

OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE



Fiscal Year 2017 Fundamental Classification Guidance Review (FCGR)

LEADING INTELLIGENCE INTEGRATION

POLICY & STRATEGY
INFORMATION MANAGEMENT DIVISION

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Introduction

The following report encompasses the results of the Fundamental Classification Guidance Review (FCGR) for fiscal year (FY) 2017 conducted by the Office of the Director of National Intelligence (ODNI), as required by Executive Order (EO) 13526, “Classified National Security Information,” and in response to the Information Security Oversight Office (ISOO) memorandum of March 17, 2016. The FCGR highlights both ODNI accomplishments in classification management - to include evaluating policies, procedures, training and updating classification guides - and the challenges of implementation.

Although the 2017 ODNI FCGR officially commenced in March 2016, efforts to ensure that classification guides, training, and policies are regularly evaluated and updated have been ongoing since the last FCGR was completed in 2012. ISOO commented that “the ODNI operates a strong Classified National Security Information (CNSI) program, one which enjoys leadership support and utilizes numerous best practices” in its on-site review report of October 13, 2015. The report specifically highlighted several best practices, and described the Intelligence Advanced Research Projects Activity (IARPA) implementation of semi-annual guide reviews as “the strongest commitment to providing the most accurate and current classification guidance that we have seen in the Executive Branch.”

The ODNI provided ISOO with status updates on the ODNI CNSI program in October 2016 and February 2017 prior to the submission of this final report.

Executive Highlights

Security Classification Guides:

The ODNI Classification Guide was revised with positive results including:

- Elimination of all CONFIDENTIAL decisions for ODNI information in a manner that protects intelligence sources and methods yet facilitates information sharing, particularly with State, Local, and Tribal partners;
- Reduction in the number of restrictive NOFORN decisions from 95 to 15, which facilitates information sharing;
- Increase in the number of foreign release control markings (i.e., REL TO USA, FVEY) from 12 to 40 which facilitates information sharing;
- Declassification of the “fact of” a specific counterterrorism network platform, allowing for increased sharing and collaboration with designated foreign partners;
- Reorganization and consolidation of several sections within the guide for ease of use;
- Addition of new topics to standardize derivative classification by users, resulting in more consistent levels of classification being applied to such topics as Open Source Center, Travel, and Science and Technology Development;
- Elimination of twelve guides as a result of the decommissioning of IARPA-sponsored programs; and
- Creation of eleven new IARPA-sponsored guides to protect specific program data.

Personnel and Training:

- Updated the mandatory derivative classification training to align with ODNI classification guide revisions; and
- Placement of classification specialists into high-volume operational work centers and components to further reduce classification marking errors. This was considered a best practice by the ISOO on-site review team.

Technology

- Initiated a phased approach to automate the counting of internal derivative classification decisions for the annual SF-311 report.

ODNI Classification Guide Reporting Summary

- The number of classification guides reviewed: 73
- The number of classification guides cancelled: 12
- The number of classification guides consolidated: 1
- The number of modifications to classification duration: 0
- The number of declassification exemptions removed: N/A (ODNI has no approved Information Security Classification Appeals Panel exemptions as of the date of this report)
- The total number of active ODNI classification guides: 73

Responses to Specific FCGR Objectives

The following sections provide detailed analysis of ODNI classification management program review and efforts made in response to the specific objectives posed in ISOO's 2017 FCGR tasking.

Objective 1: Determine if the guidance conforms to current operational and technical circumstances.

All classification guides are coordinated by the ODNI Office of Policy & Strategy (P&S) in consultation with appropriate technical offices and other appropriate subject matter experts. This centralized effort reduces redundancy, standardizes the information and language used within each guide, and provides proper oversight on all original classification decisions being made within ODNI. All guides are signed by designated and trained Original Classification Authorities (OCA), who receive initial and annual training on their responsibilities in the decision making process. The majority of guides are reviewed every two years to ensure their content remains valid. Guides created by IARPA are reviewed on a semi-annual basis due to the program's dynamic and, at times, short duration. Requests for changes to classification guides are reviewed and validated by P&S for non-compartmented and compartmented guides, and by IARPA for program specific guides. ODNI currently has 73 active classification guides under its purview. Twelve guides were eliminated as a result of the closeout, consolidation, or expiration

of IARPA-sponsored programs. Eleven additional guides were created during this review period to ensure uniformity, consistency, upkeep, and adherence to EO 13526, ISOO, and ODNI policies.

Objective 2: Determine if the guidance meets the standards for the assessment of likely damage and classification under Executive Order 13526.

The appropriate classification level is an assessment determined by the extent to which damage will be caused to national security and the impact on sensitive sources and methods in the event of an unauthorized disclosure of the information. The standards for classification are met and documented in each guide by citing the applicable "reason" for classification next to the information requiring classification. While the reason cited most frequently within ODNI-sponsored classification guides is provided by EO 13526 Section 1.4 (c), *intelligence activities (including covert action), intelligence sources or methods, or cryptology*, several sections contain additional standards pertinent to the information being protected. In preparing for the most recent revision to the ODNI Classification Guide, ODNI determined that the 20 information elements previously assessed as requiring CONFIDENTIAL level protection listed in the Guide could be adequately and appropriately protected by raising the classification level to SECRET, lowering the level to UNCLASSIFIED, or removing those that no longer pertain from the guide, as noted below:

- Information elements raised to SECRET: 7
- Information elements lowered to UNCLASSIFIED: 3
- Information elements removed from the classification guide: 10

Based on this analysis conducted of CONFIDENTIAL level protection, the decision was made to remove CONFIDENTIAL entirely from the Guide.

