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**DEPARTMENT OF DEFENSE  
OFFICE OF FREEDOM OF INFORMATION  
1155 DEFENSE PENTAGON  
WASHINGTON, DC 20301-1155**

**30 JUN 2010**

Ref: 10-F-0555

This is in response to your January 19, 2010 Freedom of Information Act (FOIA) request for "1) your agency's procedures (or guidance) to process requests for the 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." We received your request January 28, 2010.

The Records Declassification Division (RDD) located nine documents responsive to your first requested item, totaling 56 pages. Mr. David Daley, an Initial Denial Authority, has determined three documents (doc 7, doc 8 and doc 9) must be withheld in their entirety pursuant to 5 U.S.C. § 552(b)(5), which pertains to certain inter- and intra-agency communications protected by the deliberative process privilege. He also determined portions must be withheld in one document (doc 5) pursuant to 5 U.S.C. § 552(b)(6), which pertains to information the release of which would constitute a clearly unwarranted invasion of the personal privacy of individuals.

In response to the second item, RDD searched its files for records such as those described in your request. RDD concluded its search, however, without finding any responsive records.

Two documents (doc 10 and doc 11), totaling four pages, were provided by the Washington Headquarters Service (WHS) in response to your third requested item. Mr. Frank M. Wilson, Director, Administrative and Program Support Directorate (APSD), an Initial Denial Authority, determined that portions must be withheld pursuant to 5 U.S.C. § 552 (b)(6), as the release would constitute a clearly unwarranted invasion of personal privacy.

For your information, WHS stated that National Archive and Records Administration (NARA), Information Security Oversight Office (ISOO) has annual reports to the President containing total information related to the Department of Defense at: <http://www.archives.gov/isoo/reports/>.

If you are not satisfied with this action, you may appeal to the appellate authority, the Director of Administration and Management, Office of the Secretary of Defense, by writing directly to the Defense Freedom of Information Policy Office, Attn: Mr. James Hogan, 1155 Defense Pentagon, Washington, D.C. 20301-1155. Your appeal should be postmarked within 60 calendar days of the date of this letter, should cite to case number 10-F-0555, and should be clearly marked "Freedom of Information Act Appeal."

Sincerely,



Paul J. Jacobsmeyer  
Chief



Enclosure:  
As stated

**From:** "Gibbens, Curtis A. CTR WHS/ESD" <[curtis.gibbens.ctr@whs.mil](mailto:curtis.gibbens.ctr@whs.mil)>  
**Date:** Tue, 06 Jul 2010 13:37:00 -0400  
**Conversation:** 10-F-0555 (Released of previous withheld documents)  
**Subject:** 10-F-0555 (Released of previous withheld documents)

The Mandatory Declassification Review (MDR) program changed hands last week, and is now with the Chief, Washington Headquarters Services, Executive Service Division Records Management and Declassification Branch.

Documents 7 and 8 have now been approved to be released in full. Document 9 is still exempted in full pursuant to 5 U.S.C. § 552(b)(2), which pertains solely to the internal rules and practices to prevent circumvention, and pursuant to 5 U.S.C. § 552(b)(5), which pertains to certain inter- and intra-agency communications protected by the deliberative process privilege. A proposed MDR Program Federal Register rule is pending approval with the DoD Regulatory Policy Officer prior to forwarding to the Office of Management and Budget for review and publication in the Federal Register for public comment.

Respectfully,  
Curtis Gibbens  
Information and Privacy  
OSD/JS Office of Freedom of Information  
Department of Defense  
1155 Defense Pentagon  
Washington, DC 20301-1155  
703-696-3184





# Department of Defense MANUAL

NUMBER 5230.dd-M

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DA&M

SUBJECT: DoD Mandatory Declassification Review (MDR) Program

References: See Enclosure 1

1. PURPOSE. In accordance with the authority in DoD Directive 5105.53 (Reference (a)) and DoD Instruction 5200.01 (Reference (b)), this Manual implements policy established in Reference (b), assigns responsibilities, and provides procedures for members of the public to request a declassification review of information classified under the provisions of Executive Order 12958, as amended (Reference (c)), or predecessor orders.

2. APPLICABILITY. This Manual applies to OSD, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the Department of Defense (hereafter referred to collectively as the "DoD Components").

3. DEFINITIONS. Unless otherwise noted, these terms and their definitions are for the purpose of this manual.

a. foreign government information. Defined in DoD 5200.1-R (Reference (d)).

b. formal tracking system. A system designed to ensure DoD Component accountability and compliance. For each MDR request, the system shall contain as a minimum a unique tracking number, requester's name and organizational affiliation, information requested, date of receipt, and date of closure.

c. Formerly Restricted Data. Defined in Reference (d).

d. MDR. Review classified information for declassification in response to a declassification request that meets the requirements under section 3.5 of Reference (c).

e. Restricted Data. Defined in Reference (d).

4. RESPONSIBILITIES

a. Director, Washington Headquarters Services. The Director, Washington Headquarters Services, shall:

(1) Process MDR requests for OSD, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, and DoD components not listed in the Appendix to Enclosure 2.

b. Heads of the DoD Components. The Heads of the DoD Components listed in the Appendix to Enclosure 2 shall:

(1) Establish procedures for the processing of MDR requests and appeals for information originating within the Component.

(2) Appoint an appellate authority to adjudicate MDR appeals for the Component.

5. PROCEDURES. See Enclosure 2.

6. RELEASABILITY. UNLIMITED. This Manual is approved for public release and is available on the Internet from the DoD Issuances Web Site at <http://www.dtic.mil/whs/directives>.

7. EFFECTIVE DATE. This Manual is effective immediately.

Michael L. Rhodes  
Acting Director of Administration and  
Management

Enclosures

1. References
2. MDR Processing Procedures

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ENCLOSURE 1

REFERENCES

- (a) DoD Directive 5105.53, "Director of Administration and Management (DA&M)," February 26, 2008
- (b) DoD Instruction 5200.01, "DoD Information Security Program and Protection of Sensitive Compartmented Information," October 9, 2008
- (c) Executive Order 12958, "Classified National Security Information," as amended, March 28, 2003
- (d) DoD 5200.1-R, "Information Security Program," January 14, 1997
- (e) Part 2001 of title 32, Code of Federal Regulations
- (f) Section 552 of title 5, United States Code
- (g) DoD 5400.7-R, "DoD Freedom of Information Act Program," September 4, 1998
- (h) Sections 431, 432, 432a, 432b, and 432c of title 50, United States Code
- (i) Chapter 4, Volume 11A of DoD 7000.14-R, "Department of Defense Financial Management Regulations (FMRs)," current edition

ENCLOSURE 2

MDR PROCESSING PROCEDURES

1. GENERAL.

a. The DoD Components shall process MDR requests from the public for classified information originating within the DoD Component in accordance with Part 2001 of title 32, Code of Federal Regulations (Reference (e)).

b. Information not subject to review for public release under the MDR includes:

(1) Unclassified documents or previously classified documents that are declassified prior to the receipt of the MDR request. These documents must be requested under the provisions of the Freedom of Information Act (FOIA), section 552(b) of title 5 U.S.C. (Reference (f)) and DoD 5400.7-R (Reference (g)).

(2) Information reviewed for declassification within 2 years preceding the date of receipt of the MDR request. If this is the case, the requester shall be provided the documents as previously released and advised of the right to appeal to the DoD Component within 60 days unless the documents are already under appeal to the Interagency Security Classification Appeals Panel (ISCAP).

(3) Information exempted from search and review by sections 431 and 432 of title 50, U.S.C. (Reference (h)).

(4) Documents originated by the incumbent President; the incumbent President's White House Staff; committees, commissions, or boards appointed by the incumbent President; or other entities within the Executive Office of the President that solely advise and assist the incumbent President.

(5) Information marked as Restricted Data or Formerly Restricted Data.

(6) Information that is the subject of pending litigation.

2. MDR REQUESTER GUIDELINES. Members of the public seeking the declassification of DoD documents under the provisions of section 3.5 of Reference (c) shall:

a. Address the written request to the appropriate DoD Component MDR listed in the appendix to this enclosure.

b. Identify the requested document or information with sufficient specificity to enable the DoD Component to locate it with a reasonable amount of effort. Information that would provide the sufficient specificity would include a document identifier such as originator, date, title,

and/or subject, the National Archives and Records Administration accession number, or other applicable unique document identifying number. Broad or topical MDR requests for records on a particular subject, such as “any and all documents concerning” a subject do not meet this standard.

c. Include a correct return mailing address with the request.

d. Include a statement that the requester understands that the request may incur processing charges in accordance with section 10 of this enclosure.

3. RECEIPT AND CONTROL. Upon receipt of an MDR request, the DoD Component shall send the requester an acknowledgement and open a file in a formal control system. The acknowledgement shall include the tracking number and date of receipt of the request.

4. SIMULTANEOUS MDR AND FOIA REQUESTS. DoD Components should be aware of possible requests under both the MDR and the FOIA. In accordance with section 2001.33(f) of Reference (e), if a requester asks for the same information under the FOIA and the MDR, the DoD Component shall ask the requester to select only one process. If the requester does not select a process, then the DoD Component shall process the requested information under the FOIA.

#### 5. MDR DOCUMENT REVIEW PROCESS

a. Requests normally will be processed on a first in first out basis by date of receipt.

b. Every effort shall be made to ensure that a response to an MDR request is provided to the requester within 1 year from the date of receipt.

c. The DoD Components shall conduct line-by-line reviews of documents responsive to an MDR request to determine if the information contained within the documents continues to adhere to the standards for classification according to Reference (c). This line-by-line review must take into account the unique sensitivity of foreign government information (FGI) as outlined in section 7 of this enclosure. In accordance with section 3.6 (b) of Reference (c), classified information originating with another U.S. Government agency contained in records of the DoD Components will be referred to the originating agency for a declassification and release determination. Likewise, classified information in a DoD Component's records originating with another DoD Component will be referred to the originating Component. It is the responsibility of the DoD Component originally receiving the MDR request to manage these referrals and to incorporate the other agency's or DoD Component's determinations when preparing the final decision on the request. The review of each document will determine if the document:

(1) No longer meets the standards for classification as established by Reference (c), and is therefore declassified in full.

(2) Contains portions still meeting the standards for classification and is therefore declassified in part and denied in part.

(3) Still meets the standards for classification in its entirety and is therefore denied in full.

d. For documents meeting the criteria of subparagraphs 5.c.(1) and 5.c.(2), the DoD Components shall not release any unclassified information exempt from public release pursuant to Exemptions 2 through 9 of the FOIA. Reference (g) provides a more detailed explanation of the FOIA exemptions.

e. When this process is complete, the DoD Components shall redact all information determined exempt from release as warranted under applicable law and authority. All of the remaining information within the documents, which is determined to be publicly releasable information, shall be provided promptly to the requester.

6. PUBLIC ACCESS. In the interest of transparency, the DoD Components should take efforts to post documents released under the MDR program on DoD Component Web sites.

7. FGI. Every effort must be made to ensure that FGI is not subject to declassification without the prior consent of the originating government. Therefore, if a requested document originated with a foreign government or organization and was classified by that government or organization, the DoD Component shall:

a. Conduct an MDR review of the document in accordance with Reference (d).

b. Forward the document with the results of the review to the Department of State for further processing and coordination with the originating government. The address is: Department of State, Office of Information, Programs & Services, Attention: A/GIS/IPS/RL, Room 8100, SA-2, Washington, DC 20522-8100.

## 8. DENIAL OF INFORMATION

a. When classified information is denied, the DoD Component shall advise the requester, in writing:

(1) That information currently and properly classified has been denied (whether a document in its entirety or partially) in accordance with the appropriate sections of Reference (c).

(2) Of the right to appeal the denial to the DoD Component within 60 days of receipt of the denial.

(3) Of the mailing address for the appellate authority.

b. When unclassified information is withheld because it is determined exempt from release pursuant to Exemptions 2 through 9 of the FOIA (Reference (g)) (whether or not classified information was also withheld within the same document), the DoD Component shall advise the requester that:

(1) Section 3.5(c) of Reference (c) allows for the denial of information when withholding it is authorized and warranted under applicable law.

(2) Unclassified information exempt from public release pursuant to one or more exemptions of the FOIA has been withheld.

c. For the denial of unclassified information, the requester shall not be given MDR appeal rights because the MDR applies only to the denial of classified information and because the request was not processed under the FOIA.

d. The DoD Component is not required to confirm or deny the existence or nonexistence of requested information whenever the fact of its existence or nonexistence is itself classified pursuant to Reference (c).

