

§ 2001.23

32 CFR Ch. XX (7-1-06 Edition)

exemption markings X1 through X8. Unless otherwise instructed by the original classifier, the derivative classifier shall carry forward:

(A) The fact that the source document(s) was marked with this instruction; and

(B) The date of origin of the most recent source document(s), classification guides, or specific information, as appropriate to the circumstances.

(ii) Examples might appear as:

Declassify On: Source Marked "OADR", Date of source: October 20, 1990
or

Declassify On: Source Marked "X1", Date of source: October 20, 2000

(iii) Either of these markings will permit the determination of when the classified information is 25 years old and, if permanently valuable, subject to automatic declassification under section 3.3 of the Order.

(e) *Overall marking.* The derivative classifier shall conspicuously mark the classified document with the highest level of classification of information included in the document, as provided in § 2001.21(b).

(f) *Portion marking.* Each portion of a derivatively classified document shall be marked in accordance with its source, and as provided in § 2001.21(c).

§ 2001.23 Additional requirements [1.6].

(a) *Marking prohibitions.* Markings other than "Top Secret," "Secret," and "Confidential," such as "For Official Use Only," "Sensitive But Unclassified," "Limited Official Use," or "Sensitive Security Information" shall not be used to identify classified national security information. No other term or phrase shall be used in conjunction with these markings, such as "Secret Sensitive" or "Agency Confidential," to identify classified national security information. The terms "Top Secret," "Secret," and "Confidential" should not be used to identify non-classified executive branch information.

(b) *Agency prescribed special markings.* Agencies shall refrain from the use of special markings when they merely restate or emphasize the principles and standards of the Order and this part. Upon request, the senior agency offi-

cial shall provide the Director of ISOO with a written explanation for the use of agency special markings.

(c) *Transmittal documents.* A transmittal document shall indicate on its face the highest classification level of any classified information attached or enclosed. The transmittal shall also include conspicuously on its face the following or similar instructions, as appropriate:

Unclassified When Classified Enclosure Removed
or

Upon Removal of Attachments, This Document is (Classification Level)

(d) *Foreign government information.* Documents that contain foreign government information shall include the marking, "This Document Contains (indicate country of origin) Information." The portions of the document that contain the foreign government information shall be marked to indicate the government and classification level, using accepted country code standards, e.g., "(Country code—C)." If the identity of the specific government must be concealed, the document shall be marked, "This Document Contains Foreign Government Information," and pertinent portions shall be marked "FGI" together with the classification level, e.g., "(FGI-C)." In such cases, a separate record that identifies the foreign government shall be maintained in order to facilitate subsequent declassification actions. When classified records are transferred to the National Archives and Records Administration for storage or archival purposes, the accompanying documentation shall, at a minimum, identify the boxes that contain foreign government information. If the fact that information is foreign government information must be concealed, the markings described in this paragraph shall not be used and the document shall be marked as if it were wholly of U.S. origin.

(e) *Working papers.* A working paper is defined as documents or materials, regardless of the media, which are expected to be revised prior to the preparation of a finished product for dissemination or retention. Working papers containing classified information shall be dated when created, marked

with the highest classification of any information contained in them, protected at that level, and if otherwise appropriate, destroyed when no longer needed. When any of the following conditions applies, working papers shall be controlled and marked in the same manner prescribed for a finished document at the same classification level:

- (1) Released by the originator outside the originating activity;
- (2) Retained more than 180 days from the date of origin; or
- (3) Filed permanently.

(f) *Other material.* Bulky material, equipment and facilities, etc. shall be clearly identified in a manner that leaves no doubt about the classification status of the material, the level of protection required, and the duration of classification. Upon a finding that identification would itself reveal classified information, such identification is not required. Supporting documentation for such a finding must be maintained in the appropriate security facility.

(g) *Unmarked materials.* Information contained in unmarked records, or presidential or related materials, and which pertains to the national defense or foreign relations of the United States and has been maintained and protected as classified information under prior orders shall continue to be treated as classified information under the Order, and is subject to its provisions regarding declassification.

§ 2001.24 Declassification markings [1.5, 1.6, 3.3].

(a) *General.* A uniform security classification system requires that standard markings be applied to declassified information. Except in extraordinary circumstances, or as approved by the Director of ISOO, the marking of declassified information shall not deviate from the following prescribed formats. If declassification markings cannot be affixed to specific information or materials, (e.g., agencies using automated information systems, special media, microfilm) the originator shall provide holders or recipients of the information with written instructions for marking the information. Markings shall be uniformly and conspicuously applied to leave no doubt about the declassified

status of the information and who authorized the declassification.

(b) The following markings shall be applied to records, or copies of records, regardless of media:

- (1) The word, "Declassified;"
- (2) The name or personal identifier, and position title of the declassification authority or declassification guide;
- (3) The date of declassification; and
- (4) The overall classification markings that appear on the cover page or first page shall be lined with an "X" or straight line. An example might appear as:

SECRET

Declassified by David Smith, Chief, Division 5, August 17, 2005

Subpart C—Declassification

§ 2001.30 Automatic declassification [3.3].

(a) *General.* All departments and agencies that have original classification authority, or previously had original classification authority, and maintain records appraised as having permanent historical value that contain information classified by that agency shall comply with the automatic declassification provisions of the Order. All agencies with original classification authority shall cooperate with NARA in managing automatic declassification of accessioned Federal records, presidential papers and records, and donated historical materials under the control of the Archivist of the United States.

(b) *Presidential records.* The Archivist of the United States shall establish procedures for the declassification of presidential or White House materials transferred to the legal custody of the National Archives of the United States or maintained in the presidential libraries.

(c) *Classified information in the custody of contractors, licensees, certificate holders, grantees or other authorized private organizations or individuals.* Pursuant to the provisions of National Industrial Security Program, agencies must provide security classification/declassification guidance to such entities or