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OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE  
WASHINGTON, DC 20511

MAR 22 2016

Reference: ODNI Case DF-2015-00060

This is our final response to your 3 December 2014 letter to the Office of the Director of National Intelligence (ODNI) (Enclosure 1) requesting under the Freedom of Information Act (FOIA), a copy of **Intelligence Community Directives (ICD's) 402, 403, and 750**. You received an interim response on 2 November 2015 regarding ICDs 403 and 750. This letter completes ODNI's response to your request.

During the timeframe of your request being processed for release under FOIA, Intelligence Community Directive (ICD) 402 was reviewed and posted to the DNI website as part of ODNI's ongoing Transparency initiative. It can be found at: [www.dni.gov](http://www.dni.gov) using the ICD number as the search term. We have included a copy at Enclosure 2.

If you have any questions, email our Requester Service Center at [DNI-FOIA@dni.gov](mailto:DNI-FOIA@dni.gov) or call us at (703) 874-8500.

Sincerely,

  
Jennifer Hudson  
Director, Information Management Division

*for*

Enclosures



**INTELLIGENCE  
COMMUNITY  
DIRECTIVE  
402  
Technical  
Amendment**


**(U) Director of National Intelligence  
Representatives**

**A. (U) PURPOSE**

1. (U//~~FOUO~~) The original ICD 402, Annex B, which established an 18-month pilot, is rescinded. The revised Annex addresses the selection of DNI Representatives for locations within the United States as a part of the formal DNI Representatives framework described in this Directive.

2. (U) This Directive also contains a technical amendment to ICD 402, Section E.1.b, identifying the Assistant DNI for Partner Engagement as the DNI's designee for matters pertaining to DNI Representatives, to align the Directive with DNI Memorandum, *Delegation of Certain Authorities and Responsibilities of the DNI for Leadership of the Intelligence Community*, E/S 00076, 28 August 2011.

**B. (U) EFFECTIVE DATE:** The revision of ICD 402, Annex B and the technical amendment to ICD 402 become effective on the date of signature.

  
Director of National Intelligence

6 Sep 2012  
Date







## INTELLIGENCE COMMUNITY DIRECTIVE

402

### (U) Director of National Intelligence Representatives

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**A. (U) AUTHORITY:** The National Security Act of 1947, as amended; Executive Order 12333, as amended; and other applicable provisions of law.

**B. (U) PURPOSE**

1. (U) To set forth policy regarding the roles and responsibilities of Director of National Intelligence (DNI) Representatives as well as their selection, evaluation, and administration.

2. (U) This Intelligence Community (IC) Directive (ICD) supersedes previous policies, or portions thereof, agreements, and memoranda regarding DNI Representatives or Director of Central Intelligence Representatives as set forth in Annex A.

**C. (U) APPLICABILITY:** This Directive applies to the IC, as defined by the National Security Act of 1947, as amended; and such other elements of any department or agency as may be designated by the President, or designated jointly by the DNI and the head of the department or agency concerned, as an element of the IC.

**D. (U) POLICY**

1. (U) The DNI is committed to ensuring a coordinated, integrated, and effective IC through the use of DNI Representatives at designated organizations or locations. DNI Representatives are vital to the success of an integrated and interdependent United States (U.S.) intelligence effort to serve the U.S. Government (USG) intelligence needs. DNI Representatives serve as the principal advisors to their assigned organizations for IC matters, as a conduit between the DNI and their assigned organizations, and as the DNI's personal representatives to a variety of U.S. and foreign partners and international organizations.

2. (U//~~FOUO~~) The DNI determines the need for DNI Representatives in organizations or locations based upon dynamic IC mission and customer requirements, in consultation with affected departments, agencies, and entities. Organizations and locations to be considered for DNI Representatives include U.S. Diplomatic Missions; military organizations; organizations where there is a large IC presence, diverse mission requirements, significant interaction with foreign intelligence and security services or international organizations; and other places deemed appropriate. DNI Representatives are highly skilled and specialized IC professionals requiring careful selection and sustained support from the Office of the Director of National Intelligence (ODNI).

