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Description of document: Department of Health & Human Services (HHS) records re: the Mandatory Declassification Review (MDR) program, 2005, 2008-2009

Requested date: 19-January-2010

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Posted date: 15-August-2011

Source of document: Freedom of Information Officer
Mary E. Switzer Building, Room 2206
330 C Street, S.W.
Washington, D.C. 20201
Fax: 202-690-8320

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DEPARTMENT OF HEALTH & HUMAN SERVICES

Office of the Secretary

Case No. 2010-0385FW

Washington, D.C. 20201

June 2, 2011

This is in response to your January 19, 2010, Freedom of Information Act (FOIA) request pertaining to DHHS' procedures and guidance on processing, discussing and filing any internal reports (i.e., last two years annual reports) for the Mandatory Declassification Review (MDR) program.

The Office of Security and Strategic Information (OSSI) located nine (9) pages of records responsive to your request . Enclosed, in their entirety, are nine (9) pages of responsive records.

There is no charge for FOIA services in this instance because chargeable fees are under the cost effective threshold for billing.

Sincerely,

A handwritten signature in blue ink that reads "Robert Eckert".

Robert Eckert
Director, FOI/Privacy Acts Division
Office of Public Affairs

Enclosures

**U.S. Department of Health and Human Services
Office of Security and Drug Testing**

Washington, D.C. 20201

National Security Information Manual

February 1, 2005

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- .

3-00-20 Mandatory Review Request for Declassification

In accordance with Section 3.5 and 3.6 of EO 12958, as amended, a United States citizen or immigrant alien, a Federal agency, or a state or local government may request a review for declassification of information that was originally classified by HHS or its predecessor agencies under prior EOs. The request to release information does not need to identify the date or title of the information; however, it should be particularly specific to the information to enable HHS personnel to locate the sought after information with a reasonable amount of effort. Requests should be submitted to the Director, OSDT either as a mandatory review request or under the Freedom of Information Act (FOIA) review process. If the request is submitted as both processes, then the Director, OSDT will require the requestor to select only one process. If the requestor does not make a selection, the default process chosen will be FOIA, unless the information requested is subject only to a mandatory review.

The Director, OSDT, will coordinate the review request for declassification with the office in charge of FOIA/Privacy Act (PA) requests, the Office of the Assistant Secretary for Public Affairs, in an attempt to locate the requested classified information. Responses to requests will be governed by the amount of search and review time required to process the request. However, in the interest of being responsive to such requests, the IOS, STAFFDIV, or OPDIV office that has primary interest in the subject matter must be contacted in an attempt to locate and review the requested information. Results of the review, including recommendations and a copy of the requested information, or a request for additional time, must be furnished to the Director, OSDT, who is to notify the requester accordingly or inform the requester of the additional time needed to process the request. EO 12958, as amended, requires that agencies make a final declassification determination within one year from the date of receipt, except in unusual circumstances.

The IOS, STAFFDIV, or OPDIV office should make a prompt recommendation to the Director, OSDT, for the requested information or portions of information to be declassified. When the requested

9 pgs AS RELEASED



information cannot be declassified in its entirety, reasonable efforts should be made to release those declassified portions that constitute a coherent segment. If the information may not be released in whole or in part, the action office must provide the reasons for denial. When the classification of the requested information is a derivative decision, based on classified source material of another agency, the information must be provided to that agency for review and comment.

Upon receipt of the declassification review recommendation, the Director, OSDT, must make the declassification determination after contacting the originating agency, when necessary, and furnish any declassified information to the office handling FOIA/PA requests for a determination regarding release of the information.

When HHS receives a mandatory declassification review request for classified records that were originated by another agency and in the custody of HHS, the request is to be submitted to the Director, OSDT, who will refer the request and the pertinent records to the originating agency. Nevertheless, if the originating agency had previously agreed that HHS, as the custodial agency, may review its records, the Director, OSDT, will review the requested records in accordance with declassification guides or guidelines provided by the originating agency. The Director, OSDT, will communicate to the requestor, the originating agency's declassification determination.

