

GUIDELINES FOR SYSTEMATIC REVIEW OF
FOREIGN GOVERNMENT INFORMATION
THIRTY YEARS OLD OR OLDER

A. PURPOSE.

These Guidelines for the systematic review and declassification of foreign government information have been developed in accordance with the provisions of Section 3-404 of Executive Order 12065, "National Security Information," and Section III.C of Information Security Oversight Office Directive No. 1. All foreign government information constituting permanently valuable records of the United States Government, for which a prior declassification date has not been established, shall be systematically reviewed for declassification as it becomes thirty years old. Foreign government information found to be within one of the specific categories of information listed in Part F below shall be reviewed item-by-item by authorized personnel of the agency or agencies concerned to determine whether continued protection beyond thirty years is needed. All foreign government information not identified in these Guidelines as requiring item-by-item review and for which a prior declassification date has not been established shall be declassified at the end of thirty years from the date of original classification.

B. DEFINITION.

"Foreign government information" as used in these Guidelines consists of:

1. Documents or material provided by a foreign government or governments, international organization of governments, or any element thereof in the expectation, expressed or implied, that the document, material, or the information contained therein is to be held in confidence;
2. Documents originated by the United States that contain classified information provided, in any manner, to the United States by foreign governments, international organizations of governments, or elements thereof, with the expectation, express or implied, that the information will be held in confidence;
3. Classified information or material produced by the United States pursuant to or as a result of a joint arrangement, evidenced by an exchange of letters, memorandum of understanding, or other written record, with a foreign government or organization of governments requiring that the information, the arrangement, or both be kept in confidence.

C. SCOPE.

1. These Guidelines apply to 30-year old foreign government information which has been received or classified by the United States Government or its agents.
2. Atomic energy information (including that originated prior to 1947 and not marked as such, that received from the [redacted] marked "Atomic," and that received from [redacted]) which is defined and identified as Restricted Data or Formerly Restricted Data in Sections 11y and 142d of the Atomic Energy Act of 1954, as amended, is outside the scope of these Guidelines and is not subject to systematic review and may not be automatically downgraded or declassified.

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Any document containing information within the definition of Restricted Data or Formerly Restricted Data that is not so marked will be referred to the Department of Energy Office of Classification for review and appropriate marking, except for licensing and related regulatory matters which shall be referred to the Division of Security, U.S. Nuclear Regulatory Commission.

D. AGENCY RESPONSIBILITIES.

1. Foreign government information transferred to the General Services Administration for accession into the National Archives of the United States shall be reviewed for declassification by the Archivist of the United States in accordance with Executive Order 12065, the directives of the Information Security Oversight Office, these Guidelines, any applicable terms of accession, and any supplemental guidelines provided by the agency with classification jurisdiction over the information.
2. Foreign government information constituting permanently valuable records of the Government (as defined in 44 U.S.C. 2103) that is 30 years old and undergoing systematic review for declassification while in the custody of an agency shall, except as provided in Part C above, be reviewed for declassification and downgrading by that agency in accordance with Executive Order 12065, the directives of the Information Security Oversight Office, these Guidelines, and any supplemental internal agency guidelines.
3. Foreign government information falling within any of the categories listed in Part F of these Guidelines shall be declassified or downgraded only upon specific authorization of the agencies to which the information was furnished by the foreign government or international organization of governments concerned and/or which have classification jurisdiction over it. When such information is in the custody of an agency but was furnished to or classified by, or is otherwise under the classification jurisdiction of another agency or agencies the information shall be referred thereto for review. Information so referred shall remain classified until all reviewing agencies have authorized its declassification. If the custodial agency cannot readily identify the agency or agencies having classification jurisdiction, the information shall be referred in accordance with Part G of these Guidelines for review or further referral.
4. Consultations with foreign governments concerning the proposed declassification of foreign government information shall be the responsibility of the agency having classification jurisdiction over the information affected.
5. Foreign government information falling within any of the categories listed in Part F of these Guidelines appearing in White House documents, which is either identifiable as having been furnished or appears to have been furnished by a foreign government shall be reviewed by designated White House personnel and further referred for review to any other agencies whose classification interest is indicated by the nature or content of the documents.

