Description of document:	Records Re: Defense Intelligence Agency (DIA Mandatory Declassification Review (MDR) program, 2012-2013
Requested date:	19-January- 2010
Released date:	27-February-2014
Posted date:	28-April-2014
Source of document:	Defense Intelligence Agency ATTN: DAN-1A (FOIA) 200 MacDill Blvd Washington, DC 20340-5100 Fax: (301) 394-5356 Email: FOIA@dodiis.mil

FEB 27 2014

U-14-6007/FAC2A1 (FOIA)

This responds to your Freedom of Information Act (FOIA) request, dated January 19, 2010, that you submitted to the Defense Intelligence Agency (DIA) for a copy of the following documents:

>   *1. Our agency's procedures to process requests for mandatory review of classified information.*
>
>   *2. Any memos that discuss these procedures or discuss any concerns associated with the processing of mandatory declassification review (MDR).*
>
>   *3. Any internal reports on the handling of MDR in the agency produced in the last two years, such as annual reports.*

I apologize for the delay in responding to your request. DIA continues its efforts to eliminate the large backlog of pending FOIA requests. In order to properly respond, it was necessary to consult with another office within the agency.

A search of DIA's systems of records located three documents (26 pages) responsive to your request.
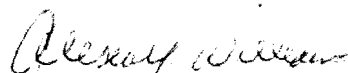
Upon review, I have determined that some portions of one document (22 pages) must be withheld in part from disclosure pursuant to the FOIA. The withheld portions are exempt from release pursuant to Exemption 3 of the FOIA, 5 U.S.C. § 552 (b)(3). Exemption 3 applies to information specifically exempted by a statute establishing particular criteria for withholding. The applicable statute is 10 U.S.C. § 424. Statute 10 U.S.C. § 424 protects the identity of DIA employees, the organizational structure of the agency, and any function of DIA.

Finally, I have determined that the remaining two documents (4 pages) are appropriate for release in full. DIA has not withheld any reasonably segregable non-exempt portions of the records

If you are not satisfied with my response to your request, you may exercise your right to file an administrative appeal by writing to the address below and referring to case number 0138-2010. Your appeal must be postmarked no later than 60 days after the date of this letter.

Defense Intelligence Agency
ATTN: FAC2A1 (FOIA)
200 MacDill Blvd
Washington, D.C. 20340-5100

Sincerely,

Alesia Y. Williams
Chief, Freedom of Information Act Staff

3 Enclosures

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FAC2A

MANDATORY DECLASSIFICATION REVIEW (MDR) PROGRAM

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1. **Purpose.** The purpose of this Standard Operating Procedure (SOP) is to establish guidelines for processing Mandatory Declassification Review (MDR) requests and to promote good customer service through the efficient receipt, accountability, and analysis of requests. This SOP also codifies the processes used in responding to requests thereby establishing consistent methods for the capture, storage, and centralization of "declassification decisions" administered by the FAC2A/FOIA and Declassification Services Branch.

2. **Authority.** Executive Order (E.O.) 13526, 32 CFR, Section 2001.33, OSD 32 CFR Part 222, DOD 5200.1-R, DIAR 50-2, and other related provisions of law.

3. **Applicability.** The procedures contained in this SOP are applicable to all personnel working in support of FAC2A and governs the public release of records processed through the Defense Intelligence Agency's Mandatory Declassification Review program.

4. **General Guidelines.** To the maximum extent consistent with promoting the "openness" of government and "protection of classified national security information," DIA classified information will be declassified in accordance with applicable governing directives. DIA information which cannot be declassified will be protected and annotated with appropriate Executive Order exemption code and/or statute which establishes criteria for withholding.

   a. The declassification of information is the primary responsibility of the Original Classifying Authority (OCA), his/her superiors, or the successor(s) of either. Under certain conditions, declassification may also be accomplished by officials exercising delegated declassification authority.

   b. FAC2A reviews classified information for MDR Requests with the use of declassification or classification guides. FAC2A also obtains input from internal and external OCAs prior to the public release of all classified information found within a DIA system of records.

   c. FAC2A conducts final administrative reviews *to* apply additional redactions and exemptions codes as prescribed by law. (**Note:** FAC2A will not remove redactions or exemption codes applied by an OCA without prior coordination with the authority rendering the decision(s).)

5. **Safeguarding.** An <u>unauthorized disclosure</u> is the communication or physical transfer of classified information to an unauthorized recipient. A <u>security violation</u> is any knowing, willful, or negligent action that could reasonably be expected to result in an unauthorized disclosure of classified information. Classified information, regardless of its form shall be afforded a level of protection against loss or unauthorized disclosure commensurate with its level of classification. Authorized persons who have access to classified information are responsible for:

a. Protecting classified information from persons not authorized access to that information.

b. Meeting the safeguard requirements prescribed by law, the security directives and policies of the Office of the Secretary of Defense, Office of the Director for National Intelligence and the Defense Intelligence Agency.

c. Ensuring classified information is not communicated over unsecured voice or data circuits, in public conveyances; places, or in any other manner that permits interception by unauthorized persons.

