

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).

(a) *Classification level.* The markings “Top Secret,” “Secret,” and “Confidential” are used to indicate: That information requires protection as national security information under the Order; the highest level of classification contained in a document; and the classification level of each page and, in abbreviated form, each portion of a document.

(1) *Overall marking.* The highest level of classification of information in a document shall be marked in such a way as to distinguish it clearly from the informational text. These markings shall appear at the top and bottom of the outside of the front cover (if any), on the title page (if any), on the first page, and on the outside of the back cover (if any).

(2) *Page marking.* Each interior page of a classified document shall be marked at the top and bottom either according to the highest classification of the content of the page, including the designation “UNCLASSIFIED” when it is applicable, or with the highest overall classification of the document.

(3) *Portion-marking.* Agency heads may waive the portion marking requirement for specified classes of documents or information only upon a written determination that (i) there will be minimal circulation of the specified documents or information and minimal potential usage of these documents or information as a source for derivative classification determination; or (ii) there is some other basis to conclude that the potential benefits of portion marking are clearly outweighed by the increased administrative burdens. Unless this requirement has been waived, each portion of a document, including subjects and titles, shall be marked by placing a parenthetical designation immediately preceding or following the text to which it applies. The symbols “(TS)” for Top Secret, “(S)” for Secret, “(C)” for Confidential, and “(U)” for Unclassified shall be used for this purpose. If the application of these symbols is not practicable, the document shall contain a statement sufficient to identify the information that is classified and the level of such classification, and the information that is not classified. If all portions of a document are

classified at the same level, it may be marked with a statement to that effect, e.g., “Confidential—Entire Text.” If a subject or title requires classification, an unclassified identifier may be assigned to facilitate reference.

(A) For the Department of State, the Secretary has waived the portion marking requirement for the following classes of documents under section 2001.5(a)(3)(i) of the Directive—documents which will have minimal circulation and minimal potential usage as a source for derivative classification:

(1) Documents containing Top Secret information;

(2) Action/informational memoranda prepared for Assistant Secretaries and above;

(3) Instructions to posts and negotiating delegations;

(4) In-house research studies; and

(5) Inter and intra-office memoranda.

(B) The Secretary has also waived the portion marking requirement for documents, both telegraphic and non-telegraphic, containing foreign government information, under section 2001.5(a)(3)(ii) of the Directive.

(4) *Omitted markings.* Information assigned a level of classification under predecessor orders shall be considered as classified at the level of classification despite the omission of other required markings. Omitted markings may be inserted on a document by the officials specified in section 3.1(b) of the Order.

(b) *Classification authority.* If the original classifier is other than the signer or approver of the document, the identity shall be shown as “CLASSIFIED BY” (“identification of original classification authority”).

(c) *Agency and office of origin.* If the identity of the originating agency and office is not apparent on the face of the document, it shall be placed below the “CLASSIFIED BY” line.

(d) *Declassification and downgrading instructions.* Declassification and, as applicable, downgrading instructions shall be shown as follows:

(1) For information to be declassified automatically on a specific date or event: “DECLASSIFY ON: (date)” or “DECLASSIFY ON: (description of event)”.

(2) For information not to be automatically declassified: “DECLASSIFY ON: Originating Agency Determination Required or OADR”.

(3) For information to be downgraded automatically on a specific date or upon occurrence of a specific event: “DOWNGRADE TO (classification level) ON (date or description of event)”.

(e) *Special markings*—(1) *Transmittal documents*. A transmittal document shall indicate on its face the highest classification of any information transmitted by it. It shall also include the following or similar instructions:

(i) For an unclassified transmittal document: “Unclassified When Classified Enclosure is Removed;” or

(ii) For classified transmittal document: “Upon Removal of Attachments This Document Is (classification level of the transmittal document standing alone).”

(2) *Restricted Data or Formerly Restricted Data*. Restricted Data and Formerly Restricted Data information shall be marked in accordance with regulations issued under the Atomic Energy Act of 1954, as amended.

(3) *Intelligence sources or methods*. Documents that contain information relating to intelligence sources or methods shall include the following markings unless otherwise prescribed by the Director of Central Intelligence: “WARNING NOTICE—INTELLIGENCE SOURCES OR METHODS INVOLVED.”

(4) *Foreign government information (FGI)*. Documents that contain FGI shall include either the marking “FOREIGN GOVERNMENT INFORMATION”, or a marking that otherwise indicates that the information is foreign government information. If the fact that information is foreign government information must be concealed, the marking shall not be used and the document shall be marked as if it were wholly of U.S. origin.