E. EFFECT OF PUBLICATION.

1. Foreign government information shall be considered declassified when published in an unclassified United States Government executive branch publication (e.g., the Foreign Relations of the United States series) or when cleared for such publication by United States Government executive branch officials authorized to declassify the information; or if officially published as unclassified by the foreign government(s) or international organization(s) of governments that furnished the information unless the fact of the U.S. Government's possession of the information requires continued protection.

2. The unofficial publication, in the United States or abroad, of foreign government information contained in United States or foreign documents, or of substantially similar information, does not in or of itself constitute, or permit the declassification of such documents. Although prior unofficial publication is a factor to be considered in the systematic review process and may affect determinations as to continuation of classification, there may be valid reasons for continued protection of the information which could preclude its declassification. In particular, the classification status of foreign government information which concerns or derives from intelligence activities, sources or methods shall not be affected by any unofficial publication of identical or similar information. The final determination as to the declassification of foreign government information similar to or identical with unofficially published information shall be made by the agency or agencies having classification jurisdiction over it.

F. CATEGORIES REQUIRING ITEM-BY-ITEM REVIEW.

Foreign government information falling into the specific categories listed below shall be reviewed for declassification in accordance with Part A above:

1. Information exempted from declassification under any joint arrangement evidenced by an exchange of letters, memorandum of understanding, or other written record, with the foreign government or international organization of governments, or element(s) thereof, that furnished the information. Questions concerning the existence or applicability of such arrangements shall be referred to the agency or agencies holding classification jurisdiction over the records under review.

2. Information related to the safeguarding of nuclear materials or facilities, foreign and domestic, including but not necessarily limited to vulnerabilities and vulnerability assessments of nuclear facilities and Special Nuclear Material.

3. Nuclear arms control information (see also #11 below).

4. Information regarding foreign nuclear programs (other than Restricted Data and Formerly Restricted Data), such as:

- a. Nuclear weapons testing.
- b. Nuclear weapons storage and stockpile.
- c. Nuclear weapons effects, hardness, and vulnerability.
- d. Nuclear weapons safety.
- e. Cooperation in nuclear programs including, but not limited to, peaceful and military applications of nuclear energy.
- f. Exploration, production and import of uranium and thorium from foreign countries.

5. Information concerning intelligence or counterintelligence sources, methods or activities including but not limited to intelligence, counterintelligence and covert action programs, plans, policies, operations, or assessments; or which would reveal or identify:

- a. Any present, past or prospective undercover personnel, installation, unit, or clandestine human agent, of the United States or a foreign government;
- b. Any present, past or prospective method, procedure, mode, technique or requirement used or being developed by the United States or by foreign governments, individually or in combination, to produce, acquire, transmit, analyze, correlate, assess, evaluate or process intelligence or counterintelligence, or to support an intelligence or counterintelligence source, operation, or activity;
- c. The present, past or proposed existence of any joint United States and foreign government intelligence, counterintelligence, or covert action activity or facility, or the nature thereof.

6. Information that could result in or lead to actions which would place an individual in jeopardy attributable to disclosure of the information, including but not limited to:

- a. Information identifying any individual or organization as a confidential source of intelligence or counterintelligence.
- b. Information revealing the identity of an intelligence, counterintelligence or covert action agent or agents.

7. Information about foreign individuals, organizations or events which, if disclosed, could be expected to:

- a. Adversely affect a foreign country's or international organization's present or future relations with the United States.
- b. Adversely affect present or future confidential exchanges between the United States and any foreign government or international organization of governments.

8. Information related to plans (whether executed or not, whether presented in whole or in part), programs, operations, negotiations, and assessments shared by one or several foreign governments with the United States, including but not limited to those involving the territory, political regime or government of another country, and which if disclosed could be expected to adversely affect the conduct of U.S. foreign policy or the conduct of another country's foreign policy with respect to a third country or countries. This item would include contingency plans, plans for covert political, military or paramilitary activities or operations by a foreign government acting along or jointly with the United States Government, and positions or actions taken by a foreign government alone or jointly with the United States concerning border disputes or other territorial issues.

