Description of document:	National Security Agency (NSA) records re: procedures (or guidance) to process requests for the mandatory review of classified information (Mandatory Declassification Review (MDR) process), 2003-2011
Requested date:	19-January-2010
Released date:	02-July-2013
Posted date:	11-November-2013
Source of document:	National Security Agency ATTN: FOIA Office (DJ4) 9800 Savage Road STE 6248 Ft. George G. Meade, MD 20755-6248 Fax: 443-479-3612 **Online FOIA Request Form**

FOIA Case: 60718A
2 July 2013

This is our final response to your Freedom of Information Act (FOIA) request of 19 January 2010 for:

- Procedures (or guidance) to process requests for the mandatory review of classified information (Mandatory Declassification Review (MDR) process);
- Any memos that discuss these procedures or discuss any concerns associated with the processing of Mandatory Declassification Review; and
- Any internal reports on the handling of MDR in the agency produced in the last two years (2008 and 2009), such as annual reports.

A copy of your request is enclosed. Your request has been processed under the FOIA, and the documents you requested are enclosed. Certain information, however, has been deleted from the enclosures.

Some of the information deleted from the documents was found to be currently and properly classified in accordance with Executive Order 13526, as amended. This information meets the criteria for classification as set forth in Subparagraph (d) of Section 1.4 and remains classified CONFIDENTIAL as provided in Section 1.2 of the Executive Order. The information is classified because its disclosure could reasonably be expected to cause damage to the national security. Because the information is currently and properly classified, it is exempt from disclosure pursuant to the first exemption of the FOIA (5 U.S.C. Section 552(b)(1)).

This Agency is authorized by statute to protect certain information concerning its activities, as well as the names of its employees. Such information is exempt from disclosure pursuant to the third exemption of the FOIA which provides for the withholding of information specifically protected from disclosure by statute. The specific statute applicable in this case is

Section 6, Public Law 86-36 (50 U.S. Code 402 note). We have determined that such information exists in these records, and we have excised it accordingly.

The Initial Denial Authority for NSA information is the Deputy Associate Director for Policy and Records, D.M. Janosek. Since these deletions may be construed as a partial denial of your request, you are hereby advised of this Agency's appeal procedures. Any person denied access to information may file an appeal to the NSA/CSS Freedom of Information Act Appeal Authority. The appeal must be postmarked no later than 60 calendar days from the date of the initial denial letter. The appeal shall be in writing addressed to the NSA/CSS FOIA Appeal Authority (DJ4), National Security Agency, 9800 Savage Road STE 6248, Fort George G. Meade, MD 20755-6248. The appeal shall reference the initial denial of access and shall contain, in sufficient detail and particularity, the grounds upon which the requester believes release of the information is required. The NSA/CSS Appeal Authority will endeavor to respond to the appeal within 20 working days after receipt, absent any unusual circumstances.

The names of other agencies' employees have been protected pursuant to (b)(6) and marked with the code OGA (Other Government Agency) to avoid additional processing delays to coordinate the release of those names. In addition, a CIA employee's name has been protected pursuant to 50 U.S.C. 403(g) Section 6.

The version of the MDR Policy located during the search for responsive records has been updated since that time. We are providing you with the copy found in the search, as well as with the updated version, as a courtesy. Please be advised that another update is in coordination; however, it has not yet been finalized. The new version will be posted to the NSA.gov website when it is signed and put into effect.

Sincerely,

PAMELA N. PHILLIPS
Chief
FOIA/PA Office

Encls:
 a/s

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**NATIONAL SECURITY AGENCY
CENTRAL SECURITY SERVICE
NSA/CSS POLICY 1-15**

Issue Date: 16 May 2011
Revised:

(U) MANDATORY DECLASSIFICATION REVIEW PROGRAM

(U) PURPOSE AND SCOPE

(U) This Policy implements the _Mandatory Declassification Review (MDR)_ Program for NSA/CSS in response to Executive Order (E.O.) 13526, "Classified National Security Information." (Reference a). This Policy assigns responsibility for responding to written MDR requests made pursuant to the E.O.

(U) Any _U.S. individual_ may submit a request for mandatory declassification review.

(U) Mandatory Declassification Review does not apply to information: that is unclassified or was previously classified and then declassified prior to the receipt of an MDR request; that is exempt from search and review under the National Security Act of 1947 (Reference b); that is the subject of pending litigation; that has been reviewed for declassification within the past 2 years; that is marked as Restricted Data or Formerly Restricted Data; or that is originated by the President, the Vice President, 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 President.

DEBORAH A. BONANNI
Chief of Staff

Endorsed by
Associate Director for Policy

DISTRIBUTION:
DJP5
DJP1

Approved for Release by NSA on
08-22-2012, FOIA Case # 60718

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Policy 1-15

Dated: 16 May 2011

DJP6 (VR)
DJP6 (Archives)

(U) This Policy 1-15 supersedes Policy 1-15, dated 5 December 2006.
(U) OPI: Declassification Services, DJP5 (972-2352s).
(U) The compilation of the information contained in this document is UNCLASSIFIED//
FOR OFFICIAL USE ONLY. No section of this document shall be released without approval
from the Office of Policy and Records (DJP).

(U) POLICY

1. (U) NSA/CSS shall review NSA/CSS _records_ for declassification in accordance with
the MDR provisions of E.O. 13526 (Reference a). All requests for the declassification of
information or records must be made in writing. Oral requests will not be accepted.

(U) PROCEDURES

2. (U) NSA/CSS receives MDR requests either directly from requesters or by referral of
requests submitted to U.S. presidential libraries and/or other U.S. government entities that hold
records containing NSA/CSS equities. Requesters must be U.S. individuals. Fees may be
applied for processing MDR requests in accordance with Reference c.

3. (U) The request for a review must be limited in scope and/or describe the document
or material with sufficient specificity to enable it to be located within a total of 2 hours. If a
search of more than 2 hours is required, the request will be denied and the requester will be
offered the option of having the request processed under the Freedom of Information Act (FOIA)
(Reference d). When organizations outside the Office of Policy and Records (DJP) receive
requests under the MDR program for access to NSA/CSS records, the requests shall be delivered
to the Declassification Services office (DJP5) immediately upon recognition as an _MDR request_.

4. (U) When a requester submits a request under both the MDR and the FOIA,
NSA/CSS shall require the requester to elect one process or the other. If the requester fails to
elect a process, the request will be treated as a FOIA request unless the requested materials are
subject only to mandatory declassification review.

5. (U) If the material has been reviewed within the past 2 years for a different requester
under a release program (e.g., the FOIA), the material will not be reviewed again, but will be
released to the current requester as it was previously released. If the same requester submits a
second request for the same information within 2 years or, if the material is the subject of
pending litigation, the request will be denied and the requester shall be informed of his/her right
to appeal.

6. (U) The Office of Policy and Records (DJP) shall make a prompt declassification
determination and notify the requester accordingly, or inform the requester of the additional time

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Policy 1-15   Dated: 16 May 2011

needed to process the request. Every effort shall be made to ensure that a response to an MDR is provided to the requester within 1 year from the date of receipt as stipulated by Reference c. Requests to NSA/CSS will normally be processed in the order in which they are received.

7. (U) When an MDR request is denied because the requested records are currently and properly classified, the agency shall notify the requester of the right to administrative appeal, which must be filed within 60 days of receipt of the denial. The Agency MDR Appeal Authority shall normally make a determination within 60 working days following the receipt of an appeal. If additional time is required to make a determination, the Agency MDR Appeal Authority shall notify the requester of the additional time needed and provide the requester with the reason for the extension. The Agency MDR Appeal Authority shall notify the requester in writing of the final determination, of the reason for the denial, and of his/her final appeal rights to the Interagency Security Classification Appeals Panel (ISCAP). The procedures in this paragraph are in accordance with Reference c.

8. (U) Upon the withholding of unclassified information that is exempt from release pursuant to Exemptions 2 through 9 of the FOIA (whether or not classified information also was withheld within the same document), the requester shall be advised that the unclassified information is withheld under applicable law, in this case the FOIA, in accordance with Reference a. Section 3.5(c), and no MDR appeal rights will be given.

(U) RESPONSIBILITIES

9. (U) The Associate Director for Community Integration, Policy and Records (or a delegate thereof) shall serve as the Agency MDR Appeal Authority required by Reference a. The MDR Appeal Authority reviews administrative appeals of denials of MDR requests.

10. (U) The Office of Policy and Records (DJP) is the NSA/CSS focal point for responding to MDR requests. The Office of Policy and Records shall:

a. (U) Designate Declassification Services (DJP5) to:

1) (U) Staff all initial requests for the declassification of information pursuant to provisions of E.O. 13526 (Reference a), regarding mandatory declassification review;

2) (U) Conduct the necessary reviews to determine the classification of information pursuant to E.O. 13526 (Reference a);

3) (U) Deny information currently and properly classified pursuant to E.O. 13526 (Reference a);

4) (U) Release all unclassified information, unless withholding it is otherwise authorized and warranted under other applicable law;

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Policy 1-15   Dated: 16 May 2011

      5) (U) Prepare MDR appeal response packages for appeals made to the Agency and submit them for decision by the MDR Appeal Authority; and

      6) (U) Prepare MDR appeal response packages for appeals made to the ISCAP and submit them for decision by the MDR Appeal Authority.

     b. (U) Review MDR appeal response packages prior to their submission to the MDR Appeal Authority.

    11. (U) The Office of General Counsel (OGC) shall review MDR appeal response packages prior to their submission to the ISCAP.

(U) REFERENCES

12. (U) References:

    a. (U) E.O. 13526, "Classified National Security Information," dated December 29, 2009.

    b. (U) Title 50, U.S.C. Subsection 432b.

    c. (U) Classified National Security Information, 32 CFR Part 2001, dated 22 June 2010.

    d. (U) Freedom of Information Act, Title 5 U.S.C. 552, as amended.

(U) DEFINITIONS

    13. (U) Mandatory Declassification Review (MDR) – The review for declassification of classified information in response to a request for declassification that meets the requirements of section 3.5 of E.O. 13526 (Reference a).

    14. (U) MDR Request – A written request for the declassification of specific U.S. Government records.

    15. (U) Records – The products of data compilations, such as books, papers, maps, photographs, machine-readable materials, or other documentary materials, regardless of physical form or characteristics, made or received by an agency of the U.S. Government under Federal law and in possession and control of the agency at the time the request for an MDR is received.

    16. (U) U.S. Individual – a citizen of the United States or an alien lawfully admitted for permanent residence. (Source: 5 U.S.C. 552a(a)(2))

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This Policy was revised on 16 May 2011

NATIONAL SECURITY AGENCY
CENTRAL SECURITY SERVICE
NSA/CSS POLICY 1-15

Issue Date: 24 February 2003
Revised: 5 December 2006

(U) MANDATORY DECLASSIFICATION REVIEW PROGRAM

(U) PURPOSE AND SCOPE

(U) This Policy implements the NSA/CSS *Mandatory Declassification Review (MDR)* Program in response to Executive Order (E.O.) 12958, "Classified National Security Information, as amended." (Reference a) This Policy assigns responsibility for responding to written requests made pursuant to the E.O. and provides for the review required to determine the appropriateness of release of NSA/CSS documents and information.

(U) Any person or entity may submit a request for mandatory declassification review.

(U) Mandatory Declassification Review (MDR) does not apply to information exempt from search and review under the Central Intelligence Agency Information Act; which is the subject of pending litigation; which has been reviewed for declassification within the past two years; or originated by the President, 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 President.

DEBORAH A. BONANNI
Chief of Staff

Endorsed by
Associate Director for Policy

DISTRIBUTION II
PLUS: DC35
     DC31
     DC321 (VR)
     DC36 (Archives)

Approved for Release by NSA on
05-20-2013, FOIA Case # 60718

DOCID: 4050729

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Policy 1-15   Dated: 5 December 2006

(U) This Policy 1-15 supersedes the version of Policy 1-15 dated 24 February 2003.
(U) OPI: Declassificatio n Services, DC35 (972-2352s).
(U) The compilation of the information contained in this document is UNCLASSIFIED/ /
~~FOR OFFICIAL USE ONLY.~~ No section of this document shall be released without approval
from the Office of Policy and Records (DC3).

(U) POLICY

1. (U) NSA shall determine the appropriaten ess of release of NSA/CSS documents and information and make *records* available in accordance with E.O. 12958, as amended. All requests must be made in writing. Oral requests for the declassification of information or records will not be accepted.

(U) PROCEDURES

2. (U) The request for a review must be limited in scope and/or describe the document or material with sufficient specificity to enable location within a total of two hours. If a search of more than two hours is required, the request will be denied and the requester will be offered the option of having the request processed under the Freedom of Information Act (FOIA). When organizations outside the Office of Policy and Records (DC3) receive requests under the MDR program for access to NSA/CSS records, the request shall be delivered to the Associate Director for Policy and Records immedi ately upon recognition as an *MDR request*.

3. (U) When a requester submits a request both under the Mandatory Declassification Review and the FOIA, NSA/CSS shall require the requester to elect one process or the other. If the requester fails to elect a process, the request will be treated as a FOIA request unless the requested materials are subject only to mandatory declassification review.

4. (U) If the material has been reviewed within the past two years for a different requester under a release program (e.g., the FOIA) the material will not be reviewed again, but will be released to the current requester as it was previously released. If the same requester submits a second request for the same information within two years or if the material is the subject of pending litigation, the request will be denied and the requester shall be informed of his right to appeal.

5. (U) The Office of Policy and Records (DC3) will make a prompt declassification determination and notify the requester accordingly, or inform the requester of the additional time needed to process the request. Every effort shall be made to ensure that a response to an MDR is provided to the requester within one year from the date of receipt as stipulated by Reference b. Requests to NSA will normally be processed in the order in which they are received.

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Policy 1-15   Dated: 5 December 2006

6. (U) Upon denial of an initial request, the agency shall also notify the requester of the right of administrative appeal, which must be filed within 60 days of receipt of the denial. The Agency MDR Appeal Authority shall normally make a determination within 60 working days following the receipt of an appeal. If additional time is required to make a determination, the Agency MDR Appeal Authority shall notify the requester of the additional time needed and provide the requester with the reason for the extension. The Agency MDR Appeal Authority shall notify the requester in writing of the final determination and of the reasons for any denial.

(U) RESPONSIBILITIES

7. (U) The NSA Chief of Staff shall oversee the NSA/CSS MDR program.

8. (U) The Office of Policy and Records (DC3) is the NSA/CSS focal point for responding to MDR requests. The Office of Policy and Records shall:

    a. (U) Receive and staff all initial requests for the declassification and release of information pursuant to provisions of E.O. 12958, as amended, regarding mandatory declassification review;

    b. (U) Conduct the necessary reviews to determine the classification of information pursuant to E.O. 12958, as amended;

    c. (U) Withhold information currently and properly classified pursuant to E.O. 12958, as amended;

    d. (U) Release all unclassified information, unless withholding it is otherwise authorized and warranted under other applicable law; and

    e. (U) Publish in the Federal Register the identity of the NSA/CSS office to which an MDR request should be addressed.

9. (U) The Deputy Director, NSA, shall serve as the MDR Appeal Authority required by Reference a for considering appeals of adverse classification determinations made by the Associate Director for Policy and Records (DC3). In the absence of the Deputy Director, the NSA Chief of Staff shall serve as the Appeal Authority.

10. (U) The Office of General Counsel (OGC) shall review and staff the appeals of adverse determinations made by the Associate Director for Policy and Records (DC3). In doing so, the OGC shall:

    a. (U) Review all classified information contained in the records under appeal to ensure compliance with E.O. 12958, as amended; and

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DOCID: 4050729

Policy 1-15   Dated: 5 December 2006

    b. (U) Prepare an appropriate reply to such appeals and submit that reply to the NSA MDR Appeal Authority for final decision.

(U) REFERENCES

11. (U) References:

    a. (U) E.O. 12958, "Classified National Security Information," dated 17 April 1995 and as amended, dated 28 March 2003.

    b. (U) Classified National Security Information, 32 CFR Parts 2001 and 2004, dated 22 September 2003.

(U) DEFINITIONS

12. (U) Mandatory Declassification Review (MDR) — The review for declassification of classified information in response to a request for declassification that meets the requirement under section 3.5 of E.O. 12958, as amended.

13. (U) MDR Request — A written request for the declassification of specific United States (U.S.) Government records. NSA/CSS receives requests for MDR either directly from a private citizen, a private entity, another government entity, or by referrals of requests submitted to presidential libraries and/or other government entities which hold records containing NSA/CSS equities.

14. (U) Records — The products of data compilations, such as books, papers, maps, photographs, machine-readable materials or other documentary materials, regardless of physical form or characteristics, made or received by an agency of the U.S. Government under Federal law and in possession and control of the agency at the time the request for an MDR is received.