9. MDR APPEALS. MDR appeals are for the denial of classified information only. DoD Components shall make an appellate decision within 60 working days of receipt of an MDR appeal. If additional time is required to make a determination, the appellate authority shall notify the requester of the additional time needed and provide the requester with the reason for the extension. When the appellate review is complete, the appellate authority shall notify the requester in writing of the final determination and of the reasons for any denial. If the appellate authority determines that some information remains classified under the provision of Reference (c), the requester will be advised of the right to appeal the final decision to the ISCAP within 60 days of the final component decision, in accordance with Appendix A of Reference (e).

10. FEES. In responding to MDR requests, the DoD Components shall charge fees as permitted by Reference (e). Fees for search, review, and reproduction shall be in accordance with the fee schedule in Appendix 2 of Chapter 4, Volume 11A of DoD 7000.14-R (Reference (i)).



## APPENDIX

### ADDRESSING MDR REQUESTS

1. GENERAL. The Department of Defense does not have a central repository for DoD records. MDR requests therefore should be addressed to the DoD Component that has custody of the requested record. If a requester is not sure which DoD Component has custody or if the DoD Component is not listed below, the MDR request should be directed to the Washington Headquarters Services in subparagraph 2.a.

#### 2. DoD COMPONENT MDR ADDRESSES

a. OSD and the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff. Department of Defense, Washington Headquarters Services, Office of Security Review, 1155 Defense Pentagon, Washington, DC 20301-1155. EXCEPTION: DoD Inspector General. DoD Office of Inspector General, 400 Army Navy Drive, Arlington, VA 22202-4704.

b. Department of the Army. U.S. Army Declassification Activity, Attention: AHRC-RDD, 8850 Richmond Highway, Suite 300, Alexandria, VA 22309.

c. Department of the Navy. Department of the Navy, Chief of Naval Operations, DNS-34, 2000 Navy Pentagon, Washington, DC 20350-2000.

d. Department of the Air Force. Department of the Air Force, HAF/IMIO (MDR), 1000 Air Force Pentagon, Washington, DC 20330-1000.

e. United States Marine Corps. Commandant of the Marine Corps, HQMC Code ARS, 2 Navy Annex, Room 1006, Washington, DC 20830-1775.

f. Defense Advanced Research Projects Agency. Defense Advanced Research Projects Agency, 3701 N. Fairfax Drive, Arlington, VA 22203-1714.

g. Defense Contract Audit Agency. Director, Defense Contract Audit Agency, Attention: CPS, 8725 John J. Kingman Road, Suite 2135, Fort Belvoir, VA 22060-6219.

h. Defense Information Systems Agency. Defense Information Systems Agency, Attention: Security Division, MPS 6, 5111 Leesburg Pike, Suite 100, Falls Church, VA 22041.

i. Defense Intelligence Agency. Defense Intelligence Agency, Attention: DAN-1A (FOIA), Washington, DC 20340-5100.

j. Defense Logistics Agency. Defense Logistics Agency, Attention: DLA/DSS-S, 8725 John J. Kingman Road, Suite 2533, Fort Belvoir, VA 22060-6221.

k. Defense Security Service. Defense Security Service, Office of FOIA & Privacy, 1340 Braddock Place, Alexandria, VA 22314-1651.

l. Defense Threat Reduction Agency. Defense Threat Reduction Agency, Attention: SCR 8725 John J. Kingman Road, Fort Belvoir, VA 22060-6201.

m. Missile Defense Agency. Missile Defense Agency, Attention: MDA/DS, 7100 Defense Pentagon, Washington, DC 20301-7100.

n. National Geospatial-Intelligence Agency. National Geospatial-Intelligence Agency, Mail Stop D-10, 4600 Sangamore Road, Bethesda, MD 20816-5003.

o. National Reconnaissance Office. National Reconnaissance Office, NRO-DDA-MSO-ASG-IMSC-IART, 14675 Lee Road, Chantilly, VA 20151-1715.

p. National Security Agency/Central Security Service. National Security Agency, Declassification Office, DJP5, 9800 Savage Road, Suite 6884, Fort George G. Meade, MD 20755-6884.

q. U.S. Africa Command. U.S. Africa Command, Unit 29951, APO AE 09751-9951.

r. U.S. Central Command. U.S. Central Command, Attention: CCJ6-RDD, 7115 South Boundary Blvd., MacDill AFB, FL 33621-5101.

s. U.S. European Command. U.S. European Command, Attention: ECJ1-AX, Unit 30400, APO AE 09131.

t. U.S. Joint Forces Command. U.S. Joint Forces Command, Code J024, 1562 Mitscher Ave., Suite 200, Norfolk, VA 23511-2488.

u. U.S. Northern Command. U.S. Northern Command, HQ USNORTHCOM/CSM, 250 Vandenberg Street, Suite B016, Peterson AFB, CO 80914-3804.

v. U.S. Pacific Command. U.S. Pacific Command, Attention: J151 FOIA, Box 64017, Camp Smith, HI 96861-4017.

w. U.S. Southern Command. U.S. Southern Command, Attention: SCJ1-A (FOIA), 3511 NW 91st Avenue, Miami, FL 33172-1217.

x. U.S. Special Operations Command. U.S. Special Operations Command, Attention: SOCS-SJS-SI (FOIA), 7701 Tampa Point Blvd., MacDill AFB, FL 33621-5323.

y. U.S. Strategic Command. U.S. Strategic Command, Attention: CS50, 901 SAC Blvd., STE 1C17, Offutt AFB, NE 68113-6000.

z. U.S. Transportation Command. U.S. Transportation Command, Chief, Resources Information, Communications, and Records Management, Attention: TCJ6-R11, 508 Scott Drive, Bldg. 1961, Scott AFB, IL 62225-5357.

**Office of the Secretary of Defense  
Mandatory Declassification Review  
Standard Operating Guidelines**

**September 28, 2009**

# **MANDATORY DECLASSIFICATION REVIEWS**

## **A. GENERAL**

The OSD Declassification Project will process Mandatory Declassification Reviews (MDR) under the compliance of section 3.5 of Executive Order 12958, as amended. The Project will adhere to Department of Defense (DOD) Directive 5200.1 and the Information Security Oversight Office (ISOO) Directive 2001.33.

## **B. OVERVIEW OF THE MDR PROCESS**

After a request is received, a new case will be created by the Specialist for that request. Every case will undergo both an initial and senior review. All certified Document Analysts are authorized to conduct initial reviews. Only a designated Senior Reviewer is authorized to conduct a senior review.

1. Case progression begins with the receipt of the MDR request and is followed by the case establishment, initial review, senior review, Government review, QA1, and QA2.
2. MDRs are conducted on a 'line-by-line' basis. Each document is carefully checked for classified equities belonging to other agencies. Be watchful of the following:
  - a. Faded/illegible classification markings.
  - b. The first page is not marked with the classification, but the succeeding pages are.
  - c. Portion markings.
3. Each classified document is reviewed for declassification using the procedures for the Initial Review (Section C) and for the Final Review (Section D) below.
4. Document Analysts recommend the declassification or exemption of only those documents containing NSI for which authority has been granted. To determine the authority of a specific document, follow the procedures outlined in Section B, 4.
5. The OSD MDR Program has been granted declassification authority by some agencies. These Agencies are:
  - a. OSD Components (see Appendix F), with the exception of documents 19 years or younger that must first be referred.
  - b. Congress: OSD exercises this authority.
  - c. General Accounting Office: OSD exercises this authority.
  - d. Comptroller General of the United States: OSD exercises this authority.
  - e. United States Postal Service: OSD exercises this authority.
  - f. National Science Foundation: OSD exercises this authority.

- g. Any U.S. government agency when the document is marked with declassification instructions that provide explicit authority to declassify that specific document ('by direction' authority).
6. The MDR Process involves the following basic actions in order of precedence:
- a. REMOVE a document that contains SCI, or a NATO document classified TOP SECRET or marked COSMIC.
  - b. EXEMPT specific information from declassification in accordance with Section 3.3 of E.O. 12958, as amended, or by direction of a Controlling Authority.
  - c. REFER a document if the Document Analyst does not have the authority to either DECLASSIFY or EXEMPT the information in the document or if other agencies' equities are present.
  - d. DECLASSIFY a specific document in accordance with Section 3.3 of E.O. 12958, as amended, or by direction of a Controlling Authority.
7. After completing the review of a case, the analyst completes a Mandatory Declassification Review Report (MDRR) (see Appendix). The purpose of the MDRR is:
- a. For recording information necessary for project controls and reports (see Chapter 7);
  - b. For note-keeping/communication between reviewers; and
  - c. For the recording of case content/characterization and special actions taken during the declassification review.
  - d. Do not record classified information on the MDRR.
8. Cases are organized by stage and classification and are stored in the closed area or otherwise under 100% access control in accordance with appropriate personnel security clearances.

## C. CASE ESTABLISHMENT

Upon receipt of an MDR request, the Specialist will assign the next case number available to each corresponding document within the request. Using the MDR database, the Specialist will enter in the new case number, source case number (original request number), source (organization or agency submitting the request), page count, requester (individual submitting request), subject, and incoming date. The received date is already provided in the appropriate field and it must not be adjusted. The document will then be placed in a folder with the appropriate cover sheet stapled to front with the case number written on the tab and placed in a box to await review.

### 1. Policy

Each case may contain multiple documents. Upon review, cases may be subject to the split case procedure outlined below. For cases in a 365 day letter that are not located by a referral agency, close the old case, open a new case, and notify the requester of the new case number and their right to appeal directly to ISOO.

- a. Any correspondence received from the Department of State will be stamped with the date received as to establish a beginning of a time line.

- b. It is the policy of the Department of Energy (DOE) not to comment on the classification status of any open source documents. We will not refer any open source documents to DOE and will instead state the following when responding to the requester:  
 “It is the policy of the Department of Energy (DOE) not to comment on the classification status of documents in the public domain. To comply with this policy, the DOE does not conduct reviews of any open source literature.”
- c. The presidential libraries can review documents for National Security Council equities up to and including the Ronald Reagan Presidential Library with the exception of the Richard M. Nixon Presidential Library but we will still make recommendations.
- d. The presidential libraries can review documents for Department of State equities up to and including the Ronald Reagan Presidential Library but we will still make recommendations.
- e. Unclassified cases originating from NARA, the presidential libraries, other agencies, LOC, etc. will be marked as Granted in Full in the database and closed at the QA2 stage. We will notify the originator that the document(s) were unclassified and if they would like these pages reviewed they must submit a FOIA request. If however, the originator specifically notes in their request that we cannot cite the FOIA, we will Grant in Full the document(s) and respond with our decision.
- f. For cases originating from WNRC boxes we will count up the total number of unclassified pages. We will assign one case number and notify the requester that a total of XX unclassified pages were located in the box requested. The requester will be informed that if they would like these pages reviewed they must submit a FOIA and cite the MDR case number. If we then receive a request from FOID for these pages we will scan them in and send FOID a CD.
- g. Cases received from presidential libraries and marked “Unmarked, but treat as Secret” will be handled as Secret.
- h. OSD is the coordinator for appeals for WNRC cases. We will inform all necessary referral agencies of this and will also be informing the requester.

## 2. Split Case

Cases consisting of multiple documents requiring different actions will be split into multiple MDR cases. Every document will be assigned a new case number in accession and the source case numbers will reflect the split case in the MDR database. Source case numbers will be followed by an \_1, \_2, etc. for each document in accession within a split case. The first case in every split case will be the source case number without an underscore and the second case will always be the source case number with an underscore one, and so on.

### **3. Top Secret Document Accountability**

All TS documents are properly controlled and accounted for at all times. TS documents are accounted for on a document level versus a case level for lower classifications. When a new case is established that contains TS material, the first page of every document is affixed with a barcode sticker with an individual number. Any additional copies that are made also receive a new barcode sticker. These barcode stickers are used as a tracking system for every TS document that we have. The number that is located on the barcode sticker is then entered into the MDR database in the appropriate field. The number of pages, OSD MDR case number, and the copy number are also entered accordingly.

