

Department of State

§ 9.10

§ 9.7 Classification authority.

(a) In the Department of State authority for original classification of information as "Top Secret" may be exercised only by the Secretary of State and those officials delegated this authority in writing, by position or by name, by the Secretary or the DAS/CDC, as the senior official, on the basis of their frequent need to exercise such authority. Normally these will not be below the level of Deputy Assistant Secretary in the Department; or Chief of Mission, Charge d'Affairs, or principal officer at an autonomous consular post overseas.

(b) Authority for original classification of information as "Secret" may be exercised by officials with Top Secret authority, the Administrator of AID, and the Director of USIA. This authority may be delegated to such subordinate officials as the senior official in the Department, the administrator of AID or the Director of USIA may designate in writing, by position or by name, on the basis of their frequent need to exercise such authority. Normally, these will not be below the level of office director, section head (in a mission abroad), country public affairs officer, or equivalent.

(c) Authority for original classification of information as "Confidential" may be exercised by officials with Top Secret or Secret classification authority, and the President of the Overseas Private Investment Corporation; and may be delegated to such subordinate officials as the senior official in the Department, the Administrator of AID, the Director of USIA, or the President of OPIC may designate in writing, by position or by name, on the basis of their frequent need to exercise such authority.

(d) Delegated original classification authority at any level may not be re-delegated.

(e) In the absence of an authorized classifier, the person designated to act for that official may exercise the classifying authority.

(f) In the Department of State the Classification/Declassification Center, and in AID and USIA the Office of Security, shall maintain a current listing, by classification designation, of the positions or officials carrying

original classification authority. The listing shall be reviewed as needed to ensure that such delegations have been held to a minimum, and that officials so designated have a continuing need to exercise such authority.

§ 9.8 Limitations on classification.

A reference to classified documents which does not directly or indirectly disclose classified information may not be classified or used as a basis for classification.

§ 9.9 Duration of classification.

(a) Information shall be classified for as long as is required by national security considerations. When it can be determined, a specific date or event for declassification shall be set by the original classification authority at the time the information is originally classified.

(b) Information classified under predecessor orders that is not subject to automatic declassification or that is marked for review before declassification shall remain classified until reviewed for declassification.

(c) Automatic declassification determinations under predecessor orders shall remain valid unless the classification is extended by an authorized official of the originating agency. These extensions may be by individual documents or categories of information. The agency shall be responsible for notifying holders of the information of such extensions as soon as possible. The authority to extend the classification of information subject to automatic declassification under predecessor orders is limited to those officials who have classification authority over the information and are designated in writing to have original classification authority at the level of the information to remain classified. Any decision to extend this classification on other than a document-by-document basis shall be reported to the Director of the ISOO.

§ 9.10 Derivative classification.

(a) Derivative classification is made by a person, not necessarily having original classification authority, based on an originally classified document or as directed by a classification guide.