The Director, OSDT, must declassify all HHS-originating information by marking it to reflect the change, as well as the authority for and date of the declassification method. If the review request for declassification is denied, in whole or in part, the Director, OSDT, must notify the requestor of the information in writing of the final determination and the reasons for any denial, as well as the right to appeal the determination within 60 working days of receipt of the denial.

In accordance with Section 3.5 and 3.6 of EO 12958, as amended, HHS may require a fee for declassification review requests. A requestor may appeal to the Deputy Secretary when the requested information is not declassified and released in whole. Below are the Deputy Secretary's appeal review procedures:

Table 4. Deputy Secretary's Appeal Review Procedures

- A. The Deputy Secretary will normally make a determination within 30 business days following the receipt of an appeal. If additional time is required to make a determination, the Deputy Secretary will notify the requestor of the additional time needed and provide the requestor with the reason for the extension. If continued classification of the information is required, the Deputy Secretary will notify the requestor in writing of the final determination and the reason for any denial.
- B. During the appeal review, the Deputy Secretary may overrule any previous determination in whole or in part when, in his/her judgment, continued



DEPARTMENT OF HEALTH & HUMAN SERVICES

Office of the Secretary

~~protection of information is no longer required in the interest of the national~~
security. If the Deputy Secretary determines that the information no longer
requires classification it will be declassified and, unless it is otherwise exempt
from disclosure under the FOIA/PA, released to the requestor. The Deputy
Secretary will advise the original HHS reviewing office of his/her decision.

Washington, D.C. 20201

Each individual whose review request for declassification is denied will be advised that he/she may administratively appeal a final agency decision to ISCAP. EO 12958, as amended, established ISCAP as a venue by which individuals whose review request for declassification is denied, could appeal the final agency decision.



DEPARTMENT OF HEALTH & HUMAN SERVICES

Office of the Secretary

DEPARTMENT OF HEALTH & HUMAN SERVICES

Washington, D.C. 20201
Office of the Secretary

Washington, D.C. 20201

November 12, 2009

Mr. William J. Bosanko
Director
Information Security Oversight Office
National Archives and Records Administration
700 Pennsylvania Avenue, NW
Washington, DC 20408-001

Dear Mr. Bosanko:

I have enclosed FY 09 Agency Security Classification Management Program Data (SF 311) for the Department of Health and Human Services (HHS).

Please phone me at (202) 690-7553 if you need further information.

Sincerely,

A handwritten signature in black ink, appearing to read "Doug Pruett", is written over a horizontal line.

Douglas J. Pruett
Associate Director & OCA
Office of Security & Strategic Information
Office of the Deputy Secretary

Enclosure



AGENCY SECURITY CLASSIFICATION MANAGEMENT PROGRAM DATA

Submissions must be unclassified and typewritten, and reach the Information Security Oversight Office (ISOO) no later than November 15 following the reporting period.)

PART A: Identifying Information

1. Enter the Fiscal Year that this report covers
FY 2009

2. Identify the Department, independent agency or Establishment that is covered by this report. Washington, D.C. 20201
Dept. of Health and Human Svcs (HHS)

3. Enter the name, title, address, phone, fax, and email address of the Senior Agency Official (as defined in EO 12958, as amended, Section 5.4(d)) responsible for this report.
William V. Corr, Deputy Secretary Washington, DC 20201 Voice 202-690-6133
200 Independence Ave., SW, Rm. 614G William.Corr@hhs.gov Fax 202-690-6570

4. Enter the name, title, phone, fax and email address for the point-of-contact responsible for answering questions about this report.
Douglas J. Pruett, Security Director/OSSI
Douglas.Pruett@hhs.gov
Voice 202-690-7553 Fax 202-690-6570