### **4. Top Secret Document Downgrading**

The MDR Program is authorized to downgrade some documents in accordance with the following guidelines:

- Only the Senior Reviewer, Team Lead, and the Government can downgrade a document.
- Documents must be 20 years and older.
- For documents containing marked Restricted Data/Formerly Restricted Data (RD/FRD), a Government Review is required in order to downgrade.
- OSD-originated documents may be downgraded if they adhere with all of the preceding points.
- Joint Chiefs of Staff (JS) originated documents may be downgraded if no other instruction is received from JS and they adhere with all of the preceding points.
- Department of State (DOS) originated documents may be downgraded if they adhere with the preceding points.
- The individual downgrading the document does so by placing the notification of downgrade sticker on the first page in the lower left-hand corner (covering the TS barcode sticker if possible but make sure to delete ID row, see below) and filling in the date of downgrade on the sticker. Next, every "Top"/"T" (and barcode sticker if not covered by notification of downgrade sticker) in the document must be lined through with a grease pencil and the folder's cover page must also be changed to the appropriate classification. The case's classification must also be changed in the database and all document ID rows that correspond to the barcode sticker numbers are deleted.

## **D. MANDATORY DECLASSIFICATION REVIEW REPORT (MDRR)**

### **Recorded Information**

The purpose of the MDRR is to record the case information and reviewers' notes. Some of that information is used for necessary project controls and reports.

1. The following information is recorded on the front of the MDRR: Case Disposition for all three reviews, Review Notes, Referrals/Concurrent Reviews, Number of Copies, MDR Policy Number(s), Benign Referral(s), Case Subject, Government Notes/Instructions, URL, Date Initial Review, Date Senior Review, Senior Reviewer, Government Review Date, Date Case Closed, Case QA, Letter QA1, and Letter QA2.
2. The back of the MDRR contains the notes area for the Initial and Senior Reviewers. It is the Initial Reviewer's responsibility to provide a synopsis of the case with the overall



disposition. The document source and any concurrent/previous reviews must always be included (see the example below for an acceptable Initial Reviewer synopsis). The Senior Reviewer or Team Lead underlines important information in green from the Initial Reviewer's synopsis and provides his/her disposition for the case.

GIP

Document from JFK. Concurrent review by DOS. Previous review by CIA.  
GIP subject to concurrent DOS review and previous CIA redactions.  
DOC 1 GIP=[ ]=OSD=x5,6 GIP=[ ]=CIA=x1,9

## E. DOCUMENTS

The MDR Program strives to maintain uniformity with its reviews whenever possible. The following procedures aid in that goal:

1. The age of the document determines whether or not immediate action can be taken on a document. For documents that are 20 years and older, follow the automatic declassification (auto-declass) procedures previously outlined. For documents 19 years and younger, follow E.O. 12958, as amended, section 1.4, which requires staffing to the appropriate OSD office of origin. All classified documents originated by the Secretary of Defense, Deputy Secretary of Defense, or Executive Secretary of Defense and dated January 20, 1989 and younger will be automatically staffed to the Office of the Executive Secretary (ExecSec) of Defense for review after all other referrals and staffings are complete with the exception of DoD Office of Freedom of Information (FOID) which may be staffed simultaneously. All classified documents 12 years and younger will be automatically staffed to FOID for review after all other referrals and staffings are complete\*. \*Exception: simultaneous staffing to ExecSec.
2. Declassification instructions provide guidance to the reviewers. For documents for which a declassification authority is evident (see Section B above), follow the auto-declass procedures. For all other documents, downgrade to Secret if permissible (see Section C above) and refer the document to its originator. For either of the scenarios, the presence of declassification instructions should be noted on the back of the MDRR.
3. Every reproduction must be accounted for and labeled. The first reproduction will be labeled R-1 (other than the copy used as the original), next reproduction R-2, etc., on the lower right-hand corner and slash marks will be put for each reproduction in the Number of Copies section on the front of the MDRR.
4. If at any time a reviewer believes part of the document is missing, the reviewer must inform the Senior Reviewer or Team Lead and contact the source for verification. A note must be made on the back of the MDRR and the review can only then proceed once a verbal response has been received from the source. Any missing pages received will be assigned a new case number. The objective for this procedure is to minimize delays due to missing pages.
5. If illegible pages are found at any time during a review, the reviewer must inform the Senior Reviewer or Team Lead and contact the source for verification. If the source verifies that its records also contain illegible pages, then the reviewer must make a note on the back of the

MDRR and redact, citing exemptions 1-9 or A-G (depending on the document's age) next to the illegible areas. The reviewer may then proceed with the case. If the source informs the reviewer that its records do not contain illegible pages, then follow the procedures outlined above for missing pages.

6. To sanitize a document for immediate release into the public domain, make blade redactions, photocopy the document with the lid up, mark every page that is being sanitized with the appropriate stamp and date, and line through every classification marking, including portion markings and handling instructions.
7. No noticeable black sections can remain in a document. Any pages containing black sections must be re-copied in order to remove them.
8. Blank pages/sections must clearly be marked, "This page is blank".
9. The Remote Archive Capture Program (RAC) is a source of some of the requested documents.
  - a. Some requests require obtaining documents from the RAC program. First, compose a list of requests with the source case numbers of documents needed from the RAC; this is done the first of every month. The request letters are filed for use once the documents are received, and the list is faxed to the point of contact at the RAC program.
  - b. Upon receipt of the requested documents on CD, the Specialist must switch to the classified system and print each document out. An additional copy of the request letter usually comes with the CDs.
  - c. Cross the appropriate source case numbers off the outstanding RAC document list that has been received.
  - d. Create new cases out of the documents that have been printed out.
10. Washington National Records Center (WNRC) originals documents are left in the back of the case file until that case is closed, at which point the originals will be returned to their appropriate WNRC box and folder.
11. All initial reviews are to be done in red ink, and all senior reviews in green. OSD redactions on all outgoing copies will be marked with blue ink, Joint Staff (JS) with purple, and other agencies with various other colors.
12. The OSD Redaction Annotation for the working copy will be handwritten (OSD-x \_). For the final copy, the black OSD stamp is used. The blue stamp is used for the outgoing copy.

## **F. MANDATORY DECLASSIFICATION REVIEWS**

The order of the procedures as presented below reflects the precedence of actions for each reviewer's responsibilities.

1. Cases are worked in precedence of appeals, oldest cases, special cases, QAs, re-initials, and initials.
2. The initial review is the first review in which a case undergoes. The following is an outline of the steps in the initial review.

- a. The first step is to check out the case in the database and print out an MDRR.
  - b. Next, the reviewer must make a working copy of the document and make sure to label it with the appropriate reproduction number (see Section E above). A separator page is added to the back of the working copy.
  - c. Every page except for the final outgoing packet must have a separator page on the front of it with the correct boxes checked off with the other exception of the working copy where it is placed in the back initially.
  - d. The document must now be checked for missing or blank pages. If a page count has been provided by the source, this must correspond with the copy of the document that has been received.
  - e. The reviewer will now review the document for exemptions and/or equities.
  - f. Make sure the information printed on the MDRR is correct.
  - g. Write down notes properly on the back of the MDRR (see Section D above). The goal is that at any time this case can be picked up, and anyone can read the notes and understand what is happening with the case.
  - h. Fill out areas of responsibility on the front of the MDRR, which includes the case disposition, any referrals/staffings, number of copies, case subject, and date initial review completed, and any URL's applicable.
  - i. Update the initial review information in the database and give the case to a Senior Reviewer.
  - j. Government notes are sometimes provided. Check the MDRR in the notes field or for WHS letterhead in the case file for possible instructions. If at anytime unsure about the instructions provided to you, ask the Team Lead for clarification. Always follow the instructions given and do not deviate from them. If instructed to go straight to the QA step, write "Per Government Instruction" alongside the Government Review checkmark area on the front of the MDRR, update the MDRR, and update the initial review and senior review information in the database.
3. Referral Responses/Re-Initial reviews are conducted similarly to initial reviews. The differences are as follows:
- a. The Initial Reviewer reprints the MDRR and writes in his/her name next to the previous Initial Reviewer's name. The initial reviewer may cross-out the previous reviewer's name if they are no longer a member of the team. The Initial Reviewer's name is also put in the database.
  - b. Any redactions taken from other agencies must be color-coded (see below).

- c. Make appropriate notes on the back of the MDRR, including the referral responses and the color-coding for the redactions.
4. The senior review is the second review in an MDR. The main objective of this review is to check the Initial Reviewer's work and to provide feedback to that reviewer. See section D above for the Senior Reviewer's procedures outlined for the back of the MDRR. Finally, the areas of responsibility must be filled out on the front of the MDRR, which includes the case disposition, any referrals/staffings, date senior review completed, and Senior Reviewer.
5. A Government Review is completed after both previous reviews have been finished. The Government Reviewer uses the previous reviews as a tool to aid in determining the final case disposition. The previous reviewers' work is checked and the Government Reviewer determines the case's outcome. The areas of responsibility to be filled out are the case disposition, any referrals/staffings, any Government notes, and the Government Review date.

## **G. QUALITY ASSURANCE REVIEWS (QAs)**

Any team member can perform a QA review up to his/her clearance level once appropriate training has occurred. The order of the procedures as presented below reflects the precedence of actions for each reviewer's responsibilities.

### **1. QA1 Review**

This is the first of two Quality Assurance reviews. The purpose of the QA1 is as its name states; to provide quality assurance for the work that the MDR Program sends out. It is in this stage that the final packet is put together and when the letters are written. Not only are the packets and letters reviewed, but the entire case file is reviewed as well to ensure the highest quality possible. The following are the steps in the QA1 process:

- Organize/prepare the case which includes making necessary copies.
- Read the request letter, document list, and back of the MDRR for information that must be added to the letter(s); e.g. concurrent reviews, missing pages, special instructions, etc.
- Make final packet (excluding letter), redact/sanitize if necessary (redact = Government Agencies, Presidential Libraries, Library of Congress, etc; sanitize = RAND Corporation, National Security Archive, etc.).
- Compose the letter(s) but do not print out.
- Put the classification of the document in the header and footer of each page of the letter.
- Update the number of copies on the MDRR and write the total number of copies if the case is not a referral or a staffing.
- Adjust case disposition if it has changed.
- Place case on QA2 shelf.

### **2. Sanitization Process**

A document deemed for immediate release into the public domain and has a final case disposition of granted in part must be sanitized. The following are the steps in the sanitization process:

- Make a "Swiss cheese" copy by making blade redactions.
- Make a photocopy of the "Swiss cheese" copy with top of the copier raised.

- Place the “Swiss cheese” copy in the back of the case file marked - “do not copy.”
- Discard blade-redacted portions in a burn bin.
- Line through all classification markings including portion markings, handling instructions, and previous declassification/downgrading instructions.
- Use the appropriate declassification stamp with the date on every page.

### **3. Other Agency Stamps**

The final outgoing copy of the document must have all of the agency stamps from referral responses we received (when applicable) on the first page. If multiple agency responses are received, cut and paste onto one page and make a copy.

### **4. QA2 Review**

The QA2 is the final review a case will undergo before the correspondence is sent out.

- The QA2 is completed by the Editor.
- The Editor reviews the letters and checks that all of the information is correct and included. The case file must also be checked in its entirety.
- It is the Editor’s responsibility to verify that the document and the case file are correct and in order.
- After everything is in order, the Editor may then print out two copies of correspondence; one for the case file and one as the outgoing copy but both on WHS letterhead. The final packet is placed with the correspondence in an envelope stamped with the appropriate classification. There can only be one addressee per envelope. Cases containing multiple pieces of correspondence are each placed in an individual envelope and the entire case (folder and envelope(s)) is rubber-banded together.

### **5. Handling Instructions**

The handling instructions NOFORN, LIMDIS, and ORCON are written on letters and envelopes when applicable.

## **H. DISPOSITION CATEGORIES**

After a review has been completed, the case is rendered one of the following dispositions:

### **1. GRANT IN FULL (GIF)**

- Declassification instructions are present and no unmarked RD/FRD is found.
- Document(s) are unclassified and no unmarked RD/FRD is found. *Note: Documents can appear unclassified but are actually classified. Situations include drafts, notes, and misclassification of documents. Unmarked documents are treated as Secret.*
- Referral responses recommend GIF and no OSD classified equities are present.
- The only classified or sensitive equities within the case belong to an agency that is concurrently reviewing.
- OSD recommended referrals are coordinated and forwarded by the Libraries, NARA, etc.

### **2. GRANT IN PART (GIP)**

- OSD equities require continued protection.
- Staffing responses indicate that information requires continued protection.