23 December 2009  
(As amended:  
06 September 2012)

**E. (U) ROLES & RESPONSIBILITIES****1. (U) Office of the DNI**

a. (U) The DNI, in consultation with the heads of affected departments, agencies, or other entities, shall:

- (1) Determine via memoranda where DNI representation is appropriate, in accordance with the criteria specified in Section F of this Directive;
- (2) Comply with National Security Decision Directive 38 for any proposed changes in the size, composition, or mandate of DNI Representatives at U.S. Diplomatic Missions;
- (3) Establish performance objectives for DNI Representatives and evaluate the performance of DNI Representatives against those objectives in accordance with Section E.2 and G.2 of this Directive, respectively; and
- (4) Inform the head of the DNI Representative's parent organization or other relevant IC element head(s) whose element is substantially involved with the subject of critical communications between the DNI and the DNI Representative.

b. (U) The Assistant DNI for Partner Engagement (ADNI/PE) shall serve as the DNI's designee for all matters pertaining to DNI Representatives. The DNI designee shall, to ensure consistent and controlled communications, manage formal communications with DNI Representatives; and shall support DNI Representatives in carrying out their roles and responsibilities, to include ensuring they are appropriately trained.

**2. (U//~~FOUO~~) DNI Representatives**

a. (U) Within their area of responsibility, all DNI Representatives shall:

- (1) Be broadly competent, Community-minded intelligence professionals capable of representing the full spectrum of IC interests;
- (2) Be accountable to the DNI for executing their responsibilities as the DNI Representative;
- (3) Immediately inform the DNI and the head of their parent organization whenever they believe that significant issues exist which impact the DNI Representatives' ability to execute their responsibilities;
- (4) For matters concerning the IC, serve as the principal advisor to the Chief of Mission, senior commander, or equivalent(s) and other appropriate individuals;
- (5) Help formulate and ensure effective implementation of IC strategies, including collection strategies, and country strategies, where applicable, that address the effective use of all resources to meet intelligence objectives;
- (6) Ensure appropriate individuals or entities are aware of the IC's capabilities, analytic products, and resources, as appropriate;
- (7) Lead the IC effort to integrate intelligence support by:

- (a) Acquiring, maintaining, and appropriately sharing knowledge of relevant IC activities, including intelligence or intelligence-related agreements, arrangements, or exchanges;
- (b) Ensuring active collaboration among IC elements;
- (c) Assisting IC elements' representatives in implementing their responsibilities;
- (d) Evaluating the quality of IC support, including recommending to the DNI or his designee modifications to IC mission posture including resources, priorities, or allocation of IC personnel, as appropriate;
- (e) Recognizing exemplary individuals or groups who contribute significantly to the IC mission, and submitting recommendations for IC awards or other recognition; and
- (f) Providing input to the appropriate rating official(s) of the senior representative(s) of each IC element on the performance element "Contribution to IC Effort and Support to the DNI Representative Responsibilities," in accordance with Section E.3.a.
- (8) At U.S. Diplomatic Missions, obtain country clearance before entering the country on official business; execute their DNI Representative responsibilities under the direction, coordination, and supervision of the Chief of Mission; and keep the Chief of Mission fully informed at all times of all current and planned DNI Representative activities;
- (9) Facilitate and monitor the implementation of DNI direction, policies, and procedures; and recommend to the DNI or his designee adjustments or improvements to relevant policies or procedures;
- (10) Represent the DNI and the IC to visiting USG officials, foreign dignitaries, and similar representatives, as directed by the DNI or his designee;
- (11) Promptly inform the DNI or his designee of significant issues, operations, or incidents; and
- (12) Perform other duties as the DNI determines.

b. (U) DNI Representatives may be assigned additional roles and responsibilities based upon the needs of the DNI, in accordance with this Directive.