PART B: Officials with Original Classification Authority

5. Enter the number of agency officials whose highest level of original classification authority is TOP SECRET.	5. 0
6. Enter the number of agency officials whose highest level of original classification authority is SECRET.	6. 3
7. Enter the number of agency officials whose highest level of original classification authority is CONFIDENTIAL.	7. 0
8. Total number of officials with original classification authority. (Sum of blocks 5, 6, & 7)	8. 3

PART C: Original Classification Decisions

Original classification is an initial determination that the information to be classified has not been previously classified by any other authority. It also meets the following conditions: (1) it was classified by an original classification authority; (2) the information is owned by, produced by or for, or is under the control of the United States Government; (3) it falls into at least one of the categories found in Section 1.4 of EO 12958, as amended; and, (4) unauthorized disclosure could reasonably be expected to result in damage to the national security. (Provide information only on classification decisions contained in finished products for dissemination or retention, regardless of the media. Do not count reproductions or copies.)

9. Enter the number of original TOP SECRET classification decisions made during the reporting period with declassification instructions of 10 years or less.	9. 0
10. Enter the number of original TOP SECRET classification decisions made during the reporting period with declassification instructions ranging from over 10 years to 25 years.	10. 0
11. Total number of TOP SECRET original classification decisions. (Sum of blocks 9 & 10)	11. 0
12. Enter the number of original SECRET classification decisions made during the reporting period with declassification instructions of 10 years or less.	12. 1
13. Enter the number of original SECRET classification decisions made during the reporting period with declassification instructions ranging from over 10 years to 25 years.	13. 0
14. Total number of SECRET original classification decisions. (Sum of blocks 12 & 13)	14. 1
15. Enter the number of original CONFIDENTIAL classification decisions made during the reporting period with declassification instructions of 10 years or less.	15. 1
16. Enter the number of original CONFIDENTIAL classification decisions made during the reporting period with declassification instructions ranging from over 10 years to 25 years.	16. 0
17. Total number of CONFIDENTIAL original classification decisions. (Sum of blocks 15 & 16)	17. 1
18. Total number of original classification decisions. (Sum of blocks 11, 14, & 17)	18. 2

PART D: Derivative Classification Decisions

Derivative classification is the incorporating, paraphrasing, restating, or generating in new form information that is already classified. This includes classification based on classification guides or other source documents. (Provide information only on derivative classification decisions contained in finished products for dissemination or retention, regardless of the media. Do not count reproductions or copies.)

19. Enter the number of derivative TOP SECRET classifications during the reporting period.	19. 159
20. Enter the number of derivative SECRET classifications during the reporting period.	20. 143
21. Enter the number of derivative CONFIDENTIAL classifications during the reporting period.	21. 1
22. Total number of derivative classification decisions. (Sum of blocks 19, 20, & 21)	22. 303



Enter the Fiscal Year that this report covers.

FY 2009

DEPARTMENT OF HEALTH & HUMAN SERVICES
Identify the Department, Independent agency or establishment that is covered by this report.
Dept. of Health and Human Svcs (HHS)

Office of the Secretary

PART E: Mandatory Declassification Review Requests and Appeals

A request is an individual review request or appeal, regardless of the number of documents or pages to be reviewed (Washington, D.C. 60201). Report only requests for your agency in which your agency is responsible for the final decision. Please provide an explanation in Part I below where the number of requests or appeals carried forward between reporting periods changes.