- Referral responses indicate that information requires continued protection. *Note: the letter would be GIF for this scenario but for our records and database, if OSD did not have any redactions then the case would be a GIF.*

### **3. DENY IN FULL (DIF)**

- All OSD information requires continued protection.
- All previously redacted OSD information requires continued protection.
- Staffing responses indicate all OSD information requires continued protection.
- Referral responses indicate all information requires continued protection. *Note: the letter would be DIF for this scenario but for our records and database, if OSD did not have any redactions then the case would be a GIF.*
- The only information left in the document after redaction reveals information that serves no purpose to the requester.

### **4. REFERRAL**

- Document has been originated by OSD or any other agency.
- Other agency equities in addition to OSD equities are present.
- Cases may be referred to multiple agencies.

### **5. STAFFING**

- Document is OSD-originated and is 19 years or younger.
- Document originated by another agency is 19 years or younger.
- Document is JS-originated.
- Document contains equities that pertain to the Defense Prisoner of War/Missing Personnel Office.
- Document that is 20 years or older and verification of OSD policy is required.

### **6. TRANSFER**

- Document has been originated by OSD, by dual agencies, or by an agency outside the purview of OSD.
- Cases may not be transferred to multiple agencies.
- May be GIF or GIP.
- Library cases cannot be transferred.

## **I. LETTER COMPOSITION**

Letter composition is an integral part of the MDR Program. It is important that MDR correspondence be clear and concise.

### **1. Writing Guideline**

The MDR Program adheres to the DOD Manual for Written Material 5110.4-M; see Chapter 6 in the Manual for specific guidance.



## **2. OSD Letters**

All of the MDR Program correspondence is saved in folders according to classification and year. Always use the appropriate template and save as case number and type of case in the corresponding folder. Ex: (07-M-1693 (GIP))

## **3. Response Letters**

There are several types of response letters that the MDR Program utilizes. The following are the main points to remember when composing a response letter:

- The 3<sup>rd</sup> party clause occurs when an agency requests that OSD take ownership of all the redactions. At no time is that agency's name to be disclosed in our response letter or response package.
- For letters to the public and non-government organizations (RAND Corporation, National Security Archive, etc.), agencies' response(s) are cited in the letter. Exception: Forward everything OSD receives when the case was previously transferred to another agency but that agency responded to OSD instead as long as they are not citing 3<sup>rd</sup> party.
- For federal agencies, copies of original responses from the agencies are provided and their responses are cited in the letter.
- For letters to foreign countries, apply the appropriate country code preceding the OSD POC phone number.

## **4. GIF Response Packet**

A GIF response packet includes correspondence on WHS letterhead and a copy of the request letter with the document list (if applicable), the MDR request (if applicable), other agency responses or explanation in letter (if applicable), and the document.

## **5. GIP Response Packet**

A GIP response packet includes correspondence on WHS letterhead and a copy of the request letter with the document list (if applicable), the MDR request (if applicable), other agency responses or explanation in letter (if applicable), and the document.

- The letter must include the exemption categories and appeal information.
- For a GIP letter that is responding to a public requester only, explain the exemptions in addition to listing them.

## **6. DIF Response Packet**

A DIF response packet includes correspondence on WHS letterhead and a copy of the request letter with the document list (if applicable), the MDR request (if applicable), other agency responses or explanation in letter (if applicable), and the document.

- The letter must include the exemption categories and appeal information.
- For a DIF letter that is responding to a public requester only, explain the exemptions in addition to listing them.
- If the response packet is going directly to the public, do not include a copy of the document.
- For all other response packets, include a proper copy of the document (redacted on every page) if the document is 10 pages or less.
- If the document is more than 10 pages, only the first and last page are redacted, but the document is still sent in its entirety.

## **7. Referral Response Packet**

A referral response packet includes correspondence on WHS letterhead and a copy of the request letter with the document list (if applicable), the MDR request (if applicable), other agency responses or explanation in letter (if applicable), and the document.

- A notification letter to requester must also be sent (unclassified) notifying the requester of the agencies to which the case has been referred.

## **8. Staffing Response Packet**

A staffing response packet includes correspondence on WHS letterhead and a copy of the request letter with the document list (if applicable), the MDR request (if applicable), other agency responses or explanation in letter (if applicable), and the document.

- Staffing only to offices within OSD.
- Notification to requester must be sent only if staffing to JS and/or Defense Prisoner of War/Missing Personnel Office (DPMO).

## **9. Transfer Response Packet**

A transfer response packet includes correspondence on WHS letterhead and a copy of the request letter with the document list (if applicable), the MDR request (if applicable), other agency responses or explanation in letter (if applicable), and the document.

- Direction to respond directly to requester must be included in the letter.
- Notification letter to the requester.
- Presidential library cases are never transferred.

## **10. Public Requester**

There are a few key notes to remember when responding to a public requester:

- Make sure to present only unclassified addresses when providing appeal addresses.
- No other contact information should be provided other than the appeal address and Government email address.
- Serial requesters receive Government's phone number and email address.

## **J. INTERAGENCY SECURITY CLASSIFICATION APPEALS PANEL (ISCAP)**

After an MDR case is initially appealed, the requester has sixty days to file a subsequent appeal with ISCAP. ISCAP then forwards the appeal and their request for documents regarding the case to the Washington Headquarters Services Office of Security Review (OSR). OSR informs the OSD MDR Program of the appeal and request. ISCAP is not in possession of any of the documents in the case file and a packet must therefore be provided to them. We prepare a packet and send it to OSR who then forwards it to ISCAP. The following is a complete list of what is included in the packet:

- Standard letter (found in the ISCAP appeals folder)
- Original MDR request
- Original OSD response
- Appeal request letter



- OSD appeal response
- Original document/s
- Sanitized document/s from appeal

This provides ISCAP with all of the documents needed to make a pertinent decision on the case.

## **K. PHONE CALLS**

Phone calls can be part of a daily process for an MDR team member. When making a phone call, the team member is to identify him/herself with the Office of Secretary of Defense MDR Program.

1. If a phone call is needed to DOS for simple inquiries, any MDR team member may call this agency. For all other inquiries, a Senior Reviewer or the Team Lead should handle the call. However, the Chief of Records and Declassification Division will call if necessary.
2. Always use the Phone Log form for every phone conversation and place it in the case file.
3. If there is ever any doubt as whether or not to call an agency, check with the Team Lead first.
4. Policy is never discussed during a phone conversation. For example, an agency can be told what exemptions were taken, but not how or why the decision was made for that particular information.

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The new DoD Mandatory Declassification Review (MDR) Program Manual implements policy in DoD Instruction 5200.01, "DoD Information Security Program and Protection of Sensitive Compartmented Information," that tasks WHS with managing the DoD MDR program. It assigns responsibilities to DoD components and agencies, and it provides procedures for members of the public to request a declassification review of classified information under the provisions of Executive Order 12958, as amended. It also establishes uniform DoD procedures for the processing of MDR requests and MDR appeals.

February 19, 2010

MDR Process  
August 28, 2009

1. Requests
2. Review
3. Correspondence
4. Appeals
5. Working relationship with contractor team
6. Handling documents
7. Storage of documents
8. Visits to CTR team
9. Workload
10. Data base
11. POCs in and outside DoD
12. Advice

MDR Process  
October 15, 2009

1. MDR Courier

- a. Weekly run by McNeil MDR team, as needed
- b. Pick up reviewed cases, signed letters
- c. Drop off new cases for review, letters for signature

2. Requests

- a. Requests are passed thru to the MDR team to log in
- b. Collect in box for MDR courier pick up.

3. Review

- a. Annotate the MDRR form on the outside of the case file
- b. Provide any special instructions about referrals or letters

4. Correspondence

- a. Prepared by MDR team on WHS letterhead stationery
- b. Mark will sign
- c. Second (file copy) returned to MDR team along with case file
- d. OSR Admin mails out all signed correspondence to the addressee

5. MDR contractor team

- a. Team lead is (b)(6) at (b)(6)
- b. Maintains data base (MS Access) and answers case status questions
- c. Has MDR POC list for DoD and outside agencies

6. Supplies

- a. We provide letterhead stationery, paper, and envelopes to MDR team
- b. Funded by (b)(6) RDD, as COTR who orders for us

**FOIA Processing Protocol**  
**Office of the Executive Secretary**

**Responsive material sent for review:**

1. The Office of Freedom of Information (OFOI) will refer to the EXSEC material created in the SECDEF/DEPSECDEF/EXSEC after 1989 (the 20 years from the first Bush Administration to the present).
2. Within the years addressed above (1989-Present), OFOI will refer to EXSEC for review that material requested under the FOIA that originated with the SECDEF/DEPSECDEF/EXSEC. This will include documents in which the SECDEF/DEPSECDEF/EXSEC are quoted or specifically cited as involved with or commenting within meetings, interviews, etc. For example, an NSC meeting summary that quotes the SECDEF, although originated by the NSC, would be referred to EXSEC. (There may be other exceptions to the EXSEC origination rule. OFOI should assess some documents of major policy import that were sent TO the EXSEC as candidates for EXSEC review).
  - a. This will include administrative and substantive cover memos originated in the EXSEC, but not attachments originated by other OSD offices/components/agencies and referred to therein, unless their content ties substantively to the responsive memo.
  - b. EXSEC Administrative and Substantive memos will be reviewed by SME's and approved at the DASD level, as stipulated in the 5 May 2006 EXSEC memo. OFOI will include SD 472's reflecting that approval tasking package to EXSEC. (The DASD-approval requirement will not normally apply to SD 472's approved and signed prior to the implementation of the 5 May 2006 "DASD Approval" memo.)
  - c. To ensure sufficient review of subject matter, OFOI will solicit from SME's their recommendation for other SME reviews prior to submission to EXSEC. OFOI will task these SME's before submission to EXSEC.

3.     OFOI tasking packages will require the following when processing EXSEC-related records:
  - a.   DASD or equivalent level (essentially an SES/GOFO) approval signatures.
  - b.   Standardized 4 Tab packages (Admin Data/Original request/Signed 472's/Bracketed documents).
  - c.   Approval by LA-LC (Paul Lewis/Jim Hourican) prior to tasking to EXSEC.

**Searches:**

4.     OFOI will task within ESD for the following records which are routinely requested under the FOIA:
  - a.   Travel Schedules
  - b.   Daily Calendars
5.     OFOI will task SECDEF COMMS for e-mails dated after 4 November 2003.
6.     OFOI will ensure that EXSEC records found by searching ESD and SECDEF COMMS will receive appropriate review IAW Sections 1-3 above.

Updated: 6 March 2009/PJJ



**DEPARTMENT OF DEFENSE  
OFFICE OF FREEDOM OF INFORMATION  
1155 DEFENSE PENTAGON  
WASHINGTON, DC 20301-1155**

**MAY 11 2006**

**MEMORANDUM FOR OSD COMPONENTS**

**SUBJECT: Executive Secretary's May 5, 2006, Memorandum Regarding  
Coordination of Freedom of Information Act (FOIA) Requests**

In a Memorandum dated May 5, 2006, the Executive Secretary directed that the OSD staff coordinate all FOIA requests submitted to him at the Deputy Assistant Secretary of Defense (DASD) or equivalent level (copy attached). This new level of approval applies to all FOIA requests that involve Executive Secretariat equities. The Freedom of Information Division will advise OSD components which cases will require the approval of a DASD or equivalent level.

The Freedom of Information Division points of contact are Karen M. Finnegan (703) 696-3081 and Paul Jacobsmeyer (703) 696-3223.

*Will Kammer*

Will Kammer  
Chief  
Freedom of Information Division

Attachment:  
As stated





OFFICE OF THE SECRETARY OF DEFENSE  
WASHINGTON, DC 20301

MAY 5 2006

MEMORANDUM FOR DIRECTOR WASHINGTON HEADQUARTERS SERVICES  
ATTN: WHS/ESD/FOID

SUBJECT: Coordination of Freedom of Information Act (FOIA) Requests with the  
Executive Secretariat

There is an ever increasing volume and complexity of requests for information submitted to the Executive Secretariat for release under the FOIA. Often these requests seek information about highly classified or sensitive defense issues. Therefore, I routinely require senior OSD staff coordination to assure release or denial of release is the correct course of action consistent with the exemptions prescribed in the FOIA. It is imperative that decisions to release or deny release are made with the best advice the OSD staff can provide.

Therefore, effective immediately, OSD staff coordination on FOIA requests submitted to the Executive Secretary will be at the Deputy Assistant Secretary of Defense (DASD) or equivalent level.

The Executive Secretariat point of contact is Ms. Hedy Henderson, 703-693-7904.



