

Public Interest Declassification Board

Organizational Meeting
National Archives Building
Washington, DC
February 25, 2006

Agenda

- Introductions and Administrative Issues
- Opening Comments
 - Chair and Members to discuss views, expectations, recommendations and goals for the Board
- Overview of State of Declassification within Executive Branch
 - ISOO Staff
- Overview of Statutory Board Roles and Responsibilities
 - ISOO Staff
- Discussion on Discharge of Board Roles and Responsibilities
 - Board Members
- Development and Approval of Work Plan for the Board
 - Board Members

Overview of Declassification Within Executive Branch

Declassification Overview

General

- **Information becomes declassified by:**
 - implementing instructions set forth in a classification/declassification guide
 - review by an agency official authorized to change its status from classified to unclassified
 - Systematic
 - Mandatory
 - automatically without benefit of review

Declassification Overview

The Past

Pre-E.O. 12958

- Information once classified remained so indefinitely
- Very often, did not see light of general public's, researchers' or historians' eyes without persistent and continuous efforts
- Tangible / Intangible costs
- 257 million pages declassified under E.O. 12065 and E.O. 12356 (1978-1995)

Declassification Overview

The Present

E.O. 12958

- Represented paradigm shift with implementation of automatic declassification
- Expenditure of resources required to keep information classified
- Provided real consequences for agencies that did not invest in declassification efforts.
- Recent amendment “institutionalized” automatic declassification
- Over 1 billion pages declassified (1995-2004)

Declassification Overview

The Future

Implementation of Automatic Declassification

- By December 31, 2006, all agency classified records that have permanent historical value and are more than 25 years old must be:
 - Declassified
 - Exempted (If consistent with ISCAP approval – or exempt from review with President's approval)
 - Appropriately delayed

Declassification Overview

Appropriate Delays

- Integral file blocks
 - 25 years from date of most recent record
- Referrals or transfers*
 - 3 additional years (Dec 31st 2009)
- Special media* (due to difficulty or cost)
 - 5 additional years (Dec 31st 2011 or Dec 31st 2016 if additionally referred)
- Newly discovered*
 - 3 additional years (Dec 31st 2009)

* By notification to Director, ISOO

Declassification Overview

The Future

Post-December 31, 2006

- If Agency Heads want to apply safeguards of classification system to historically valuable permanent records beyond 25 years, must be able to demonstrate:
 - Information satisfies classification standards
 - Information satisfies exemption categories
 - President's / ISCAP approval
 - Specific date or event for declassification*
- Especially significant in instance of:
 - Access request (FOIA / MDR / ISCAP Appeal)
 - Criminal action (e.g. mishandling, espionage, etc.)

* Except for human source revealing information

Declassification Overview The Current State

- The Executive branch is progressing toward fulfilling its § 3.3 responsibilities by the initial deadline of December 31, 2006
 - Estimate 98 percent of all records subject to § 3.3 of the Order will have been declassified, appropriately exempted, referred or delayed.
 - Handful of agencies remain at risk
 - Records not acted upon will be automatically declassified subject to the limitations and conditions set forth in the Order
- Most agencies have institutionalized processes to fulfill their § 3.3 responsibilities

Declassification Overview The Current State

- 2009 & 2011 deadlines problematic
 - Heretofore agency centric approach inadequate
 - Current referral process not up to challenge
 - Most substantive information not always prioritized
 - Challenge of special media
- Full implementation of automatic declassification can only succeed on an Executive branch-wide basis

Board Roles and Responsibilities

Board Roles and Responsibilities

- **Required**

- **ANNUAL REPORT** -- to Congress on Board activities (§706(e), recurring)
- **REVIEW & RECOMMEND** -- to President wrt Congressional requests (§704(e), ad hoc)
- **MAKE RECOMMENDATIONS** – on proposed special searches (§704(c))

- **Discretionary**

- **RECEIVE BRIEFINGS** – on agency declassification programs (§704(a), annually)
- **MAKE RECOMMENDATIONS** – on agency declassification programs (§704(b), made public in 60 days)