Objective 3: Determine if the dissemination and availability of the guidance is appropriate, timely, and effective.

The dissemination, availability, and timeliness of ODNI classification guidance is achieved through several means. Approved classification guides are distributed via email and available to cleared personnel through a SharePoint site. A new capability was also added to the IC's tool for marking documents on classified networks, the Classification Management Tool (CMT), which provides users with the ability to utilize a hyperlink to the guides in the SharePoint website. This feature allows users to validate classification selections in real-time instead of waiting months for CMT code changes.

To assist the ODNI high-volume organizations including the ODNI Executive Secretariat and the National Counterterrorism Center, P&S deployed classification management specialists on-site to provide timely, on-demand classification support that has resulted in a significant

increase in the accuracy of classification markings applied to sensitive and highly classified documents. This approach directly contributed to the reduction of classification errors on finished documents and was cited by the visiting ISOO review team in 2015 as a best practice.

Objective 4: Examine recent classification decisions to see if classification decisions reflect the intent of the guidance – specifically, with regard to what is classified, how it is classified, how long will it be classified and which associated markings are used.

ODNI's centralized process for creating classification guides, coupled with dedicated training for employees with OCA, help ensure original decisions reflect only the critical program information that requires protection. Original decisions are cross-referenced with other internal and external classification guides to reduce duplication and conflicts. In some cases, prior Freedom of Information Act and Mandatory Declassification Review release decisions are also factored into final decisions. All classification markings applied (original and derivative) are validated against the *IC Markings System Register and Manual* that serves as the authoritative document for authorized IC-wide classification markings. Changes to existing levels or duration values for classified information are implemented as necessary and justified based on protecting national security interests as well as sensitive intelligence sources and methods.

Objective 5: Classification Guidance vs. Classification Guide.

Over the past several years, ODNI has successfully facilitated the development and implementation of several classification “guidance” documents to inform and facilitate the classification of information and material. Classification guidance is distinct from classification guides, in that guides establish the classification decisions for identified operational topics, functions and activities, while classification guidance supports effective and consistent implementation of the guides, with increased fidelity to program specifics. These guidance documents have successfully supplemented the guides by providing implementation direction in cases where classification decisions are more complex, such as in specific program or project-level matters.

Conclusion

The mission of Policy & Strategy is to lead the development, implementation, and oversight of the Intelligence Community-wide strategies, policies, and processes to promote integration and responsible information sharing and safeguarding. The 2017 FCGR will guide our continued efforts to strengthen and expand the ODNI classification management program and assist P&S in our mission to lead the Community in all aspects of the lifecycle of information management.

FY 2017
Fundamental Classification Guidance Review (FCGR)

Agency:		Date:	
Name and Title/Position of Senior Agency Official:			
Name, Title/Position, Phone Number, and E-Mail Address of FCGR Point of Contact:			

B-1. Number of OCAs in your agency.	
B-2. Date of last validation of OCA positions.	
B-3. How many OCAs have approved and signed SCGs?	

C-1. Total number of guides.	
C-2. Number of guides reviewed.	
C-3. Number of guides cancelled as a result of this review.	
C-4. Number of guides consolidated as a result of this review.	
C-5. Was there a determination that new guides were required as a result of this review?	
C-6. Number of modifications made to classification duration.	
C-7. Number of declassification exemptions removed.	

D-1. Was a working group formed to conduct the review?	
D-2. If yes, did the working group include subject matter experts, classification and declassification experts, and users of the guides? Please describe the process in your attached narrative.	
D-3. If no, please describe the process used to conduct the review in your attached narrative.	
D-4. During the review process, did you consider the following:	
D-4a. Should the information retain its current level of classification?	
D-4b. Should any information be downgraded or declassified?	
D-4c. Is the current duration of classification appropriate?	
D-4d. Are current exemptions from automatic declassification valid?	
D-4e. Does each guide contain the following (IAW 32 CFR 2001.15):	
D-4e(1). Identification of the subject matter.	
D-4e(2). Approval by the appropriate OCA by name and position, or personal identifier.	
D-4e(3). Agency point of contact for questions regarding the guide.	
D-4e(4). Date of issuance or last review.	
D-4e(5). Precise statement of each element of information that requires protection.	
D-4e(6). The level of classification for each element of information.	
D-4e(7). If applicable, handling caveats.	
D-4e(8). The concise reason for classification as described in E.O. 13256, section 1.4.	
D-4e(9). A specific date or event for declassification.	
D-5. Have past and recent classification and declassification decisions been incorporated?	
D-6. Have you cross-referenced information with other guides (internal and external) and conducted a horizontal coordination to ensure consistency?	

E-1. Have agency personnel received any training in the use of SCGs?	
E-2. Have agency personnel received any training in the development of SCGs?	
E-3. Are OCAs involved in the development process of the SCGs?	

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