William P. Marriott  
Executive Secretary

cc:  
OSD Components

OSD 07413-06



5/5/2006 2:29:37 PM



# 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.  
2008
2. Identify the **Department, independent agency or Establishment** that is covered by this report.  
Department of Defense, Washington Headquarters Services
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.  
Clai Ellet, Acting Director, Washington Headquarters Services  
(b)(6)
4. Enter the name, title, phone, fax and email address for the **point-of-contact** responsible for answering questions about this report.  
(b)(6)

## PART B: Officials with Original Classification Authority

- |  |    |   |
|--|----|---|
| 5. Enter the number of agency officials whose <b>highest level</b> of original classification authority is <b>TOP SECRET</b> .   | 5. | 0 |
| 6. Enter the number of agency officials whose <b>highest level</b> of original classification authority is <b>SECRET</b> .       | 6. | 0 |
| 7. Enter the number of agency officials whose <b>highest level</b> of original classification authority is <b>CONFIDENTIAL</b> . | 7. | 1 |
| 8. <b>Total</b> number of officials with original classification authority. (Sum of blocks 5, 6, & 7)                            | 8. | 1 |

## 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 <b>original TOP SECRET</b> classification decisions made during the reporting period with <b>declassification instructions of 10 years or less</b> .                       | 9.  | 0 |
| 10. Enter the number of <b>original TOP SECRET</b> classification decisions made during the reporting period with <b>declassification instructions ranging from over 10 years to 25 years</b> .   | 10. | 0 |
| 11. <b>Total</b> number of <b>TOP SECRET</b> original classification decisions. (Sum of blocks 9 & 10)  | 11. | 0 |
| 12. Enter the number of <b>original SECRET</b> classification decisions made during the reporting period with <b>declassification instructions of 10 years or less</b> .                          | 12. | 0 |
| 13. Enter the number of <b>original SECRET</b> classification decisions made during the reporting period with <b>declassification instructions ranging from over 10 years to 25 years</b> .       | 13. | 0 |
| 14. <b>Total</b> number of <b>SECRET</b> original classification decisions. (Sum of blocks 12 & 13)   | 14. | 0 |
| 15. Enter the number of <b>original CONFIDENTIAL</b> classification decisions made during the reporting period with <b>declassification instructions of 10 years or less</b> .                    | 15. | 0 |
| 16. Enter the number of <b>original CONFIDENTIAL</b> classification decisions made during the reporting period with <b>declassification instructions ranging from over 10 years to 25 years</b> . | 16. | 0 |
| 17. <b>Total</b> number of <b>CONFIDENTIAL</b> original classification decisions. (Sum of blocks 15 & 16)   | 17. | 0 |
| 18. <b>Total</b> 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 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 <b>derivative TOP SECRET</b> classifications during the reporting period.   | 19. | 0 |
| 20. Enter the number of <b>derivative SECRET</b> classifications during the reporting period.       | 20. | 0 |
| 21. Enter the number of <b>derivative CONFIDENTIAL</b> classifications during the reporting period. | 21. | 0 |
| 22. <b>Total</b> number of derivative classification decisions. (Sum of blocks 19, 20, & 21)        | 22. | 0 |

Enter the **Fiscal Year** that this report covers.

2008

Identify the **Department, independent agency or establishment** that is covered by this report.

Department of Defense, Washington Headquarters Services

### 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 as part of the request. 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.

761

24. Enter the number of new requests received during the reporting period.

24.

3,286

25. Enter the number of requests carried over to the next reporting period.

25.

1,214

26. Enter the number of appeals carried over from the previous reporting period.

26.

2

27. Enter the number of new appeals received during the reporting period.

27.

31

28. Enter the number of appeals carried over to the next reporting period.

28.

6

### PART F: Mandatory Declassification Review Decisions in Pages

29. Enter the number of requested pages that were declassified in full.

29.

21,680

30. Enter the number of requested pages that were declassified in part.

30.

8,444

31. Enter the number of requested pages that were denied declassification.

31.

992

32. Total number of requested pages acted on. (Sum of blocks 29, 30, and 31)

32.

31,116

33. Enter the number of appealed pages that were declassified in full.

33.

1,077

34. Enter the number of appealed pages that were declassified in part.

34.

917

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.

1,994

### 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, EO 12958, as amended.

37.

4,260,112

38. Enter the number of pages declassified under Sections 3.3 & 3.4, EO 12958, as amended.

38.

3,735,362

### 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.

0

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.

Line 23 Of the 761 cases that were opened as of Oct 1 07. 462 cases were closed during FY 08. 4 cases were being out processed. 295 awaiting responses from other agencies. Requestors were informed of their administrative appeal rights

Line 25 Of the 1,214 open as of Oct 1, 08. 394 cases were being out processed for closure. 824 are awaiting responses from other agencies. Agencies were sent 180 day and 270 day notification letters as required.

# 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.  
2009
2. Identify the **Department, independent agency or Establishment** that is covered by this report.  
Director, Administration & Management (DA&M), Office of the Secretary of Defense
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.  
Michael L. Rhodes, Dir (b)(6)  
(b)(6)
4. Enter the name, title, phone, fax and email address for the **point-of-contact** responsible for answering questions about this report.  
(b)(6)

## PART B: Officials with Original Classification Authority

- |  |    |   |
|--|----|---|
| 5. Enter the number of agency officials whose <b>highest level</b> of original classification authority is <b>TOP SECRET</b> .   | 5. | 1 |
| 6. Enter the number of agency officials whose <b>highest level</b> of original classification authority is <b>SECRET</b> .       | 6. | 2 |
| 7. Enter the number of agency officials whose <b>highest level</b> of original classification authority is <b>CONFIDENTIAL</b> . | 7. | 1 |
| 8. <b>Total</b> number of officials with original classification authority. (Sum of blocks 5, 6, & 7)                            | 8. | 4 |

## 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 <b>original TOP SECRET</b> classification decisions made during the reporting period with <b>declassification instructions of 10 years or less</b> .                       | 9.  | 0 |
| 10. Enter the number of <b>original TOP SECRET</b> classification decisions made during the reporting period with <b>declassification instructions ranging from over 10 years to 25 years</b> .   | 10. | 0 |
| 11. <b>Total</b> number of <b>TOP SECRET</b> original classification decisions. (Sum of blocks 9 & 10)  | 11. | 0 |
| 12. Enter the number of <b>original SECRET</b> classification decisions made during the reporting period with <b>declassification instructions of 10 years or less</b> .                          | 12. | 0 |
| 13. Enter the number of <b>original SECRET</b> classification decisions made during the reporting period with <b>declassification instructions ranging from over 10 years to 25 years</b> .       | 13. | 0 |
| 14. <b>Total</b> number of <b>SECRET</b> original classification decisions. (Sum of blocks 12 & 13)   | 14. | 0 |
| 15. Enter the number of <b>original CONFIDENTIAL</b> classification decisions made during the reporting period with <b>declassification instructions of 10 years or less</b> .                    | 15. | 0 |
| 16. Enter the number of <b>original CONFIDENTIAL</b> classification decisions made during the reporting period with <b>declassification instructions ranging from over 10 years to 25 years</b> . | 16. | 0 |
| 17. <b>Total</b> number of <b>CONFIDENTIAL</b> original classification decisions. (Sum of blocks 15 & 16)   | 17. | 0 |
| 18. <b>Total</b> 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 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 <b>derivative TOP SECRET</b> classifications during the reporting period.   | 19. | 0   |
| 20. Enter the number of <b>derivative SECRET</b> classifications during the reporting period.       | 20. | 148 |
| 21. Enter the number of <b>derivative CONFIDENTIAL</b> classifications during the reporting period. | 21. | 0   |
| 22. <b>Total</b> number of derivative classification decisions. (Sum of blocks 19, 20, & 21)        | 22. | 148 |

Enter the **Fiscal Year** that this report covers.

2009

Identify the **Department, Independent agency or establishment** that is covered by this report.

Director, Administration & Management (DA&M), Office of the Secretary of Defense

### 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 as part of the request. 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 <b>requests carried over</b> from the <b>previous</b> reporting period.	23. 1,214
24. Enter the number of <b>new requests</b> received <b>during</b> the reporting period.	24. 3,088
25. Enter the number of <b>requests carried over</b> to the <b>next</b> reporting period.	25. 1,519
26. Enter the number of <b>appeals carried over</b> from the <b>previous</b> reporting period.	26. 6
27. Enter the number of <b>new appeals</b> received <b>during</b> the reporting period.	27. 38
28. Enter the number of <b>appeals carried over</b> to the <b>next</b> reporting period.	28. 11

### PART F: Mandatory Declassification Review Decisions in Pages

29. Enter the number of <b>requested pages</b> that were declassified in <b>full</b> .	29. 30,361
30. Enter the number of <b>requested pages</b> that were declassified in <b>part</b> .	30. 6,955
31. Enter the number of <b>requested pages</b> that were <b>denied</b> declassification.	31. 9,466
32. <b>Total number of requested pages</b> acted on. (Sum of blocks 29, 30, and 31)	32. 46,782
33. Enter the number of <b>appealed pages</b> that were declassified in <b>full</b> .	33. 32
34. Enter the number of <b>appealed pages</b> that were declassified in <b>part</b> .	34. 276
35. Enter the number of <b>appealed pages</b> that were <b>denied</b> declassification.	35. 87
36. <b>Total number of appealed pages</b> acted on. (Sum of blocks 33, 34, & 35)	36. 395

### PART G: Automatic Declassification and Systematic Review

37. Enter the number of pages <b>reviewed during the reporting period</b> that were <b>subject to declassification</b> under Sections 3.3 & 3.4, EO 12958, as amended.	37. 6,062,059
38. Enter the number of pages <b>declassified</b> under Sections 3.3 & 3.4, EO 12958, as amended.	38. 5,448,170

### 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. 1
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.

This is the first year DA&M has submitted a combined SF311 from all Directorates.

DA&M directorates are: Dir immediate office, O&MP, DPO, CIO, OSD Historian.

WHS directorates are: Dir immediate office, A&PO, APSD, DFD, ESD, FMD, GC, HRD, ITMD, P&E, PENREN.

WHS supported advisory committees are: Def Task Force Sexual Assault Military Service Academies, Nat'l Security Personnel System Task Force, Congressional Committee Wartime Contracting.

OCA: DA&M = TS, OSD Historian = S, O&MP = S, ESD = C.



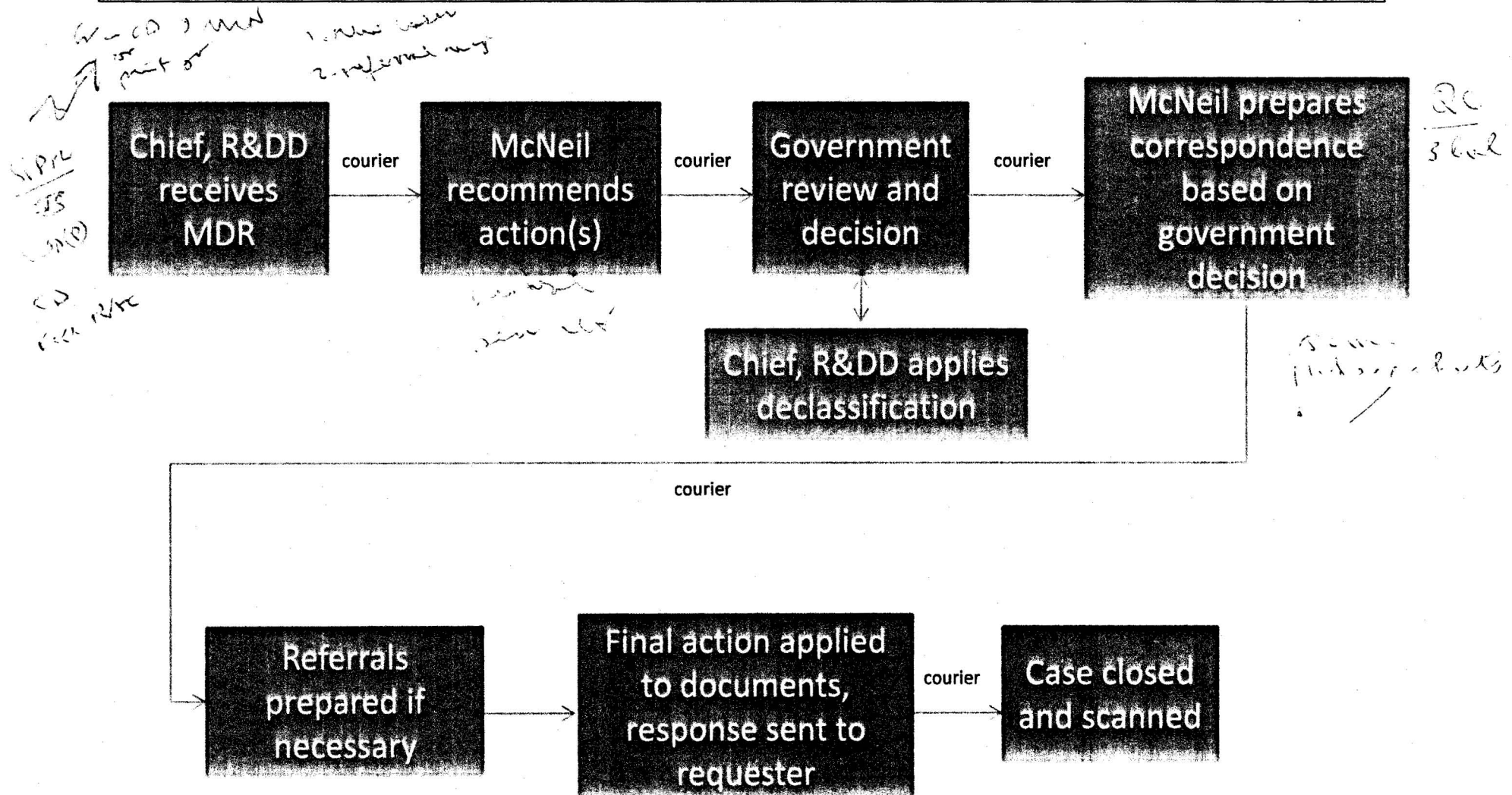
## MDR Processing Meeting – Sept 24, 2009