23. Enter the number of requests carried over from the previous reporting period.	23.	0
24. Enter the number of new requests received during the reporting period.	24.	0
25. Enter the number of requests carried over to the next reporting period.	25.	0
26. Enter the number of appeals carried over from the previous reporting period.	26.	0
27. Enter the number of new appeals received during the reporting period.	27.	0
28. Enter the number of appeals carried over to the next reporting period.	28.	0

PART F: Mandatory Declassification Review Decisions in Pages

29. Enter the number of requested pages that were declassified in full.	29.	0
30. Enter the number of requested pages that were declassified in part.	30.	0
31. Enter the number of requested pages that were denied declassification.	31.	0
32. Total number of requested pages acted on. (Sum of blocks 29, 30, and 31)	32.	0
33. Enter the number of appealed pages that were declassified in full.	33.	0
34. Enter the number of appealed pages that were declassified in part.	34.	0
35. Enter the number of appealed pages that were denied declassification.	35.	0
36. Total number of appealed pages acted on. (Sum of blocks 33, 34, & 35)	36.	0

PART G: Automatic Declassification and Systematic Review

37. Enter the number of pages reviewed during the reporting period that were subject to declassification under Sections 3.3 & 3.4, EO12958, as amended.	37.	0
38. Enter the number of pages declassified under Sections 3.3 & 3.4, EO 12958, as amended.	38.	0

PART H: Internal Agency Oversight

39. Enter the number of inspections, surveys, or program reviews, covering any aspect of the security classification program, completed during the reporting period.	39.	113
40. Enter the number of challenges processed by your agency to the classification of information believed to be improperly classified or unclassified. (See EO 12958 as amended, Section 1.8)	40.	0

PART I: Explanatory Comments

Use this space to elaborate on any section of this form. If more space is needed, provide as an attachment to this form. Provide explanations for any significant changes in trends/numbers from the previous year's report.

#22. The numbers of derivative classification decisions greatly increased in FY 09 because HHS began a robust executive briefing program. Numerous classified briefs were prepared which were derived from multiple sources.



DEPARTMENT OF HEALTH & HUMAN SERVICES

Office of the Secretary

DEPARTMENT OF HEALTH & HUMAN SERVICES

Office of the Secretary
Washington, D.C. 20201

Washington, D.C. 20201

November 17, 2008

Mr. William J. Bosanko
Director
Information Security Oversight Office
National Archives and Records Administration
700 Pennsylvania Avenue, NW
Washington, DC 20408-001

Dear Mr. Bosanko:

I have enclosed FY 08 Agency Security Classification Management Program Data (SF 311) for the Department of Health and Human Services (HHS).

Please phone me at (202) 690-7553 if you need further information.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Pruett", with a long horizontal flourish extending to the right.

Douglas J. Pruett
Security Director for Classified Information
Office of Security & Strategic Information
Office of the Deputy Secretary

Enclosure



AGENCY SECURITY CLASSIFICATION MANAGEMENT PROGRAM DATA

(S) All submissions must be unclassified and typewritten, and reach the Information Security Oversight Office (ISOO) no later than November 15 following the reporting period.)

PART A: Reporting Information

1. Enter the Fiscal Year that this report covers: **FY 2008**

2. Identify the Department, Independent agency or Establishment that is covered by this report. **Washington, D.C. 20201**
Dept. of Health and Human Svcs (HHS)

3. Enter the name, title, address, phone, fax, and email address of the Senior Agency Official (as defined in EO 12958, as amended, Section 5.4(d)) responsible for this report.
 Tevi Troy - Deputy Secretary
 200 Independence Ave., SW, Rm 614G
 Washington DC 20201
 Tevi.Troy@hhs.gov
 Voice 202-690-6133
 Fax 202-690-6570

4. Enter the name, title, phone, fax and email address for the point-of-contact responsible for answering questions about this report.
 Douglas J. Pruet
 Security Director/OSSI
 Douglas.Pruett@hhs.gov
 Voice 202-690-7553
 Fax 202-690-6570

PART B: Officials with Original Classification Authority

5. Enter the number of agency officials whose highest level of original classification authority is TOP SECRET .	5.	0
6. Enter the number of agency officials whose highest level of original classification authority is SECRET .	6.	3
7. Enter the number of agency officials whose highest level of original classification authority is CONFIDENTIAL .	7.	0
8. Total number of officials with original classification authority. (Sum of blocks 5, 6, & 7)		