5. **DIA Mandatory Declassification Review Program.** A request for the mandatory declassification review of information is a process by which a citizen of the United States or an alien lawfully admitted for permanent residence to the Unites States can request a review of classified information for the purpose of having that information declassified regardless of its age or origin:

   a. The exception to this policy is when:

      1. The Request does not describe the document or material containing the information with sufficient specificity to enable personnel to locate information with a reasonable amount of effort.
      2. The document or material containing the information responsive to the Request is contained within an operational file exempt from search and review, publication, and disclosure under 5 U.S.C. 552.
      3. The information originated by the incumbent President or the incumbent Vice President/ the Incumbent President's White House Staff or the incumbent Vice President's Staff; Committees, Commissions, or Boards appointed by the President that solely advise and assist the incumbent President.
      4. The request solicits information that has been reviewed for declassification within the last 2 years.
      5. The records are subject to a pending litigation. (FAC2A will inform requester(s) of the denial decision and any rights to appeal.)
      6. The request solicits records exempted from search and review under sections 105C, 105D, or 701 of the National Security Act of 1947 (50 U.S.C. 403-5c, 403-5e, and 431.) ███████████████████████
      7. The request is submitted under the Mandatory Declassification Review and the Freedom of Information Act (FOIA) to be processed simultaneously. (*The Requester will be required to elect one process or the other. If a Requester fails to specify which, the request will be processed as a FOIA request unless the requested material is subject only to MDR.*)

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    b. FAC2A will make every effort to finalize MDR Requests within one year from
       date of receipt. However, when requests cannot be processed within the
       one year timeframe, FAC2A will provide a "status update" letter to Requester
       explaining why the request was not processed and notifying requester of the need
       for additional time to process the case.

    c. When FAC2A receives MDR request and the responsive information
       originated with another Agency, the records will be reviewed for DIA equities
       and simultaneously referred to the Originating Agency. The Originating
       Agency will process the request in accordance with governing directives.
       Upon the completion of its review the Originating Agency returns the
       information along with their declassification decisions to FAC2A. FAC2A
       compiles the declassification decisions and prepares a "DIA" response back to
       the Requester.

    d. An Agency may refuse to confirm or deny the existence or nonexistence of
       requested records whenever the fact of their existence or nonexistence is in itself
       classified under the Executive Order or predecessor Executive Orders. In
       cases where the Originating Agency determines in writing a response of this
       nature is required, FAC2A will respond to the Requester in accordance with
       governing directives.

7. **In-Processing MDR Requests.** FAC2A may receive MDR Requests by US Mail, Fax,
   and/or electronically.

    a. Upon receipt of MDR request, the Program Manager validates request letter
       by performing a credibility check. It is date stamped and assessed
       to determine whether it meets processing criteria.

    b. Upon completion of assessment the Program Manager enters request into
       FOIAXpress, assigns a case file number and prepares a case file folder.

    c. The Program Manager enters case file numbers into a separate MDR
       database. (All actions and subsequent actions related to a case should be
       entered in both the MDR and in FOIAXpress databases.)

    d. If the Request letter identifies "a previous FOIA case", the Program Manager
       will go into FOIAXpress and search to retrieve the related FOIA case.
       Documents retrieved from previous cases will be imported into the new MDR
       case review log.

    e. If the Request letter identifies "specific documents", the Program Manager
       initiates a search in FOIAXpress to determine if the documents were

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previously processed by FAC2A. If documents are located, the Program Manager will import the documents into the new MDR case review log. The Program Manager will annotate the notes block in FOIAXpress to indicate from which case the documents were previously released, i.e., "MDR", "FOIA" or "Appeals" case.

f. Upon receipt of any documents responsive to a request, the Program Manager will prepare a document inventory sheet for the case file. All documents that will remain a part of the case file should be individually identified on the document inventory sheet.

g. In the event the MDR request is not associated with documents from a previous FOIA case or it identifies documents that are not located during a search of the FOIAXpress; the Program Manager will either:

1. Give the case to FAC2A Search Assistant to conduct a search for the documents. (Upon the return of the case file "with documents", the Program Manager will scan or coordinate the scanning of documents into FOIAXpress and make the MDR case file number available for Information Disclosure Officer (IDO)/Senior Intelligence Officer (SIO) review.)
   or,
2. Submit a tasking Request to the appropriate DIA element to search for documents. (Tasking request to the DIA elements should instruct the DIA element to perform a declassification review of the Documents found in their system of records.

h. If no documents responsive to the Request are found, the Program Manager will collaborate with the SIO to prepare a "No Records" response to the Requester.

i. MDR requests received at FAC2A with documents included do not require a document search. The Program Manager and the SIO will proceed to process the case into FOIAXpress and add the case file number to MDR database for the IDO/SIO review of those documents.

j. When referring documents to a DIA Element for declassification reviews and the information is related to a previous case(s) processed within FAC2A; The Program Manager will compile and forward the previously redacted version (with translucent redactions applied); a clean copy version of the information and related correspondence from all agencies involved in the previous review(s). To initiate a task for review by a DIA element, the Program Manager will:

1. Go to eTask on JWICs

   ██████████████████████████████████

2. Add New Task
3. Fill in title – ALWAYS – MDR Review – Requester – TYPE XXXX-XXXX (i.e. MDR 0121-2014, ISCAP 0043-2014, MDRAP 0008-2014, FRUS 0002-2014)
4. Suspense Date (give less as they can ask for extension)
5. Put your info in Requesting Office and Tasking Authority
6. The rest on the Schedule tab stays the same
7. Press on the Guidance tab under the Title
8. Templates for this page can be found on██████████████████
9. Press on the Attachments tab under the Title
10. Add the Request letter from FOIAXpress and the Explanation of Exemptions and MDR Response Format documents from

    ██████████████████████████

11. Press on the Delegations tab under the Title
12. Add all who have equities to be reviewed by pressing on the button next to Action
13. Press save at the top right
14. Double check to make sure all information is correct
15. Go to FOIAXpress and add consultation review documents to the Large File Transfer with the new eTask number.
16. Go back to eTask and press Release at the top right.
17. At the top left, press print.
18. File printed copy in the case folder.

k. When MDR reviews are finalized the Program Manager will print all email correspondence from persons conducting the reviews and place a copy into the case file folder. The Program Manager will prepare either a response letter to the Requester to finalize the case or a referral return letter to an external agency to solicit the additional reviews required to finalize the case.

   1. If the declassification review was conducted by one of the DIA elements, the Program Manager will transfer redactions and/or declassification decisions into the FOIAXpress version of the document, including appropriate FOIA exemptions, 25 year exemptions, and E.O. 13526 subsections. The Program Manager also prepares the appropriate response letter for signature and closure of the case.
   2. The Program Manager will place the MDR case file in designated location for SIO review and signature.