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ISCAP Appeals SOP

18 May 2009

TABLE OF CONTENTS

I. (U) Interagency Security Classification Appeals Panel (ISCAP) (Return)

(U) The ISCAP provides the public and users of the classification system with a forum for further review of classificatio n decisions. Its members are senior representatives from the Departments of State, Defense, and Justice, the Central Intelligence Agency, the National Archives & Records Administration and the Assistant to the President for National Security Affairs. The Director of the Information Security Oversight Office (ISOO) serves as its Executive Secretar y. The ISOO is responsible for providing oversight and guidance for the implementa tion of Executive Order 12958, as amended, "Classified N ational Security Information." See Section 5.3 of the E.O. for more information on the ISCAP.

(U) The ISCAP has three main functions:
> 1) Classificatio n Challenges - deciding on appeals by authorized persons who have filed classification challenge s under Section 1.8 of the E.O.;
> 2) Exemptions from Automatic Decl assification - approving, denying or amending agency exemptions from automatic declassification , as provided in Section 3.3 of the E.O.;
> 3) Mandatory Declassification Review Appeals - deciding on MDR appeals for parties whose requests for declassifica tion under Section 3.5 of the E.O. have been denied at the agency level.

(U) See section III. ISCAP APPEALS for details.

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II. ADMINISTRATIVE APPEALS   (Table of Contents)

(b)(3)-P.L. 86-36

(U//~~FOUO~~) Administrative appeals will be processed by the Office of General Counsel (OGC), D28. POC is ⬚ 963-8342. Appeals received by DJP5 should be delivered to the CPC for scanning into the case file. The scan coversheet should indicate that the letter is an appeal and should be scanned in as correspondence. In the "Return To" section enter ⬚ D28, Suite 6278 so the CPC will know to return the hardcopy to OGC. Usually, the Chief, DJP5 will handle the above actions.

(U) Kim may contact the case officer to request a re-review the documents on appeal, to answer questions regarding the processing of the case, to provide a rationale for the redactions, or to assist with the mechanics of manipulating the documents in Highview. Assist as requested.

III. ISCAP APPEALS PROCESS   (Table of Contents)

A. (U) General Information

(U) The ISCAP appeals process usually proceeds in this order:

1) ISCAP receives an appeal from a requester;

2) ISCAP notifies NSA of the appeal and requests documents and correspondence related to the case;

3) NSA provides the requested information;

4) ISOO staff contacts Chief, DJP5 to verify receipt of the information and to schedule a visit to NSA to review the material, if necessary;

5) ISOO staff visits NSA to review material and to gain an understanding of the potential harm to national security for any information that NSA requests remain classified;

6) ISOO staff prepares the briefing book for the ISCAP liaison members. The book contains the documents provided by NSA;

7) ISCAP liaison members meet to discuss case;

8) Questions and recommendations for declassification, if any, from the ISCAP meeting are forwarded by ISOO to NSA for response;

9) NSA responds to the questions/recommendations;

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10) ISCAP liaisons make final determination on the declassification of the documents. If the liaison members are unable to reach consensus, then the case is referred to the ISCAP principals for determination;

11) If the ISCAP decision is to release more information than NSA originally released to the requester then the ISCAP will notify the DoD and the DNI of the decision and their right to appeal the decision to the President within 60 days. If no appeal by either the DoD or DNI, then the ISOO will notify NSA of the final decision and provide instructions on the release of the documents to the requester;

12) If the ISCAP decision is to uphold NSA original determination then the ISOO will notify NSA and will also provide a response to the requester.

B. (U) **Processing ISCAP Appeals**

(U) There are 2 ways to generate an ISCAP Appeal – either thru the Case or thru the Appeal. If the requester requests an ISCAP appeal without going thru the NSA Appeal process (OGC), then it is a Case appeal. If the requester has appealed the documents thru the NSA Appeal process, then it is an Appeal request.

(U) When an ISOO/ISCAP letter notifying NSA of an ISCAP appeal is received, the case manager will deliver it to the CPC to generate an ISCAP case. The letter should be labeled "ISCAP Appeal". If the documents had been appealed thru OGC, CPC will need to know the Appeal number in order to generate the ISCAP appeal thru Appeal. The cover sheet has been updated to include ISCAP under New Case and Appeal # above the CTS #. When the letter has been scanned and the case returned to the case manager, she/he will place the documents in the ISCAP case folder and assign the case to the case officer for processing. The case officer will find the case in their ISCAP Appeals folder under the Inbasket. The case officer is responsible for printing all the requested documents and preparing a response letter to the ISCAP forwarding the documents within 30 days of receipt of the notification. The ISCAP will normally ask for copies of:

1) all correspondence (initial request, referral letter if applicable, response letters, OGC SPF to D/DIR, etc.),

2) unredacted copies (with DOCID numbers) of the documents being appealed,

3) copies of the (appealed) documents (with DOCID numbers) as provided to the requester, if applicable, and

4) copies of the documents (with DOCID numbers) providing NSA's best attempt to release as much information as possible.

(U) Chief, DJP5 will provide guidance on how to proceed with item number 4. Sometimes, the documents as they were released to the requester is the best that we can offer. If so, then the response letter to the ISOO should contain language to the effect.

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This also includes those cases where the documents were denied in full and continue to require full redaction, e.g. SIGINT product reports. See template ISCAP NSA ltr to ISCAP for a sample letter. If you are sending more than one document, include the DOCID numbers on Tab B (Microsoft Word-generated). Forward the case to Chief, DJP5 for signature on the letter to the ISCAP. [**Note**: If the case contains numerous SIGINT product reports then we will only print 3 or 4 documents to provide as a sample.] Deliver letter and documents to the CPC for mailing. Forward case to suspense.

(U) Update case comments to reflect receipt of ISCAP appeal and all related actions/coordination/decisions that occur during the course of the appeal.

(U) ISOO/ISCAP will notify NSA via letter of the final ISCAP decision and provide instructions for release of the document(s) to the requester. The ISCAP letter should be scanned into case correspondence and titled "ISCAP Final Response". The document(s) should be prepared for release to the requester along with a final response letter. See letter template: ISCAP_ltr_to_requester. Have CPC scan the ISCAP version of the documents into the ISCAP case folder and label it "Final ISCAP Version:" before the title on the Doc Index. Forward the case to Chief, DJP5 for letter signature and approval. Print the signed letter and documents and deliver to the CPC for mailing. The ISCAP letter may ask us to provide them a copy of the documents as released to the appellant. Apparently, these are old instructions and there is no need to send the documents back to them. Update comments notating action taken. Forward the case to close.

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ISCAP Letter – Appeal (example 1)

This memo is used to respond to the ISCSP during an appeal process when the document as denied in full, as in NSA serialized products.

NATIONAL SECURITY AGENCY
CENTRAL SECURITY SERVICE
FORT GEORGE G. MEADE, MARYLAND 20755-6000

Serial: MDR- #####
(date DD Month YYYY)

Mr. William J. Bosanko
Executive Secretary
Interagency Security Classification Appeals Panel
700 Pennsylvania Avenue, N.W., Room 503
Washington, DC 20408

Dear Mr. Bosanko:

(U) This response to your request dated (DD Month YYYY) to forward copies of documents and correspondence related to MDR case #####/Appeal No. #####/ ISCAP No. #####. Enclosed are copies of the correspondence between NSA and the requester (Tab A) and unredacted copies of the documents (Tab B). No copies of documents were released to the requester. We do not think it possible to produce substantive redacted copies without disclosing current classified intelligence sources and methods.

(U) If you have any questions, please contact me at 301-688-7785.

Sincerely,

KEMLYN K. BRAZDA
Acting Chief
Declassification Services

Encls:
a/s

THIS CORRESPONDENCE MAY BE DECLASSIFIED
UPON REMOVAL OF THE ENCLOSURES (This statement goes on the bottom of the first page of the memo.)

NOTE: Classification of cover letter is based on the classification of the attached records. Do not use classified by Statement (block) on cover letter.

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ISCAP Letter – Appeal (example 2)

This memo is used to respond to the ISCSP during an appeal process when the document can not be redacted any further.

NATIONAL SECURITY AGENCY
CENTRAL SECURITY SERVICE
FORT GEORGE G. MEADE, MARYLAND 20755-6000

Serial: MDR- #####
(date DD Month YYYY)

Mr. William J. Bosanko
Executive Secretary
Interagency Security Classification Appeals Panel
700 Pennsylvania Avenue, N.W., Room 503
Washington, DC 20408

Dear Mr. Bosanko:

(U) This response to your request dated (DD Month YYYY) to forward copies of documents and correspondence related to MDR case #####/Appeal No. #####/ ISCAP No. #####. Enclosed are copies of the correspondence between NSA and the requester (Tab A), unredacted copies of the documents (Tab B), redacted copies of the document as released to the requester (Tab C), and copies of the document reflecting NSA best attempt to release as much information as possible (Tab D) . The documents(s) as provided to the requester in Tab C reflects NSA's commitment to release as much information as possible to the public while protecting information that must remain classified in the interest of national security.

(U) If you have any questions, please contact me at 301-688-7785.

Sincerely,

KEMLYN K. BRAZDA
Acting Chief
Declassification Services

Encls:
  a/s

THIS CORRESPONDENCE MAY BE DECLASSIFIED
UPON REMOVAL OF THE ENCLOSURES (This statement goes on the bottom of the first page of the memo.)
NOTE: Classification of cover letter is based on the classification of the attached records. Do not use classified by Statement (block) on cover letter.

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ISCAP Letter to Requester - Appeal

This letter is used to send documents to a requester in response to an ISCAP appeal
(after the ISCAP has made a final determination).

NATIONAL SECURITY AGENCY
CENTRAL SECURITY SERVICE
FORT GEORGE G. MEADE, MARYLAND 20755-6000

Serial: MDR-####
(date DD Month YYYY)

Mr. John Doe
120 Tranquil Court
Pleasantville, UT 12345

Dear Mr. Doe:

This responds to your request and subsequent appeal to the Interagency Security Classification Appeals Panel (ISCAP) to have number of documents entitled:

- The Capture of the USS Pueblo and Its Effect on SIGINT Operations
- Section V, Cryptographic Damage Assessment USS Pueblo, AGER-2
- Damage Assessment of the Compromise of Operational Intelligence Broadcast Messages OnBoard USS Pueblo(AGER-2)

reviewed for declassification . The documents have been reviewed under the Mandatory Declassification Review (MDR) requirements of Executive Order (E.O.) 12958, as amended. The documents listed above have been reviewed and are enclosed.

The ISCAP has determined that some of the information in the documents is properly classified in accordance with E.O. 12958, as amended. The information denied meets the criteria for classification as set forth in Section 1.4 subparagraphs (a), (b),(c),(d), and (g) and Section 3.3 subparagraphs (b)(1), (b) (3), and (b)(6) and remains classified TOP SECRET, SECRET, and CONFIDENTIAL as provided in Section 1.2 of E.O. 12958, as amended.

Section 3.5 (c) of E.O. 12958, as amended, allows for the protection afforded to information under the provisions of law. Therefore, the names of NSA/CSS employees and information that would reveal NSA/CSS functions and activities have been protected in accordance with Section 6, Public Law 86-36 (50 U.S. Code 402 note). In addition, information regarding other individuals has been deleted from the enclosure in accordance with the sixth exemption of the Freedom of Information Act. This exemption

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protects from disclosure information that would constitute a clearly unwarranted invasion of personal privacy. In balancing the public interest for the information you request against the privacy interests involved, it has been determined that the privacy interests sufficiently satisfy the requirements for the application of the sixth exemption.

Sincerely,

KEMLYN K. BRAZDA
Acting Chief
Declassification Services

Encls:
a/s

*Information Security Oversight **Office***

National Archives and Records Administration

700 Pennsylvania Avenue, NW   Washington, DC 20408

ISOO Notice 2009-07: Mandatory Declassification Review – Inappropriate Citation of Section 6.2(c) of E.O. 12958, as amended

January 9, 2009

Agencies should not cite section 6.2(c) of Executive Order 12958, as amended, "Classified National Security Information" (the Order) when responding to requests or appeals for mandatory declassification review filed under section 3.5 of the Order.

Section 3.5(c) of the Order provides that "[a]gencies conducting a mandatory review for declassification shall declassify information that no longer meets the standards for classification..." and "[t]hey shall release this information unless withholding is otherwise authorized and warranted under applicable law." Section 6.2(c) of the Order is not an authority for the withholding of such information under the mandatory declassification review provisions of the Order. Instead, agencies must cite the specific law under which the withholding is authorized and warranted.

Please direct any questions regarding this ISOO Notice to: isoo@nara.gov .

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MANDATORY DECLASSIFICATION REVIEW
SOP

26 January 2010

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I. DEFINITIONS   (Table of Contents)

(U) Mandatory Declassification Reviews (MDRs) are requests for a review of classified records for possible declassification pursuant to Section 3.5 of Executive Order (E.O.) 12958 as amended. A request for an MDR must describe the document or material containing the information with sufficient specificity to enable the agency to locate it within 2 hours. Searches that exceed 2 hours must be approved by Chief, DJP5. If the document or material has undergone a declassification review within 2 years of the MDR request, a new review is not required and the requester will be provided with a copy of the document/materia l resulting from the most recent declassification review. If the requested records are the subject of pending litigation, the agency shall inform the requester of this fact, and the records will be denied.

A. (U) **Types of MDRs**   (Return)

> 1. (U) Referrals from Presidential Libraries. Typically these requests are processed as MDRs because the documents are requested with specificity, and the provisions of E.O. 12958, as amended, are invoked. Sometimes these requests involve documents from the Remote Archive Capture (RAC) program (See "B" below).

> 2. (U) MDR referrals from Other Government Agencies (OGAs). Sometimes an OGA may deny NSA/CSS information in an MDR request without referring the material to us for review. Subsequently, the OGA may receive an appeal for the denial of information. When that happens, the OGA will send a letter requesting we review the information for declassification . These types of requests will be handled as initial reviews and not as appeals since we have not previously reviewed and denied the information.

> 3. (U) Direct Requests: MDRs from the public submitted directly to NSA. Because Direct Requests occur infrequently, the procedures for processing Direct Requests are contained in a separate section of this SOP.

B. (U) **Remote Archive Capture Program**   (Return) - The RAC program is a Central Intelligence Agency (CIA) initiative in which CIA has put 25-year-old or older Presidential Library records on computer disks. CIA and other intelligence community agencies then review the records at CIA pursuant to Section 3.4 of Executive Order 12958 (Automatic Declassification).

C. (U) **Case Manager**   (Return) – The DJP5 person responsible for assignment of MDRs and other cases among reviewers.

D. (U) **Presidential Records**   (Return)

> 1. (U) Information contained in records held by Presidential Libraries of former presidents in office prior to President Reagan may not be exempted citing the FOIA exemptions because their holdings are donated records, not records under the control of the U.S. government. We generally cite P.L. 86-36 in the protection/delet ion of the names

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(b)(3)-P.L. 86-36

of NSA/CSS employees and/or sensitive, but not classified, information about the functions and activities of NSA/CSS unless⎢   ⎢We may, however, mark information that falls under FOIA exemptions 2 through 7 to alert the library to the sensitivity of the information. It will be up to the library to decide whether or not to protect the information.

2. (U) Presidential records are completely owned, possessed, and controlled by the United States IAW Presidential Records Act (PRA), Section 2201. **For the first five years after President Reagan left office, and for all presidents thereafter**, presidential records were generally exempt from public access of any kind, to include FOIA. For years 6 through 12, requesters could request Presidential records under FOIA, but they would only obtain access if neither a FOIA nor PRA exemption was applicable. After 12 years, PRA exemptions are no longer applicable, but the FOIA exemptions remain, save one (the b(5)) exemption is no longer available, the records could still be exempt from disclosure/release based on any constitutionally based privilege, including those ordinarily encompassed by the b(5) exemption, which means that EO 13233, in essence, resurrected the b(5) exemption, to the consternation of many historians. Such constitutionally based privileges include the states secrets privilege, the presidential communications privilege, attorney-client or attorney work product privileges, and the deliberative process privilege. Additionally, after 12 years, the MDR provisions would be applicable for requests from the Ronald Reagan Library, and libraries of presidents following the Reagan Administration, if requested as an MDR and not requested as a FOIA. President Ronald Reagan left office in January 1989. President George Bush left office in January 1993. President William Clinton left office in January 2001.

NOTE: (U) According to Ms. Beth Fidler at NARA, the Truman library does not have a Sensitive Compartmented Information Facility (SCIF), which is required for the storage of COMINT information. Therefore, if we are working an MDR that has documents from the Truman library, and we mark pages of one or more of the documents as requiring COMINT protection, we should not forward the pages back to the Truman library. Instead, we need to contact Ms. Beth Fidler (202-357-5001) at NARA for determination concerning proper handling and storage of the pages. As she advised in MDR case 55504, she may request that we forward the pages to NARA for storage.