9. Information concerning arrangements with respect to foreign basing of cryptologic operations and/or foreign policy considerations relating thereto.
10. Scientific information such as that concerning space, energy, climatology, communications, maritime, undersea, and polar projects, that could be expected to adversely affect current and/or future exchanges of such information between the United States and any foreign governments or international organizations of governments.
11. Information on foreign policy aspects of nuclear matters, the disclosure of which could be expected to adversely affect cooperation between one or more foreign governments and the United States Government.
12. Nuclear propulsion information.
13. Information concerning the establishment, operation, and support of nuclear detection systems.
14. Information concerning or revealing military or paramilitary escape, evasion, cover or deception plans, procedures, and techniques whether executed or not.
15. Information which could adversely affect the current or future usefulness of military or defense policies, programs, weapon systems, operations, or plans.
16. Information concerning research, development, testing and evaluation of chemical and biological weapons and defense systems; specific identification of chemical and biological agents and munitions; and chemical and biological warfare plans.
17. Technical information concerning weapons systems and military equipment that reveals the capabilities, limitations, or vulnerabilities of such systems or equipment and that could be exploited to destroy, counter, render ineffective or neutralize such weapons or equipment.
18. Cryptologic information, including cryptologic sources and methods, currently in use. This includes information concerning or revealing the processes, techniques, operations, and scope of signal intelligence comprising communications intelligence, electronics intelligence, and telemetry intelligence, the crypto-security and emission security components of communications security, and the communications portion of cover and deception plans.
19. Information concerning electronic warfare (electronic warfare support measures, electronic counter-countermeasures) or related activities, including but not necessarily limited to:
 - a. Nomenclature, functions, technical characteristics or descriptions of communications and electronic equipment, its employment/development, and its association with weapon systems or military operations.
 - b. The processes, techniques, operations or scope of activities involved in the acquisition, analysis and evaluation of such information, and the degree of success achieved by the above processes, techniques, operations or activities.

20. Present, past or proposed protective intelligence information relating to the sources, plans, techniques, equipment and methods in carrying out assigned duties of protecting United States Government officials or other protectees abroad and foreign officials while in the United States or United States possessions. This includes information concerning the identification of witnesses, informants and persons suspected of being dangerous to persons under protection.

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23. Information described in subparts 1 through 22 of this Part contained in correspondence, transcripts, memoranda of conversation, or minutes of meetings between the President of the United States or the Vice President of the United States and foreign government officials.

24. Information described in subparts 1 through 22 of this Part contained in documents originated by or sent to the Assistant to the President for National Security Affairs, his Deputy, members of the National Security Council staff, or any other person on the White House or the Executive Office of the President staffs performing national security functions.

25. Federal agency originated documents bearing Presidential, National Security Council, or White House or Executive Office of the President staffs comments relating to categories of information described in subparts 1 through 22 of this Part.

26. Information as described in subparts 1 through 22 of this Part contained in correspondence to or from the President or the Vice President, including background briefing memoranda and talking points for meetings between the President or the Vice President and foreign government officials, and discussions of the timing and purposes of such meetings.

27. Information as described in subparts 1 through 22 of this Part contained in agency message traffic originated by White House or Executive Office of the President staffs members but sent through agency communication networks.

G. REFERRAL AND DECISION.

1. When the identity of agencies having classification jurisdiction over foreign government information is not apparent to the agency holding the information, or when reviewing officials do not possess the requisite expertise, classification jurisdiction for systematic review shall be transferred as follows:

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| Categories | 2 through 4, | Department of Energy or Nuclear Regulatory Commission (as appropriate) |
| | 5 through 6, | Central Intelligence Agency |
| | 7 through 11, | Department of State |
| | 12 through 19, | Department of Defense |
| | 20 through 22, | Department of the Treasury |
| | 23 through 27, | National Security Council |

2. Agencies shall declassify information when it is determined after any necessary consultation with other United States agencies and, as appropriate, with foreign governments and international organization of governments that the information no longer requires classification protection. If it is determined that classification must be extended beyond 30 years, the provisions of Section III,C,2(b) of Information Security Oversight Office Directive No. 1 apply.

H. DOWNGRADING.

Foreign government information classified Top Secret may be downgraded to Secret after 30 years unless an agency with classification jurisdiction over it determines on its own authority, or after consultation, as appropriate, with the foreign government or international organization of governments which furnished the information, that it requires continued protection at the Top Secret level.

ISSUED: March 5, 1980

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