3. At the completion of IDO/SIO review, the Program Manager will perform the

   final out processing for the MDR case. To perform the final out processing of a case file, the Program Manager will:

   a. Retrieve the case file and load the review layers for all documents.
   b. Transfer documents with review layers to the request folder.
   c. Arrow back in FOIAXpress to retrieve case file number.
   d. Once case number is visible, highlight and go up to the "actions" tab and click on the "final actions drop down." (once final actions screen is visible review the information related to case), go up and click the "save" tab (if case does not save you will be prompted to perform the required actions to save.
   e. Once saved, go back up to "actions" tab and click on the "close request" drop down, (you will be prompted to perform the required actions to close the case)

4. Upon receipt of signed MDR cases the Program Manager performs final out processing for the MDR case. The Program Manager will:

   a. Stamp the closure letter with the date of closure;
   b. Make a copy of correspondence letter;
   c. Annotate the log book;
   d. Mail the package.

8. **Mandatory Declassification Review Process.** The declassification review for MDR cases will be conducted by Original Classifying Authorities or Senior Intelligence Officers with delegated declassification authority. Information created by Agencies external to DIA will be referred to those Agencies for declassification reviews.

   a. FAC2A internal MDR reviews are performed for the purpose of:

      1. Declassifying, sanitizing and/or referring DIA equity for review by an appropriate DIA element.
      2. Declassifying, sanitizing and/or referring DIA equity found in the content of other agency documents for review by the appropriate DIA Elements.

   b. To retrieve and review MDR cases from FAC2A central repository the Analyst will:

1. Log into FOIAXpress using their JWICS protocols.
2. Go to the left of the screen under "Requests" and click "Create/Review cases."
3. Look under "Request Details" and go to the "Request #" field and enter the MDR case file number (using numbers only) follow by an "*". Example: MDR 0234-08 would be entered into FOIAXpress as *0234-2008*.
4. Go to the top of the display screen and click the "Search" tab.
5. Look under "Create/View Cases" to locate the MDR case. Highlight the case file number. Go to the top of display screen and click the "Correspondence" tab; at the drop down menu click "log." At the Correspondence Log Details double click "Request Description" to view correspondence received with the incoming Request.
6. Print a copy of the incoming correspondence and review the details of the MDR Request.
7. Close the Requester letters and return to the "Create/View Cases" screen. Insure the case file number is highlighted; Go up and click "Actions"; at the drop down menu click "View Documents"; in the next drop down menu click "In Review Log." FOIAXpress will load the case file.
8. To the left of the screen you will see two MDR case folder identifiers. Click the "+" at the secondary folder to view all folders associated with the case file. Click on the "+" proceeding each folder to open that folder. (**Note:** If review layers have been saved, at this point you must click to highlight the folder; go up to the "Load Review Layer Icon" and click. This action will load all review layers previously saved to that folder. This process must be repeated for each folder in order to load the previously saved review layers.)
9. Click on the first page of the folder to begin the review process; continue this procedure until all pages have been reviewed. Prior to being allowed to proceed to the next folder; FOIAXpress will prompt you to save your review layer. At the prompt follow the subsequent steps to save the review layer. Upon completion, FOIAXpress will inform you that your review layer has been successfully saved. (**Note:** Repeat this process until all pages in all folders have been reviewed.)
10. FAC2A review process for MDRs is similar to the review process for its Freedom of Information Act (FOIA) program. While Mandatory Declassification Reviews will be conducted using FOIA exemptions; there are some differences in the application of the exemption categories. For example:

    a. FOIA exemption (b)(1) applies to material which is properly classified pursuant to an Executive Order in the interest of national defense or foreign policy. The use of (b)(1) should be supported by one of the 1.4. sub-categories. For example: (b)(1) 1.4(a).

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    b. FOIA exemption (b)(3) applies to information specifically exempted by a statute establishing particular criteria for withholding. 10 USC Sec 424 (a) - Exemption from Disclosure.- - Except as required by the President or as provided in subsection (c), no provision of law shall be construed to require the disclosure of:

       1. The organization or any function of an organization of the Department of Defense named in subsection (b) of the statute.
       or;
       2. The number of persons employed by or assigned or detailed to any such organization.
       or;
       3. The name, official title, occupational series, grade or salary of any such person. (**Note:** Exemption (b)(3) can be applied to classified and unclassified information and can be clarified further as information concerning sources and methods to gather intelligence, including the facilities, organization, functions, names, officials titles, salaries, or numbers of personnel employed by the agency.)

9. **Mandatory Declassification Review Appeals Methodology.** An Administrative Appeal mandates an Agency to reconsider previous declassification decisions for the purpose of determining whether information withheld should remain classified and protected from public release.

    a. FAC2A provides the Requester with the results of the initial appeal. If the Requester remains unsatisfied with the results of the initial appeal, the Requester can further appeal to the President's Interagency Security Classification Appeals Panel (ISCAP.)

    b. It is the function of the Interagency Security Classification Appeals Panel to make decisions on MDR appeals from those parties whose requests for declassification under Section 3.5 of E.O. 13292 have been denied at the Agency level. (**Note:** As a practical policy matter, all reasonable attempts should be made to address the Requester's concerns while simultaneously preserving U.S. National Security Interests. In the event DIA must go to the formality of an ISCAP review, DIA's day-to-day procedures should insure the capability to demonstrate compliance with both the protection of National Security Interests and declassification provisions of E.O. 13292 during the course of processing the MDR case.)

    c. FAC2A should normally make a determination within 60 working days following the receipt of an appeal. In those instances where additional time is required to make determinations, FAC2A will notify Requester of the

additional time required and provide reasonable explanations for the
extensions.

10. **Agency Mandatory Declassification Review Administrative Appeals Process.**

   a. Upon the receipt of an MDR Administrative Appeal from a Requester, the
      Program Manager will stamp the date received on the Request letters.

