a complaint pursuant to this subsection the Central Intelligence Agency agrees to search the appropriate exempted operational file or files for the requested records, the court shall dismiss the claim based upon such complaint.

"DECENNIAL REVIEW OF EXEMPTED OPERATIONAL FILES

"SEC. 702. (a) Not less than once every ten years, the Director of Central Intelligence shall review the exemptions in force under subsection (a) of section 701 of this Act to determine whether such exemptions may be removed from any category of exempted files or any portion thereof.

50 USC 432.

Ante, p. 2209.

"(b) The review required by subsection (a) of this section shall include consideration of the historical value or other public interest in the subject matter of the particular category of files or portions thereof and the potential for declassifying a significant part of the information contained therein.

"(c) A complainant who alleges that the Central Intelligence Agency has improperly withheld records because of failure to comply with this section may seek judicial review in the district court of the United States of the district in which any of the parties reside, or in the District of Columbia. In such a proceeding, the court's review shall be limited to determining (1) whether the Central Intelligence Agency has conducted the review required by subsection (a) of this section within ten years of enactment of this title or within ten years after the last review, and (2) whether the Central Intelligence Agency, in fact, considered the criteria set forth in subsection (b) of this section in conducting the required review."

Courts, U.S.

(b) The table of contents at the beginning of such Act is amended by adding at the end thereof the following:

"TITLE VII—PROTECTION OF OPERATIONAL FILES OF THE CENTRAL INTELLIGENCE AGENCY

"Sec. 701. Exemption of certain operational files from search, review, publication, or disclosure.

"Sec. 702. Decennial review of exempted operational files."

(c) Subsection (q) of section 552a of title 5, United States Code, is amended—

(1) by inserting "(1)" after "(q)"; and

98 STAT. 2212

PUBLIC LAW 98-477—OCT. 15, 1984

(2) by adding at the end thereof the following:

“(2) No agency shall rely on any exemption in this section to withhold from an individual any record which is otherwise accessible to such individual under the provisions of section 552 of this title.”

5 USC 552
Reports
50 USC 432 note

SEC. 3. (a) The Director of Central Intelligence, in consultation with the Archivist of the United States, the Librarian of Congress, and appropriate representatives of the historical discipline selected by the Archivist, shall prepare and submit by June 1, 1985, a report on the feasibility of conducting systematic review for declassification and release of Central Intelligence Agency information of historical value.

(b)(1) The Director shall, once each six months, prepare and submit an unclassified report which includes—

(A) a description of the specific measures established by the Director to improve the processing of requests under section 552 of title 5, United States Code;

(B) the current budgetary and personnel allocations for such processing;

(C) the number of such requests (i) received and processed during the preceding six months, and (ii) pending at the time of submission of such report; and

(D) an estimate of the current average response time for completing the processing of such requests.

(2) The first report required by paragraph (1) shall be submitted by a date which is six months after the date of enactment of this Act. The requirements of such paragraph shall cease to apply after the submission of the fourth such report.

(c) Each of the reports required by subsections (a) and (b) shall be submitted to the Permanent Select Committee on Intelligence and the Committee on Government Operations of the House of Representatives and the Select Committee on Intelligence and the Committee on the Judiciary of the Senate.

Effective date.
50 USC 431 note.

SEC. 4. The amendments made by subsections (a) and (b) of section 2 shall be effective upon enactment of this Act and shall apply with respect to any requests for records, whether or not such request was made prior to such enactment, and shall apply to all civil actions not commenced prior to February 7, 1984.

Approved October 15, 1984.

LEGISLATIVE HISTORY—H.R. 5164 (S. 1324):

HOUSE REPORTS: No. 98-726, Pt. 1 (Permanent Select Committee on Intelligence) and Pt. 2 (Comm. on Government Operations).

CONGRESSIONAL RECORD, Vol. 130 (1984):

Sept. 17, 19, considered and passed House.

Sept. 28, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 20, No. 42 (1984):

Oct. 15, Presidential statement.



National Archives



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Washington, DC 20408

APR 10 1985

Honorable William J. Casey
Director
Central Intelligence Agency
Washington, DC 20505

STAT

Dear Mr. Casey:

I take great pleasure in sending you "A Report to the Director of Central Intelligence by Consultants on the Historical Review Program." We hope that the counsel provided will be helpful in the further development of an effective program and result in making Central Intelligence Agency (and predecessor organization) records available to researchers in the National Archives just as soon as they no longer require national security protection.

Please accept too, our thanks to Dr. J. Kenneth McDonald and and their staffs for the conference arrangements and for providing us with essential information on CIA records, programs, review experience, and proposals for conducting the historical review program. The well organized briefings and the comments they contributed to our discussions were extremely helpful.