### Agenda

- Introduction *Jan 03*
- Overview of MDR Process
- Explain Case File
- MDR Folder – Correspondence, Paperwork, etc.
- MDR Database
- Closed Area Storage
- Tour of Facility
- Meet the Team



# MDR Process



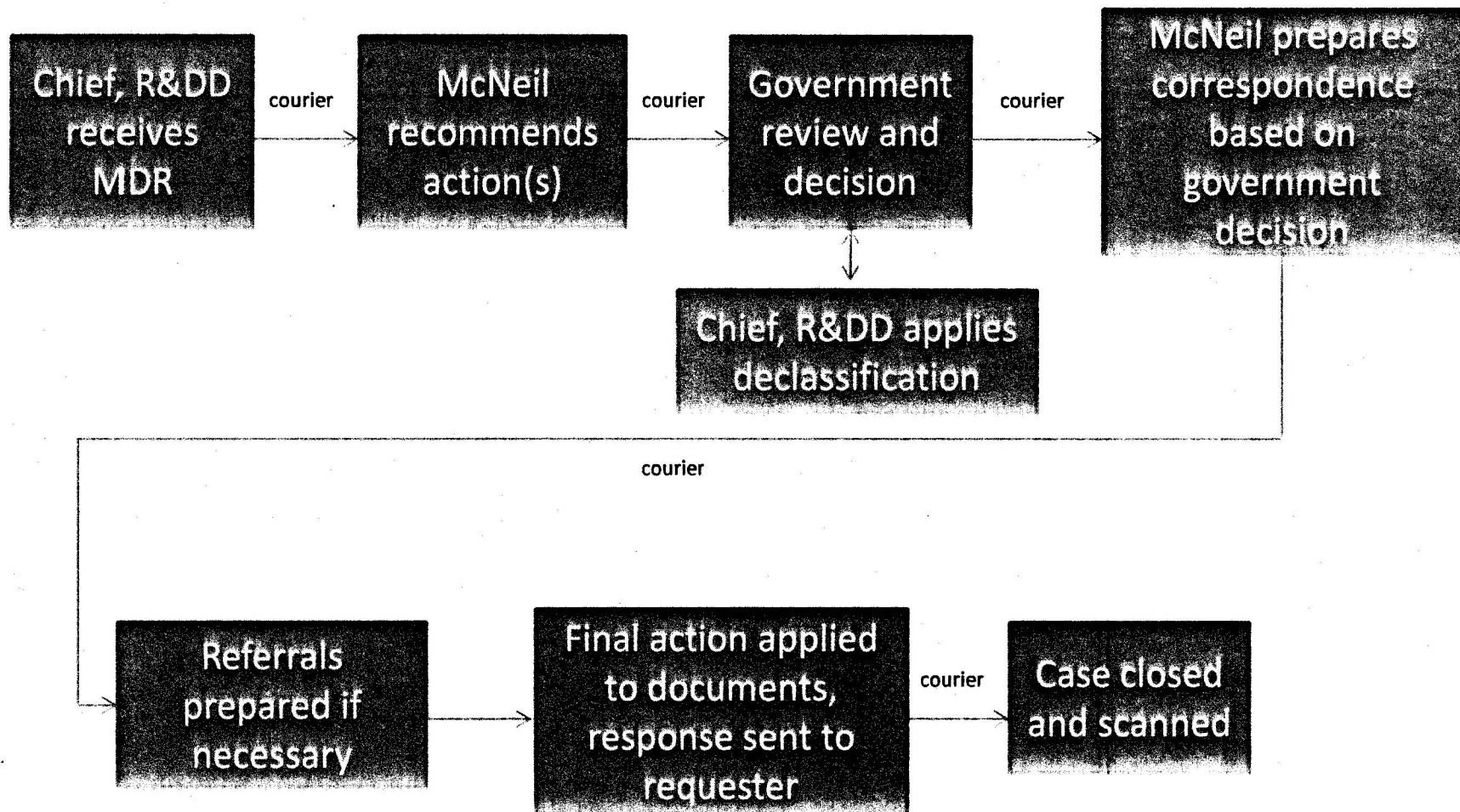


# Mandatory Declassification Review Transition Discussion Points

September 16, 2009

*At noon, mnd*

# MDR Process



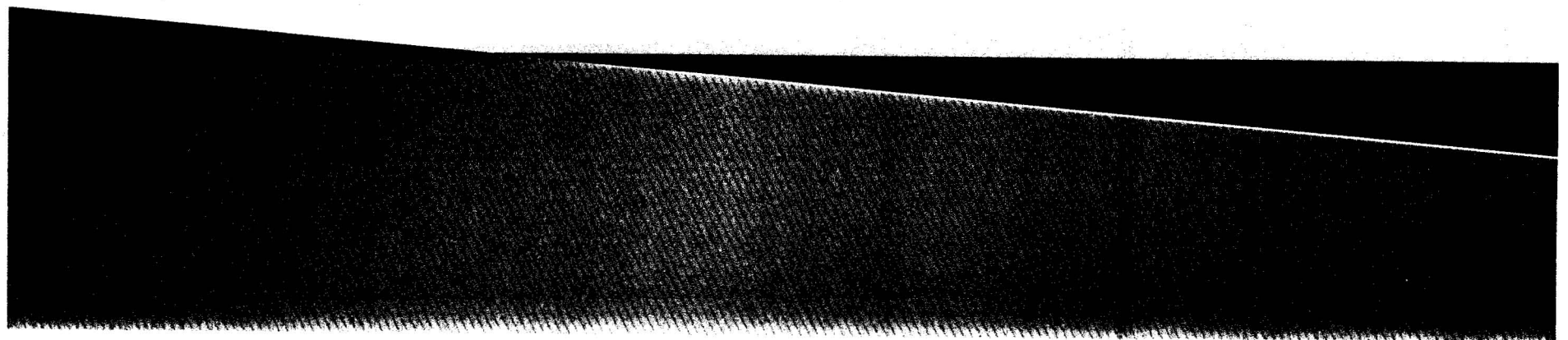
# Transition Elements

- Government Responsibilities – Chief, R&DD
  - Declassification Authority
  - Appellate Authority
  - Correspondence POC
  - Federal Register POC
  - Downgrade Authority
- SIPRNET Responses for Referrals
- Stamps - Chief, R&DD
- McNeil communicates with Agencies on Procedures/Clarifications (not Policy) ✓
- Chris Craddock is POC for NLK and NLE JFK, IKE
- Cases are scanned to electronic format and stored at McNeil copy & record
- McNeil maintains database of statistics, actions, and disposition of cases weekly report
- Government Provided Support
  - (Letterhead) Paper, Envelopes
  - Tape Machine
  - Classified Copiers} in COTR



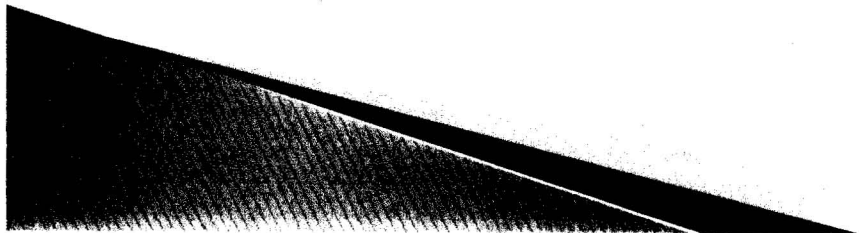
# Strategies to Reduce Mandatory Declassification Review Backlog

March 2010



# Introduction

- ▶ **Purpose:** For decision – selection of strategies to reduce the MDR backlog
- ▶ **Intent:** Provide options to streamline processes
- ▶ **Objective:**
  - Reduce or eliminate the backlog
  - Increase processing efficiencies
  - Streamline time and production

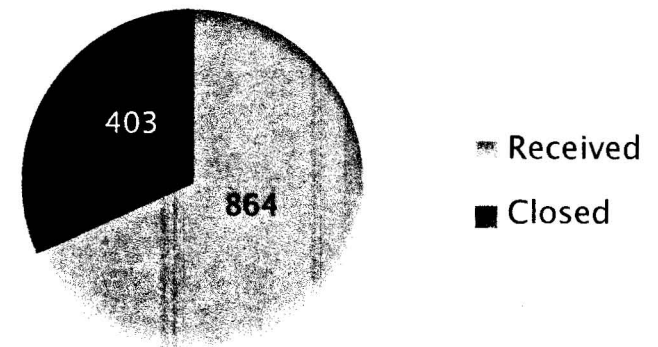


# Current Program Status

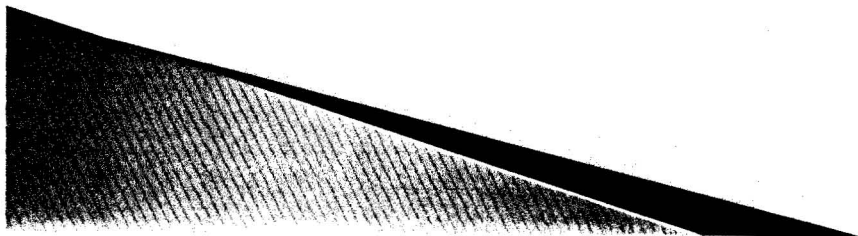
Cases Open: 2,019

- In Process: 1,122
  - Pending Government Review/Sig: 727
  - Pending Initial/Senior Review: 162
  - Letters/QA: 233
- Referred/Staffed: 897

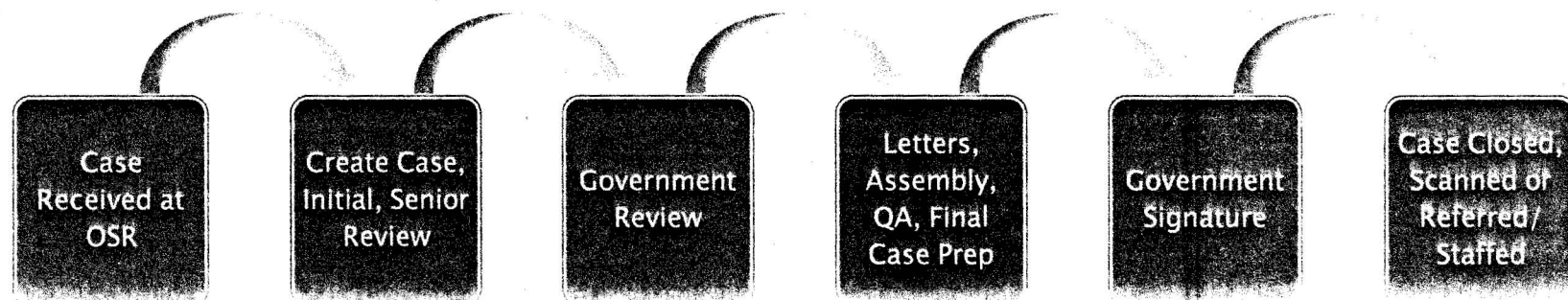
FY 10 Cases



The following slides outline four options for improving efficiency and speeding reviews.



