

ISOO Notice 2026-05: Appeal Procedures for the Interagency Security Classification Appeals Panel

August 17, 2026

Purpose and Background

1. The Interagency Security Classification Appeals Panel (ISCAP) is a Presidential body established by Executive Order 13526 (the Order) for the purpose of supporting the President in the discharge of his authority to protect the national security of the United States.
2. This Notice addresses ongoing operational processes of the ISCAP, in accordance with Executive Order 13526, "Classified National Security Information" and 32 CFR 2003, "Interagency Security Classification Appeals Panel Bylaws."

Responsibilities

3. The ISCAP's four primary authorities established under the Order are:
 - (a) to decide on appeals by persons who have filed classification challenges under section 1.8 of the Order;
 - (b) to approve, deny, or amend agency exemptions from automatic declassification as provided in section 3.3 of the Order;
 - (c) to decide on appeals by persons or entities who have filed requests for a mandatory declassification review (under section 3.5 of the Order; and
 - (d) to appropriately inform senior agency officials and the public of final ISCAP decisions on appeals under sections 1.8 and 3.5 of the Order.
4. Section 3.5 of the Order requires agencies to conduct a mandatory declassification review of information, subject to a request that meets the requirements set out in the Order. An agency may deny such a review for specific reasons set out in sections 3.5(a) and (b) of the Order. If an agency denies a request for such review, the requestor may appeal this denial through that agency's appeal process and the ISCAP. The ISCAP reviews and decides such appeals under the procedures set forth in its bylaws at 32 CFR 2003 and as further defined in the issuance of ISOO notices.

Guidance

Remand of ISCAP Cases

5. The Order requires agency heads to establish administrative processes for managing MDR requests, including a process for internal agency appeals after an initial denial. MDRs are further appealable to the ISCAP:

- (a) after an agency's final denial of an MDR request, or
 - (b) if the agency fails to respond within 180 days to an agency-level appeal, or
 - (c) the agency fails to provide an initial decision on the MDR request within one year of receipt.
6. These provisions provide a mechanism to appeal directly to the ISCAP when agencies either deny a request, or fail to meet the response deadlines set in 32 CFR 2003. An MDR appeal to the ISCAP does not negate the requirement for agencies to continue to process and respond to pending appeals made at the agency level, as stipulated in [ISOO Notice 2013-03](#).
7. Within 30 days of receipt of an appeal, ISCAP staff notifies agencies of its receipt and formally requests all information necessary from the agency to process the appeal. Within 60 days of the date of the ISCAP notification, agencies must respond, with all requested information. If the required materials are not provided in the prescribed timeframe, the agency must alternatively provide an explanation for their omission, and a timeline for when the information will be provided to the ISCAP.
8. The ISCAP evaluates pending appeals periodically to determine whether the information they address has already been subject to previous ISCAP decisions or requires further consideration, as well as whether cases appealed to the ISCAP have received responses at the agency level within prescribed timeframes. Based on such assessments, consistent with its authority under 32 CFR 2003.11(f) and 2003.13(g) the ISCAP may vote to remand cases back to the original agency for further action.
9. Remanded cases remain on the ISCAP docket, with the case status updated to indicate that they have been returned to the agency for expedited review. Once the ISCAP has voted to remand a case to an agency, the ISCAP staff will notify the agency of the decision within 30 days of the vote.
- (a) For cases remanded by the ISCAP to an agency for expedited review due to a one-year non-response, the agency will have a further one year from date of notification of the returned case to render its initial decision.
 - (b) For cases remanded to an agency by the ISCAP for expedited review due to a 180-day non-response to an agency-level appeal will have a further 180 days from date of notification of the returned case to render a final agency decision.
 - (c) Remanded cases that are still within their one-year timeframe for an initial agency decision or their 180-day timeframe for an agency level appeal remain subject to those deadlines for agency action.

An additional 30 days will be allotted in each instance to account for the ISCAP notification window, following a vote to remand a case to an agency.

Public Transparency and Precedent of ISCAP Decisions

10. In accordance with the Order and 32 CFR 2003.3(d), the public is informed of all

final ISCAP decisions. Once the ISCAP decides to declassify information, that information is publicly posted for anyone to access.

11. ISCAP decisions set a precedent for the classification status of the information decided under the appeal. Agencies must take the following steps to account for ISCAP decisions to ensure their consistent application across the government:
 - (a) Agencies must update their security classification guidance, including classification guides and declassification guides, to accurately reflect the results of ISCAP decisions, as existing guidance may need to change based on the ISCAP's rulings. An agency security classification guide or declassification guide that outlines a specific timeframe for keeping information classified is not binding on future ISCAP decisions, which take precedence. The ISCAP retains final authority to evaluate and decide the classification status of the specific information in each individual case before it, accounting for its own precedents set in prior ISCAP cases.
 - (b) Agencies must factor ISCAP decisions into their own internal classification decisions and declassification reviews, to include MDR requests and classification challenges.
 - (c) Agencies must notify the ISCAP Executive Secretary of any other pending ISCAP cases they are aware of involving information that might be affected by a recent decision to declassify information.
12. For those individuals who may have a pending case before the ISCAP, you may notify both the ISCAP and the relevant agencies if you believe a previous ISCAP decision relates to your current case and should be accounted for.

Authorities

Executive Order 13526, Classified National Security Information

32 Code of Federal Regulations 2003, Interagency Security Classification Appeals Panel Bylaws

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

A handwritten signature in black ink, appearing to read "Michael D. Thomas", with a horizontal line extending from the end of the signature.

MICHAEL D. THOMAS

Director