Sincerely,

ROBERT M. WARNER
Archivist of the United States

Enclosure

I very much enjoyed our luncheon discussion with you. It was most pleasant.
RM

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C

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 DANIEL PATRICK MOYNIHAN, N.Y., VICE CHAIRMAN

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United States Senate

SELECT COMMITTEE ON INTELLIGENCE
 WASHINGTON, D.C. 20510

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 ROBERT C. BYRD, W. VA., EX OFFICIO

ROBERT R. SIMMONS, STAFF DIRECTOR
 GARY J. SCHMITT, MINGRETT STAFF DIRECTOR

October 3, 1983

The Honorable William J. Casey
 Director of Central Intelligence
 Central Intelligence Agency
 Washington, D.C. 20505

Dear Bill:

Last April, our Chairman, Barry Goldwater, introduced a bill that would relieve the Central Intelligence Agency from the burden of searching some of its files in response to Freedom of Information Act requests. While several of us had concerns regarding aspects of this bill, we all agreed with you that it was foolish to require the CIA to search its most sensitive files for documents that would almost never be declassified and released.

Five months of work are now nearing culmination in a bill that we all will be able to support wholeheartedly. You and we have crafted solutions to such difficult problems as the nature of judicial review under this bill, the extent to which the files on activities that have been the subject of investigations will remain open to search and review under FOIA, and how intelligence memoranda or policy memoranda that are circulated outside of designated files but then returned to those files for safekeeping will remain accessible for FOIA search and review. We have also agreed that the CIA will review its designations at least once every ten years to see whether some files--or portions of files--should be removed from designated status.

I think that now is an excellent time to make parallel progress on an issue that our work on S.1324 has highlighted. This is the need to make more declassified materials available to historians. We both know how important history is. I am an avid reader of history and you are a writer of it. We both have been shaped in part by history that we have read over the years. As historians write the definitive works on the post-World War II era, it is terribly important that their studies be based on as full a record as possible, consistent with the need to protect our national security.

The Honorable William J. Casey
October 3, 1983
Page Two

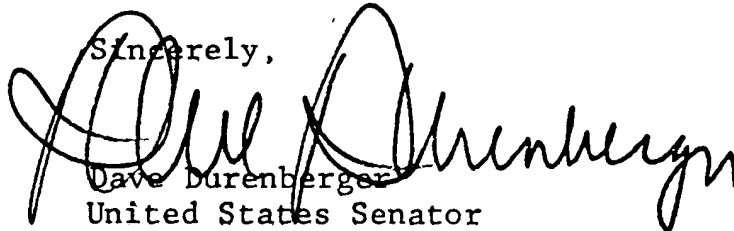
You have recognized this in putting forth a bill that leaves unchanged current FOIA access to intelligence memoranda, policy documents, and files on those covert action operations the existence of which is no longer properly classified. The importance of an accurate historical record is also recognized in your criteria for removing files from designation, which are to include "historical value or other public interest in the subject matter" and "the potential for declassifying a significant part of the information."

I urge you to take the next, vitally important step: to establish procedures for reviewing and declassifying some of the material in your non-designated or de-designated files. Your declassification review program need not review the mass of documents that are either of no interest to historians or still too sensitive to be released. Rather, you could reasonably base your selection of material for review on the same criteria that you have set forth for the review of file designations. The important thing is to make the declassification of useful historical information a cooperative endeavor, rather than a test of wills fought out in FOIA requests and courtrooms.

A declassification review program would be a burden for the CIA, but it would be a manageable burden and one well worth assuming. The CIA would retain control over the size of this effort, and you could avoid the sort of crises and bottlenecks that bedevil areas like FOIA, in which the pace of work may be dictated by the level of outside requests and the vagaries of litigation. You already have a CIA Historian, so it might be reasonable to give him a major role in declassification review. I would be happy to lead the effort to provide you budget support for a dozen positions, say, to be devoted to this enterprise.

Establishment of a declassification review program would be a fitting complement to the fine Intelligence Information Act that I am sure we will pass. It would demonstrate your commitment to openness in the things that matter, while continuing to safeguard that which must remain secret. And it would make a lasting contribution to public understanding of the role of intelligence in a complex and divided world.

Sincerely,



Dave Durenberger
United States Senator

Central Intelligence Agency

CH HISTORY
STAFF

Washington, D.C. 20505

OLL 83-2403

4 OCT 1983

Honorable Dave Durenberger
United States Senate
Washington, D.C. 20510

Dear Senator Durenberger:

I received your letter yesterday with its kind words about our efforts on the Intelligence Information Act. We have worked diligently through the spring and summer to reach agreement with you and your colleagues on this bill. We have done this because we are convinced, as you are, that the bill will relieve us of a needless burden without harming the interests of the press, authors, or the public at large. I am gratified to hear you say that as a result of our efforts you will be able to support this bill. I certainly believe it merits everyone's support.

Your views regarding the need for an accurate historical record are ones that I share. If Congress is willing to provide the resources, I am prepared to institute a new program of selective declassification review of those materials that we believe would be of greatest historical interest and most likely to result in declassification of useful information.

The term "selective" is very important. There is no point in reviewing files that we basically know will contain little releasable information. And it makes no sense to review -- or even to release -- material that has become releasable only because it is trivial. Our professionals have a pretty good sense of what is likely to prove releasable; and we would be happy to work with our Historian, other agency historical offices, the Archivist of the United States, and others to determine what topics are of the greatest interest and importance. Historians would have to trust us, however, to make these professional judgments in good faith. A declassification review program could function only if we maintained control over the workload and concentrated our limited resources on the areas where they would do the most good.



