

ISOO Notice 2022-01: Digital Signatures on Standard Form (SF) 312, Classified Information Nondisclosure Agreement

May 9, 2022

Authorities

1. Executive Order 13526, Classified National Security Information
2. 32 CFR 2001, Classified National Security Information Directive, as modified by *Federal Register* notice [87 FR 17951](#) (March 29, 2022)

Purpose and background

3. This Notice advises agencies of a regulatory change to 32 CFR 2001.80 regarding digital signatures on Standard Form (SF) 312, which is the non-disclosure agreement a person must sign prior to accessing classified national security information. This notice also provides implementing guidance to agencies. The *Federal Register* notice of the regulatory change is at [87 FR 17951](#) (March 29, 2022).
4. Due to agency needs during the COVID-19 pandemic and remote work situations, combined with developments in electronic signatures (e-signatures) and modernization efforts since 2010 (when this regulation was last updated), ISOO re-assessed the subject of digital signatures on SF 312 in 2021. During this process, we consulted with the Department of Justice on legal aspects and with the Office of the Director of National Intelligence, which oversees SF 312, as well as with multiple agencies requesting a change.

Guidance

5. Effective on May 9, 2022 (see *Federal Register* notice [87 FR 17951](#) (March 29, 2022)), we are permitting agencies to use digital signatures on SF 312 that meet certain requirements. Digital signatures are one type of e-signature. Agencies cannot use any other type of e-signature on the SF 312.
6. Agencies may permit signers to use digital signatures. They may also still allow signers to manually sign the forms. Or an agency may allow both forms of signature. Similarly, agencies may permit users to electronically fill out the other portions of the form or may still allow users to print the form and fill it out manually, or may permit both options.
7. Agencies are not prohibited from using a combination of both manual and digital signatures on the same form.
8. However, in accordance with laws that require Federal agencies to maximize use of electronic and digital forms, signatures, and submission processes, agencies are required to have people use the electronically fillable form and digital signature options whenever possible.

9. When permitting e-signatures, agencies must use digital signatures (rather than other forms of e-signature) on SF 312 because digital signatures provide the requisite level of security and authenticity appropriate for these agreements. An agency must use digital signatures that (1) are based on public key infrastructure (PKI), which provides the highest levels of security and universal acceptance, and (2) include a reliable certificate authority (CA). The PKI and CA combination ensures authentication (i.e., that the digital signature was made by the person it claims to have been made by); consent (i.e., that the person who digitally signed the form meant to do so); and integrity (i.e., that the SF 312 has not changed since the signature was made).

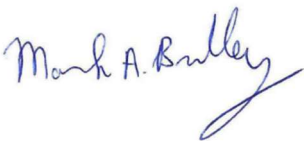
10. Digital signatures created using Federal Government personal identity verification (PIV) cards or common access cards (CACs) require the card holder to enter their personal identification number (PIN), and meet the requirements outlined above. Federal employees and contractors with such cards may therefore digitally sign SF 312 using these cards. Agencies may choose to allow other digital signature providers than the PIV or CAC cards, as long as they meet the same requirements.

11. If a user signs digitally, there is no need for a witness because of the authentication, consent, and integrity provided by the digital signature. As a result, the witness blocks on SF 312 will not be filled out when the form is digitally signed.

12. Agencies may still have an official sign the form to accept the agreement on behalf of the Government, regardless of which way the user or the accepting official signs the form. The user's digital signature does not replace the function of the acceptance blocks like it does for the witness blocks. However, the accepting official may also sign digitally.

13. The existing SF 312 was approved by the General Services Administration (GSA) as a standard paper form with manual signatures, and not as an electronically fillable form or one permitting digital signature. In conjunction with making this regulatory change, we also coordinated with the appropriate agencies to revise the form to make it electronically fillable and to allow for digital signatures. Until they have completed the process of revising the form, agencies may make use of the fillable or digital signature options permitted by the revised regulation using the existing SF 312.

14. Please direct any questions regarding this ISOO Notice to: isoo@nara.gov.



MARK A. BRADLEY
Director