      1. Enter the descriptive information into FOIAXpress, assigns an appeals case file
         number and prepare the case file folder.
      2. The Program Manager passes the appeal case file folder to Program Manager.
      3. The Program Manager receives the case file folder and enters relevant information
         into the MDR database.
      4. The Program Manager tasks the appeal case to the Elements as applicable.
      5. The Program Manager works in collaboration the FAC2A/SIO to:

         a. Maintain a current status of MDR appeals within FAC2A.
         b. Prepare status reports upon request.
         c. Assimilate related cases to the appeal, prepare correspondence and/or the
            distribute Appeal Cases as required.

   b. Coordinate with SIO for determinations of equity ownership and recipients of
      internal and/or external reviews as required.

   c. If the Requester is appealing the non-release of information from a previous
      case (FOIA, PA, or MDR), the Program Manager will:

      1. Go into FOIAXpress to import required documents into the appeals case's
         review log.
      2. Prepare a document inventory.
      3. Identify the DIA elements (if any) that need to be tasked for the review.
      4. Prepare a task sheet.
      5. Prepare the appeals package to contain:

         a. Tasking Instructions.
         b. A copy of the original review memo.
         c. Any previously redacted documents (translucent copy.)

   d. If the Requester is appealing a "No Records Response," the Program Manager
      will:

      1. Prepare a tasker sheet for an appeals search.
      2. Task the element that conducted the initial search.

      3. Task any new element that may have documents responsive to the Request.

e. If the Requester is appealing the "timeliness of the response, "the Program Manager will:

      1. Review the timeline.
      2. Prepare a summary of the sequence of events (what took place with the Request.)
      3. Prepare the Staff Summary Sheet package.

f. Once review responses are received back to FAC2A: The Program Manager determines whether the response is releasing more or less information than was released from the previous review(s). (*FAC2A cannot withhold more information than was released during a previous review.*)

g. If the initial decision was overturned in part or in whole during the Administrative Appeals review process, The Program Manager will:

      1. go into FOIAXpress to redact the withheld portions of the documents.
      2. Prepare the appropriate Staff Summary Sheet package.

h. If the initial decision was upheld, the Appeals Facilitator prepares the appropriate Staff Summary Sheet package.

i. The Staff Summary Sheet package will include the following sections:

      1. **Purpose.** The reason for the Appeal.
      2. **Background.** To clarify what was requested.
      3. **Discussion.** To clarify review determinations.
      4. **Current Recommendations.** To identify the action taken.
      5. **Enclosures.** Enclosures will include:

          a. Appeal Letter
          b. Request Letter
          c. Response to Agencies
          d. Initial Review
          e. Appeals Review
          f. Status.

j. The Program Manager will coordinate the Appeals package and related correspondence through:

1. FAC2A, SIO,
   to

2. The General Counsel's Office,
   to

3. FAC2A, Branch Chief
   to

4. FAC-2,
   to

5. FAC2, for Signature,
   and

6. Back through FAC2A for out-processing and closure.

k. The Program Manager prepares response letters to the Requester when there is the need to:

1. Advise Requester of the appeal actions taken (new search or re-review)
2. Advise Requester of the appeal determination (affirmed, initial review reversed, or whether the initial review was partially reversed)
3. Advise Requester of their right to appeal to Interagency Security Classification Appeals Panel (ISCAP) at:

   Executive Secretary, ISCAP
   C/O Information Security Oversight Office
   The National Archives Building
   700 Pennsylvania Avenue, NW, Room 100
   Washington, D.C. 20408
   FAX: (202) 357-5907
   E-Mail: iscap@nara.gov

l. The Program Manager monitors the process, administering procedures required to facilitate the receipt, accountability and coordination of Administrative Appeal cases received into FAC2A and processed through the necessary internal and external functional boundaries.

11. Interagency Security Classification Appeals Panel (ISCAP)

a. The ISCAP was established for the sole purpose of advising and assisting the President in the discharge of his constitutional and discretionary authority to protect the national security of the United States.

b. The rules and procedures of the ISCAP indicates the Panel will consider appeals only on those actions in which:

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1. The Requester has exhausted all administrative remedies within the responsible agency.

2. There are no current actions pending on the issue within the Federal Courts.
3. The information has not been the subject of review by the Federal Courts or the ISCAP within the past 2 years.
4. The ISCAP decides on appeals by Requesters who have filed classification challenges under section 1.8 of Executive Order 13292 by persons or entities who have filed
5. requests for mandatory declassification review under section 3.5 or Executive Order 13292.
6. FAC2A will cooperate fully with the ISCAP to aid its capacity to fulfill the Panel's functions in a timely and fully informed manner. A member of the ISCAP support staff generally provides notification to the agency at the time the Panel receives appeals from a Requester who has submitted an MDR with that agency. Upon notification from the ISCAP, The Program Manager passes the ISCAP letter to the FAC2A/SIO for review. The SIO receives the letter, performs an initial review and passes letter with instructions to the Program Manager. The Program Manager captures relevant information and scans the ISCAP letter into FOIAXpress. Upon completion, the Program Manager passes the ISCAP letter to the Program Manager. The Program Manager receives the letter, locate and review related case file(s) and passes the case to the FAC2A/SIO:
7. The SIO receives the case and prepares the DIA response package and letter to the ISCAP. (*The content of DIA response Memorandum will have to be tailored to the specifics of the case.*)

    a. At a minimum the documents required to construct the Memorandum will consists of:

       1. The Requester's Initial letter to DIA.
       2. The DIA initial acknowledgement letter.
       3. The DIA Element's review letter and redacted document(s). (Document(s) should be redacted with translucent redactions and contain appropriate exemption codes for all portions withheld.)
       4. The DIA response letter to the Requester
       5. If appropriate, the complete correspondence package for related Administrative Appeal process.
       6. A non redacted version of the document(s).