One certain consequence of this selectivity would be a concentration of our efforts on the review of older, as opposed to more recent, material. Such material which documents the early years of CIA could well result in the release of information that explains the role of intelligence in the making of foreign policy. As a general rule, we are likely to limit the declassification review program to files at least 20 or 30 years old. However, these older files would certainly contain information which continues to be relevant to today's world. I am hopeful that whatever material we can release, consistent with the need to protect sources and foreign relations, will make a major contribution to historical research and interpretation.

At the moment, I do not know whether our small historical staff would be in a position to manage a selective declassification review program. But no matter where such a program would be placed organizationally within the Agency, I understand that what you are suggesting is a program provided with adequate resources. Several weeks ago, on my own initiative, I had requested the Historian of the CIA to explore a program that would result in the release of usable historical materials from the World War II period. I look forward to working with additional resources having, as you suggest, the mission of declassifying and releasing historical materials that no longer require protection.

Please allow me again to express my appreciation for your support of S. 1324. With the enactment of this important legislation and the achievement of the necessary budget support, I believe this Agency would be more than willing to undertake a new selective declassification review program. With your leadership and support, we can forge a workable means of informing the public while still protecting our nation's secrets.

Sincerely,

~~707~~ **William J. Casey**
William J. Casey
Director of Central Intelligence

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MEMORANDUM OF UNDERSTANDING
BETWEEN THE CENTRAL INTELLIGENCE AGENCY
AND THE NATIONAL ARCHIVES AND RECORDS SERVICE

SUBJECT: Accessioning Records of CIA Predecessor Wartime Organizations into the National Archives of the United States - Associated Responsibilities and Procedures

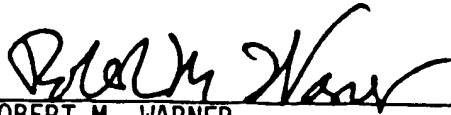
1. In considering the transfer of Records of the Central Intelligence Agency (CIA) Predecessor wartime organizations, primarily those of the Office of Strategic Services (OSS), to the National Archives and Records Service (NARS) for accessioning and release to the public, the CIA has expressed concerns that the records may contain information that is inappropriate for immediate access. For purposes of simplicity, these records will hereafter be referred to as the "OSS records." NARS has provided assurances that its processing procedures will address and resolve these concerns before access is provided. This Memorandum of Understanding reflects mutual agreement that the CIA and NARS review procedures, outlined below will serve to expedite the release of OSS records to the public while providing appropriate safeguards against premature access.
2. The OSS records will be examined for declassification by the CIA. Documents or portions of documents under the final declassification jurisdiction of the CIA (successor Agency) which are found still to contain national security information despite the passage of time will be withdrawn from the records and withheld in the custody of the CIA. A withdrawal card bearing a unique number will be substituted for the withdrawn material. Upon completion of the CIA's examination, the records appropriate for transfer as permanent records will be sent to NARS for accessioning. The records will consist of declassified and unclassified material, except as indicated below.
3. Classified material which the CIA has determined does not require continued protection insofar as that agency's interests are concerned, but which may require continued national security protection in the interest of some other U.S. agency or of a foreign government will be transferred along with the declassified and unclassified OSS records. Such classified material will be identified by the CIA examiners by placing a tab around the relevant material or by affixing a tag to the individual items. It will be the responsibility of National Archives declassification specialists to review such identified classified material for possible declassification at appropriate intervals in accordance with applicable Executive Orders and Information Security Oversight Office directives. The CIA's Information and Privacy Coordinator will assist NARS officials responding to access requests when the identification of the responsible U.S. agency is unclear or when transmittal to the appropriate foreign government is required for declassification determination.
4. NARS will screen and withhold from access and/or refrain from copying for the public declassified or unclassified accessioned OSS records containing information about a living individual which reveal details of a highly personal nature that the individual could reasonably assert a claim to withhold from the public to avoid a clearly unwarranted invasion of privacy, including but not

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limited to information about the physical or mental health or the medical or psychiatric care or treatment of the individual, and that contain personal information not known to have been previously made public, and relate to events less than 75 years old (41 CFR 105.61.5302-4).

5. It is agreed that the OSS records still contain sensitive documents which could cause adverse international repercussions. Therefore, as records are transferred, NARS will conduct initial screening on a series or subseries basis. When files or documents are requested, a re-screening will be performed on potentially sensitive records before such items are furnished to researchers. At such time, NARS reviewers will exercise discretion regarding the release of records that might cause national or international repercussions. In case of doubt, or where CIA has identified sensitive records, NARS will consult with appropriate information specialists of the CIA concerning the propriety and/or legal basis for continued denial or release.

6. The procedures set forth in this Memorandum of Understanding will become effective upon execution of this Memorandum of Understanding by both NARS and CIA.



ROBERT M. WARNER
Archivist of the United States

May 25, 1984
Date



HARRY A. FITZWATER
Deputy Director for Administration
Central Intelligence Agency

5 June 1984
Date

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