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Date: 04/19/88 (Regulations may contain various dates)

Category: 10 - Security

OPR: OFSS

Title: HR 10-22 ACCESS TO AND RELEASE OF OFFICIAL INFORMATION (U)

(b)(3)

22. ACCESS TO AND RELEASE OF OFFICIAL INFORMATION (U)

SYNOPSIS. This regulation sets forth policy governing access to and release of all official information in the possession of the Agency. (U)

a. **DEFINITION.** The term "official information," as used in this regulation, includes all information, whether classified or unclassified, that is originated, received, or controlled by the Agency in pursuance of law or in connection with the discharge of official duties. This definition encompasses information that concerns sources and methods, is unique to the Agency, or can be traced to the Agency. Excluded from this definition are personal copies of unclassified/uncontrolled administrative notices, personnel actions, financial statements, medical records, and items meant for public consumption such as newspapers, magazines, books, and reference materials. All official information as defined here is the property of the U.S. Government. (U)

b. POLICY

(1) **GENERAL.** Official information is not to be used for personal use or benefit and may not be copied or removed from the files of the Agency for any purpose except in connection with official business.

(2) **ACCESS.** Official information will not be provided to or used by an individual unless it is required in the course of official duties. Classified information is further restricted to those persons having a need-to-know who also have the necessary security clearances or access approvals. (Section 2.3, Executive Order 12333, contains restrictions on release of nonpublicly available information concerning U.S. persons. (U))

(3) **STORAGE.** When not in use, classified information must be stored in the manner

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specified in HR 10-23 (b)(3) or, in the case of information that requires special controls, in accordance with the provisions of HR 10-25. (b)(3) Unclassified official information marked with "Administrative-Internal Use Only" (AIUO) controls may be stored in the manner specified for classified material or, at a minimum, in a bar lock cabinet. Official information marked "For Official Use Only" (FOUO) will be stored in a manner to preclude unauthorized access. Filing such material with other unclassified records in unlocked files, desks, or similar containers is adequate when normal U.S. Government or Government-contractor internal building security is provided. When such internal security control is not exercised, locked buildings or rooms normally provide adequate after-hours protection. If such protection is not considered adequate, FOUO information will be stored in locked receptacles such as file cabinets, desks, or bookcases.

(4) **REMOVAL AND TRANSMITTAL OF CLASSIFIED INFORMATION.** The removal of classified information from Agency facilities and its transmittal are governed by the provisions of HR 10-24, (b)(3) HR 10-25, (b)(3) and related directives. No classified information may be removed from Agency buildings to residences unless specific prior approval has been granted by the Director of Security, and then only when approved storage facilities are available at the specific site. Information bearing the AIUO marking may not be removed from Agency buildings without the specific permission of the employee's supervisor, and then only if appropriate storage facilities are available as outlined in paragraph b(3) above. Unclassified information bearing AIUO or FOUO control markings may be removed from Agency buildings for official purposes only and if approved storage facilities are available as outlined in paragraph b(3) above. In all cases, the material is to be ultimately returned to the Agency for permanent storage and/or destruction.

(5) **DESTRUCTION.** The destruction of classified information must be accomplished as provided for in HR 10-24e(5). (b)(3) These destruction procedures also are applicable to unclassified official information marked with AIUO controls. Official information marked FOUO should be destroyed by secure destruction methods where they are available or, where they are not, by tearing each copy into pieces to preclude reasonable attempts at reconstruction and then placing the pieces in a regular trash container. (S)

c. RESPONSIBILITIES



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d. PENALTIES. Certain violations involving the misuse or mishandling of classified information can constitute a criminal offense, penalties for which are specified in Sections 793, 794, and 798, Title 18 U. S. Code. Other violations, while not constituting a criminal offense, represent violations of the Executive order on classification of national security information and Agency security policy and will be handled under appropriate provisions of HR 10-11. (U)

e. SPECIAL SITUATIONS

(1) RELEASE OF INFORMATION TO THE CONGRESS OF THE UNITED STATES


(a) Any request from members, committees, or staffs of the Congress of the United States for information or material in the possession of the Agency or for testimony or a briefing by an Agency employee must be referred to the Office of Congressional Affairs (OCA). The Director of Central Intelligence (DCI) has delegated to OCA the authority to arrange for the release of Agency information or material or to arrange for testimony or a briefing by an Agency employee for members, committees, or staffs of Congress. Decisions on releasability of Agency information are made by the Deputy Director concerned or designee in coordination with OCA based upon the general responsibility of a member or committee or the specific subject of a committee inquiry or investigation. OCA is responsible for coordinating requests for and releases of information or material with the originating office and other appropriate offices within the Agency. Disagreements concerning either responses or the subject matter of a response to Congress will be forwarded to the DCI or the Deputy Director of Central Intelligence for resolution. Agency employees must obtain the prior approval of OCA before having any official contact with members, committees, or staffs of Congress.

(b) In all cases where documents containing classified information are being sent on a loan or permanent basis to Congress, they will be marked in accordance with the provisions of the Executive order on classification of national security information and any implementing directives issued by the Information Security Oversight Office. The implementing instructions for these directives are contained in HHB 70-2. No markings other than those authorized by the Executive order or directive will be placed upon the documents. It is the responsibility of OCA to ensure that classified information is sent only to those authorized to receive it. OCA will be

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responsible, therefore, for initiating clearance requests for committee or personal staff members, will maintain a record of those who received clearances and the level of such clearances, and will notify the Office of Security when a committee or personal staff member no longer requires a security clearance.

- (2) **RELEASE OF INFORMATION TO THE GENERAL ACCOUNTING OFFICE OR THE LIBRARY OF CONGRESS.** Any request from the General Accounting Office or the Library of Congress for information or briefings also must be referred to OCA. This excludes, however, exchanges between the Office of Information Resources and the Library of Congress.
- (3) **RELEASE OF INFORMATION TO FORMER EMPLOYEES.** Former employees are not to be provided official information unless it is properly released to them through designated official channels. Need-to-know and possession of the appropriate security clearances must be demonstrated prior to release of any classified information. In general, former employees will be treated as other members of the general public who request information under the provisions of the Freedom of Information or Privacy Acts or the mandatory review procedures in the Executive order on classification of national security information.
- (4) **ACCESS BY FORMER PRESIDENTIAL APPOINTEES AND HISTORICAL RESEARCHERS.** This access is controlled under the Executive order on classification of national security information as implemented by the provisions of HR 10-24.  (U)

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