    b. Memorandums to the ISCAP should contain two separate sections which provide an Administrative Assessment and a Declassification Assessment for the case. (See Figure 1)

  c. The Administrative Assessment should be used to provide the Panel with information that reveals the specifics of when and how the Request(s) were received and processed through FAC2A MDR program.

  d. The Administrative Assessment should address whether the FAC2A MDR process failed to meet the appropriate time criteria for processing MDR Requests to include any explanations as to why the case could not be process within the required time criteria.

  e. The Declassification Assessment should be used to provide the Panel with information that reveals why the classified information is being withheld and why the information should remain protected.

  f. Packages mailed to the ISCAP should be addressed as follows:

   1. TOP SECRET/SCI material use DODAAC Code:

   405137BA32
   HKD038 DC6 BA 064
   Office of the Presidential Libraries (Attn: ISOO/ISCAP)

   2. SECRET and CONFIDENTIAL material mail to:

   The National Archives and Records Administration Information Security Oversight Office
   Attn: Interagency Security Classification Appeals Panel Room 503
   700 Pennsylvania Ave. NW
   Washington DC 20408

   3. Agencies may appeal decisions of the Panel to the President of the United States through the Assistant to the President for National Security Affairs.

12. **Statistical Reporting.** The Mandatory Declassification Review and the MDR Appeals programs are administered through the Program Manager. The case file numbers, processed documents and all corresponding documentation will be maintained in the FOIAXpress database.

  a. In an effort to provide consistent and accurate input for monthly and/or annual production statistics; the Program Manager will utilize the "Reports" feature in FOIAXpress to generate customized MDR reports to determine:

   1. Total number of outstanding cases (Backlog.)
   2. Total number of MDR cases open for the month.
   3. Total number of MDR cases closed for the month.

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4. Total number of MDR cases opened for the year.
5. Total number of MDR cases closed for the year.

b. Generating Statistical Reports. The Program Manager will use FOIAXpress to extract production statistics by:

1. Logging into FOIAXpress.
2. Going to the left of display screen and clicking "Reports."
3. Next, click "Custom Reports."
4. Look under "Select Report Type" and select "Requests."
5. Look under "Reports Criteria" and make selection from drop down menu.
6. Click 'Next" to view next screen.
7. Go to "Request Type" and click "Mandatory Declass Rev."
8. Go to "Closed Between" and click on calendar and select the first day of the month.
9. Go to the next calendar and select the first day of the month which follows the targeted period, for example, (to capture a total production for the month of March: include 1 March to 1 April to capture all cases closed during the month of March.)
10. To capture all cases opened during the month; go to Received between and click on calendar and select the first day of the month.
11. Go the next calendar and select the first day of the month which follows the targeted period, for example, (1 March to 1 April to capture all cases opened during the month of March.)
12. Go down to Request Status and make a selection from the drop down screen to customize report type for example, (all open cases, closed, ect.)
13. Go down to "Select Fields" boxes and use arrows to remove all criteria from right side box except: (Request Status, Request Type and/or Closed, Open.)
14. Go back up to top of display screen and click "Generate."

c. The Program Manager will extract production information from FOIAXpress and provide modified statistical reports to designated FAC2A staff members for inclusion with the Branch's Monthly Statistical Reports or as required by the Chief Public Access Branch.

13. **Summary**. Presidential policy mandates information be declassified as soon as national security considerations permits. Declassification policy mandates declassification be coordinated with Original Classifying Authorities and other U.S. Government Agencies having a direct interest ("equity") in the information under review for declassification. To ensure the DIA does not declassify or downgrade information without permission of the Original Classification Authority; This and other Agency heads are required to develop procedures to promptly process MDR Requests, notify Requesters of results, provide a means for Administratively Appealing denials and advising Requester's of their rights to the Interagency Security Classification Appeals Panel (ISCAP.), This Agency has established the functional areas of Mandatory Declassification Review

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Mandatory Declassification Review Program
Version 3.0 (*Supersedes MDR SOP dated July 2008*)
    Program Manager and Senior Intelligence Officer (Advisor) to provide operational consistency in
    the most critical areas of administering the Agency's Mandatory Declassification Review process.

Figure 1: The MDR Program - Task Configuration

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Figure 2: The IDO/SIO Case Analysis Process

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Figure 3: The MDR Appeals Process –

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Mandatory Declassification Review Program
Version 3.0 (*Supersedes MDR SOP dated July 2008*)

October 2013

Figure 4: ISCAP Memorandum Letter

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UNITED STATES GOVERNMENT
Memorandum

September 27, 2013

REPLY TO
ATTN OF: Defense Intelligence Agency
ATTN: FAC2A (FOIA)
200 MacDill Blvd
Washington, DC 20340

SUBJECT: ISCAP Appeal No. 2007-047 – "Requester's Name" for
DIA MDR #0156-2006 & DIA APP 0010-2008

TO: The National Archives and Records Administration Information Security Oversight Office
Attn: Interagency Security Classification Appeals Panel
Room 503 Pennsylvania Ave, NW
Washington, DC 20408

1. The attached correspondence is provided in response to the request, appeal, challenge and/or complaint regarding the public release of classified information originating from a component of the Defense Intelligence Agency (DIA).

2. DIA database indicates the Department of the Army referred three documents for processing under the Freedom of Information Act (FOIA) resulting in the creation of DIA FOIA case #0321-2000. DIA responded to requester on 14 March 2001 stating all substantive portions of the documents were not releasable.