(5) *Electrically transmitted information (messages, cables)*. National security information that is transmitted electrically shall be marked as follows:

(i) The highest level of classification shall appear before the first line of text;

(ii) A “Classified By” line is not required; *i.e.*, name and office of classifier may be omitted; and

(iii) The duration of classification shall appear as follows:

(A) For information to be declassified automatically on a specific date or event: “DECL: (date)” or “DECL: (description of event).”

(B) For information not to be automatically declassified which requires the originating agency’s determination: “DECL: OADR.”

(C) For information to be automatically downgraded: “DNG (abbreviation of classification level to which the information is to be downgraded and date or description of event on which downgrading is to occur).”

(iv) Portion marking shall be as prescribed in paragraph (a)(3) of this section.

(v) Special markings as prescribed in section 2001.5(e) 2, 3, & 4 of the Directive shall appear after the marking for the highest level of classification. These include:

(A) Restricted Data or Formerly Restricted Data: Electrically transmitted information containing Restricted Data or Formerly Restricted Data shall be marked in accordance with regulations issued under the Atomic Energy Act of 1954, as amended.

(B) Information concerning intelligence sources and methods; “WNINTEL,” unless proscribed by the Director of Central Intelligence.

(C) Foreign government information: “FGI” or a marking that otherwise indicates that the information is foreign government information. If the fact must be concealed, the marking shall not be used and the message shall be marked as if it were wholly of U.S. origin.

(vi) Paper copies of electrically transmitted messages shall be marked as provided in paragraph (a) through (e) of this section.

(6) *Changes in classification markings*. When a change is made in the level or the duration of classified information, all holders of record shall be promptly notified. Holders shall alter the markings to conform to the change, citing the authority for it. If the remarking of large quantities of information is

unduly burdensome, the holder may attach a change of classification notice to the storage unit in lieu of the marking action otherwise required. Items withdrawn from the collection for purposes other than transfer for storage shall be marked promptly in accordance with the change notice.

§ 9.13 Transferred material.

(a) In the case of classified information transferred in conjunction with a transfer of functions, and not merely for storage purposes, the receiving agency shall be deemed to be the originating agency for purposes of the Order.

(b) In the case of classified information that is not officially transferred as described in section 3.2(a) of the Order, but that originated in an agency that has ceased to exist and for which there is no successor agency, each agency in possession of such information shall be deemed to be the originating agency for purpose of the Order. Such information may be declassified or downgraded by the agency in possession after consultation with any other agency that has an interest in the subject matter of the information.

(c) Classified information accessioned into the National Archives of the United States shall be declassified or downgraded by the Archivist of the United States in accordance with the Order, the Directive, and agency guidelines.

§ 9.14 Declassification and downgrading.

(a) *General.* Information should be declassified or downgraded as soon as national security considerations permit. Information will be protected in accordance with the provisions of the Order for as long as it meets the classification requirements prescribed by these regulations. Agencies shall coordinate their review of classified information with other agencies or foreign governments that have a direct interest in the subject matter.

(b) *Authority to declassify or downgrade.* Information shall be declassified or downgraded by the official who authorized the original classification, if that official is still serving in the same position; the originator's successor; a

supervisory official of either; or officials delegated such authority in writing by the agency head or the senior agency official designated pursuant to section 5.3(a)(1) of the Order. In addition, if the Director of ISOO determines that information is classified in violation of the Order, the Director may require the agency which classified the information to declassify it. Any such decision by the Director may be appealed to the National Security Council. The information shall remain classified until a decision has been made on the appeal.

(c) The agency shall maintain a current, unclassified, listing of officials delegated declassification and downgrading authority.

§ 9.15 Systematic review for declassification guidelines.

(a) The agency may schedule classified records of permanent historical or other value for bulk review for declassification and may either perform such review itself, or may refer the records, together with guidelines for declassification, to the Archivist of the United States for review.

(b) For records of the Department of State, a sampling of classified records of permanent value for a given period will be selected by the Office of the Historian (PA/HO), and reviewed by the Systematic Review Office of the Classification/Declassification Center. The Systematic Review Office will prepare guidelines, which will be transmitted by the Secretary of State to the Archivist of the United States, not later than February 1, 1983, for use in reviewing the remainder of the permanently valuable classified records of the given period when these records are accessioned to the National Archives.

(c) AID will prepare guidelines, and transmit them to the Archivist of the United States not later than February 1, 1983, for use in reviewing permanently valuable classified records that have been accessioned to the National Archives. The Records Management Branch, Communications and Records Management Division, (M/SER/MO), is designated as the office responsible for systematic review matters within the agency. The Branch Staff will provide