E. (U) **Interagency Security Classification Appeals Panel** (ISCAP) (Return) - The ISCAP provides the public and users of the classification system with a forum for further review of classification decisions. Its members are senior representatives from the Departments of State, Defense, and Justice, the Central Intelligence Agency, the National Archives & Records Administration and the Assistant to the President for National Security Affairs. The Director of the Information Security Oversight Office (ISOO) serves as its Executive Secretary. The ISOO is responsible for providing oversight and guidance for the implementation of Executive Order 12958, as amended, "Classified National Security Information." See Section 5.3 of the E.O. for more information on the ISCAP.

(U) The ISCAP has three main functions:
   1) Classification Challenges - deciding on appeals by authorized persons who have filed

classification challenges under Section 1.8 of the E.O.;
2) Exemptions from Automatic Declassification - approving, denying or amending
agency exemptions from automatic declassification, as provided in Section 3.3 of the
E.O.;
3) Mandatory Declassification Review Appeals - deciding on MDR appeals for parties
whose requests for declassification under Section 3.5 of the E.O. have been denied at the
agency level.

(U) See the ISCAP Appeals SOP for specific details regarding the ISCAP appeal process..

II. CASE ESTABLISHMENT/PR OCESSING
(Table of Contents)

(U) **The Case Processing Center (CPC)** will establish the MDR Case. (Return)

1. (U) **General Procedures:** Complete all necessary processes in accordance with CPC
Standard Operating Procedure (SOP) which includes among other things:

   a. Establishing a case in the MDR Workflow.

   b. Scanning in the correspondence and documents.

   c. Preparing a Box ID Sheet (blue sheet), aka the CPC Case Sheet or Scan ID
   Sheet, it may also be white.

   d. Providing the hard copy material and Box ID Sheet to the DJP5 Case Manager.

2. (U) **RAC Procedures** : In addition to the CPC SOP for establishing/processing a
Case: (Return)

   a. (U) MDRs from presidential libraries under the RAC program: when a
   researcher requests records that were captured on disk under the RAC program,
   generally the records will not accompany the MDR from the library. The libraries
   notify the RAC of the need to send the responsive material to NSA. Call the RAC
   staff (703-613-1540) if the documents are not received in a timely manner. Add
   the case to the ADMS upon receipt of the responsive material. Record the "date
   received" field on the case tab as the date the RAC documents are received in the
   CPC.

   b. (U) Separate correspondence from documents. An MDR from the RAC
   program will include a field index sheet. This sheet is correspondence.

   c. (U) Scan correspondence via CTS Scan.

   d. (U) Check in responsive documents.

e. (U) Prepare responsive documents for scanning. An MDR from the RAC program may contain both a redacted and an unredacted copy of a document. If both versions are included, they should be scanned separately, and CPC should put "SANITIZED" in the title of the redacted one. The bar code page is the first page of the redacted document. If there is no bar code page, write the RAC number in red in the upper right hand corner of the first page of the document. Some cases will contain an instruction sheet (e.g., "This is a WH document. Review for your equities."). The instruction sheet is considered part of the document.

III. DOCUMENT REVIEW AND CASE PROCESSING
(Table of Contents)

(U) When processing documents as a MDR from Presidential Libraries or OGA, the following review procedures should be observed. These procedures will be performed by those designated by the Chief DJP5 or Case Manager.

NOTE: Processing of Direct Requests to the Agency is addressed later in this SOP

A. (U) **Case Manager Responsibilities** (Return)

1. (U) Review referral letter and make sure all documents were sent as stated. If there are documents or pages messing, call the POC as stated in the referral letter.

2. (U) Check for duplicate documents in ADMS. If you find dupes that have been reviewed in other cases, make note of them by case and DOCID number. After the case has been established by the CPC (in the following step), you will need to drag and drop them into the Documents Tab in the newly established case.

(U//FOUO)
3. (U) Fill out the MDRScanForm sheet and give all case material (referral letters, invoices, transmittal receipts, documents, etc.) to the CPC to establish the case. The MDR Scan From sheet is located on the shared drive at:
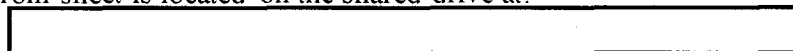
[redacted] (b)(3)-P.L. 86-36

4. (U) Assign the first and second reviewers in purple folder, enter the overall Case classification (which includes, in addition to the document classification, all correspondence from the requester), and select the Case Officer on the Case Tab. If you dragged and dropped documents into the case, add a Comment stating the Case number you dragged and dropped the documents from so the reviewers can review that case.

5. (U) Write the 1st & 2nd reviewers names on the MDR Scan Form sheet and give it to the first reviewer.

6. (U) File hardcopy materials in MDR flippers.

B. (U) **First Reviewer Responsibilities** : (Return)

(U) The MDR Scan From sheet is the mechanism used to assign someone an MDR for processing. Upon receipt of a MDR Scan Form sheet identifying you as a first review, perform the following:

1. (U) Incoming Correspondence: Review all correspondence scanned into the case to understand the concerns of the requesting agency/person and to ensure all requested actions are addressed. Verify from the correspondence that the information about the requester, any affiliation and/or referral number on the Case Home Page is accurate. Changes can be made to the requester information using the Case Tab at the top and selecting Requester Info. (First and Second reviewers might want to initially discuss the case, so they can work with an understanding about what is required to process the case.)

NOTE: (U) If the First or Second reviewer desires an additional Word document and/or e-mail to be entered into the Requester Letter tab of the case (aka Case Correspondence) they may drag and drop the document from their desktop. To do this, follow these steps:

- Make sure the e-mail or Word document is on your desktop - if it isn't - copy it to your desktop. If the email is encrypted and/or digitally signed – you must unencrypt it and/or click off the digitally signed icon and then forward it to yourself before dragging it to your desktop. (otherwise, the test of the email will not appear when dragged into the case.)
- Double-click (open) the Requester Letter icon in your Highview Case
- On your desktop, highlight the item (Word document or e-mail) that you want to drag into Requester Letters
- Hold the left mouse key down and drag the item into the open Requester Letter area.
- In the new window titled: "Document Title and Classification" –

    o Type in a title or select one from the pull-down menu
    o Select the correct classification from the pull-down menu
    o Click OK
    o After a few minutes the document should appear in the Requester Letter area

- You may then want to delete the copy you still have on your desktop

2. (U) Searches: Review the documents assigned to the case and do a thorough search to locate duplicate documents that have been previously processed. These searches should be done in the ADMS (Retrieval and Case File Search).

NOTE 1: (U) Sometimes the results of a search may reveal that the documents have been in a previous case, etc. If you are unsure about how to proceed due to the results of searching for documents, consult with the Second Reviewer.

NOTE 2: (U) Further research/searche s may be required to find the latest and "most released" version of the documents. Examples of things that may require searching are CLASSIDOC and AIRS. Seek assistance if needed.

3. (U) Document Reviews.

    a. (U) General Instructions: When processing MDRs, we must do full redaction. Protecting information will be in accordance with existing classification/d eclassification and release guidance. See the section titled Detailed Instructions for in-depth instructions concerning various types of documents. (Note: File Series Exempt documents must be reviewed if requested under an MDR.)

(b) (3)-P.L. 86-36

    b. (U) Full Review. Additionally, we must review all documents in their entirety, even though referring agency/library might have indicated that we only need to review specific portions of a document. When doing so, consider

    c. (U) Indexing Screen. Review all tabs and fields in the indexing screen for each document to ensure correct titles (see NOTE 2), dates, classification, etc.

NOTE 1: (U) Documents being denied in full or further referred will not have any information in the unclassified title fields.

NOTE 2: (U) Reviewers should ensure that the title of the documents accurately represent the content of the document. If the title is too vague, etc., change the title as appropriate. Upon completion of review of all documents check the Subject of the Case to ensure that it too properly describes the case.

    d. (U) Sanitized Copies. Sometimes "Sanitized " copies will be sent to us for our information only. These documents will be id entified with "Sanitized" as the first word in the title on the Document Index. Unless otherwise noted, these documents are already available to the public; therefore, we only need to review the sanitized portion. Only mark the **clean copy** of the document, not the sanitized copy. The sanitized copy does not need to be sent back to the requestor, unless otherwise noted in the letter.

4. (U) Protecting Information

    a. Full Denial/Exempting a Document: For a document, such as a product report, that requires protection in its entirety, do the following:

        - Open the document to the first page.
        - Select all the redaction code(s) that apply, e.g. 1.4.(c), 1.4.(d), and PL 86-36.

-- Use P.L. 86-36 on all redactions.

- Go to Release Decision at top of document page and select DIF. **Every page** will then be marked with DIF and the redaction code(s) you selected. "DIF" expands to Denied in Full.

The redaction codes are available in the "available redactions" menu and are depicted as E.O. 1.4(a), etc., where the letters equate to the following: Executive Order Criteria for Classification

(a.) military plans, weapons systems, or operations;

(b.) foreign government information;

(c.) intelligence activities (including special activities), intelligence sources/methods, or cryptology;

(d.) foreign relations or foreign activities of the U.S., including confidential sources;

(e.) scientific, technological, or economic matters relating to the national security;

(f.) U.S. Government programs for safeguarding nuclear materials or facilities;

(g.) vulnerabilities/ capabilities of systems, installations, infrastructures, projects or plans re national security;

(h.) weapons of mass destruction

b. Redactions within a Document.

(1) Use the Redaction tools to make redactions on a document.

(2) Use all redaction codes that apply.

(3) Apply P.L. 86-36 to all redactions. Add the appropriate redaction codes from paragraph A above.

(4) Reviewers **may** use one Redaction Code Block for all the redactionswithin a paragraph, or adjacent paragraphs if both paragraphs contain the same redaction codes. For example, if both paragraphs contain PL 86-36, 1.4.(c) and 1.4.(d) redactions codes we only need one Redaction Code Block for both paragraphs.

(4) If, however, two adjacent paragraphs contain different redaction codes we will need to have a separate Redaction Code Block for each paragraph.

NOTE 1: (U) When we need to cite Public Law 86-36 as the reason for protecting information we will use the "PL 86-36" tool vice "(b)3 PL 86-36" tool.

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NOTE 2: (U) If COMINT information is contained on a page that is not properly marked as containing COMINT, that is, the page does not have a COMINT codeword or caveat, add "COMINT" to the top and bottom of the pages containing the COMINT.

NOTE 3: (U) If a document contains classified cryptologic equities, but is not marked with a classification, mark the pages(s) containing the classified cryptologic information and the cover page Top and Bottom with the proper classification and/or appropriate COMINT markings. Examples: "SECRET" or "SECRET//COMI NT".

NOTE 4: (U) If a document is a product report or contains a product report originated from another country, use both 1.4.(b) and 1.4.(d) redaction codes. This is a procedural change from using only 1.4.(d) [per the ISOO, Feb 09].

5. (U) Referrals: The incoming correspondence will identify other agencies to which the library is referring these documents, but if the first reviewer believes that still other agencies need to see it, he/she should make a note in the case Comments to that effect.

6. (U) Subject Matter Experts (SME) If there is no guidance regarding the release/denial of information, consult with the Second Reviewer concerning the possible need to send the documents to an SME for his/her review, or to DJP5 if additional guidance from DJP2 is needed. If the reviewers determine that a document requires SME review, the First Reviewer (or Second Reviewer if the case has moved to the Second Reviewer) will prepare necessary correspondence (See MDR OPI Review Memo template) and ask the Chief, DJP5, to send the documents to the SME. An "SME" listing is provided below in this SOP. If guidance from DJP2 is required, reviewers should advise the Chief, DJP5, who will forward the question to DJP2. (NOTE: The review rules for processing documents under the automatic declassification provisions of the E.O., allowing for the protection of information if there is no permissive guidance for release, do not pertain to MDRs. A definitive answer must be obtained.) In either case, the First Reviewer should add a note to the KEYWORD/COMMENT tab of the case, reminding the Second Reviewer of the action required/taken.

Note: You may identify material within a document you are e-mailing by highlighting it. To do this, follow these steps:

- E-mail the document from Highview, and when the window appears with the (TIF) image of the document
- Click on File
- From the drop down menu select Open Image for Editing: this opens the image in an editing window which has various editing tools at the top and bottom of the window.
- Select the highlighter tool (third icon from the left at bottom of the window)
- Highlight the text as desired.
- To add redaction codes, select Text Annotation tool (seventh icon from left at bottom of window).
- Place the cursor next to the highlighted text and type in appropriate redaction

codes (or note).
- Continue with the normal e-mail process.

7. (U) <u>FOIA Exemptions</u>: It is permissible to cite FOIA exemptions to protect unclassified information (e.g., personal privacy information protected by the FOIA's sixth exemption). However, as noted previously, P.L. 86-36 will be used on its own (not related to the third exemption of the FOIA). In the case of Vietnam-conflict POW/MIA information, it may be appropriate to cite P.L. 102-90 when processing NSA-originated records. (Note: When there has been a related FOIA release that protected classified information, remember to convert the FOIA (b)(1) exemptions to the appropriate Executive Order equivalents.)

8. (U) Case Comments and Keywords: Add to Comments as necessary to explain document/case problems or issues, e.g., documents also found to exist in other cases. All Comments must be portion marked. When referring to documents, be sure to include both the ADMS Doc Ref ID and the Doc ID, and the Library's document number if available, with your Comment.

    a. (U) Keywords/Comments Tab Checklist: (Return) The following is a list of items that should be addressed in the Keywords/Comments tab: (Be sure to portion mark the comments, remembering that unless you are/were an NSA public figure or a contractor, your name and/or sid is protected as U//FOUO at a minimum.)

        (1.) Identification of the case reviewers.

        (2.) Results of searches for duplicate document within the ADMS, etc.

        (3.) Identification of each document by ADMS Doc Ref ID and Doc ID numbers, and any library doc number if available, and the disposition for each, along with a list of all the exemptions that apply.

        (4.) Type of information being protected, e.g., targeting, PL 86-36 items like employee names, etc.

        (5.) Highest level of classification of the material.

        (6.) Further referral requirements/recommendations.

        (7.) Abnormal issues relating to the documents or case, e.g., previous appeals etc.

        (8.) Cite the classification source for redactions made to each document. A classification source may be one or more of the following: the NSA/CSS Classification Manual 1-52, a classification/declassification guide (cite guide number and/or title), a specific section of Local Guidance, or an

SME opinion (which should be documented in email from the SME and scanned into the case).

> Example 1: (U) Y-routers and names of NSA employees are should be using PL 86-36. For Y-Routers - See Local Guidance entry: "Routing Indicators." For protection of NSA employees — see LG entry: "Names Not Requiring Protection."

> Example 2: (U) Product Reports are exempt from declassification because of the need to protect intelligence sources and methods (1.4.(c)). See Local Guidance entry titled "Serialized SIGINT product reports". Therefore, these xx product reports are denied in full.

    b. (U) Add keywords as appropriate for the case.

9. (U) Request Type: Do not make any changes to this field until you have checked with Joan. She will usually let the reviewers know under which folder they will find a particular case, and that info is also usually included on the Box ID sheet.

10. (U) Upon completion of First Review, forward the documents to Second Reviewer/Case Officer by clicking on the yellow folder icon, and, under "Next Step" selecting "MDR Second Review" and then, under "Assign To" selecting the sid of the 2nd reviewer. Also, provide the 2nd reviewer with the Box ID sheet.

C. (U) Second Reviewer Responsibilities : (Return)

1. (U) Conduct all procedures listed under First Reviewer and/or review the actions taken by the First Reviewer.

2. (U) Enter Case Classification.

3. (U) Referrals. Second Reviewers draft referral correspondence as necessary, indicate in comments, those documents that need to be referred to OGA(s), or (SMEs) when further expertise or declassification guidance is required. When processing referrals from Presidential Libraries or OGAs, further external referrals to OGAs will be made only of NSA-originated documents – even though the library may request that we do any and all additional referrals. Add a note to any document that should be referred to an OGA, citing the agency(ies) to which the material should be referred and other significant information. If referral of NSA-originated document(s) is appropriate, draft the necessary referral letter(s).

(U) Referral Response: Ensure that all referral responses from OGAs and SMEs are scanned into the case correspondence. Also, enter into case comments the DOCID(s) for all documents that were referred.

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4. (U) In Case Comments:

    a. (U) Ensure Second Reviewer is properly identified as such.

    b. (U) Indicate disposition of each document (Granted In Full, Partial Denial, etc.)

    c. (U) Date the letter and documents were delivered to the CPC for mailing.

5. (U) Case Tab Review and Final Actions:

    a. (U) Ensure the classification of the case reflects the classification of the comments and the documents attached to the case.

    b. (U) Enter the Disposition of the case from the list below:

Code	Explanation
AC	Admin Closure – Closed without processing/ reviewing material.
AP	Approved -
FD	Full Denial - Denial of all NSA information.
GF	Granted In Full - Release of all NSA information.
NR	Negative - No records responsive to the request were located.
NP	Not Within Purview - The subject of the request is not within the purview of NSA.
PD	Partial Denial - Denial/release of some NSA information.
PG	Pending -
WD	Withdrawn - The request was withdrawn by requester.
GLOMAR	Neither Confirm Nor Deny - Confirming or denying the possibility of the existence of records responsive to the request is itself a protected fact.
CLARIFY	Requester did not Respond to request for clarification - The case is closed because we can not determine what the request is about.
DUPLICATE	Duplicate Request - Generally FOIA. The case is closed because it duplicates another request from the same individual.
CM	Completed -Used in old MDR and Pre-pub databases to indicate a completed case. There is no current application for this code.
NULL	NULL – Definition is unknown.