### 3. (U//~~FOUO~~) IC Element Representatives

a. (U) Representatives of IC elements in a DNI Representative's area of responsibility shall:

- (1) Contribute as members of a collaborative IC effort to support the DNI Representative, the assigned organization, and other IC elements, as appropriate; and
- (2) Respond to and provide the DNI Representative with information necessary for the performance of the DNI Representative's responsibilities. This includes keeping the DNI Representative informed of intelligence activities or incidents that may impact the supported organization, U.S. relations with the host country, or other supported missions, as applicable. When possible, the DNI Representative shall be informed in advance of the activity.

b. (U) The senior representative(s) of each IC element shall:

(1) At the request of the DNI, provide input to the DNI or his designee on the performance of the DNI Representative in: ensuring active collaboration among IC elements; and assisting IC elements' representatives in implementing their responsibilities; and

(2) Be evaluated, in accordance with provisions of applicable DNI policies, on the performance element "Contribution to IC Effort and Support to the DNI Representative Responsibilities," set out in Section E.3.a of this Directive.

4. (U) Assigned Organization: The organization to which a DNI Representative is assigned is encouraged to, whenever possible and appropriate, use the DNI Representative as its conduit to the DNI or the ODNI, and provide input to the DNI or his designee regarding the performance of the DNI Representative, as requested.

5. (U) Parent Organizations: The IC element from which a DNI Representative originates shall provide administrative and technical support to DNI Representatives, except where alternate arrangements are agreed to by the DNI designee.

**F. (U//FOUO) DESIGNATION CRITERIA:** The DNI determines where DNI representation is appropriate based upon the following criteria: IC mission requirements; significant representational duties; complexity of the IC mission; complexity or significance of relationships with foreign intelligence or security services or with international organizations; complexity of customer requirements; whether the organization has a charter to integrate multiple streams of intelligence for planning and operations; and other relevant factors.

#### **G. (U) SELECTION, EVALUATION, AND ADMINISTRATION**

1. (U) Selection: DNI Representatives shall be IC leaders who demonstrate an understanding of: the national security and foreign policy objectives of the U.S.; the IC mission and capabilities of IC elements; the responsibilities and authorities of the DNI; relevant analysis of the country, region, or key topic in question; the mission and functions of the designated organization; and the intelligence needs of consumers of USG intelligence. Effective 1 October 2012, DNI Representatives selected for organizations designated by DNI memoranda shall have prior IC Joint Duty experience in an IC element other than their parent organization in accordance with applicable DNI policies, unless the DNI or his designee grants a waiver. DNI Representatives shall successfully complete all DNI-required training before or soon after assuming responsibilities as DNI Representative.

a. (S//NF) [REDACTED] In all cases the Central Intelligence Agency (CIA) Chief of Station shall serve as the DNI Representative [REDACTED]. The DNI is responsible for determining the roles and responsibilities of the DNI Representative, and for assessing the performance of the DNI Representative in these roles and responsibilities. In instances where the DNI believes that a Chief of Station is not performing effectively his essential functions as a DNI Representative, the DNI shall convey his concerns directly to the Director of the CIA, and may recommend that the individual be removed if those concerns have not been resolved to the satisfaction of the DNI within a period of six months.

b. (U//FOUO) Military Organizations: DNI Representatives at major military organizations will be selected competitively. The DNI will select the DNI Representative in consultation with the supported military commander.

c. (U//~~FOUO~~) U.S. Locations: The selection of DNI Representatives to U.S. locations shall be conducted in accordance with Annex B of this Directive.

2. (U//~~FOUO~~) Evaluation: The DNI will evaluate the performance of DNI Representatives on the performance objectives established in Section E.1.a.(4), in accordance with applicable DNI policies, at organizations or locations designated by DNI memoranda on an annual basis, informed by input from the Chief of Mission, senior commander, or equivalent and other IC representatives as requested by the DNI designee. The DNI's evaluation will be provided to the DNI Representative's parent organization for inclusion in the DNI Representative's evaluation of record. The DNI designee may consider DNI Representatives for ODNI and IC awards or recognition. Copies of DNI Representative evaluations will be retained by the ODNI.