PART C: Original Classification Decisions

9. Enter the number of original TOP SECRET classification decisions made during the reporting period with declassification instructions of 10 years or less.	9.	0
10. Enter the number of original TOP SECRET classification decisions made during the reporting period with declassification instructions ranging from over 10 years to 25 years.	10.	0
11. Total number of TOP SECRET original classification decisions. (Sum of blocks 9 & 10)		
12. Enter the number of original SECRET classification decisions made during the reporting period with declassification instructions of 10 years or less.	12.	0
13. Enter the number of original SECRET classification decisions made during the reporting period with declassification instructions ranging from over 10 years to 25 years.	13.	0
14. Total number of SECRET original classification decisions. (Sum of blocks 12 & 13)		
15. Enter the number of original CONFIDENTIAL classification decisions made during the reporting period with declassification instructions of 10 years or less.	15.	0
16. Enter the number of original CONFIDENTIAL classification decisions made during the reporting period with declassification instructions ranging from over 10 years to 25 years.	16.	0
17. Total number of CONFIDENTIAL original classification decisions. (Sum of blocks 15 & 16)		
18. Total number of original classification decisions. (Sum of blocks 11, 14, & 17)		

PART D: Derivative Classification Decisions

19. Enter the number of derivative TOP SECRET classifications during the reporting period.	19.	10
20. Enter the number of derivative SECRET classifications during the reporting period.	20.	7
21. Enter the number of derivative CONFIDENTIAL classifications during the reporting period.	21.	0
22. Total number of derivative classification decisions. (Sum of blocks 19, 20, & 21)		



Enter the Fiscal Year that this report covers.

2008

DEPARTMENT OF HEALTH & HUMAN SERVICES
Identify the Department, independent agency or establishment that is covered by this report.
Dept. of Health and Human Svcs (HHS)

Office of the Secretary

PART E. Mandatory Declassification Review Requests and Appeals

23. Enter the number of requests carried over from the previous reporting period.	23.	0
24. Enter the number of new requests received during the reporting period.	24.	0
25. Enter the number of requests carried over to the next reporting period.	25.	0
26. Enter the number of appeals carried over from the previous reporting period.	26.	0
27. Enter the number of new appeals received during the reporting period.	27.	0
28. Enter the number of appeals carried over to the next reporting period.	28.	0

PART F. Mandatory Declassification Review Decisions in Pages

29. Enter the number of requested pages that were declassified in full.	29.	0
30. Enter the number of requested pages that were declassified in part.	30.	0
31. Enter the number of requested pages that were denied declassification.	31.	0
32. Total number of requested pages acted on. (Sum of blocks 29, 30, and 31)	32.	0
33. Enter the number of appealed pages that were declassified in full.	33.	0
34. Enter the number of appealed pages that were declassified in part.	34.	0
35. Enter the number of appealed pages that were denied declassification.	35.	0
36. Total number of appealed pages acted on. (Sum of blocks 33, 34, & 35)	36.	0

PART G. Automatic Declassification and Systematic Review

37. Enter the number of pages reviewed during the reporting period that were subject to declassification under Sections 3.3 & 3.4, EO12958, as amended.	37.	0
38. Enter the number of pages declassified under Sections 3.3 & 3.4, EO 12958, as amended.	38.	0

PART H. Internal Agency Oversight

39. Enter the number of inspections, surveys, or program reviews, covering any aspect of the security classification program, completed during the reporting period.	39.	104
40. Enter the number of challenges processed by your agency to the classification of information believed to be improperly classified or unclassified. (See EO 12958 as amended, Section 1.8)	40.	0

PART I. Explanatory Comments

Use this space to elaborate on any section of this form. If more space is needed, provide as an attachment to this form. Provide explanations for any significant changes in trends/numbers from the previous year's report.

[Empty box for explanatory comments]