(b)(3)-P.L. 86-36

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| NEQ | No NSA equities contained within the document(s). |

6. (U) <u>Draft Response Letter</u>

    a. (U) Mark the top and bottom of the response letter with the appropriate classification markings. REL TO markings are not required on information not being released to foreign partners. For example, classified letters sent to the Presidential Libraries or other government agencies are not being released to foreign partners; therefore, a REL TO statement is not required on such letters. If the case is an expedite, advise the Chief, DJP5 by e-mail that an expedite case has been forwarded to her for approval.

    b. (U) In most cases, address our response letter to the individual who submitted the referral, based on their request letter. Also from the request letter, you can obtain the mailing address and POC phone number. If this information is not available or apparent, consult the POC information tables below. If doubt remains as to the correct address, call the POC and verify all contact information.

    c. (U) Ensure the font color for the entire letter is black and that the font type is 12 pitch, NewCenturySchlbk.

    d. (U) Remember that the letter templates must be modified as necessary to fit the situation at hand; e.g., document versus documents, with verbs to match (is/are), Encl: versus Encls (or removed altogether if no enclosures exist).

    e. (U) The convention for naming NSA-generated response letters/memos is: Case Number - type, e.g., 46627IR for an Interim Response, perhaps pending returned referrals, and 46627FR for the Final Response.

7. (U) Response Letter Checklist. (Return)

To generate the letter:
Click on the Letter Generator icon, which is the envelope with the lightning bolt on it.
From the left-hand column, select the correct boiler-plate letter, e.g., MDR Lib or OGA – Denial, MDR Lib or OGA GF, etc. Under "Letter Type", select "interim response" or "final response" as appropriate.

Under Letter Title, enter the name of the letter, using the naming convention described above.
Click on the lightning bolt icon again, and this will generate the letter, populating it with the name and address of the requester. This information should be checked to ensure it is accurate, and corrected if necessary.

Modify the boiler-plate to include all information relevant to the documents contained in the case, and from whom the MDR request was submitted. The letter should contain, when appropriate, the following information:

a. Reference the incoming letter by serial number, date, and name of requester.

b. Releasability determination, such as releasable in full, denied in full, etc.

c. Reasons for classification, e.g., foreign government information, cryptologic information, etc.

d. Current classification. Include all levels as appropriate.

e. Appropriate exemptions.

f. [   ] when appropriate.   (b)(3)-P.L. 86-36

g. Appeal procedures [   ]

h. Need for additional referrals.

i. Fact that we have added additional classification markings, SECRET//COMINT, or sometimes just "//COMINT."

j. Request that the library/OGA line through the codeword/HVCCO once the NSA-classified information is removed.

8. (U) Forward the case to Approval, using the Forward Icon (yellow folder with a red arrow).

9. (U) Finalizing the Case: When the approval process is completed, the case will be returned to the case officer for final disposition. The case officer should:

a. (U) Before attempting to review the signed letter, add the current date (DDMMYYYY) to the "send date" block in the Highview window from which you access the outgoing letter, and click Save. Check to make sure that the date transfers to the correct location on the letter (under the Serial number).

b. (U) Print the outgoing letter and the documents being returned or forwarded to the Library or OGA. (Do not seal the documents, and if they are classified, make sure that the letter headers/footers reflect the highest classification of the attached documents, and add a caveat that the letter may be downgraded to UNCLASSIFIED upon removal of attachments, as appropriate.)

NOTE: (U) If records are being denied in full or if you processed the documents without making any marks on them (i.e., no line throughs, no COMINT added, no

redactions), it is unnecessary to return copies. Likewise, if the request letter advises that we do not need to return copies for other reasons, e.g., we did not make any redactions; there is no need to print and forward copies of the documents.

c. (U) Give the material to the CPC for mailing. (CPC should verify addressee has received the response if the return receipt has not been received within 30 days of the mailing date.) If the requester is internal to NSA, mail the response via internal agency mail. Place the response in an envelope, address it, and drop it off in the mail cage outside of the Records Center office by Door 22. Provide CPC with the non-secure phone number of the addressee so they can include it on the transmittal sheet. The NSA couriers require a phone number for delivery. If you find out that a POC's phone number has changed, please ensure the correct number is entered into the phone book in Toolkit and the MDR SOP.

d. (U) The Center for Cryptologic History (CCH) should receive a courtesy copy of all CCH documents released under the MDR Program. Email a copy of the document(s) to William J. Williams, Chief, CCH with a note that the document is being released to (cite requester).

e. (U) Close the case by manually entering the Close Date under the Case Tab, then click on the yellow folder icon, under "Next Step" select MDR Closed, and then, under "Assign To," select * and click OK.

f. (U) Notate the Box ID Sheet. When the case is completed notate on the Box ID sheet that the request has been completed, and add the date of the outgoing correspondence. Return the Box ID sheet to the case manager.

10. Once referred, suspend the case until responses are received. (See Suspending a Case.)

D. (U) Third Review: Case Selection and Forwarding (Return)

1. (U) **Forwarding for Third Review.** After second review, the case officer (i.e. the second reviewer) will forward the MDR case to "Case Approval MDR." The forwarded MDR case will show up in the "Declass Approval" folder.

2. (U) **Picking the Oldest Case.** All third review cases are stored in the "Declass Approval" folder. As a rule, the third reviewer should only be someone who has not already reviewed the case (i.e. someone other than the case officer or first reviewer for the case). Normally, the third reviewer will select the oldest MDR case in the queue (i.e. the case at the top of the queue) that has not already been selected. However, there may be special circumstances in which selecting the oldest case is not possible or desirable. Check the case comments to determine the status of the case. To check the status of the case, perform a standard case search on the case number. This step allows one to view the case comments without taking ownership of the case. If there is any doubt about the

circumstances surrounding the case, then consult with the case officer or the case manager.

3. (U) **Checking Ownership.** To view the third review queue, follow the first three steps cited in the following paragraph on "Selecting a Case." Check the ownership of the case to ensure that there is no one who currently owns the case. If someone else has already selected the MDR case for third review, then that person will be identified as the owner on the status line for that case. If no one is listed as the owner of the case, then that case is available for third review (except for possible special circumstances as cited above). If someone has inadvertently clicked on the case, that person will be listed as the owner. It will be necessary to ask the owner of the case to release the case before it will again be available for third review.

4. (U) **Selecting a Case.** To select a case for third review:

- (1) Click on Approval Cases.
- (2) Click on the Declass Approval folder.
- (3) Click All Documents.
- (4) Select the oldest case (at the top of the queue).

5. (U) **After Third Review.** The third reviewer will either return the case to the case officer for required changes or will forward the completed case to Kris Grein, Chief of Declassification Services. If there are only minor changes required, the third reviewer – at his or her discretion – may consult with the case officer and go ahead and make any required changes. If there are major changes required, it will be necessary or desirable in most cases to return the case to the case officer for the required modifications. After third review has been completed, the case will be reassigned to Kris Grein.

- (1) If the disposition of the case is "granted in full" or "releasable in full" (i.e. neither "partial denial" nor "full denial"), then Kris Grein will review the case for final approval and signature.

- (2) If the disposition of the case is "full denial" or "partial denial," Kris Grein will initially review the case and will consider whether the case raises issues of special concern that require the attention of Diane Janosek, Chief of the Office of Policy and Records.

- (3) If the case appears to raise issues of special concern, then Kris Grein will consult with Diane Janosek as warranted, before reviewing the case for approval and signature. If the consultation determines that the case raises issues of special concern, then Diane Janosek will be the final reviewing and approving authority for that case, according to the procedures outlined below.

- (4) If the case does not raise issues of special concern, then Kris Grein will proceed to review the case for final approval and signature.

•   (5) In all cases of full denial or partial denial, Diane Janosek, Chief of the Office of Policy and Records, remains in principle the final approving authority. As a matter of practice for most routine cases, Kris Grein will be authorized by Diane Janosek to review and approve MDR cases and sign response letters on her behalf.

6.   (U) **If Changes Are Required.** If there are changes required, then:

- (1) Click on the work flow router.
- (2) Right click on the downward arrow under "Next Step."
- (3) Select "Finish" and click "OK" to forward to case officer.
- (4) Send an email to the case officer (with cc to first reviewer) indicating the return of the MDR with suggested changes.

7.   (U) **When Case is Returned to Case Officer.** After the case is returned to the case officer for changes, the case officer should:
- (1) Make the required changes.

- (2) Forward the finalized case to "Case Approval MDR," which will show up in the "Declass Approval" folder. (See note below on follow-up review by third reviewer.)

- (3) Send an email to Kris Grein indicating that the case has been reassigned for her review.

- (4) Kris Grein will review the case.

- (5) **If the disposition of the case is "granted in full"** (i.e. neither "partial denial" nor "full denial"), then:

> a.   Kris Grein will perform final review and approval of the case, sign the response letter, and return the case to the case officer for printing and delivery to the Case Processing Center (CPC).

> b.   If changes are required, the case will be returned to the case officer to make necessary corrections before approval and signature.

- (6) **If the disposition of the case is "partial denial" or "full denial,"** then:

> a.   Kris Grein will initially review the case. If the case poses no issues of special concern that warrant the attention of the Chief of the Office of Policy and Records, then Kris Grein will review and approve the case, sign the response letter, and return the case to the case officer for printing and delivery to CPC. Note: All routine cases, probably including all but a select few of all cases, will fall into this category.

> b.   If the case raises issues of special concern that warrant the attention of the Chief of the Office of Policy and Records, then Kris Grein will reassign the case

to Diane Janosek for her final review, approval and signature. Note: All non-routine cases that pose issues of special concern, probably including only a select few of all cases, fall into this category.

c.   Kris Grein will send an email to Diane Janosek indicating that the case has been reassigned for her final review, approval, and signature.

d.   Diane Janosek will perform final review and approval of the case, sign the response letter, and return the case to the case officer for printing and delivery to the CPC.

e.   If changes are required by Diane Janosek, the case will be returned to the case officer to make necessary corrections before approval and signature.

8. (U) **Follow-up Review By Third Reviewer.** In some cases, the required changes may be significant or controversial enough to warrant special care. In that situation, the case officer and the third reviewer will consult with each other and decide at their discretion whether a second, follow-up review by the third reviewer is warranted.

- If a follow-up review by the third reviewer is required, the third reviewer will confirm that all the required changes have been made.

- The third reviewer will reassign the case to Kris Grein for final review and approval in cases of "grant in full" or for initial review in cases of "full denial" or "partial denial."

- The third reviewer will send an email to Kris Grein (with cc to the first reviewer and the case officer) indicating that the third review of the case is complete and that the case has been reassigned for her review.

9. (U) **If No Changes Are Required By the Third Reviewer.** If there are no changes required (or only minor changes that can be made by the third reviewer in consultation with the case officer), then:

- (1) Make the minor changes required. A minor change usually equates to changes in grammar, spelling, format, or word choice in the response letter, or, for example, an omitted line-through in one of the case documents.

- (2) The third reviewer will reassign the case to Kris Grein and send an email to Kris Grein (with cc to the first reviewer and the case officer) indicating that third review is complete and the case is ready for her review.

- (3) **If the disposition of the case is "granted in full"** (i.e. neither "partial denial" nor "full denial"), then:

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    a. Kris Grein will perform final review and approval of the case, sign the response letter, and return the case to the case officer for printing and delivery to the CPC.

    b. If changes are required by Kris Grein, the case will be returned to the case officer to make necessary corrections before final approval and signature.

- **(4) If the disposition of the case is "partial denial" or "full denial,"** then:

    a. Kris Grein will perform initial review of the case. If the case raises no issues of special concern that warrant the attention of the Chief of the Office of Policy and Records, then Kris Grein will review and approve the case, sign the response letter, and return the case to the case officer for printing and delivery to the CPC.

    b. If the case raises issues of special concern that warrant the attention of the Chief of the Office of Policy and Records, then Kris Grein will reassign the case to Diane Janosek for final review, approval and signature.

    c. Kris Grein will send an email to Diane Janosek (with cc to first reviewer and case officer) indicating that her review of the MDR is complete and that the case has been reassigned to Diane Janosek for her final review, approval, and signature.

    d. Diane Janosek will perform final review and approval of the case, sign the response letter, and return the case to the case officer for printing and delivery to the CPC.

    e. If changes are required by Diane Janosek, the case will be returned to the case officer to make necessary corrections before final approval and signature.

10. (U) **Third Review: Checklist for Evaluating the Case.**

- (U) Review comments by first reviewer and case officer.
- (U) Review requester letter and ancillary documents (e.g. previous requests, attached referrals, routing slips, etc).
- (U) Check to ensure keywords were entered.
- (U) Scan all case documents to verify correct handling of redactions, line-throughs, codewords, handling instructions, exemption code citations, etc.
- (U) Identify, discuss, and resolve any substantive declassification issues with the first reviewer and case officer. Consult with case officer face-to-face, if necessary.
- (U) Should the case be ☐ correctly (b)(3)-P.L. 86-36 implemented in the letter and redacted documents? ☐ was not chosen by the first reviewer and case officer, then response letter and case document must be modified to comply ☐
- (U) If the case is ☐ ☐

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- (U) If minor changes are required to the case, then make them in consultation with the case officer. Consult with case officer face-to-face, if necessary.
- (U) If major changes are required to the case, then return the case to the case officer with instructions on the required modifications. Consult with case officer face-to-face, if necessary.
- (U) Confirm that the disposition of the case has been properly identified (e.g. PD, FD, GF, etc.)
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- (U) Verify that the case is correctly classified.
- (U) Compare response letter to requester letter. Confirm correctness of address and addressee. Normally, the letterhead of the requester letter will be the latest available address for any given requester.
- (U) Ensure that the MDR serial number is accurate.
- (U) Examine the final response letter closely to confirm that the response letter template has been modified appropriately to reflect the specifics of the case.
- (U) Check to ensure, for example, that the letter includes the appropriate paragraph to justify redactions of classified information and/or the paragraph to justify the redaction of FOUO information.
- (U) Appeal rights: Should that paragraph be included?
- (U) Recommended referrals to other agencies: Should a sentence recommending referral to one or more agencies be included in the letter?
- (U) Confirm that the response letter refers to the date of the requester letter, and that the library project number and requester (if any) are correctly cited.
- (U) If the letter has more than one enclosure, have the individual enclosures (i.e. usually returned documents) been sufficiently identified in the text of the response letter? Library numbers – whenever possible – should be used to refer to library documents.
- (U) If one or more documents were not marked with the proper classification, then ensure that the response letter includes the paragraph requesting that the originals be properly classified.
- (U) Downgrading instructions: If necessary, are they included properly at the bottom of the first page?
- (U) Ensure that all the language of the letter has been converted from the template to match the specifics of the case.
- (U) Confirm, for example, that "document(s)" has been changed to "document" or "documents," that "his/her" has been changed to "his" or "her," that "enclosure(s)" had been changed to "enclosure" or "enclosures," that "encl(s)" had been changed to "encl" or "encls, "as appropriate, etc.
- (U) Check to ensure that all other analogous and required changes have been made to the text of the letter to reflect correctly the specifics of the case.
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(U//FOUO)
11. (U) **Third Review**:

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(U//~~FOUO~~)

12.

IV. DETAILED INSTRUCTIONS
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A. (U) **Classification Markings** (Return)

1. (U) If a document did not originate with NSA and contains COMINT information that is no longer classified, line through the codewords and cryptologic handling instructions. Do not line though CONFIDENTIAL, SECRET, or TOP SECRET. If there are no COMINT markings on the document that previously, required handling in COMINT Channels, do not add the COMINT markings.

2. (U) When processing an NSA-originate d document, if the information contained in the document no longer requires protection as being classified, line through the overall document classification codewords and cryptologic handling instructions. In addition, line through portion/paragrap h markings, as appropriate.

3. (U) Mark the top and bottom of the response letter with the appropriate classification markings. REL TO markings are not required on information not being released to foreign partners. For example, classified letters sent to the Presidential Libraries or other government agencies are not being released to foreign partners; therefore, a REL TO statement is not required on such letters.

