

they have had access to, their obligation not to disclose the information, and be requested to sign an acknowledgement of this briefing.

(d) The reclassified information must be appropriately marked and safeguarded. The markings should include the reclassification authority and the date of the action. Apply other markings as provided in subpart B of this part.

§ 2001.14 Classification challenges [1.8].

(a) *Challenging classification.* Authorized holders wishing to challenge the classification status of information shall present such challenges to an original classification authority with jurisdiction over the information. An authorized holder is any individual, including an individual external to the agency, who has been granted access to specific classified information in accordance with the provisions of the Order to include the special conditions set forth in section 4.1(h) of the Order. A formal challenge under this provision must be in writing, but need not be any more specific than to question why information is or is not classified, or is classified at a certain level.

(b) *Agency procedures.* (1) Because the Order encourages authorized holders to challenge classification as a means for promoting proper and thoughtful classification actions, agencies shall ensure that no retribution is taken against any authorized holders bringing such a challenge in good faith.

(2) Agencies shall establish a system for processing, tracking and recording formal classification challenges made by authorized holders. Agencies shall consider classification challenges separately from Freedom of Information Act or other access requests, and shall not process such challenges in turn with pending access requests.

(3) The agency shall provide an initial written response to a challenge within 60 days. If the agency is unable to respond to the challenge within 60 days, the agency must acknowledge the challenge in writing, and provide a date by which the agency will respond. The acknowledgment must include a statement that if no agency response is received within 120 days, the challenger

has the right to forward the challenge to the Interagency Security Classification Appeals Panel (ISCAP) for a decision. The challenger may also forward the challenge to the ISCAP if an agency has not responded to an internal appeal within 90 days of the agency's receipt of the appeal. Agency responses to those challenges it denies shall include the challenger's appeal rights to the ISCAP.

(4) Whenever an agency receives a classification challenge to information that has been the subject of a challenge within the past two years, or that is the subject of pending litigation, the agency is not required to process the challenge beyond informing the challenger of this fact and of the challenger's appeal rights, if any.

(c) *Additional considerations.* (1) Challengers and agencies shall attempt to keep all challenges, appeals and responses unclassified. However, classified information contained in a challenge, an agency response, or an appeal shall be handled and protected in accordance with the Order and its implementing directives. Information being challenged for classification shall remain classified unless and until a final decision is made to declassify it.

(2) The classification challenge provision is not intended to prevent an authorized holder from informally questioning the classification status of particular information. Such informal inquiries should be encouraged as a means of holding down the number of formal challenges.

§ 2001.15 Classification guides [2.2].

(a) *Preparation of classification guides.* Originators of classification guides are encouraged to consult users of guides for input when developing or updating guides. When possible, originators of classification guides are encouraged to communicate within their agencies and with other agencies that are developing guidelines for similar activities to ensure the consistency and uniformity of classification decisions. Each agency shall maintain a list of its classification guides in use.

(b) *General content of classification guides.* Classification guides shall, at a minimum:

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(1) Identify the subject matter of the classification guide;

(2) Identify the original classification authority by name or personal identifier, and position;

(3) Identify an agency point-of-contact or points-of-contact for questions regarding the classification guide;

(4) Provide the date of issuance or last review;

(5) State precisely the elements of information to be protected;

(6) State which classification level applies to each element of information, and, when useful, specify the elements of information that are unclassified;

(7) State, when applicable, special handling caveats;

(8) Prescribe declassification instructions or the exemption category from automatic declassification at 25 years, as approved by the ISCAP under section 3.3(d) of the Order and listed in §2001.21(e) of subpart B, for each element of information; and

(9) State a concise reason for classification which, at a minimum, cites the applicable classification category or categories in section 1.4 of the Order.

(c) Dissemination of classification guides. Classification guides shall be disseminated as widely as necessary to ensure the proper and uniform derivative classification of information.

(d) *Reviewing and updating classification guides.* (1) Classification guides, including guides created under prior orders, shall be reviewed and updated as circumstances require, but, in any event, at least once every five years. Updated instructions for guides first created under prior orders shall comply with the requirements of the Order and this part.

(2) Originators of classification guides are encouraged to consult the users of guides for input when reviewing or updating guides. Also, users of classification guides are encouraged to notify the originator of the guide when they acquire information that suggests the need for change in the instructions contained in the guide.

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Subpart B—Identification and Markings

§ 2001.20 General [1.6].

A uniform security classification system requires that standard markings be applied to classified information. Except in extraordinary circumstances, or as approved by the Director of ISOO, the marking of classified information created after September 22, 2003, shall not deviate from the following prescribed formats. If markings cannot be affixed to specific classified information or materials, the originator shall provide holders or recipients of the information with written instructions for protecting the information. Markings shall be uniformly and conspicuously applied to leave no doubt about the classified status of the information, the level of protection required, and the duration of classification.

§ 2001.21 Original classification [1.6(a)].

(a) *Primary markings.* On the face of each originally classified document, regardless of the media, the original classification authority shall apply the following markings.

(1) *Classification authority.* The name or personal identifier, and position title of the original classification authority shall appear on the “Classified By” line. An example might appear as:

Classified By: David Smith, Chief, Division 5,
Department of Good Works, Office of Administration

or

Classified By: ID#IMNO1, Chief, Division 5,
Department of Good Works, Office of Administration

(2) *Agency and office of origin.* If not otherwise evident, the agency and office of origin shall be identified and follow the name on the “Classified By” line. An example might appear as:

Classified By: David Smith, Chief, Division 5
Department of Good Works, Office of Administration.

(3) *Reason for classification.* The original classification authority shall identify the reason(s) for the decision to classify. The original classification authority shall include, at a minimum, a