

§9.6

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cause serious damage to the national security. This classification should be used sparingly. Examples of "serious damage" include disruption of foreign relations significantly affecting the national security; significant impairment of a program or policy directly related to the national security; revelation of significant military plans or intelligence operations; and compromise of significant scientific or technological developments relating to national security.

(3) *Confidential*. Information may be classified "Confidential" if its unauthorized disclosure could reasonably be expected to cause damage to the national security. Except as otherwise provided by statute, no other terms shall be used to identify classified information. Terms or phrases such as "For Official Use Only" or "Limited Official Use" shall not be used to identify national security information. No other term or phrase shall be used in conjunction with these national security information designations, such as "Secret Sensitive" or "Agency Confidential" to identify national security information.

(b) *Foreign government information*. If classified by the foreign government, the information shall either retain its original classification or be assigned a U.S. classification designation which will ensure a degree of protection at least equivalent to that required by the entity that furnished the information. If not given a specific classification by the foreign government, the information will be assigned an appropriate classification dependent on the sensitivity of the subject matter and the degree of damage its unauthorized disclosure could reasonably be expected to cause to the national security. Classification designations assigned by the U.S. agency shall be marked on the foreign government information in accordance with the provisions of §9.12.

§9.6 Requirements for classification.

With the exception of the Atomic Energy Act of 1954, as amended, these regulations are the only basis for classifying information in the agencies named herein. To be eligible for classification, information must meet the two following requirements:

(a) First, it must deal with one of the following criteria:

(1) Military plans, weapons, or operations;

(2) The vulnerabilities or capabilities of systems, installations, projects, or plans relating to the national security;

(3) Foreign government information;

(4) Intelligence activities (including special activities), or intelligence sources or methods;

(5) Foreign relations or foreign activities of the United States;

(6) Scientific, technological, or economic matters relating to the national security;

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

(8) Cryptology;

(9) Confidential sources; or

(10) Other categories of information that are related to the national security and that require protection against unauthorized disclosure as determined by the President or by agency heads or other officials who have been delegated original classification authority by the President. In the Department of State, the DAS/CDC, as the senior official, shall recommend such other categories of information to the Secretary. Any determination made under this subsection shall be reported promptly to the Director of ISOO.

(b) Second, an official with original classification authority must determine that the unauthorized disclosure of the information, either by itself or in the context of other information, reasonably could be expected to cause damage to the national security. Unauthorized disclosure of foreign government information, the identity of a confidential foreign source, or intelligence sources or methods is presumed to cause damage to the national security.

(c) Certain information which would otherwise be unclassified may require classification when combined or associated with other classified or unclassified information. Classification on this basis shall be supported by a written explanation that, at a minimum, shall be maintained with the file or record copy of the information.