4. (U) The following applies only to documents being released by another government agency or library to the public. When we return a document to another agency/library, we

must notify the agency/library of any change to the classificati on. In addition, a note should be added to the case Comments tab about the change in classificatio n.

a. (U) There will be occasions when a document is marked inappropriately, with no indication that the document requires COMINT protection. The reviewer must correct the marking to indi cate that the document cont ains COMINT information. If the document has a codeword or HVCCO, there is no need to remark it. However, if a document requires remarking to identify the COMINT, then mark it either COMINT as appropriate, and add COMINT to the top and bottom of the document, using the STAMP option. If the document contains many pages, you may add the COMINT to the first page and those page/pages containing the classified COMINT. (Add a comment to the KEYWORD/COMMENT tab indicating that the library/other agency should add the COMINT to its copy(ies) of the document and line through the COMINT once the NSA-classified information is removed.)

b. (U) For a document containing classified COMINT and marked with a COMINT codeword or HVCCO, mark the protected information for redaction, but do not line through the codeword or HVCCO. (Add a comment to the KEYWORD/COMMENT tab indicating that the library/other agency should line through the codeword/HVCCO once the NSA- classified information is removed.) Because the document will not be sealed (i.e., the classified information is not removed from the document, only marked for deletion), it remains classified and requires COMINT protection.

c. (U) A document containing classified COMINT may not have been marked originally as COMINT, but another reviewing agency may have added HVCCO or a COMINT codeword. For example, this may occur when a library sends a document to CIA for review before sending it to NSA. The document contains classified COMINT but was originally not marked to afford it protection within COMINT channels. CIA might add HVCCO to the document. HVCCO on the document will allow for proper protection, and there is no need to add COMINT. This will probably only be noticed on documents from the RAC program, in which the original and a marked-up copy of the documents may be referred.

d. (U) If a document can be downgraded, line through the original classification and re-mark the document with the correct classification (e.g., a Viet Nam-era product report that is no longer S//SI, but is C because of a protected SIGAD).

B. (U) RAC Documents: (Return) - RAC documents may contain an unredacted copy of the document and at least one redacted copy. The redacted copy shows how the document was treated previously. Typically that copy will represent an E.O. review, but can also be a result of a previous MDR review. The documents must now be reviewed under current classification rules and in keeping with MDR requirements (i.e., there must be a substantiated reason for protecting information). In working the MDR, only the unredacted copy should be marked with redactions. The previously redacted copy is to be used as reference. Do not return the previously redacted

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versions to the Library. If the markings on the document indicate that it has already been released, be sure that you are not redacting more information than was previously released. More information may be released under the MDR review, but information previously released may not be protected. If you notice a compromise of classified information was made previously, please bring the matter to attention of Chief, DJP5. Once the review is completed, send copies of the redacted document to the library with the response.

C. (U) **Additional Referrals**: (Return)

1. (U) Suspending a Case: Suspend processing of an MDR until responses are received, e.g., DJP2 for guidance, information from an SME, or OGA referral. (To suspend, select the yellow Forward icon, select MDR Suspense under the "Next Step," and then select your own sid. You will notice that you now have an MDR Suspense folder in your Workflow.) When all the responses are received, complete the processing of the case. (At this point, go to the MDR Suspense folder, forward the case to your queue and begin processing.) NSA must respond to MDR requests within one year of the date of the request so it imperative that the case officer ensure referral responses are received in a timely manner. If referral responses are not obtained and the one year deadline is approaching, then the case officer should complete the case by redacting other government agency equities in all of the documents. Notes on the status of referrals should be made in the Comments field.

2. (U) Referral to Other Government Agencies

a. (U) All documents requiring referral to a specific agency will be sent together. If information in any of the documents requires SME review or guidance from DJP2, wait until consultation with the SME or DJP2 is complete before referring any documents to the OGA. If none of the documents being referred to an agency require SME review or DJP2 guidance, the documents should be referred to the OGA as soon as possible. Generally, it is not necessary to suggest referral to the National Security Council (NSC) because the Library usually covers for that entity. Documents containing Second Party equities should be referred to them for review unless we have specific guidance from the appropriate Second Party to exempt the information. Send the referring Library/OGA and LIB/OGC interim response advising that documents requested have been referred to other OGA/OGAs for review and ask that the requestor be notified of the additional referral.

b. (U) When processing incoming referrals, external referral to clear another agency's equities will be made only of NSA-originated documents. Clearing another agency's equity means that the other agency will respond to NSA prior to NSA's responding to the agency/library from which the MDR originated. There will be times that a library or other agency asks that we send our response forward to another agency for additional review. This is not considered clearing equities, and forwarding the document is a courtesy we will extend to the library/agency. Use the "MDR Letter Referral Thru" letter to forward the material

to the other agency. (This letter should also be used when responding to an agency that sent us material on behalf of a library when the agency wants us to respond to it.)

c. (U) Using the "MDR Letter Referral To" memo, create appropriate referral(s), print a copy of the records needing other agency consultation to accompany the referral form (reflecting the proposed NSA redactions) and suspend processing of the case until responses are received. Do not forward any material to EXT REF. (See "Referrals" in elsewhere in this SOP.) Provide material to CPC for mailing.

d. (U) Upon receipt of the releasability guidance from the OGA, provide hardcopy of all DJP2/SME and/or OGA correspondence related to the records to the CPC for scanning into the correspondence section of the case file. Provide a copy of the OGA redacted document to the CPC for scanning into the documents tab of the case. No need to have the document scanned into the case if the OGA did not make any redactions; just include a comment that no redactions were made by the OGA in the comments section of the case. Consolidate the OGA redactions with NSA's redactions. Use the OGA redaction code, and add the name of the agency to which the redaction is attributed to the NOTE tab of the redaction overlay.
(Note: If an OGA protects a cryptologic equity that we have determined is unclassified and releasable, that redaction/protection may be disregarded. Conversely, returned referral documents may have excisions/redactions of NSA equities that were made by the OGAs. If the reviewer agrees that the information is classified or protected, then he/she should redact it with the appropriate code.)

3. (U) <u>Appealed Records</u> – If the denial of information in a document was previously appealed, it is imperative to determine how the information was treated on appeal by NSA. (Was it released or was the denial upheld on appeal?) Consult with the case manager for procedures, which may include not only reading the Comments and/or Response Letters and M/Rs generated for the appeal, but also consulting with OGC.

V. DIRECT REQUESTS
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(U) Much of case initiation and case processing of direct requests is the same as that of referrals; however, the following guidance specifically addresses direct requests to the Agency. Also, there are several scenarios that may occur that are unique to direct requests. They are described below.

1. (U) When a request is received for a document previously released under the FOIA the requester may be given the option of either accepting the document as it was released under the FOIA or, requesting a re-review of the document if it has been more than two years since the document was reviewed. If the requester elects to accept the previously released version then the response letter will not contain appeal rights. The disposition of the case (if that is the only

document requested) should be GF (granted in full) because the requester received what he asked for. These situations will usually be handled by the Chief, DJP5 and the Case Manager.

2. (U) When a request is received for a document that has been previously released by NSA and is publicly available, for example, on the nsa.gov website then prepare a letter notifying the requester that the document is publicly available. Provide specific locational information such as the web address for the document. The response letter will **not** contain appeal rights for that document.

3. (U) When a request is received for a document that was reviewed less than 2 years ago, provide a copy of the previously-released document to the requester. The response letter should advise the requester that the document was reviewed less than two years ago and; is therefore, not subject to re-review in accordance with EO 12958, as amended, Section 3.5 (3). The response letter **must** contain appeal rights.

A. (U) **Direct Request Assignments** (Return)

   1. Direct requests will be assigned to a government reviewer as the case officer. Because direct requests involve a "release to the public" function, contractor personnel will not participate in these reviews.

   2. The case officer will **seal** the documents once approval is obtained.

   3. In the case of a direct request to NSA, line through classification markings since the document will be sealed before it is released.

B. (U) **Determine if a Glomar response is appropriate** (Return) (Section 3.6(a) of E.O. 12958, as amended). If appropriate, use the _MDR Letter – Glomar_ response letter.

C. (U) **Search for Records** (Return)

   (U//FOUO)
   1. (U) The first reviewer will conduct a searches of ADMS and AIRS for requested record(s). If electronic records are located, the reviewer should import them into the case. If paper records are located as a result of the AIRS search, the reviewer will need to obtain them from an Archivist (DJP2) and provide them to the CPC for inclusion in the case.
   (Note: any requests to CPC for scanning should be made using the MDR Scan Form, properly filled out. A copy of the form may be found in the DJP5 shared directory

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   2. (U) If the requested record is not located in ADMS or AIRS, send a search memo to the appropriate OPI requesting a search for the record, or an estimate of the amount of time necessary to conduct a search, if more than two hours. Suspend the case until all search results are received.

3. (U) If it is necessary to search multiple OPIs, request an estimate of time to conduct the search from each office. Suspend the case until all search results are received. If the consolidated search time exceeds two hours, consult with the Chief, DJP5 to determine how to proceed. It may be necessary to ask the requester to narrow his/her request or advise him/her that the request will be treated as a FOIA request.

4. (U) Provide responsive record(s) and any correspondence forwarded from any OPI to the CPC for scanning into the case, using the form cited above.

D. (U) **Processing Records**: (Return) Follow the procedures in section III. Document Review and Case Processing above.

E. (U) **If the responsive material is not classified**, the terms of an MDR do not apply. Although not classified, the records may meet the exemption criteria of the FOIA or some other law. Such requests will be handled on a case-by-case basis, as determined by Chief, DJP5.

F. (U) When processing direct requests to the Agency, we are responsible for all necessary referrals to OGAs. The first reviewer should indicate which records require referral and draft referral correspondence using the MDR Letter Referral To letter. (Alert the 2nd reviewer so that if he/she concurs, he/she can enter the fact of referral(s) on the Comments tab and suspend the case until response(s) is/are received from the OGA. Once the response(s) is/are received, the 2nd reviewer will remove the case from Suspense, and return it to the 1st reviewer for completion.)

G. (U) **Also when these referrals are made to other OGA(s)**, an interim response letter must be sent to the requester advising him/her of the referral (MDR Letter - Interim Response). If we are responding to the requestor regarding those documents that do not need referral (MDR Letter-FD, MDR Letter-PD, or MDR Letter-GF), a paragraph (also located at MDR Letter - Interim Response) should be added to our response letter advising the requester of the referral of some responsive documents.

H. (U) Upon **receipt of response from OGA(s)**, complete processing of records and prepare the appropriate response letter/memo (samples of boilerplates are below) and forward electronically.

I. (U) **Once correspondence is signed**, stamp and seal each record, as appropriate, then print the outgoing letter/memo and a copy of each record being released.

Open each document and check the "stamp date" left-click a check mark into the "stamp date" field. Select the correct release decision, e.g., RIP for release in part.

Right click on the document, select "Stamps" and then select the appropriate stamp for each document.

Also, to assist us with identifying which cases these document are contained in we need to add "MDR" and the case number to the stamp.

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Note: (U) If the Stamp tool is not working use the Text tool as a work-around.

Selecting the Correct Stamp:

For documents that we are releasing, that do not contain any equities of other government agencies, that were marked Unclassified and/or FOUO, and unmarked documents, select: "**Approved for release by NSA on............pursuant to E.O. 12958, as amended.**" (At the end of the stamp, remember to add "MDR" and the case number), e.g., "**MDR 51776**"

For documents that were originally classified that we are releasing with or without redactions, but without referral, and contain no equities of other agencies, select "**Declassified and approved for release by NSA on........pursu ant to E.O. 12958, as amended**" (At the end of the stamp, remember to add "MDR" and the case number), e.g., "**MDR 51776**"

For originally classified documents that have either been referred to other agency(ies), or the agencies have previously given us permission to release without referral (such as Group 4), we will use a stamp that identifies NSA and the other agencies. Example:

Declassified and approved for release by NSA, DIA, and the U.S. Navy on 01-10-2009 pursuant to E.O. 12958, as amended. MDR 51217.

For unmarked or Unclassified and/or FOUO documents that have either been referred to other agency(ies), or the agencies have previously given us permission to release without referral, we will use a stamp that identifies NSA and the other agencies. Example:

Approved for Release by NSA, CIA, the U.S. State Department and the U.S. Army on 01-10-2009 pursuant to E.O. 12859, as amended. MDR 51217.

Sealing the Documents:

1. (U) Seal the documents and complete forwarding/processing of the documents/case.
2. (U) To seal a document:
    1. Select a document in the Documents tab.
    2. Click "Seal Document" on the right-side menu options.
    3. When prompted for a password, type any three letters.
    4. The sealed document will be displayed with a letter **S.**

3. (U) For docs that do not contain any redactions, there is no need to seal, except in those rare occasions when we have to put them on the Internet (case-by-case basis).

(U) Printing Sealed Documents

    i. Highlight the Sealed Document or open the document. (Whichever works best for you).
    ii. Click the Print icon
    iii. Select Print Options that will produce a copy of the Sealed document with redaction codes and lines, and without Doc or Ref IDs showing. Based upon your set preferences

and how well Highview is performing, you may have to Select or Deselect certain options, such as Select "Print Sealed," Deselect "Print Stamps," "Show Doc ID," "Show Ref ID" and "Show Exemption Codes." If you don't deselect some items, such as "Show Exemption Codes" and "Print Stamps" you might get unsealed codes and/or stamps over the sealed codes and/or stamps, etc.

Note: (U) Printing Unsealed Documents (Only if needed). If we need to print an unsealed document, e.g., sending to a SME for document review, but for some reason the printed copy only shows the gray redactions and not the text beneath the redactions, we need to submit an Eagle Alliance (EA) Remedy ticket and request that the print driver be changed to a PCL or a PTA print driver vice a postscript print driver. The problem of not being able to read through the redactions on an unsealed document seems to happen whenever EA reconfigures our printers or changes our print servers.

J. (U) Pass the correspondence and records to CPC for mailing unless the request was received from an NSA affiliate within an internal NSA mailing address. In that case the correspondence and records may be mailed to the requester in an envelope via internal mail. Close case.

VI. (U) SUBJECT MATTER EXPERTS (SMEs)
(Table of Contents)

(b)(3)-P.L. 86-36

(U//~~FOUO~~) Korean War – [ ] 963-4842, OPS2B5008, STE 6267

(U//~~FOUO~~) Cryptanalysis – CES – Send requests to [ ] and [ ] S31091, 963-5209s, OPS 1, STE 6421. Also, Cc the CES Registry using their alias DL ces_registry.
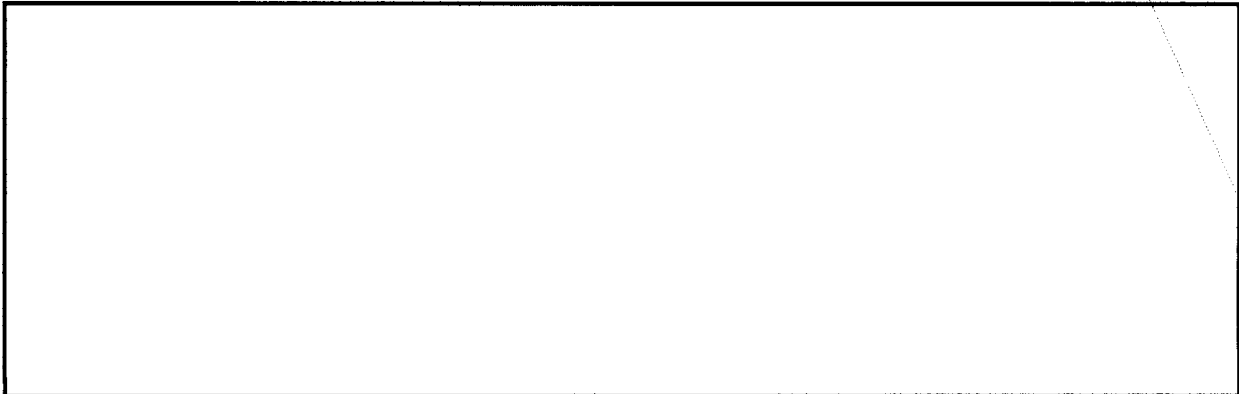
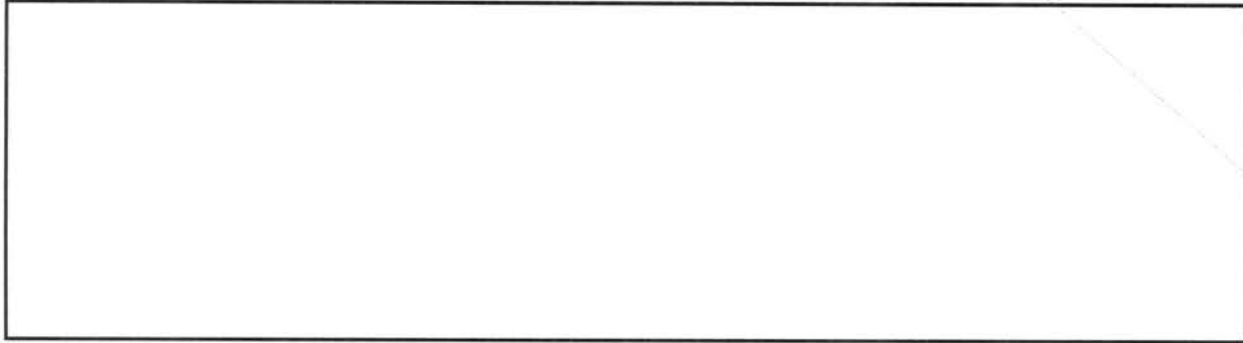(U//~~FOUO~~) General SIGINT – [ ] DJP2, OPS 1, 2N022, STE 6425

(U//~~FOUO~~) COMSEC/INFOSEC – [ ] DJP2, 966-7485, OPS 1, 2C120, Suite 6469

VII. [ ]
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(U//~~FOUO~~)

[ ]

CONFIDENTIAL

(b)(3)-P.L. 86-36

VIII. **GLOMAR**

(U) Section 3.6, subparagraph (a) of E.O. 12958, as amended, allows an agency to refuse to confirm or deny the existence or non-existence of requested information whenever the fact of its existence or non-existence is itself classified. For example, we would provide a GLOMAR response (refusal to confirm or deny the existence or non-existence of the requested record) to a request for a document entitled "SIGINT Success Against the Communications of the Government of Zendia."