# Current MDR Workflow\*



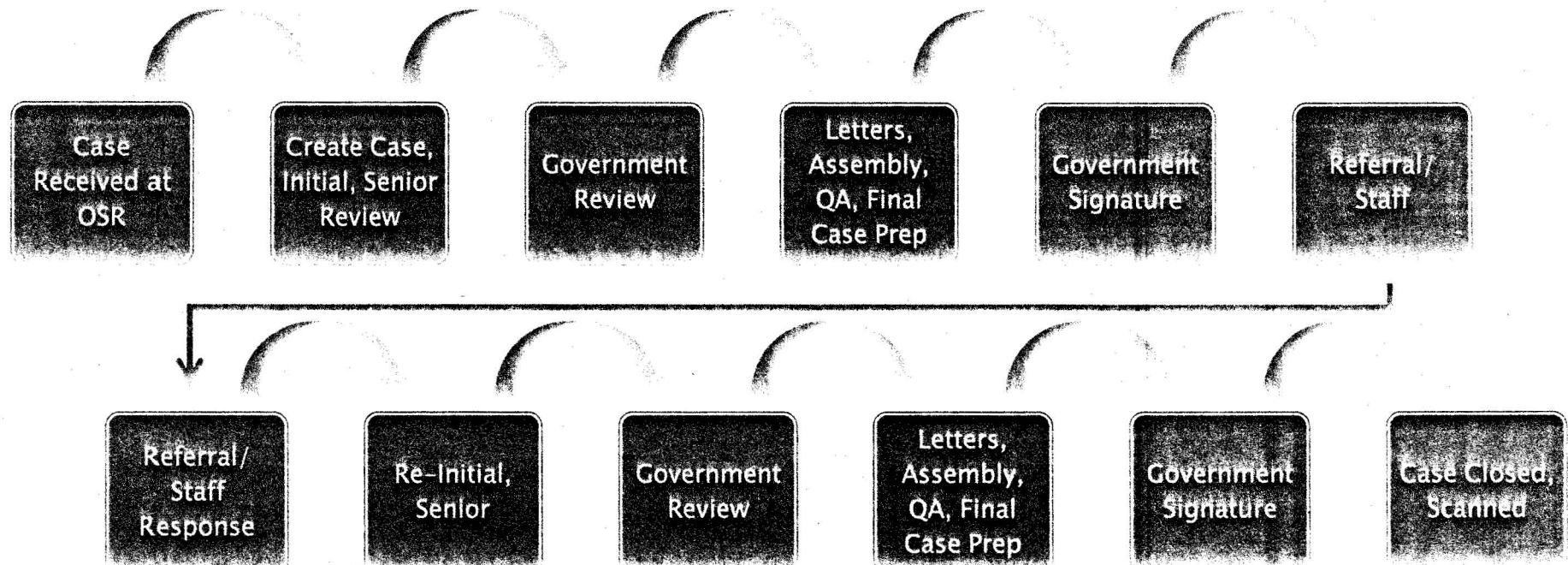
- The lifecycle of an MDR case
- Minimum: five courier runs and two Government reviews

\* Does not include ExecSec or  
FOID Reviews for SecDef Records

⤵ = Courier Run




# MDR Workflow\* – Referrals



- ▶ The lifecycle of a referred MDR case
- ▶ Minimum: ten courier runs and four Government reviews

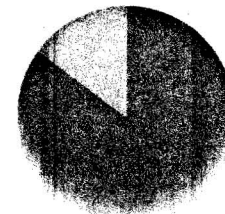
\* Does Not Include ExecSec or  
FOID Reviews for SecDef Records

 = Courier Run

# Referrals and Staffings

- ▶ **Strategy 1:** McNeil will “sign letters” that have been approved for referrals or staffings by the Government
- ▶ **Criteria:** Government review complete with approval signature on MDR Report
- ▶ **Workflow:**
  - Initial and Final review completed at McNeil
  - Case brought to Government for review
  - Case returned to McNeil – referral letter/s written, signed, and package prepared and sent to agencies
- ▶ **Benefit:** Reduction of 20-30% of Gov’t signatures

Pending Signature  
(March 1)



Close - 440  
Ref/Staf - 78

# Strategy 1 Workflow\*



- › Reduction of one courier run and one Government review

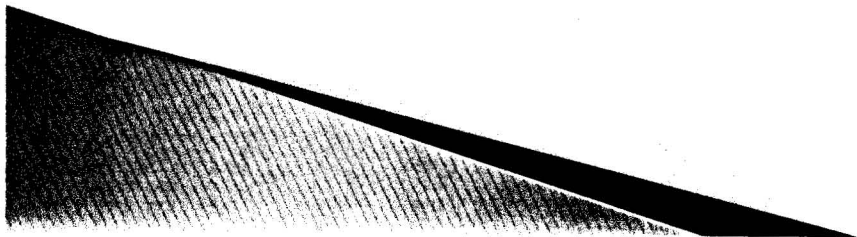
\* Does not include ExecSec or  
FOID Reviews for SecDef Records



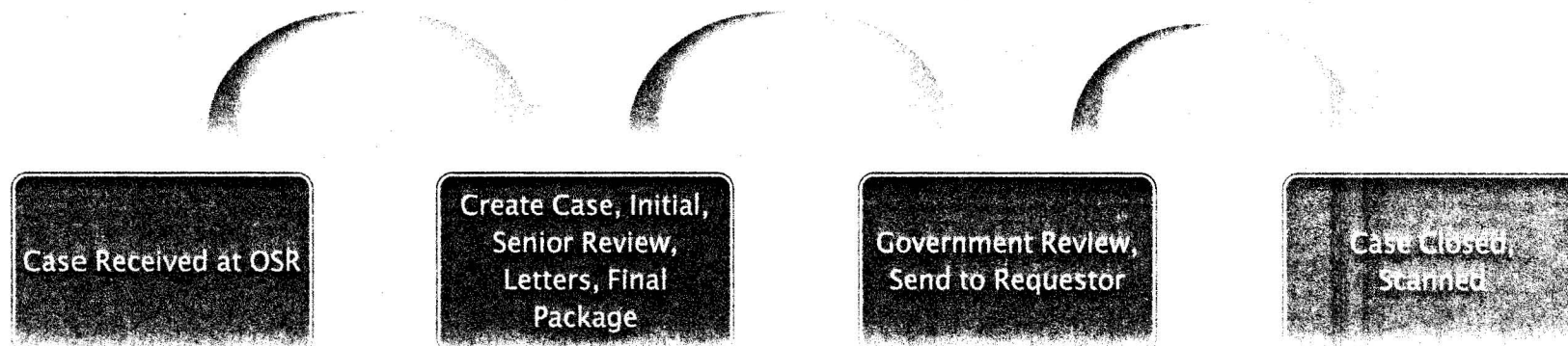
= Courier Run

# “Easy” Grant in Full

- ▶ Strategy 2: McNeil will prepare final response packages prior to Government review for basic Grant in Full Cases
- ▶ Criteria: “Easy” cases, “No brainers”
- ▶ Workflow:
  - Initial and Final review completed at McNeil
  - Case brought to Government for review along with final package and letter
  - Final Package sent
- ▶ Benefit: Response can be sent immediately



# Strategy 2 Workflow\*



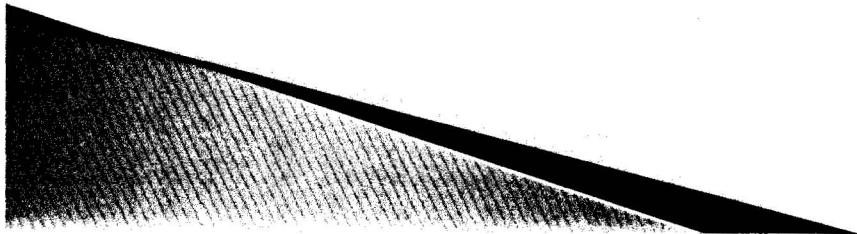
- ▶ Reduction of two courier runs and one Government review

\* Does not include ExecSec or  
FOID Reviews for SecDef Records

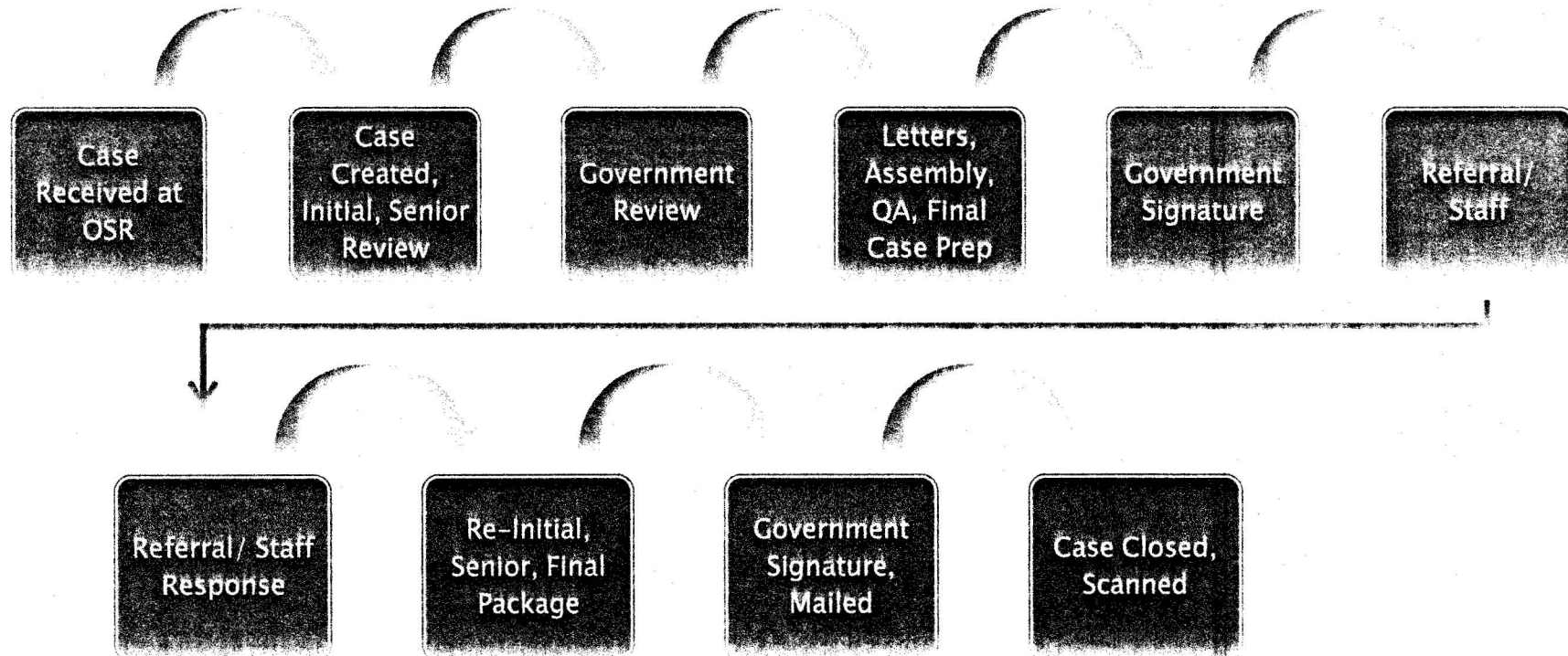
≡ Courier Run

# Referral/Staff Response – Straight to Letter

- ▶ **Strategy 3:** McNeil will prepare final package with referrals and staff responses and prepare the letter for signature
- ▶ **Criteria:** No further OSD actions/reviews required
- ▶ **Workflow:**
  - Receive response
  - McNeil prepares package and letter
  - Deliver to Government for signature
- ▶ **Benefit:** Responses do not have to be re-reviewed by the Government prior to package and letter preparation




