

§9.11

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The derivative classifier may be one who reproduces, extracts, restates, paraphrases, or summarizes classified materials, or applies markings in accordance with source material or a classification guide.

(b) Derivative classifiers must respect original classification markings. Only if the derived document, by means of paraphrasing, excising, etc., has clearly lost the original grounds for classification, may its original classification be removed or lowered.

(c) Subject to paragraph (b) of this section, markings on derivatively classified material, including declassification instructions, shall be carried forward from the original material, or shall be as directed by the classification guide.

§9.11 Derivative classification guides.

(a) Agencies with original classification authority shall prepare classification guides to facilitate the proper and uniform derivative classification of information, except as provided in paragraph (e) of this section.

(b) Each guide shall be approved personally and in writing by an official who:

(1) Has program or supervisory responsibility over the information or is the senior agency official who directs and administers the information security program; and

(2) Is authorized to classify information originally at the highest level of classification prescribed in the guide.

(c) Classification guides shall, at a minimum:

(1) Identify or categorize the elements of information to be protected;

(2) State which classification level applies to each element or category of information; and

(3) Prescribe declassification instructions for each element or category of information in terms of (i) a period of time, (ii) the occurrence of an event, or (iii) a notation that the information shall not be automatically declassified without the approval of the originating agency.

(d) Classification guides shall be reviewed at least every two years and updated as necessary. Each agency shall maintain a list of its classification guides in current use.

(e) Agency heads may, for good cause, grant and revoke waivers of the requirement to prepare classification guides for specified classes of documents or information. In the Department of State, the DAS/CDC, as senior official, shall make recommendations to the Secretary concerning such waivers. In AID, the Inspector General shall make recommendations to the Administrator concerning such waivers. In USIA, the Director of the Office of Public Liaison shall make recommendations to the Director concerning such waivers. The Director of ISOO shall be notified of any waivers. The decision to waive the requirement to issue classification guides for specific classes of documents or information should be based, at a minimum, on an evaluation of the following factors:

(1) The ability to segregate and describe the elements of information;

(2) The practicality of producing or disseminating the guide because of the nature of the information;

(3) The anticipated usage of the guide as a basis for derivative classification; and

(4) The availability of alternative sources for derivatively classifying the information in a uniform manner.

§9.12 Identification and markings.

Except in extraordinary circumstances as provided in section 1.5(a) of the Order, or as indicated herein, the marking of paper documents shall not deviate from the following prescribed formats. These markings shall also be affixed to material other than paper documents, or the originator shall provide holders or recipients of the information with written instructions for protecting the information. These markings include one of the three (3) classification levels defined in §9.5, the identity of the original classification authority (except as noted under paragraph (b)(ii) of this section) the agency and office of origin (except as noted under paragraph (b)(ii) of this section) and the date or event for declassification or the notation "Originating Agency's Determination Required" (OADR).