IX. PRESIDENTIAL LIBRARIES AND OTHER GOVERNMENT AGENCIES

Presidential Libraries/Collections		
George Bush Library	George Bush Library 1000 George Bush Drive West College Station, TX 77845 Courier Address: 441572 KE 25	Phone: 979-691-4029 Fax: 979-691-4030 POC: Melissa Walker
Jimmy Carter Library	Jimmy Carter Library 441 Freedom Parkway Atlanta, GA 30307-1498	Phone: 404-331-3942 Fax: 404-730-2215
William J. Clinton Presidential Materials Project	William J. Clinton Presidential Materials Project 1000 LaHarpe Boulevard Little Rock, AR 72201	Phone: 501-244-9756 Fax: 501-244-9764
Dwight D. Eisenhower Library	Dwight D. Eisenhower Library 200 Southeast Fourth Street Abilene, KS 67410-2900 Courier Address: 434125-OF09 NARA Eisenhower Library	Phone: 785-263-4751 Fax: 785-263-4218
Gerald R. Ford Library	Gerald R. Ford Library 1000 Beal Avenue Ann Arbor, MI 48109-2114 Courier Address: 452140-LV16 Gerald R Ford Library	Phone: 734-741-2218 Fax: 734-741-2341 POC: Donna Lehman

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Herbert Hoover Library	Herbert Hoover Library 210 Parkside Drive P.O. Box 488 West Branch, IA 52358-0488	Phone: 319-643-5301 Fax: 319-643-5825 POC: Beth Fidler or John Laster 202-501-5700
Lyndon Baines Johnson Library	Lyndon Baines Johnson Library 2313 Red River Street Austin, TX 78705-5702 Courier Address: 441379 KE 52 NARA LBJ Library	Phone: 512-721-0214 Fax: 512-916-5171 POC: Regina Greenwell
John Fitzgerald Kennedy Library	John Fitzgerald Kennedy Library Columbia Point Boston, MA 02125-3398 Courier Address: 404186MG13	Phone: 617-514-1609 Fax: 617-929-4538 POC: Maura Porter
Nixon Presidential Materials Staff	Richard Nixon Library and Museum (NLRN-S) National Archives at College Park 8601 Adelphi Road, Room 1320 College Park, MD 20740-6001	Phone: 301-837-3290 Fax: 301-837-1765 Non-secure fax: 301-837-3202 POC: Robert Reed (robert.reed@nara.gov)
Ronald Reagan Library	Ronald Reagan Library 40 Presidential Drive Simi Valley, CA 93065-0600 Courier Address: 419365-SN03	Phone: 800-410-8354 805-577-4000 Fax: 805-577-4074 POC: Sherrie Fletcher 805-577-4023 or Cate Sewell 805-577-4206
Franklin D. Roosevelt Library	Franklin D. Roosevelt Library 4079 Albany Post Road Hyde Park, NY 12538-1999	Phone: 845-229-8114 Fax: 845-229-0872
Harry S Truman Library	Harry S Truman Library 500 West U.S. Highway 24 Independence, MO 64050-1798	Phone: 816-833-1400 Fax: 816-833-4368
Other Agency Addresses:		
U.S. Air Force	HAF/IMIO (MDR) 1000 Air Force Pentagon Washington, D.C. 20330-1000 Attn ☐	Phone: ☐ POC ☐
AFISRA	Department of the Air Force Air Force Intelligence, Surveillance & Reconnaissance Agency 102 Hall Blvd Ste 257 San Antonio, TX 78243 DCS (Courier) Acct: 441 487-KE10	
AFHRA	Air Force Historical Research Agency AFHRA/RSA 600 Chennault Circle	POC: Mr. Archie DiFante Archivist, Safe Paper Office Phone: 334-953-2447

(b)(6)
OGA

USAF

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	Maxwell, AFB, AL 36112-6424 Defense Courier Address: 407237-JA33 USAFHRA/HQ	
U.S. Army (b)(6) OGA USA	Department of the Army Attn: Deputy Chief of Staff G2 Room 2D350 1000 Army Pentagon Washington D.C. 20310	Phone: Non-secure fax: Secure fax: 703-601-0731 Classified email: @dami.ic.gov Note: All MDRs regarding Army related matters should be sent to Because Army equities are often related to our equities, he prefers to have the NSA/CSS protectable equities identified on the documents. Or if we are not protecting anything, he would like us to state that in the letter. (Source: Phoncon: and 16 Sep 2008)
United States Army Intelligence & Security Command (INSCOM)	Department of Army United States Army Intelligence & Security Command 8825 Beulah Street Ft. Belvoir, VA 22060-5246 Courier address: ALNO OPS 1 3C099-2 Suite 6416	Phone: POC:
Central Intelligence Agency (CIA)	Information and Privacy Coordinator CIA 1G03 IP Building Washington, DC 20505	Phone: POC:
Defense Intelligence Agency (DIA)	Defense Intelligence Agency Public Release Branch Attn: William Joyner DIA/DAN-1A DLOC Bldg 6000 200 MacDill Blvd Washington, DC 20340	Phone: 301-394-5466 Secure: 982-2044
Department of	Correspondence:	Phone: 703-696-2197 ext 115

(b)(3)-P.L. 86-36

FOIA(b)3 - 50 USC 403g Section 6 of the CIA Act of 1949

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Defense (DOD)	Robert Storer Chief, Records and Declassification Division Department of Defense Washington Headquarters Service Room 3C843 1155 Defense Pentagon Washington, DC 20301-1155	FAX: 703-601-4732 (unclass) 703-601-4263 (STU III)
Department of State	A/RPS/IPS SA-2 Room 6005 Department of State Washington, DC 20520-1512	Phone: 202-261-8300 POC: Margaret Grafeld
FBI	Federal Bureau of Investigation Attn Classification Unit 2 ICRC/EW HHO6 170 Marcel Drive Winchester, VA 22602-4843	POC: Phone:
FCC	Federal Communications Commission 445 12th Street, S.W. Washington, D.C. 20554	POCs: Eric Botker, Mary Harmon, Rich Blackmon Phone: 202-418-7884
National Archives and Records Administration (NARA)	National Archives and Records Administration 8601 Adelphi Road College Park, MD 20740-6001 Courier address: 405137-BA32 OFC OF PRES LIBRARIES	Phone: 301-837-3250 Fax: 301-837-3199
National Security Council (NSC)	National Security Council New Executive Office Bldg 725 17th Street NW Room 5013 Washington, DC 20504 Courier address: 449521-BA32 National Security Council	Phone: 202-456-9201 POC: Mary Ronan
U.S. Coast Guard	U.S. Coast Guard 2100 2nd Street, S.W. Washington, D.C. 20953	POC: Ms. Judy Petsch Phone: 202-372-3707
U.S. Navy	CNO (N09N2) /NCIS-24E ATTN 716 Sicard Street, SE - Suite 2000 Washington Navy Yard Washington DC 20388-5300	Phone: POC:

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CSE	Communications Security Establishment: MDRs that need referral to CSE should be forwarded directly to the Deputy SUSLO OTTAWA, who will contact CSE on our behalf. This has been confirmed by DJP5 _____ on 25 Sep 07 with CDO Canada _____ Contact the Deputy SUSLOO, Mr. _____	POCs: CDO Canada - _____ Phone: 963-3745 SUSLO OTTAWA - _____ Phone: 263-2034s _____ D/SUSLOO –
DSD	When we need to coordinate MDRs with DSD – email documents from Highview to yourself; then via Outlook email to DSD. Give an appropriate suspense date and instructions. Get approval from Chief DJP5 before sending email to DSD.	POC: _____
GCHQ	When we need to coordinate MDR document(s) with GCHQ - email documents from Highview to yourself; then via Outlook email to GCHQ. Give an appropriate suspense date and instructions. Get approval from Chief DJP5 before sending email to GCHQ	GCHQ POCs _____

(b)(1)

~~CONFIDENTIAL~~

X. CORRESPONDENCE SAMPLES
(Table of Contents)

MDR LIBorOGA – Particial Denial   (Return)

This letter is used to respond to a request submitted to NSA from a presidential library or other government agency in which some NSA information is protected.

<div align="right">

Serial: MDR - #####
(date DD Month YYYY)

</div>

Mr. Karl Weissenbach
Nixon Presidential Materials Staff
National Archives at College Park
8601 Adelphi Road
College Park, MD   20740-6950

Dear Mr. Weissenbach:
(U) Please refer to your letter of (date DD Month YYYY), your project number NLN 93-30 (Smith), requesting that we conduct a declassification review of the enclosed document(s). We have processed the document(s) as a Mandatory Declassification Review under Executive Order 12958, as amended. We have determined that the information covered with overlays meets the criteria for classification as set forth in Section 1.4 subparagraphs (b), (c), (d) and (g), **(NOTE: (b)=foreign government information; (c)=intell activities, including sources and methods and cryptology; (d)=foreign relations; and (g)=vulnerabilities or capabilities of systems, installations...relating to national security.)** and remains classified TOP SECRET, SECRET and CONFIDENTIAL (**NOTE**: Include all levels of classification being protected, e.g., TOP SECRET and SECRET) as provided in Section 1.2 of E.O. 12958, as amended In addition, the names of NSA employees and information related to NSA/CSS functions and activities are exempt from release in accordance with the provisions of Section 6, Public Law 86-36 (U.S. Code 402 note), as provided for in Section 3.5(c) of E.O. 12958, as amended. Once the overlay-marked information has been removed from the enclosure(s), the NSA classification markings/handling instructions should be lined through.

(U) (This paragraph is used only if the library/other agency submitted the request on behalf of an individual. If the other agency initiated the request for its own purposes, this paragraph should not be included.) In responding to the requester, please advise him/her that he/she may file an appeal in writing to the NSA/CSS MDR Appeal Authority (DJP5), National Security Agency, 9800 Savage Road, STE 6884, Fort George G. Meade, MD   20755-6884. The appeal must be postmarked no later than 60 calendar days after the date of the denial letter. The appeal shall reference the initial denial of access and shall contain, in sufficient detail and particularity, the grounds upon which the requester believes the release of information is required. The NSA/CSS Appeal Authority will endeavor to respond to the appeal within 60 working days after receipt of the appeal.

(U) Some of the pages enclosed were not marked with the correct classification and/or handling instructions. We have added the correct marking to the material. Please ensure that all copies you hold are marked similarly and are stored in an appropriate manner.

(U) In addition, documents (add library's doc number(s) or title(s) here) contain equities of (agency name). We suggest that referral also be made to that agency.

(U) If you have any questions regarding this action, please contact my office representative, Kemlyn Brazda at 301-688-7785.

<div align="center">Sincerely,</div>

<div align="center">

KRISTINA M. GREIN
Chief
Declassification Services

</div>

Encl(s):
    a/s
THIS CORRESPONDENCE MAY BE DECLASSIFIED UPON REMOVAL OF THE ENCLOSURE (S)
(This statement goes on the bottom of the first page of the letter.)

NOTE: Classification of cover letter is based on the classification of the attached records. Do not use classified by Statement (block) on cover letter.

MDR LIBorOGA – GF (Return)

This letter is used to respond to a request submitted to NSA from a presidential library or other government agency in which all NSA information is released.

Serial: MDR - #####
(date DD Month YYYY)

Ms. Regina Greenwell
Lyndon Baines Johnson Library
2313 Red River Street
Austin, TX 78705-5702

Dear Ms. Greenwell:

Please refer to your letter of (date DD, Month, YYYY), project number NLJ/RAC 01-12 (Smith) requesting that we conduct a declassification review of document(s) (provide library document numbers). We have processed the document(s) as a Mandatory Declassification Review under Executive Order 12958, as amended. We have determined that the document(s) contains/contain no classified or exempt NSA/CSS information; therefore, we have no objection to its/their declassificatio n and release. We are not returning the documents since we did not redact any information.

If you have any questions regarding this action, please contact me at 301-688-7785.

Sincerely,

KRISTINA M. GREIN
Chief
Declassification Services

Encl(s):
a/s

~~CONFIDENTIAL~~

MDR LIB or OGA – Interim Response (Return)

This letter is used to request that the library or OGA notify its MDR requester of our need to seek additional review by another government agency in relation to its referral to NSA.

Serial: MDR-#####
(date DD Month YYYY)

Ms. Regina Greenwell
Lyndon Baines Johnson Library
2313 Red River Street
Austin, TX 78705-570

Dear Ms. Greenwell:

Please refer to your letter of (date DD Month YYYY), project number NLJ/RAC 01-12 (Smith) requesting that we conduct a declassification review. During the processing of the referred record(s) as a Mandatory Declassification Review under Executive Order 12958, as amended, it was determined that additional review is required by another government agency. Please notify the requester, advising him/her of the referral, and that we will respond to the request for declassification upon completion of all necessary reviews.

Sincerely,

KRISTINA M. GREIN
Chief
Declassification Services

MDR LIBorOGA - [   ] (Return)   (b)(3)-P.L. 86-36

This letter is used to respond to a request submitted to NSA from a presidential library or other government agency [   ]

Serial: MDR - #####
(date DD Month YYYY)

Mr. Karl Weissenbach
Nixon Presidential Materials Staff
National Archives at College Park
8601 Adelphi Road
College Park, MD 20740-6950

Dear Mr. Weissenbach:

(U) Please refer to your letter of (date DD Month YYYY), reference number NLN96-013 (Ritter), requesting that we conduct a declassification review of the enclosed document(s). We have determined that the information covered with overlay marks meets the criteria for classification as set forth in Section 1.4 subparagraphs (b), (c), (d) and (g), **(NOTE:** (b)=foreign government information; (c)=intell activities, including sources and methods and cryptology; (d)=foreign relations; and (g)=vulnerabilities or capabilities of systems, installations...relating to national security.) and remains classified TOP SECRET, SECRET and CONFIDENTIAL **(NOTE:** Include all levels of classification being protected, e.g., TOP SECRET and SECRET) as provided in Section 1.2 of Executive Order 12958, as amended.

(b)(3)-P.L. 86-36

(U) Some of the pages enclosed were not marked with the correct classification and/or handling instructions. We have added the correct marking to the material. Please ensure that all copies you hold are marked similarly and are stored in an appropriate manner. [   ]

(b)(3)-P.L. 86-36

(U) If you have any questions regarding this action, please contact my representative, Kemlyn Brazda, 301-688-7785.

Sincerely,

KRISTINA M. GREIN
Chief
Declassification Services

Encls:
 a/s

THIS DOCUMENT MAY BE DOWNGRADED TO CONFIDENTIAL UPON REMOVAL OF THE ENCLOSURE(S). THIS DOCUMENT IS CLASSIFIED CONFIDENTIAL DUE TO THE COMPILATION OF OTHERWISE UNCLASSIFIED INFORMATION. (This statement goes on the bottom of the first page of the letter.)

NOTE: Classification of cover letter is based on the classification of the attached records.

DRV FM: NSA/CSSM 1-52
DATED: 08 Jan 2007
DECL ON: 20320108

(Ensure that a DRV FM block is placed on the bottom of the first page.)

MDR Letter – FD (Return)

This letter is used to respond to a direct request to NSA when all material is protected.

Serial: MDR - ######
(date DD Month YYYY)

Mr. John Doe
120 Tranquil Court
Pleasantville, Utopia 55555

Dear Mr. Doe:

This responds to your request (date DD Month YYYY) to have (subject) reviewed for declassification . The document (s) has/ have been reviewed under the Mandatory Declassification Review (MDR) requirements of Executive Order (E.O.) 12958, as amended. The information denied meets the criteria for classification as set forth in Section 1.4 subparagraphs (b), (c), (d) and (g), (NOTE: (b)=foreign government information; (c)=intell activities, including sources and methods and cryptology; (d)=foreign relations; and (g)=vulnerabilities or capabilities of systems, installations...relating to national security.) and remains classified TOP SECRET, SECRET and CONFIDENTIAL (NOTE: Include all levels of classification being protected, e.g., TOP SECRET and SECRET) as provided in Section 1.2 of E.O. 12958, as amended.