3. (U) Administration: DNI Representatives shall serve at the discretion of the DNI, and shall have direct access to the DNI or his designee for matters pertaining to the performance of their duties as the DNI Representative. DNI Representatives will receive IC Joint Duty credit for their service upon the successful completion of an assignment as a DNI Representative, where the DNI designates via memoranda.

**H. (U) REVIEW:** The effective implementation of the DNI Representative structure in accordance with this Directive will be reviewed within six months of the date of signature.

**Z. (U) EFFECTIVE DATE:** This Directive becomes effective on the date of signature.

//signed// Dennis Blair  
Director of National Intelligence

23 December 2009  
Date



**(U) Directives, Agreements and Memoranda Superseded by  
ICD 402, *Director of National Intelligence Representatives***

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1. (U) Directives

- a. (U) ICD 1, *Policy Directive for Intelligence Community Leadership* (Section F.6.).
- b. (U) Director of Central Intelligence (DCI) Directive 5/IP, *Espionage and Counterintelligence Activities Abroad* (portions).

2. (U) Memoranda

- a. (U) DCI Memorandum, *Foreign Intelligence Relationships: Policy and Coordination*, 10 December 1991.
- b. ~~(S)~~ DNI Memorandum, *Designation of Chiefs of Station as Director of National Intelligence Representatives*, 21 April 2005.
- c. ~~(S)~~ DNI Memorandum, *Designation of Director of Central Intelligence Representatives as Director of National Intelligence Representatives*, 21 April 2005

## **(U) Selection of Director of National Intelligence (DNI) Representatives for Locations Inside the United States**

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### **A. (U) REFERENCES**

1. DNI Memorandum, *Delegation of Certain Authorities and Responsibilities of the DNI for Leadership of the Intelligence Community*, E/S 00076, 28 August 2011.
2. Memorandum of Agreement, *Domestic Director of National Intelligence Representative Program*, between the DNI and the Director of the Federal Bureau of Investigation (D/FBI), 02 November 2011.

**B. (U//~~FOUO~~) PURPOSE:** In accordance with ICD 402 section G.1.c, this Annex provides guidance for the selection of DNI Representatives for locations inside the United States (U.S.).

### **C. (U) DESIGNEES**

1. (U) The DNI, in Reference 1, designated the Assistant Director of National Intelligence for Partner Engagement (ADNI/PE) as the DNI's designee for matters pertaining to DNI Representatives.
2. (U//~~FOUO~~) The D/FBI's designee for matters pertaining to DNI Representatives for locations inside the U.S. is the Executive Assistant Director, National Security Branch (EAD/NSB).

### **D. (U) DNI REPRESENTATIVES FOR LOCATIONS INSIDE THE U.S.**

1. (U//~~FOUO~~) For locations inside the U.S., the DNI Representatives shall be the senior FBI official (the Assistant Director in Charge or Special Agent in Charge) at designated FBI Field Offices or locations. In accordance with Reference 2, the DNI and EAD/NSB shall jointly designate DNI Representatives for locations inside the U.S. and their corresponding areas of responsibilities.
2. (U//~~FOUO~~) The DNI's representatives for locations inside the U.S. are accountable to the DNI and D/FBI, or their respective designees. The role of the DNI representative is an additional duty. Representatives shall take care to distinguish their responsibilities as DNI representatives from their responsibilities in their parent organization. DNI representatives shall ensure that their activities are conducted in accordance with their established roles and responsibilities, consistent with civil liberties and privacy protections, and do not conflict with IC policy, existing statutes, executive orders, presidential directives, regulations, or other provisions of law.
3. (U//~~FOUO~~) In light of the unique intelligence and information sharing environment in the U.S., intelligence information intended for, and matters related to, non-federal entities shall be provided by those IC elements possessing authority to coordinate with such entities.