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OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

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# **Fundamental Classification Guidance Review for Fiscal Year 2022**

November 2022

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## **EXECUTIVE SUMMARY**

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The following report encompasses the results of the Fundamental Classification Guidance Review (FCGR) for Fiscal Year (FY) 2022 conducted by the Office of the Director of National Intelligence (ODNI), as required by Executive Order (E.O.) 13526, “Classified National Security Information,” and in response to the Information Security Oversight Office (ISOO) memorandum from 09 December 2021. The FCGR highlights both ODNI accomplishments in classification management—including evaluating policies, procedures, training, and updating classification guides—and the challenges of implementation.

Although the 2022 ODNI FCGR officially commenced in December 2021, efforts to ensure that classification guides, training, and policies are regularly evaluated and updated have been ongoing since the last FCGR was completed in 2017. During this FCGR reporting period, no new best practices were identified. The FCGR highlights ODNI accomplishments in classification management, including evaluation of policies, procedures, training, and updating classification guides. It also reflects the challenges of implementation, including considerable staffing changes that have hampered robust classification management training and oversight.

## **EXECUTIVE HIGHLIGHTS**

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### **Security Classification Guides:**

- Currently reviewing the ODNI Security Classification Guide (SCG) for updates.
- Eliminated 57 guides made obsolete as a result of decommissioning Intelligence Advanced Research Projects Activity (IARPA)-sponsored programs.
- Created 25 new IARPA-sponsored guides to protect current and specific program data.

### **Personnel and Training:**

- Performed the annual update to the mandatory derivative classification training to address the most commonly observed marking errors.
- Published digital outreach messages as additional classification training aids.
- Ended the best practice classification specialist placement program because of staffing challenges.
- Launched a classification awareness program aimed at decreasing the classification markings error rate through publication of digital messages, derivative classification classes, classification reviews, and web-based classification training that is updated annually to address and focus on the most common errors identified.
- Provided Classification 101 briefings to new employees and National Intelligence University (NIU) students.

### **Technology:**

- Completed automation of internal derivative classification decision counts.

## **ODNI CLASSIFICATION GUIDE REPORTING SUMMARY**

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- The number of classification guides reviewed: 45
- The number of classification guides cancelled: 0
- The number of classification guides modified: 0
- The number of classification guides consolidated: 0
- The number of classification guides provided to users in electronic format: 45
- The total number of active ODNI classification guides: 45

ODNI conducted and completed the FCGR review process by compiling the following resources: the 2017 FCGR review, memorandum, SCGs, ODNI Instruction 10.03, and the Original Classification Authorities (OCA) validation spreadsheet, received professional perspective from the appropriate subject matter experts and OCAs. ODNI's Information Management Office (IMO) reviewed each guide based on the requirements in Title 32 of the Code of Federal Regulations, as well as input collected from the Self-Inspection reports from 2017 to present, corresponding Annual Reports to the President, and the 2017 FCGR.

## **RESPONSES TO SPECIFIC FCGR OBJECTIVES**

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The following sections provide detailed analysis of ODNI's classification management program review and efforts made in response to the specific objectives posed in ISOO's 2022 FCGR tasking. As practical and applicable, ODNI has applied best practices identified by ISOO.

### **Objective 1: Determine if the guidance conforms to current operational and technical circumstances.**

ODNI's Classification Guide supports the current operational and technical circumstances of the agency. All classification guides are coordinated by ODNI/IMO in consultation with appropriate technical offices and other appropriate subject matter experts. IMO conducts a review for content, language, format, and classification for all new classification guides. Language reviews examine whether the language used is precise, accurate, and consistent with established guidance as applicable. Content reviews ensure that the guide contains the requirements for 32 CFR 2001.15. Format reviews ensure that ODNI guides are constructed similarly so that people can easily locate the information they are looking for. Classification reviews verify that the classification guidance in the guide is consistent with classification guidance in other ODNI guides.

This centralized effort reduces redundancy, standardizes the information and language used within each guide, and facilitates oversight on all original classification decisions made within ODNI. All guides are signed by a designated and trained OCA, who receives initial and annual training on their responsibilities in the decision making process. Guides created by IARPA are reviewed on a more frequent, semiannual basis because of the dynamic and, at times, short duration of the research programs. Requests for changes to classification guides are reviewed and coordinated through IMO for non-compartmented and compartmented guides and

by IARPA for its program-specific guides. ODNI currently has 45 active classification guides. During this review period (2017–2021), 1 ODNI-sponsored guide and 57 IARPA sponsored guides were eliminated as a result of closeout or expiration. One ODNI-sponsored guide and 25 additional IARPA guides were created to ensure uniformity, consistency, upkeep, and adherence to E.O. 13526, ISOO, and ODNI policies.