Section 3.5(c) of E.O. 12958, as amended, allows for the protection afforded to information under the provisions of law. Therefore, the names of NSA/CSS employees and information that would reveal NSA/CSS functions and activities have been protected in accordance with Section 6, Public Law 86-36 (50 U.S. Code 402 note). In addition, information regarding other individuals has been protected in accordance with the sixth exemption of the Freedom of Information Act. This exemption protects from disclosure information that would constitute a clearly unwarranted invasion of personal privacy. In balancing the public interest for the information you request against the privacy interests involved, we have determined that the privacy interests sufficiently satisfy the requirements for the application of the sixth exemption.

Since your request for declassification has been denied you are hereby advised of this Agency's appeal procedures. Any person denied access to information may file an appeal to the NSA/CSS MDR Appeal Authority. The appeal must be postmarked no later than 60 calendar days after the date of the denial letter. The appeal shall be in writing addressed to the NSA/CSS MDR Appeal Authority (DJP5), National Security Agency, 9800 Savage Road, STE 6884, Fort George G. Meade, MD 20755-6884. The appeal shall reference the initial denial of access and shall contain, in sufficient detail and particularity, the grounds upon which the requester believes the release of information is required. The NSA/ CSS MDR Appeal Authority will endeavor to respond to the appeal within 60 working days after receipt of the appeal.

Sincerely,

KRISTINA M. GREIN
Chief
Declassification Services

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MDR Letter – GF (Return)

This letter is used to respond to a direct request to NSA when all material is released.

Serial: MDR - ######
(date DD Month YYYY)

Mr. John Doe
120 Tranquil Court
Pleasantville, Utopia 55555

Dear Mr. Doe:
This responds to your request of (date DD Month YYYY) for the Mandatory Declassification Review of (subject). We have determined that the enclosed document(s) does/do not contain any classified or exempt NSA/CSS information; therefore, your request is granted in full.

Sincerely,

KRISTINA M. GREIN
Chief
Declassification Services

Encl(s):
a/s

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MDR Letter – Glomar (Return)

This letter is used to respond to a direct request to NSA when we can neither confirm nor deny the existence of the material being sought.

Serial: MDR - #####
(date DD Month YYYY)

Mr. John Doe
120 Tranquil Court
Pleasantville, Utopia 55555

Dear Mr. Doe:

This responds to your Mandatory Declassification Review (MDR) request of [date DD Month YYYY] for (enter the subject of the request). We have determined that the fact of the existence or non-existence of the materials you request is a currently and properly classified matter in accordance with Executive Order 12958, as amended. Thus, your request is denied pursuant to criteria established by an Executive Order which provides that these matters may be kept secret in the interest of national defense or foreign relations and are, in fact properly classified pursuant to such Executive Order.

Since your request for declassification has been denied you are hereby advised of this Agency's appeal procedures. Any person denied access to information may file an appeal to the NSA/CSS MDR Appeal Authority. The appeal must be postmarked no later than 60 calendar days after the date of the denial letter. The appeal shall be in writing addressed to the NSA/CSS MDR Appeal Authority (DJP5), National Security Agency, 9800 Savage Road, STE 6884, Fort George G. Meade, MD 20755-6884. The appeal shall reference the initial denial of access and shall contain, in sufficient detail and particularity, the grounds upon which the requester believes the release of information is required. The NSA/CSS MDR Appeal Authority will endeavor to respond to the appeal within 60 working days after receipt of the appeal.

Sincerely,

KRISTINA M. GREIN
Chief
Declassification Services

MDR Letter – Interim Response (Return)

This letter is used to provide an interim response to a direct request notifying the requester of the need for referral to another government agency.

Serial: MDR - ######
(date DD Month YYYY)

Mr. John Doe
120 Tranquil Court
Pleasantville, Utopia 55555

Dear Mr. Doe:

This responds to your request (date DD Month YYYY) to have (subject) reviewed for declassification . The document(s) has/have been reviewed under the Mandatory Declassification Review (MDR) requirements of Executive Order 12958, as amended. Please be advised that records responsive to your request include other government agency's/agencie s' information. Because we are unable to make determinati ons as to the releasability of the other agency's/agencie s' information, the subject document(s) has/have been referred to the appropriate agency/agencies for review. We will respond to your request when consultation with the other agency/agencies has been completed.

Sincerely,

KRISTINA M. GREIN
Chief
Declassification Services

If it is decided that some records may be released in the interim, use the following as a final paragraph to the MDR-FD, MDR-PD, or MDR-GF response to a direct requester.

Please be advised that records responsive to your request include other government agency's/agencie s' information. Because we are unable to make determinations as to the releasability of the other government agency's/agencie s' information, the subject documents have been referred to the appropriate agency/agencies for review. We will respond to you regarding the referred records when consultation with the other agency/agencies has been completed.

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MDR Letter - No Records (Return)

This letter is used to respond to direct requests to NSA for which no responsive records were located.

<div align="right">
Serial: MDR - #####
(date DD Month YYYY)
</div>

Mr. Humpty Dumpty
On the Wall Pl.
Fairyland, MD 20876-1234

Dear Mr. Dumpty:

This responds to your Mandatory Declassification Review (MDR) request of [date DD Month YYYY] for the declassification of records on [subject]. We have conducted a thorough search of our files, but no records relating to [subject] were located.

You may consider the fact that we were unable to locate records responsive to your request as a denial of your MDR and you are hereby advised of this Agency's appeal procedures. Since your request for declassification has been denied you are hereby advised of this Agency's appeal procedures. Any person denied access to information may file an appeal to the NSA/CSS MDR Appeal Authority. The appeal must be postmarked no later than 60 calendar days after the date of the denial letter. The appeal shall be in writing addressed to the NSA/CSS MDR Appeal Authority (DJP5), National Security Agency, 9800 Savage Road, STE 6884, Fort George G. Meade, MD 20755-6884. The appeal shall reference the initial denial of access and shall contain, in sufficient detail and particularity, the grounds upon which the requester believes the release of information is required. The NSA/CSS MDR Appeal Authority will endeavor to respond to the appeal within 60 working days after receipt of the appeal.

<div align="center">
Sincerely,
</div>

<div align="center">
KRISTINA M. GREIN
Chief
Declassification Services
</div>

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MDR Letter – PD   (Return)

This letter is used to respond to direct requests to NSA in which some information is released and some is denied.

Mr. John Doe
120 Tranquil Court
Pleasantville, Utopia 55555

Dear Mr. Doe:

This responds to your request of (date DD Month YYYY) to have (subject) reviewed for declassification . The material has been reviewed under the Mandatory Declassification Review (MDR) requirements of Executive Order (E.O.) 12958, as amended, and is enclosed. We have determined that some of the information in the material requires protection.

Some portions deleted from the document (s) were found to be currently and properly classified in accordance with E.O. 12958, as amended. The information denied meets the criteria for classification as set forth in Section 1.4 subparagraphs (b), (c), (d) and (g), **(NOTE:** (b)=foreign government information; (c)=intell activities, including sources and methods and cryptology; (d)=foreign relations; and (g)=vulnerabilities or capabilities of systems, installations…re lating to national security.) and remains classified TOP SECRET, SECRET and CONFIDENTIAL **(NOTE:** Include all levels of classificatio n being protected, e.g., TOP SECRET and SECRET) as provided in Section 1.2 of E.O. 12958, as amended.

Section 3.5 (c) of E.O. 12958, as amended, allows for the protection afforded to information under the provisions of law. Therefore, the names of NSA/CSS employees and information that would reveal NSA/CSS functions and activities have been protected in accordance with Section 6, Public Law 86-36 (50 U.S. Code 402 note). In addition, information regarding other individuals has been deleted from the enclosure in accordance with the sixth exemption of the Freedom of Information Act. This exemption protects from disclosure information that would constitute a clearly unwarranted invasion of personal privacy. In balancing the public interest for the information you request against the privacy interests involved, we have determined that the privacy interests sufficiently satisfy the requirements for the application of the sixth exemption.

Since your request for declassification has been denied in part, you are hereby advised of this Agency's appeal procedures. Since your request for declassification has been denied you are hereby advised of this Agency's appeal procedures. Any person denied access to information may file an appeal to the NSA/CSS MDR Appeal Authority. The appeal must be postmarked no later than 60 calendar days after the date of the denial letter. The appeal shall be in writing addressed to the NSA/CSS MDR Appeal Authority (DJP5), National Security Agency, 9800

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Savage Road, STE 6884, Fort George G. Meade, MD 20755-6884. The appeal shall reference the initial denial of access and shall contain, in sufficient detail and particularity, the grounds upon which the requester believes the release of information is required. The NSA/CSS MDR Appeal Authority will endeavor to respond to the appeal within 60 working days after receipt of the appeal.

Sincerely,

KRISTINA M. GREIN
Chief
Declassification Services

Encl(s):
a/s

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MDR Letter - Referral Thru (Return)

This memo is used to respond to an OGA when the agency sends us a request it received from a library and wants us to respond to the agency. Example used is State, so modify accordingly if referring to another agency.

Serial: MDR- #####
(date DD Month YYYY)

Ms. Tasha Thian
A/RPS/IPS\Sa-2
Room 6005
Department of State
Washington, DC 20520-1512

Dear Ms. Thian:

Release of info
(U) Reference (date DD Month YYYY and subject of request). Please refer to the letter at Tab A from the Lyndon Baines Johnson Library in which the library asked that, upon completion of your declassification review of the document(s) at Tab B, you forward the request to our agency for our declassification review. The record(s) at Tab B was/were reviewed by NSA for potential declassification as a Mandatory Declassificat ion Review under Executive Order 12958, and we have determined that it/they contains/contain no classified or exempt NSA/CSS information. We have no objection to its/their public disclosure. Upon completion of your review, please respond directly to the LBJ Library with both our and your releasability determinations.

****

(NOTE: If denying any information, normally use Chief DJP signature block, instead of Linda's)

Denial of info – Use the paragraphs between the ********

(U) Reference (date DD Month YYYY and subject of request). Please refer to the letter at Tab A from the Lyndon Baines Johnson Library in which the library asked that, upon completion of your declassification review of the document(s) at Tab B, you forward the request to our agency for our declassification review. The record(s) at Tab B was/were reviewed by NSA for potential declassification as a Mandatory Declassifi cation Review under Executive Order 12958, as amended.

(U) We have determined that the information covered with overlays meets the criteria for classification as set forth in Section 1.4 of the Executive Order, subparagraphs (b), (c) (d) and (g), (NOTE: (b)=foreign government information; (c)=intel activities, including sources and methods and cryptology; (d)=foreign relations; and (g)=vulnerabilit ies or capabilities of systems, installations...re lating to national security.) and remains classified TOP SECRET and SECRET (NOTE: Include all levels of classificati on being protected, e.g., TOP SECRET and SECRET) as provided in Section 1.3 of E.O. 12958, as amended. In addition, the names of NSA employees and NSA/CSS functions and activities are exempt from release in accordance with the provisions

of Section 6, Public Law 86-36 (U.S. Code 402 note), as provided for in Section 3.5(c) of E.O. 12958. Once the overlay-marked information has been removed from the enclosures, the NSA classification markings/handling instructions should be lined through. Upon completion of your review, please respond directly to the LBJ Library with both our and your releasability determinations.

(U) In addition, some of the pages enclosed were not marked with the correct classification and/or handling instructions. We have added the correct marking to the material. The library should ensure that all copies it holds are marked similarly and are stored in an appropriate manner.

(U) In responding to the requester, the library should advise him/her of this Agency's appeal procedures. Any person denied access to information may file an appeal to the NSA/CSS MDR Appeal Authority. The appeal must be postmarked no later than 60 calendar days after the date of the denial letter. The appeal shall be in writing addressed to the NSA/CSS MDR Appeal Authority (DJP5), National Security Agency, 9800 Savage Road, STE 6884, Fort George G. Meade, MD 20755-6884. The appeal shall reference the initial denial of access and shall contain, in sufficient detail and particularity, the grounds upon which the requester believes the release of information is required. The NSA/CSS MDR Appeal Authority will endeavor to respond to the appeal within 60 working days after receipt of the appeal.
****

(U) Please contact me at 301-688-7785 if you have any questions regarding this action.

Sincerely,

KRISTINA M. GREIN
Chief
Declassification Services

Encl(s):
a/s
THIS CORRESPONDENCE MAY BE DECLASSIFIED
UPON REMOVAL OF THE ENCLOSURES
(This statement goes on the bottom of the first page of the memo.)

NOTE: Classification of cover letter is based on the classification of the attached records. Do not use classified by Statement (block) on cover letter.

CONFIDENTIAL

MDR Letter - Referral To (Return)

This memo is used to refer documents containing the equities of another agency to that agency.

<div align="right">
Serial: MDR- #####

(date DD Month YYYY)
</div>

Ms. Tasha Thian
A/RPS/IPS\Sa-2
Room 6005
Department of State
Washington, DC 20520-1512

Dear Ms. Thian:

(U) Under the provisions of Executive Order 12958, as amended, Section 3.6, [requester's name] has requested a Mandatory Declassification Review (Tab A) of the documents at Tab B from NSA holdings. We have determined that the document(s) contains/contain equities of your agency.

(U) Please review the document(s) and advise this Agency of your releasability determination. If any portions should remain classified in the interest of national security, please provide us with the classification level of the information and the applicable exemption category of E.O. 12958, as amended. Also, if information remains classified, please provide us with your agency's appeal procedures to be passed to the requester. Please respond by mm/dd/yyyy. (insert a date approximately 90 days from the date of this memorandum.)

(U) Upon receipt of your releasability determination, NSA will respond to the requester. Please contact me at 301-688-7785 if you have any questions regarding this action.

<div align="center">
Sincerely,

KRISTINA M. GREIN
Chief
Declassification Services
</div>

Encl(s):
  a/s

THIS CORRESPONDENCE MAY BE DECLASSIFIED
UPON REMOVAL OF THE ENCLOSURES (This statement goes on the bottom of the first page of the memo.)

NOTE: Classification of cover letter is based on the classification of the attached records. Do not use classified by Statement (block) on cover letter.

MDR Memo-GF   (Return)

This memo is used to respond to a direct request to NSA submitted by an NSA employee/associate in which all material is being released.

UNITED STATES GOVERNMENT
memorandum
Serial: MDR – #####

DATE: (DD Month YYYY)

REPLY TO: DJP5

SUBJECT: Mandatory Declassification Review

TO: (NOTE: The memo requires the header/footer as indicated if the name of the requester is FOUO. If the name is not FOUO, remove the header/footer.)

(U) This responds to your request of (date DD Month YYYY) for the Mandatory Declassification Review of (enter subject). We have reviewed the document(s) under the Mandatory Declassification Review requirements of Executive Order 12958, as amended. We have determined that the enclosed document(s) does/do not contain any classified or exempt NSA/CSS information, and, therefore, is/are approved for declassification and public release.

Sincerely,

KRISTINA M. GREIN
Chief
Declassification Services

Encl(s):
a/s

MDR Memo-IR (Return)

This memo is used to inform an NSA employee associate of our need to seek additional review by another government agency or agencies regarding their direct request.

UNITED STATES GOVERNMENT
memorandum
Serial: MDR – #####

DATE: (DD Month YYYY)

REPLY TO: DJP5

SUBJECT Mandatory Declassification Review

TO: (NOTE The memo requires the header/footer as indicated if the name of the requester is FOUO. If the name is not FOUO, remove the header/footer.)

This responds to your request (date DD Month YYYY) to have subject reviewed for declassification . The document (s) has/have been reviewed under the Mandatory Declassification Review requirements of Executive Order 12958, as amended. Please be advised that the record(s) responsive to your request includes/include another government agency's/other government agencies ' information, and since we are unable to make determinations as to the releasability of the other agency's/agencie s' information, the subject document (s) has/have been referred to the appropriate agency/agencies. We will respond to your request when consultation with the other agency/agencies has been completed.

Sincerely,

KRISTINA M. GREIN
Chief
Declassification Services

(If it is decided that some records may be released in the interim, use the following as a final paragraph to the MDR MEMO-FD, MDR MEMO-P D, or MDR MEMO-GF response to a direct requester.)

Please be advised that the record(s) responsive to your request includes/include another government agency's/other government agencies' information, and since we are unable to make determinations as to the releasability of the other agency's/agencie s' information, the subject document(s) has/have been referred to the appropriate agency/agencies . We will respond further to your request when consultation with the other agency/agencies has been completed.

MDR Memo – PD   (Return)

This memo is used to respond to a direct request to NSA submitted by an NSA
employee associate in which some information is being denied.

UNITED STATES GOVERNMENT
memorandum
Serial: MDR – #####

DATE: (DD Month YYYY)

REPLY TO: DJP

SUBJECT Mandatory Declassification Review

TO: (NOTE The memo requires the header/footer as indicated if the name of the requester is
FOUO. If the name is not FOUO, remove the header/footer.)