# MDR Workflow\* – Referrals



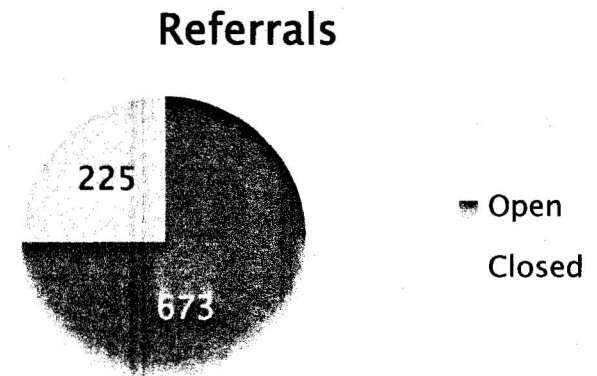
- Reduction of two courier runs and one Government review

\* Does not include ExecSec or  
FOID Reviews for SecDef Records

 = Courier Run

# Reduce Coordination of Referrals

- ▶ **Strategy 4:** For Library and NARA cases, OSD will no longer coordinate the referrals to agencies that have MDR programs (listed in the appendix of the new DoD Manual for MDRs) or agencies external to DoD
- ▶ **Criteria:** Requestor is a Presidential Library or NARA
- ▶ **Workflow:**
  - OSD will indicate OSD's position on the document
  - OSD will recommend other referrals to the Library or NARA
- ▶ **Benefit:**
  - Reduction in 25% of all referrals
  - Case is closed





# For Decision

## 1. Sign Referrals

- Reduction
  - One courier run
  - One Government Review

## 2. GIF Cases

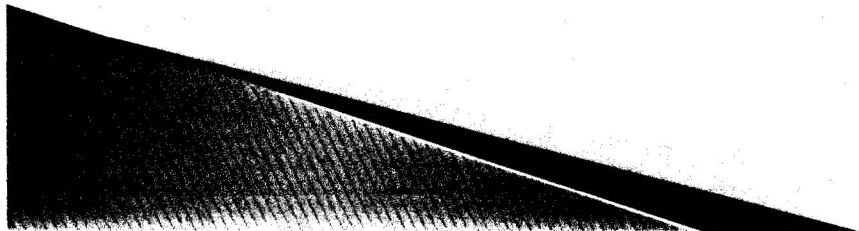
- Reduction
  - Two courier runs
  - One Government Review

## 3. Referrals to letter

- Reduction
  - Two courier runs
  - One Government Review

## 4. Reduce Referrals

- 25% of open referrals would be closed cases





**OFFICE OF THE DEPUTY CHIEF MANAGEMENT OFFICER**  
**9010 DEFENSE PENTAGON**  
**WASHINGTON, DC 20301-9010**

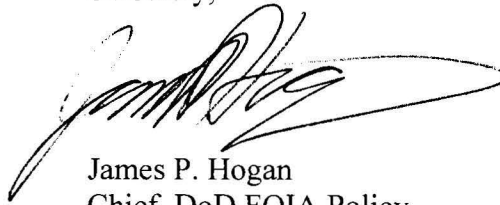
**APR 05 2016**

Ref: 10-A-0555-A1  
10-F-0555

This responds to your July 1, 2010, Freedom of Information Act (FOIA) appeal. You appealed the full denial of 3 documents totaling 36 pages responsive to your January 19, 2010 FOIA request. It has come to my attention that on July 6, 2010, the Office of Freedom of Information provided you a full release of 2 of the 3 documents totaling 31 pages that were originally denied in full.

After a review of the remaining pages, it has been determined that the enclosed 5 pages should be released in their entirety. This action closes your appeal.

Sincerely,



James P. Hogan  
Chief, DoD FOIA Policy

Enclosures:  
As stated

## OSD MDR Policies and Practices, 28 Sept 09

1. NARA can technically review for NSC and/or State, but OSD will still coordinate and/or make recommendations regarding State and NSC.
2. When the State Department forwards library requests with instructions to respond directly to the public requester, respond directly to the library and ignore State.
3. Libraries: Do not refer to NSC or State up to and including Reagan. Instead, recommend State/NSC coordination if needed.
4. "Glass" Boxes: A single case is created for every document declassified or referred in a single box, keeping track of the page count and document titles on a separate sheet of paper. OSD can act for DOD on all documents. No action is taken on marked RD/FRD documents. All non-DOD related originated documents are to be referred, no matter the age of the document.
5. Refer to Army upon the mention of removal of chemical weapons from foreign soil.
6. Cases involving NORAD: Do not refer to NORTHCOM; political sensitivities in this region are State equities. Redact cases in question for OSD equities if they originated with State.
7. When redacted information may have been overlooked, the MDR team may protect the information after a government decision has been made. This also ensures consistency with other redactions. If changing the decision is questionable, bring the case to WHS.
8. DARPA RD vs. Non-RD information: For a case classified RD/FRD but does not contain any RD/FRD information (i.e., it is the classification of the whole article, but the case itself only contains the table of contents, etc.), cross out this information and stamp the document with Mr. Storer's official title.
9. Until further notice, staff all cases that contain nuclear weapon policy in the post-Vietnam era (1975 forward) to OSD/AT&L (NCB). Nuclear weapon policy includes the SIOP, targeting, and pre-delegation.
10. At the meeting with NCB, they mentioned the possibility of FOIA/MDR requests coming in for FUDS. Refer any document on FUDS that contain NCB equities to NCB.
11. DARPA staffings to NCB: NCB may not redact the whole paragraph. When NCB circles the portion marking only, this equates to the whole paragraph being redacted.
12. Canada is to no longer be treated like Germany, the UK, or the continental U.S.

13. Unmarked documents are to be treated as unclassified unless directed to treat as Secret by libraries.
14. OSD will always be the coordinator for WNRC cases. Inform all referral agencies and the requester that OSD is the coordinator and will be the appellate authority.
15. Duplicate document requests: Inform requester/library that "you have requested the above mentioned document under case 08-M-xxxx, which has been referred/staffed to xxxx. This request is a duplicate, and as such we will not review the document. We are returning the case without action."
16. Rumsfeld requests: Send all Rumsfeld requests back with an OSD letter.
17. Legacy cases: When returning a legacy case where a referral (ex: Army) has been deleted because of non-response, the libraries do not have to pursue a response from the agency because OSD is speaking for DOD when returning legacy cases that have deleted referrals.
18. It is the policy of the Department of Energy (DOE) not to comment on the classification status of any open source documents. Do not refer any open source documents to DOE and instead state the following when responding to the requester: "It is the policy of the Department of Energy (DOE) not to comment on the classification status of documents in the public domain. To comply with this policy, the DOE does not conduct reviews of any open source literature."
19. Any correspondence received from the Department of State will be stamped with the date received as to establish a beginning of a time line.
20. Do not redact document lists. Cases up to 08-M-2541 with redacted document lists will be accepted.
21. Go straight to QA when referrals return as GIF and previous government decision was GIF/No OSD objection.
22. Go straight to QA when a referral response is received where the agency declassifies the document, any outstanding referrals can be deleted.
23. Unclassified DARPA cases: Close as GIF in the database and tell DARPA they need to go to FOID, even if they are awaiting referral responses. When the responses come in, they are to be scanned and filed.
24. Unclassified WNRC pages: Count up the total number of unclassified pages for WNRC requests and assign one case number. Notify the requester that a total of XX unclassified pages were located in the box requested. Inform the requester that if they would like these pages reviewed they must submit a FOIA and cite the MDR case number. If a FOID request is received for the unclassified pages,

scan them in and send FOID a CD.

25. National Security Archives Requests – Unclassified pages located: Count up the total number of unclassified pages and assign one case number. Notify the requester that a total of XX unclassified pages were located in the box requested. Inform the requester that if they would like these pages reviewed they must submit a FOIA and cite the MDR case number. In the subject line cite - **PhoneCon James Hogan/Catherine Nielsen**. If a FOID request is received for the unclassified pages, scan them in and send FOID a CD.
26. James David unclassified cases: Return document to requester with proper stamp and close case out in database as GIF (this is an exception to the unclassified case policy, where case is closed out as GIF document is not returned to requester).
27. Unclassified cases originating from NARA, the presidential libraries, other agencies, LOC, etc. will be marked as GIF in the database and closed. Notify the originator that the document(s) were unclassified and if they would like these pages reviewed they must submit a FOIA request. If, however, the originator specifically notes in their request that FOIA may not be cited, GIF the document(s) and respond with the final decision.
28. FY 07 CPA cases that are returned from Policy will receive new FY 09 case numbers. Follow Policy's referral recommendations with the exception of FOIA, which is to be excluded entirely from the process. CPA cases can be transferred. All CPA cases go straight to the QA stage.
29. Unclassified CPA cases: Same process used for unclassified WNRC pages.
30. Call libraries every time State does not include a library document list with the request letter. Until State begins to comply, information regarding concurrent/past review can be exchanged via phone or fax.
31. Send all new DARPA Navy referrals directly to the Naval Weapons Center when a Navy referral is warranted.
32. Herschaft CPA cases: Treat the same as Joyce Battle CPA cases (open new case, follow OUSD(P) instructions, and refer/staff/redact as instructed, unless additional referrals/redactions need to be taken on a case-by-case basis).
33. Unclassified requests from government contractors: Return document with instruction to go to FOID.
34. Cases needing MDA referrals with RD/FRD: First refer to DOE and AT&L (NCB); then refer to MDA once the responses come back.
35. 270-Day Policy letters: E-mail to Bob for electronic signature.

36. When coordinating appeals for documents 19 years and younger, re-staff to OSD components if applicable. Upon component response staff to ExecSec and/or FOID if applicable.
37. Umbra and Spoke are no longer valid SCI code words. HCS is not SCI. We will not treat documents marked as such as SCI.
38. When we receive referral responses for the "Glass OSD Historical Office cases" and the response is GIF, declassify with an OSD sticker and place a copy of the agency's response in front of the document to be put back into the WNRC box with the MDR case number for information. If the response is GIP, place an exempt sticker and the exemption number on the document.
39. Treat all DARPA GIP and DIF cases as if they are WNRC GIP and DIF cases. We coordinate when multiple agencies make redactions and sanitize the document to send back to DARPA.
40. Where Government instruction may have overlooked information that contradicts previous actions of the document/case, the MDR team can change the government decision. Bring to WHS if changing the decision is questionable.
41. If AT&L (NCB) denied in full a NATO document under 3.3(b)(9), OSD will DIF the document and look at it again on appeal.
42. Per conversation with Storer, Craddock has permission to single-tier review all DARPA cases and send them straight to QA.
43. All Top Secret documents originating from MACV may be downgraded to Secret.
44. All Top Secret NSC documents Truman through Nixon may be downgraded to Secret IAW 12958, section 1.3(a).
45. All classified documents 12 years and younger will be automatically staffed to FOID for review after all other referrals and staffings are complete\*. \*Exception: staff to FOID and Exec. Sec. simultaneously. If all actions except for FOID/Exec Sec. staffing have been completed, go straight to QA.
46. All classified documents originated by the Secretary of Defense, Deputy Secretary of Defense, or Executive Secretary of Defense and dated January 20, 1989 and younger will be automatically staffed to the Office of the Executive Secretary of Defense for review after all other referrals and staffings are complete\*. \*Exception: staff to Exec. Sec. and FOID simultaneously.
47. All PRM-10/Net Assessment cases must be staffed to AT&L (NCB) and Joint Staff.
48. For the Reagan Library only, do not refer to agencies outside of DOD. Instead, recommend that the library coordinate with them.

49. MDR requests from the following sources will use the approved FOIA "like" paragraph for referrals and staffings: Glass Box; WNRC boxes and other agency record groups; FRUS; DARPA CD's; Library of Congress; and direct requests by other agencies such as DOS, NSC, CIA, etc.
50. The approved FOIA "like" language is: We request that you review the enclosed document and respond directly to us upon completion of your review. Clearly mark any portions to be redacted, citing the appropriate exemptions from sections 1.4/3.3(b) (use either 1.4 or 3.3(b) depending on age of docs) and 6.2 of Executive Order 12958, as amended. Executive Order 12958, as amended, Section 3.5(c), states that Agencies shall release this information unless withholding is otherwise authorized and warranted under applicable law. Section 6.2(c) states that nothing in this order limits the protection afforded any information by other provisions of law, including Freedom of Information Act (FOIA) exemptions. Please expand your review to conduct a "FOIA-like review" and make annotations as appropriated on the document. If you have any questions, contact me by phone at 703-696-2197 or by e-mail at [storer.robert@whs.mil](mailto:storer.robert@whs.mil) (add SIPRNET address if applicable).
51. Go straight to QA when an OSD component response is DIF. Cancel and notify any outstanding referrals that a DIF response has been received.