3. DIA received correspondence dated 13 August 2006 from: "Requester's Name" requesting a Mandatory Declassification Review of the three documents referenced in DIA FOIA case #0321-2000. (Enclosure 1)

4. DIA MDR letter sent to requester on 29 November 2006 acknowledging receipt of the MDR request. (Enclosure 2)

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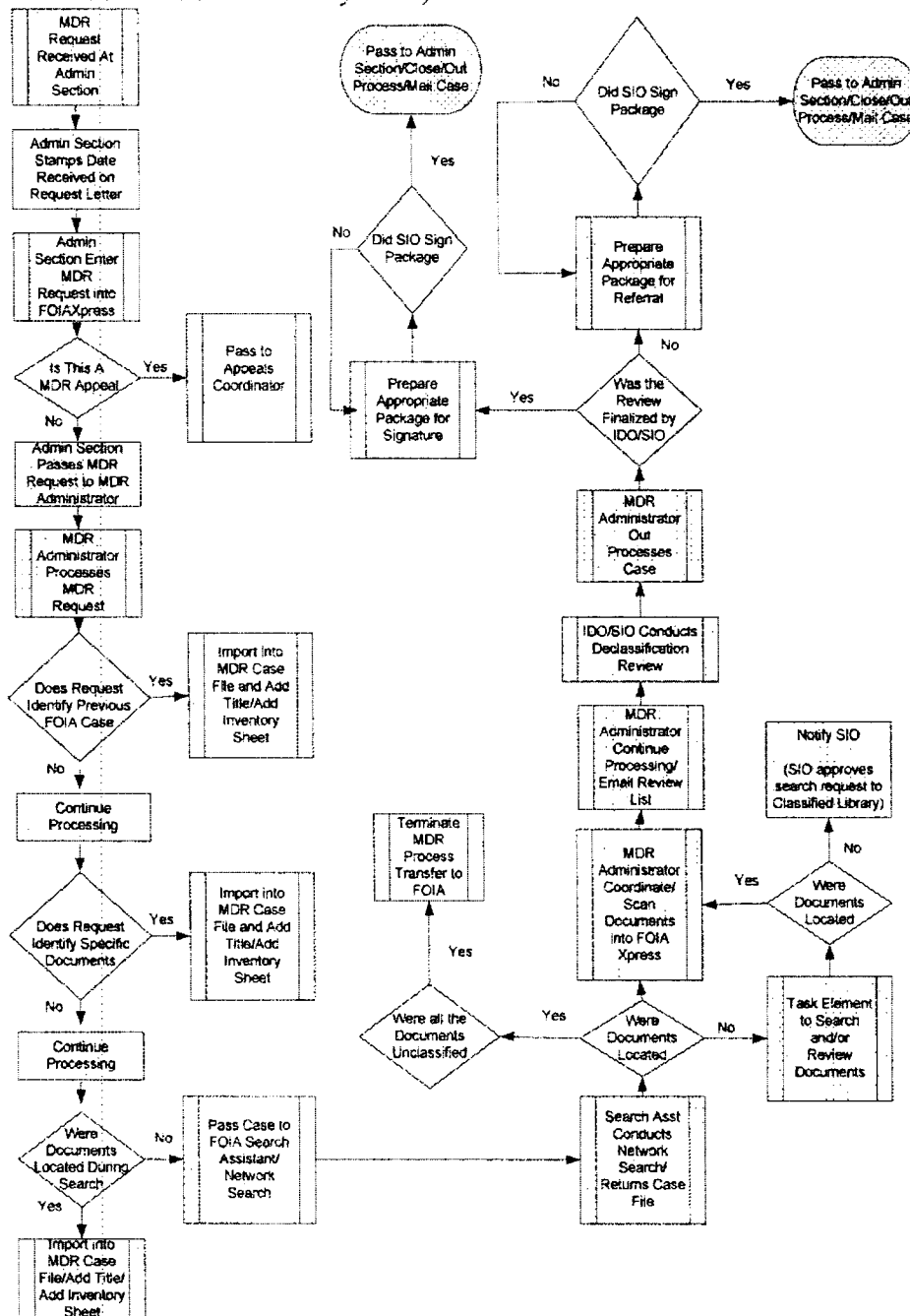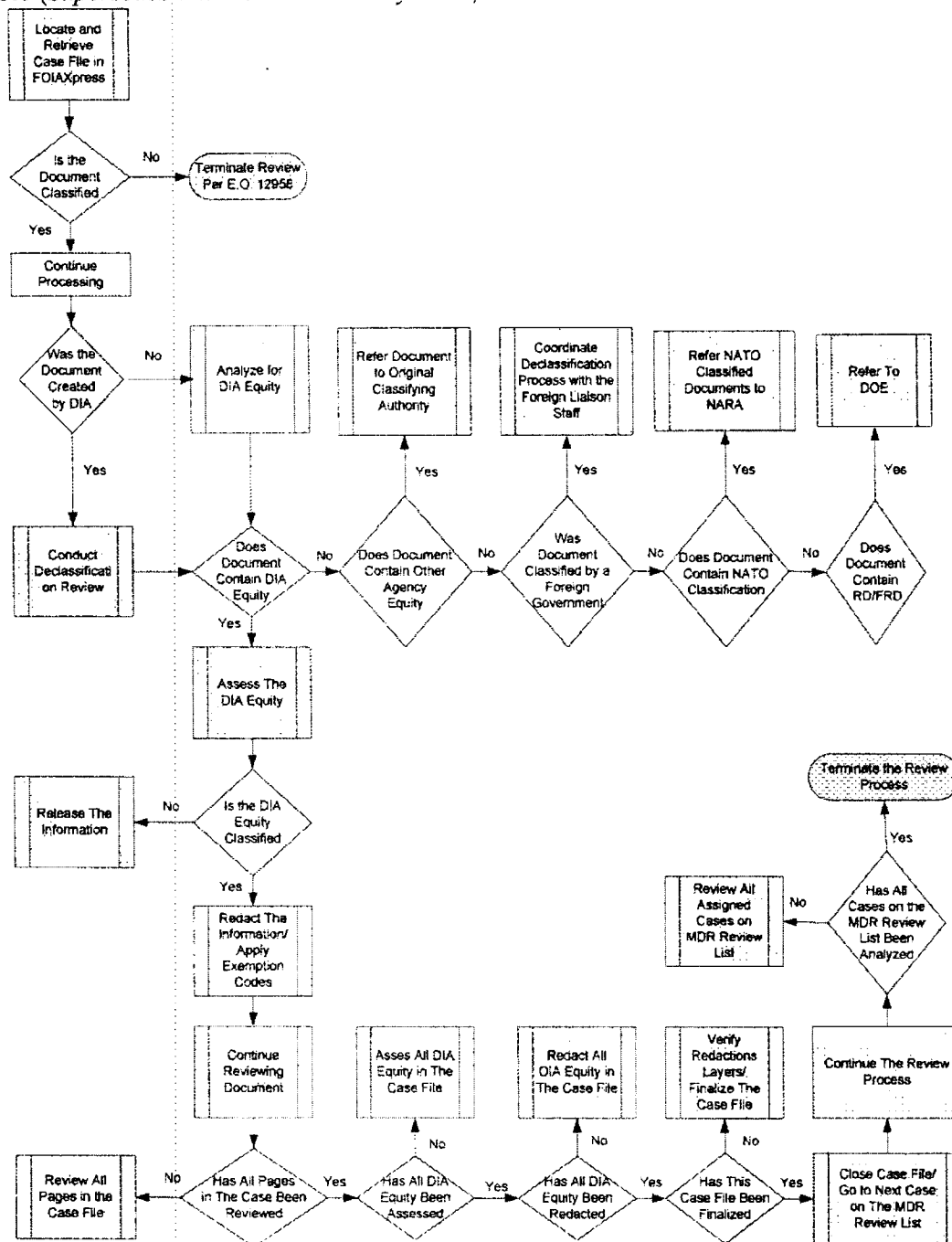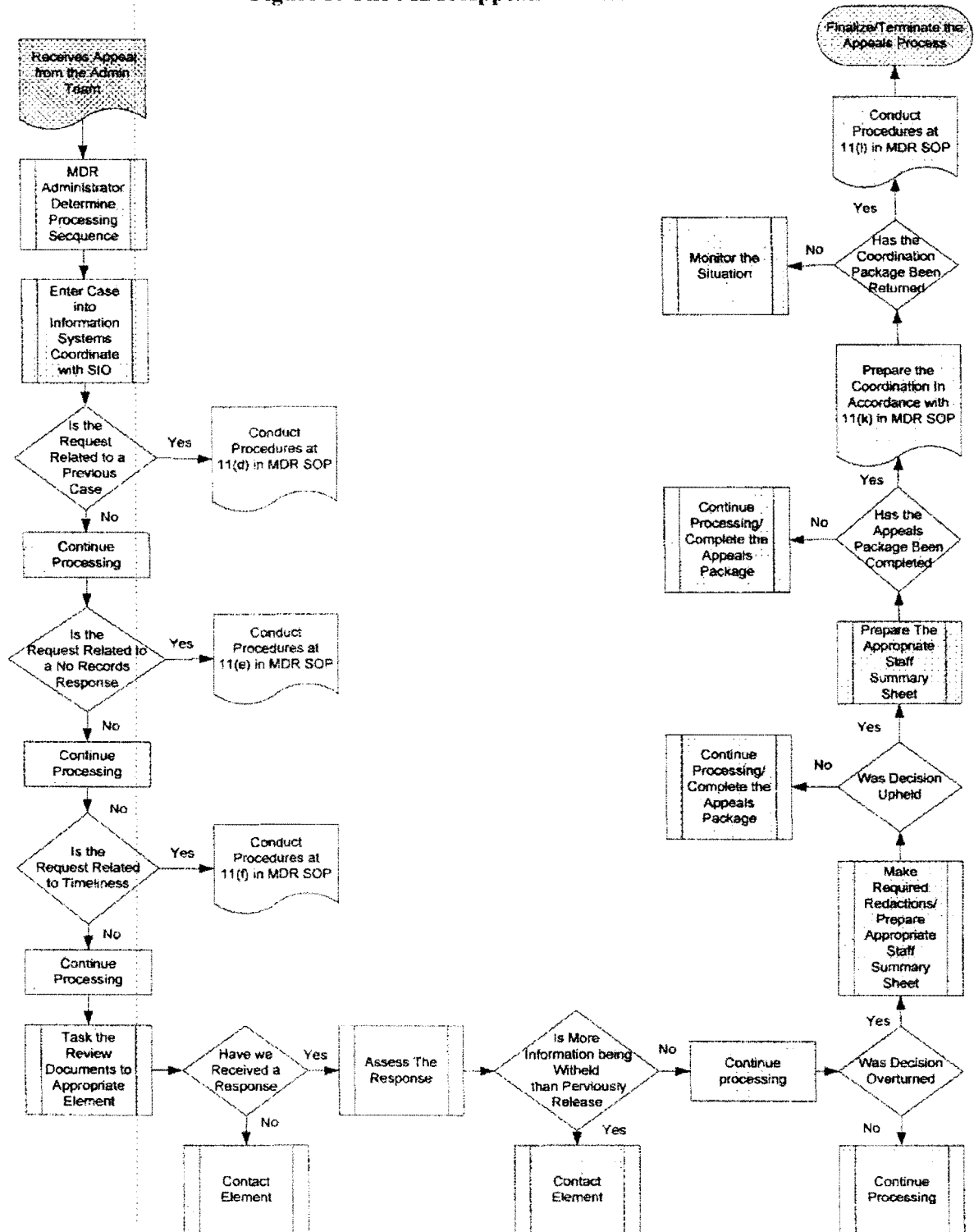Version 3.0 (*Supersedes MDR SOP dated July 2008*)