(U) This responds to your request (date DD Month YYYY) to have subject reviewed for
declassification . The document (s) has/have been reviewed under the Mandatory Declassification
Review (MDR) requirements of Executive Order (E.O.) 12958, and is/are enclosed. We have
determined that some of the information in the document(s) requires protection.

(U) Some portions deleted from the document(s) were found to be currently and properly
classified in accordance with E.O. 12958, as amended. The information denied meets the
criteria for classification as set forth in Section 1.4 subparagraphs (b), (c), (d) and (g), **(NOTE:**
(b)=foreign government information; (c)=intell activities, including sources and methods and
cryptology; (d)=foreign relations; and (g)=vulnerabilit ies or capabilities of systems,
installations…re lating to national security.) and remains classified TOP SECRET, SECRET and
CONFIDENTIAL **(NOTE**: Include all levels of classification being protected, e.g., TOP
SECRET and SECRET) as provided in Section 1.2 of E.O. 12958, as amended.

(U) Section 3.5 (c) of E.O. 12958, as amended, allows for the protection afforded to information
under the provisions of law. Therefore, the names of NSA/CSS employees and information that
would reveal NSA/CSS functions and activities have been protected in accordance with Section
6, Public Law 86-36 (50 U.S. Code 402 note). In addition, information regarding other
individuals has been deleted from the enclosure in accordance with the sixth exemption of the
Freedom of Information Act. This exemption protects from disclosure information that would
constitute a clearly unwarranted invasion of personal privacy. In balancing the public interest for
the information you request against the privacy interests involved, we have determined that the
privacy interests sufficiently satisfy the requirements for the application of the sixth exemption.

Since your request for declassification has been denied in part, you are hereby advised of this
Agency's appeal procedures. Y ou may, within 60 days after notification of the denial, file an
appeal in writing to the NSA/CSS MDR Authority (DJP5), National Security Agency, 9800
Savage Road, STE 6884, Fort George G. Meade, MD 20755-6884. The appeal shall reference

the initial denial of access and shall contain, in sufficient detail and particularity, the grounds upon which you believe the release of information is required. The NSA/CSS Appeal Authority will endeavor to respond to the appeal within 60 working days after receipt of the appeal.

Sincerely,

KRISTINA M. GREIN
Chief
Declassification Services

Encl(s):
a/s

MDR OPI Review Memo   (Return)

This memo is used to forward documents to an SME for review.

UNITED STATES GOVERNMENT
memorandum
Serial: MDR – #####

DATE: (DD Month YYYY)

REPLY TO: DJP5 (your name if government/ Kristina M. Grein if contractor)

SUBJECT: (U) MDR Review Request

TO: OPI(s)

(U) Please review the document(s) at Tab A, which is/are responsive to the Mandatory Declassification Review (MDR) at Tab B, for releasability to the requester. Use a red pen to bracket or use a highlighter to mark the information that requires protectio n. Please indicate the level of classificatio n of the information if it differs from that marked on the document (s) and provide a statement of the harm that would result from the release of the information.

(U) Your response by (date DD Month YYYY) would be appreciated.

(Government personnel:) Your name
(Contractor personnel): Kristina M. Grein Add "Chief" before DJP5 on next
line. Use 972-2352 and kmgrein below.)
DJP5
Phone number
e-mail address

Encl(s):
 a/s

(NOTE: If the name of the government personnel drafting this memo requires protection, then the header/footer must be:
UNCLASSIFIED//FO R OFFICIAL USE ONLY.)

MDR OPI Search Memo <u>(Return)</u>

This memo is used when we have a direct request and a records search is required.

UNITED STATES GOVERNMENT
memorandum
Serial: MDR – #####

DATE: (DD Month YYYY)

REPLY TO: DJP5, (your name if government, Kristina M. Grein if contractor)

SUBJECT: MDR Search Request

TO: OPI(s)

[If sending to one OPI]

(U) We are required to search for records responsive to the attached Mandatory Declassification Review (MDR) request. Because the Agency generally allows only 2 hours for MDR searches, it is necessary for this office to determine the cumulative search time for OPIs before asking that you proceed with the search. Please advise by (date, see above) of the time you estimate will be required for your office to do a complete search of its records to locate responsive material. Once all estimates are received, you will be notified if a search is required.

(Government personnel:) Your name
(Contractor personnel): Kristina M. Grein Add "Chief" before DJP5 on next line. Use 972-2352 and kmgrein below.)
DJP5
Phone number
e-mail

Encl(s):
a/s

(NOTE: If the NSA drafter's name requires FOUO protection, then the header/footer must be: UNCLASSIFIED//FO R OFFICIAL USE ONLY.)

CONFIDENTIAL

XI. ADMINISTRATIVE APPEALS
(Table of Contents)

(b)(3)-P.L. 86-36

(U//FOUO) Administrative appeals will be processed by the Office of General Counsel (OGC), D28. POC is [   ] 963-8342. Appeals received by DJP5 should be delivered to the CPC for scanning into the case file. The scan coversheet should indicate that the letter is an appeal and should be scanned in as correspondence. In the "Return To" section enter [   ] D28, Suite 6278 so the CPC will know to return the hardcopy to OGC. Usually, the Chief, DJP5 will handle the above actions.

(U) Kim may contact the case officer to request a re-review the documents on appeal, to answer questions regarding the processing of the case, to provide a rationale for the redactions, or to assist with the mechanics of manipulating the documents in Highview. Assist as requested.

DOCID: 4050749

NSA STAFF PROCESSING FORM

TO: D/DIR		RCC CONTROL 13646
THRU EXEC/DIR ~ DDP	ACTION □ APPROVAL □ SIGNATURE ☒ INFORMATION	EXREG SUSPENSE / RCC SUSPENSE / ELEMENT SUSPENSE
SUBJECT Establishing D/DIR as the NSA MDR Appeal Authority		

DISTRIBUTION
EXREG, DDP, N5, N5P, N5P6

SUMMARY

PURPOSE: To formally establish the D/DIR as the Agency authority responsible for Mandatory Declassification Review (MDR) appeals.

BACKGROUND: The Deputy Director for Plans, Policy and Programs (DDP) is responsible for responding to MDR requests. The Director of Policy (N5) is the NSA/CSS focal point for responding to MDR requests. The Deputy Director of Policy (N5P) is responsible for:

(1) Receiving and staffing all initial written requests for the release of information.

(2) Conducting the reviews necessary to determine the classification of information pursuant to the aforementioned request; and,

(3) Releasing or denying information as the NSA/CSS Initial Denial Authority. Any person advised of an adverse determination will be notified of the right to appeal within 60 days of the date of the initial denial letter.

The Implementing Directive for Executive Order 12958, "Classified National Security Information" (32 CFR PART 2001), published by the Information Security Oversight Office on October 13, 1995 specifies that each agency will have an appellate authority to handle initial appeals c MDRs. Consistent with the role as the Agency Freedom of Information Act Appeal Authority, the Deputy Director, NSA, will be the MDR Appeal Authority required for considering appeals of adverse determinations by the Deputy Director of Policy. In the absence of the Deputy Director, the Executive Director, NSA/CSS, will serve as the Appeal Authority.

The General Counsel or his designee reviews the appeals of initial denials of requests by the Deputy Director of Policy. The General Counsel will prepare an appropriate reply to such appeals and submit that reply to the NSA MDR Appeal Authority for final decision. In the case of denial of information in the appeal, the requester will be advised of the basis of the denial and the right to seek judicial review of the Agency's decision by appeal to the Interagency Security Classification Appeals Panel.

COORDINATION/APPROVAL

OFFICE	NAME AND DATE	SECURE PHONE	OFFICE	NAME AND DATE	SECURE PHONE
N5	-k-- 7/10				
EXREG	Toc-~a 7/24/97	3201			

ORIGINATOR James P Cavanaugh	ORG. N5P	PHONE (Secure) 963-3083	DATE PREPARED 8 July 1997

Derived From:

Declassify On:

SECURITY CLASSIFICATION

UNCLASSIFIED

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.	
1 October 2007 - 30 September 2008 (FY08)	
2. Identify the **Department, Independent agency or Establishment** that is covered by this report.	
NATIONAL SECURITY AGENCY	
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.	

KEITH B. ALEXANDER   Director
Lieutenant General, U.S. Army   9800 Savage Rd. STE 6242
Director, NSA   Ft. Meade, MD 20755-6242

4. Enter the name, title, phone, fax and email address for the **point-of-contact** responsible for answering questions about this report.

(b)(3)-P.L. 86-36

Corporate Policy Officer

PART B: Officials with Original Classification Authority

5. Enter the number of agency officials whose **highest level** of original classification authority is **TOP SECRET**.	**5.**	22
6. Enter the number of agency officials whose **highest level** of original classification authority is **SECRET**.	**6.**	0
7. Enter the number of agency officials whose **highest level** of original classification authority is **CONFIDENTIAL**.	**7.**	0
8. **Total** number of officials with original classification authority. (Sum of blocks 5, 6, & 7)	**8.**	22

PART C: Original Classification Decisions

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

9. Enter the number of original **TOP SECRET** classification decisions made during the reporting period **with declassification instructions of 10 years or less**.	**9.**	0
10. Enter the number of original **TOP SECRET** classification decisions made during the reporting period **with declassification instructions ranging from over 10 years to 25 years**.	**10.**	37
11. **Total** number of **TOP SECRET** original classification decisions. (Sum of blocks 9 & 10)	**11.**	37
12. Enter the number of original **SECRET** classification decisions made during the reporting period with **declassification instructions of 10 years or less**.	**12.**	0
13. Enter the number of original **SECRET** classification decisions made during the reporting period with **declassification instructions ranging from over 10 years to 25 years**.	**13.**	0
14. **Total** number of **SECRET** original classification decisions. (Sum of blocks 12 & 13)	**14.**	0
15. Enter the number of original **CONFIDENTIAL** classification decisions made during the reporting period with **declassification instructions of 10 years or less**.	**15.**	0
16. Enter the number of original **CONFIDENTIAL** classification decisions made during the reporting period with **declassification instructions ranging from over 10 years to 25 years**.	**16.**	0
17. **Total** number of **CONFIDENTIAL** original classification decisions. (Sum of blocks 15 & 16)	**17.**	0
18. **Total** number of original classification decisions. (Sum of blocks 11, 14, & 17)	**18.**	37

PART D: Derivative Classification Decisions

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

19. Enter the number of **derivative TOP SECRET** classifications during the reporting period.	**19**	5,759
20. Enter the number of **derivative SECRET** classifications during the reporting period.	**20.**	4,245
21. Enter the number of **derivative CONFIDENTIAL** classifications during the reporting period.	**21.**	1,540
22. **Total** number of derivative classification decisions. (Sum of blocks 19, 20, & 21)	**22.**	11,544

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32 CFR 2001.60   E.O. 12958, as amended

Enter the **Fiscal Year** that this report covers.
1 October 2007 - 30 September 2008 (FY08)

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

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. 2
24. Enter the number of **new requests** received **during** the reporting period.	24. 41
25. Enter the number of **requests carried over** to the **next** reporting period.	25. 10
26. Enter the number of **appeals carried over** from the **previous** reporting period.	26. 5
27. Enter the number of **new appeals** received **during** the reporting period.	27. 15
28. Enter the number of **appeals carried over** to the **next** reporting period.	28. 3

PART F: Mandatory Declassification Review Decisions in Pages

29. Enter the number of **requested pages** that were declassified **in full**.	29. 892
30. Enter the number of **requested pages** that were declassified **in part**.	30. 6,652
31. Enter the number of **requested pages** that were **denied** declassification.	31. 591
32. **Total** number of **requested pages** acted on. (Sum of blocks 29, 30, and 31)	32. 8,135
33. Enter the number of **appealed pages** that were declassified **in full**.	33. 41
34. Enter the number of **appealed pages** that were declassified **in part**.	34. 105
35. Enter the number of **appealed pages** that were **denied** declassification.	35. 1,868
36. **Total** number of **appealed pages** acted on. (Sum of blocks 33, 34, & 35)	36. 2,014

PART G: Automatic Declassification and Systematic Review

37. Enter the number of pages **reviewed** during the reporting period that were subject to declassification under Sections 3.3 & 3.4, EO12958, as amended.	37. 1,003,956
38. Enter the number of pages **declassified** under Sections 3.3 & 3.4, EO 12958, as amended.	38. 316,698

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. 2
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.

Original OCA Classification Decisions: actual count.

OCA Derivative Classification Decisions: sampling periods used to produce estimated value, four-two week time periods (15-26 Oct 07, 4-15 Feb 08, 7-18 Apr 08 and 7-18 Jul 08) then multiplied by 6.5.

Part F increased due in part to the amount of news coverage about NSA.

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32 CFR 2001.60   E.O. 12958, as amended

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

1 October 2008 - 30 September 2009 (FY09)

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

NATIONAL SECURITY AGENCY

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

KEITH B. ALEXANDER	Director
Lieutenant General, U.S. Army	9800 Savage Rd. STE 6242
Director, NSA	Ft. Meade, MD 20755-6242

4. Enter the name, title, phone, fax, and email address for the **point-of-contact** responsible for answering questions about this report

(b)(3)-P.L. 86-36

Corporate Policy Officer

PART B: Officials with Original Classification Authority

5. Enter the number of agency officials whose **highest level** of original classification authority is **TOP SECRET**.	**5.**	22
6. Enter the number of agency officials whose **highest level** of original classification authority is **SECRET**.	**6.**	0
7. Enter the number of agency officials whose **highest level** of original classification authority is **CONFIDENTIAL**.	**7.**	0
8. Total number of officials with original classification authority. (Sum of blocks 5, 6, & 7)	**8.**	22

PART C: Original Classification Decisions

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

9. Enter the number of original **TOP SECRET** classification decisions made during the reporting period with **declassification instructions of 10 years or less**.	**9.**	0
10. Enter the number of original **TOP SECRET** classification decisions made during the reporting period with **declassification instructions ranging from over 10 years to 25 years**.	**10.**	19
11. Total number of **TOP SECRET** original classification decisions (Sum of blocks 9 & 10)	**11.**	19
12. Enter the number of original **SECRET** classification decisions made during the reporting period with **declassification instructions of 10 years or less**.	**12.**	0
13. Enter the number of original **SECRET** classification decisions made during the reporting period with **declassification instructions ranging from over 10 years to 25 years**.	**13.**	12
14. Total number of **SECRET** original classification decisions (Sum of blocks 12 & 13)	**14.**	12
15. Enter the number of original **CONFIDENTIAL** classification decisions made during the reporting period with **declassification instructions of 10 years or less**.	**15.**	0
16. Enter the number of original **CONFIDENTIAL** classification decisions made during the reporting period with **declassification instructions ranging from over 10 years to 25 years**	**16.**	3
17. Total number of **CONFIDENTIAL** original classification decisions (Sum of blocks 15 & 16)	**17.**	3
18. Total number of original classification decisions (Sum of blocks 11, 14, & 17)	**18.**	34

PART D: Derivative Classification Decisions

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

19. Enter the number of derivative **TOP SECRET** classifications during the reporting period.	**19.**	13,450,060
20. Enter the number of derivative **SECRET** classifications during the reporting period.	**20.**	5,212,480
21. Enter the number of derivative **CONFIDENTIAL** classifications during the reporting period.	**21.**	1,466,010
22. Total number of derivative classification decisions. (Sum of blocks 19, 20, & 21)	**22.**	20,128,550

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Enter the **Fiscal Year** that this report covers
(1 October 20.. - 30 September 20..) (FY09)

Identify the **Department, Independent agency or establishment** that is covered by this report
NATIONAL SECURITY AGENCY

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	12
24. Enter the number of **new requests** received **during** the reporting period	24	36
25. Enter the number of **requests carried over** to the **next** reporting period	25	15
26. Enter the number of **appeals carried over** from the **previous** reporting period	26	3
27. Enter the number of **new appeals** received during the reporting period	27	17
28. Enter the number of **appeals carried over** to the **next** reporting period	28	5

PART F: Mandatory Declassification Review Decisions in Pages

29. Enter the number of **requested pages** that were declassified **in full**	29	1,230
30. Enter the number of **requested pages** that were declassified **in part**	30	1,549
31. Enter the number of **requested pages** that were **denied** declassification	31	624
32. **Total** number of **requested pages** acted on (Sum of blocks 29, 30, and 31)	32.	3,403
33. Enter the number of **appealed pages** that were declassified **in full**	33	72
34. Enter the number of **appealed pages** that were declassified **in part**	34	823
35. Enter the number of **appealed pages** that were **denied** declassification	35	499
36. **Total** number of **appealed pages** acted on (Sum of blocks 33, 34, & 35)	36.	1,394

PART G: Automatic Declassification and Systematic Review

37. Enter the number of pages **reviewed** during the reporting period that were subject to declassification under Sections 3.3 & 3.4 EO12958, as amended	37	452,867
38. Enter the number of pages **declassified** under Sections 3.3 & 3.4 EO 12958, as amended	38	148,512

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 or totals from the previous year's report.