**Objective 2: Determine if the classification guidance meets the standards for classification under section 1.4 of the Order and includes an assessment of likely damage under section 1.2 of the Order.**

ODNI's classification guidance meets the standards for classification under section 1.4 of the Order and includes an assessment of the likely damage under section 1.2 of the Order. The appropriate classification level is an assessment determined by the extent to which damage will be caused to national security and the impact on sensitive sources and methods in the event of an unauthorized disclosure of the information. The standards for classification are met and documented in each guide by citing the applicable "reason" for classification next to the information requiring classification. While the reason cited most frequently within ODNI-sponsored classification guides is E.O. 13526 Section 1.4(c), *intelligence activities (including covert action), intelligence sources or methods, or cryptology*, several sections contain additional standards pertinent to the information being protected.

**Objective 3: Determine if the dissemination and availability of the guidance is appropriate, timely, and effective.**

The dissemination, availability, and timeliness of ODNI classification guidance is achieved through several means. Approved classification guides are distributed via email and available to cleared personnel through a SharePoint site. The Classification Management Tools, provide users a hyperlink to the guides in the SharePoint website. This feature allows users to verify classification selections in real-time.

**Objective 4: Examine classification decisions since the conclusion of the 2017 FCGR to ensure that classification decisions reflect the intent of the guidance regarding what is classified, the appropriate classification level, the duration of classification and associated markings.**

ODNI's classification decisions reflect the intent of the guidance regarding what is classified and ensures that information is classified at the appropriate level and for the appropriate duration. ODNI's centralized process for creating classification guides, coupled with dedicated training for employees with OCA, help ensure that original decisions reflect only the critical program information that requires protection. Original decisions are cross-referenced with other internal and external classification guides to reduce conflicts of information and ensure consistency. In some cases, prior Freedom of Information Act and Mandatory Declassification Review release decisions are factored into final decisions. All classification markings applied (original and derivative) are validated against the *Intelligence Community Markings System Register and Manual* that serves as the authoritative document for authorized Intelligence Community (IC)-wide classification markings. Changes to existing levels or

duration values for classified information are implemented as necessary and justified based on protecting national security interests, as well as sensitive intelligence sources and methods.

**Objective 5: Include an evaluation of the results of all self-inspections, ISOO assessments, and any classification challenges since the last FCGR.**

ODNI reviewed the results of all self-inspections and ISOO assessments, and there were no formal challenges to general classification guidance or individual classification decisions identified since the 2017 FCGR. However, during this FCGR review period, the error rates fluctuated from 66 percent in 2017, 56 percent in 2018, 90 percent in 2019 and 2020, before falling to 85 percent in 2021. In 2017, IMO experienced staffing challenges that ended the practice of embedding classification specialists into high-volume operational work centers and components. By 2019 and 2020, the error rate significantly increased because of stricter quality assurance reviews and increases in staff expertise levels. To lower the error rates, IMO launched a classification awareness program in 2020 that provides classification education through briefings, digital outreach, and training aids. Additionally, the results of the self-inspections are reviewed and any specific area identified as having a high error rate is addressed through annual updates to the ODNI derivative classification web-based training course.

Note, the 2020 self-inspection report was affected by COVID-19 staffing restrictions. Despite this smaller scale, the report included all required program areas, assessments, and document reviews across ODNI on classification policies, procedures, and training.

## CONCLUSION

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The mission of IMO is to lead the development, implementation, and oversight of the IC-wide strategies, policies, and processes to promote integration and responsible information sharing and safeguarding. The 2022 FCGR will guide our continued efforts to strengthen and expand the ODNI classification management program and assist the Office of the Chief Operating Officer in its mission to lead the Community in all aspects of the lifecycle of information management.

Note for Objective 5: Throughout the course of the year, ODNI/IMO reviews the classification markings of files and documents submitted by request of individuals and offices across ODNI. In addition, ODNI/IMO pulls a set of finished intelligence reports posted on WIRe (by the National Intelligence Council) and the National Counterterrorism Center's CURRENT and reviews the markings on those reports. As part of the self-inspection process at the end of the fiscal year, ODNI/IMO counts the number of NARA/ISOO-specific markings errors made in a sample of the files reviewed over the course of the year, as well as in the finished reports. The final markings error rate is the percentage of those files shown to have one or more errors as defined by NARA/ISOO.