October 2013

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5. On 5 September DIA element tasked to review the three documents concerning the Bulgarian Intelligence Service.

6. DIA MDR review concluded exemptions previously used in the DIA FOIA case to deny information under (b)(1), Section 1.4 (b), (c), (d) and (b)(3) 10 USC 424 were still applicable to the information in the documents requested in the MDR. (Enclosure 3)

7. DIA responded to requester on 8 November 2007 in accordance with assessment by the DIA element and informed Requester that all portions of the documents were not recommended for release. (Enclosure 4)

8. In a letter dated 21 November 2007, "Requester's Name" appealed the final decision in the DIA MDR Case #0156-2006. (Enclosure 5)   (DIA database indicates this appeal was entered in the system as appeal case #0010-2008) on 3 December 2007.)

   a. *Administrative Assessment*: DIA MDR case 0156-2006 was administered in a timely manner however, the administrative appeal process for DIA APP 0010-2008 failed to communicate the Agency's position on the classified information requested. Noting Requester's appeal letter 21 November 2007 received one month after response from DIA declassification review 26 October 2007; it seems unlikely there would have been a change to release more information.

   b. *Declassification Assessment*: The information requested is "Denied in Full" as it appears to have been provided by a Foreign National, Agency or Government and falls in the category of information which reveals intelligence activities, sources and/or methods; the release of which could impact long range effectiveness of US Foreign Relations and Activities.

9. Please contact the undersigned at (301) 394-5466 for questions regarding this case.

William C. Joyner
Senior Intelligence Officer (Advisor)
Office for Information and Special Services

5 Enclosures
1. "Requester's Name" Initial MDR Request (U)
2. DIA MDR Acknowledgement Ltr (U)
3. DIA Review of responsive documents (S)
4. DIA MDR Response Ltr (U)
5. "Requester's Name" Administrative Appeal Ltr (U)

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AGENCY SECURITY CLASSIFICATION MANAGEMENT PROGRAM DATA

(Submissions must be unclassified 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.	1. **2012**
2. Identify the **Department, Independent agency, or Establishment** that is covered by this report.	2.
3. Enter the name, title, address, phone, fax, and e-mail address of the **Senior Agency Official** (as defined in E.O. 13526, section 5.4(d)) responsible for this report.	3.
4. Enter the name, title, phone, fax, and e-mail address for the **point-of-contact** responsible for answering questions about this report.	4.

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

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 or for, or is under the control of the United States Government; (3) it falls into at least one of the categories from section 1.4 of E.O. 13526; and (4) unauthorized disclosure could reasonably be expected to result in damage to the national security. (Provide information on all original classification decisions, regardless of the media, including those documented and disseminated via e-mail. 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.
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.
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.
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.
14. **Total** number of **SECRET** original classification decisions. (Sum of blocks 12 & 13)	14. 0
15. Enter the number of **original CONFIDENTIAL** classification decisions made during the reporting period **with declassification instructions of 10 years or less.**	15.
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.
17. **Total** number of **CONFIDENTIAL** original classification decisions. (Sum of blocks 15 & 16)	17. 0
18. **Total** number of original classification decisions. (Sum of blocks 11, 14, & 17)	18. 0

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 on all classification decisions, regardless of the media, including those documented and disseminated via e-mail. Do not count reproductions or copies.)

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

PART E: Mandatory Declassification Review Requests and Appeals
A "Request" is an individual initial review request or appeal, regardless of the number of documents or pages to be reviewed as part of the request.
For blocks 23-30, report only requests and appeals in which your agency is responsible for the final release.

23. Enter the number of **requests** received during the reporting period.	23.	324
24. Enter the number of **requests** closed during the reporting period.	24.	382
25. Enter the number of **requests** that have been unresolved for over one year.	25.	41
26. Enter the **average number of days** to resolve each request.	26.	164
27. Enter the number of **appeals** received during the reporting period.	27.	13
28. Enter the number of **appeals** closed during the reporting period.	28.	14
29. Enter the number of **appeals** that have been unresolved for over one year.	29.	7
30. Enter the **average number of days** to resolve each appeal.	30.	63

For blocks 31-32, report the number of requests and appeals that were referred to your agency, and the referring agency is responsible for the final release.

31. Enter the number of **referred requests** received during the reporting period.	31.	290
32. Enter the number of **referred appeals** received during the reporting period.	32.	5

PART F: Mandatory Declassification Review Decisions in Pages
Count only those pages documented in blocks 23-30 above.

33. Enter the number of **requested pages** that were declassified **in full**.	33.	18,113
34. Enter the number of **requested pages** that were declassified **in part**.	34.	2,246
35. Enter the number of **requested pages** that were **denied** declassification.	35.	859
36. Total number of **requested** pages acted on. (Sum of blocks 33, 34, & 35)	36.	879.359
37. Enter the number of **appealed pages** that were declassified **in full**.	37.	64
38. Enter the number of **appealed pages** that were declassified **in part**.	38.	219
39. Enter the number of **appealed pages** that were **denied** declassification.	39.	62
40. Total number of **appealed pages** acted on. (Sum of blocks 37, 38, & 39)	40.	345

PART G: Automatic, Systematic, and Discretionary Declassification Reviews

41. Enter the number of pages **reviewed** that were subject to **automatic declassification** under section 3.3 of E.O. 13526.	41.
42. Enter the number of pages **declassified** under **automatic declassification**.	42.
43. Enter the number of pages **reviewed** that were subject to **systematic declassification** under section 3.4 of E.O. 13526.	43.
44. Enter the number of pages **declassified** under **systematic declassification**.	44.
45. Enter the number of pages **reviewed** that were subject to **discretionary declassification** under section 3.1 of E.O. 13526.	45.
46. Enter the number of pages **declassified** under **discretionary declassification**.	46.

PART H: Internal Agency Oversight

47. Enter the number of **self-inspections conducted** by your agency, covering any aspect of the security classification program, during the reporting period.	47.
48. Enter the number of **challenges** processed by your agency to the classification of information believed to be **improperly classified or unclassified**. (E.O. 13526, section 1.8)	48.
49. Enter the number of **challenges** where the classification status was **fully affirmed**.	49.
50. Enter the number of **challenges** where the classification status was **overturned in whole or in part**.	50.
51. Enter the number of **security classification guides** created by your agency and **currently in use**.	51.

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