

§9.16

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assistance to the Archivist in the systematic review process.

(d) For information concerning records of ICA, contact the agency's Declassification Officer, Office of Administration.

(e) The agency guidelines will identify categories of information which cannot be automatically declassified but must be reviewed item-by-item to determine if there is a need for continued protection.

(f) These guidelines may be authorized by the agency head for use by other agencies, in addition to the National Archives, having custody of the originating agency's classified information of the period covered.

(g) These guidelines shall be reviewed and updated every five years, unless earlier review is requested by the Archivist.

(h) For foreign government information, the agency will prepare by February 1, 1983, specific guidelines for systematic review of foreign government information in records accessioned to the National Archives, and will revise such guidelines every five years or earlier as requested by the Archivist.

(i) *Special procedures.* The agency shall be bound by the special procedures for systematic review of classified cryptologic records and classified records pertaining to intelligence activities (including special activities) sources or methods issued by the Secretary of Defense and the Director of Central Intelligence, respectively.

§9.16 Mandatory review.

Each agency shall review for declassification any classified information requested, under the Mandatory Review provisions of the Order except as noted in paragraph (d) of this section, provided that: The requester is a U.S. citizen, resident alien, Federal agency, or state or local government; the request describes the information with sufficient specificity to enable the agency to locate the records containing the information with a reasonable amount of effort; and the agency receiving the request is the agency that originated the information. When an agency receives a request for information in its custody which was origi-

nated by another agency, it shall refer the information and request to the originating agency for its review and direct response to the requester.

(a) *Foreign government information.* Except as provided in this paragraph, agencies shall process mandatory review requests for classified records containing foreign government information in accordance with §2001.32(a) of the ISOO Directive. The agency that initially received or classified the foreign government information shall be responsible for making a declassification determination after consultation with concerned agencies. If the agency receiving the request is not the agency that received or classified the foreign government information, it shall refer the request to the appropriate agency for action. Consultation with the foreign originator through appropriate channels may be necessary prior to final action on the request.

(b) Information requested shall be declassified if it no longer requires protection under the provisions of the Order. It will then be released to the requester unless withholding is otherwise authorized under applicable law, such as the Freedom of Information or Privacy Act. If the information requested cannot be declassified in its entirety, the agency will make reasonable efforts to release those declassified portions that constitute a coherent segment. Upon the 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, and shall enclose a copy of the agency's regulations governing the appeal process.

(c) Initial requests may be addressed to:

(1) Department of State: The Information and Privacy Coordinator, Room 1239, Bureau of Administration, Department of State, Washington, DC 20520, with the envelope clearly marked MANDATORY REVIEW REQUEST;

(2) AID: Director, Office of Public Affairs for AID; Room 4899, 2201 C Street, NW., Washington, DC 20523; or

(3) USIA: Freedom of Information and Privacy Act Coordinator, Office of Administration, 1776 Pennsylvania Avenue, NW., Washington, DC 20547.

(d) In responding to mandatory review requests, agencies shall either make a prompt declassification determination and notify the requester accordingly, or inform the requester of the additional time needed to process the case. Agencies shall make a final determination in one year from the date of receipt, except in unusual circumstances.

(e) Information originated by a President, the White House Staff, by committees, commissions, or boards appointed by the President, or others specifically providing advice and counsel to a President or acting on behalf of a President is exempted from mandatory review. However, the Archivist of the United States has the authority to review, downgrade, and declassify such information which is under the control of the Administrator of General Services or the Archivist, for example in Presidential Libraries, pursuant to section 2107, 2107 note, or 2203 of title 44, United States Code. The Archivist will consult with agencies having primary subject matter interest concerning the declassification of the requested material. Any decision by the Archivist may be appealed to the Director of ISOO, with the right of further appeal to the National Security Council. The information shall remain classified pending a prompt decision on the appeal.

(f) Requests for classified information not specifically identified as being made under the Mandatory Review provisions of the Order will be processed under the terms of the FOIA, the Privacy Act, or other appropriate procedures.

(g) In considering requests for mandatory review, the agency may decline to review again any request for material which has been recently reviewed and denied, unless the request constitutes an appeal of an initial denial.

(h) Mandatory review requests for cryptologic information and information concerning intelligence activities (including special activities) or intelligence sources or methods shall be processed solely in accordance with special procedures issued by the Secretary of Defense and the Director of Central Intelligence, respectively.

(i) In response to a request for information under the Freedom of Informa-

tion Act, the Privacy Act of 1974, or the mandatory review provisions of the Order, an agency shall refuse to confirm or deny the existence or non-existence of requested information whenever the fact of its existence or non-existence is itself classifiable under these regulations.

(j) For detailed regulations for the internal processing of mandatory review initial requests and appeals see:

(1) Department of State: 5 FAM 900, 22 CFR 171.22 and 171.60;

(2) AID: AID Handbook 18, part III, chapter 11; or

(3) USIA: 22 CFR part 503.

§9.17 Schedule of fees.

For State, see 22 CFR 171.6 and 171.13; For AID, see 22 CFR 212.35; or For USIA, see 22 CFR 503.6(c).

§9.18 Access by presidential appointees.

For procedures of the Department of State, see 22 CFR 171.25; For procedures of AID, see 22 CFR 171.25; or For procedures of USIA, see 22 CFR part 503.

APPENDIX A TO PART 9—DEFINITIONS

For the purpose of these security regulations, the following definitions of terms shall apply.

Agency. A Federal agency, including department, agency, commission etc, as defined in 5 U.S.C. 552(e).

Original classification. The initial determination that, in the interest of national security, information requires protection against unauthorized disclosure, together with a classification designation signifying the level of protection required.

Original classification authority. The authority vested in an executive branch official to make a determination of original classification. A person having original classification authority may also have the authority to prolong or restore classification.

Originating agency. The agency responsible for the initial determination that particular information is classified.

Information. Any information or material, regardless of its physical form or characteristics, that is owned by, produced by or for, or is under the control of the U.S. Government.

National security information. Information that has been determined pursuant to this Order or any predecessor Order to require protection against unauthorized disclosure and that is so designated.