

Information Security Oversight Office

National Archives and Records Administration

CANCELLED SEPTEMBER 30, 2010

See 32 C.F.R. Part 2001.48(d), June 25, 2010, for current guidance.

ISOO Notice 2009-10: Security Violation Reporting to ISOO

April 28, 2009

Section 5.5(e)(2) of Executive Order 12958, as amended, "Classified National Security Information," (the Order) requires agency heads or senior agency officials to notify the Director of the Information Security Oversight Office (ISOO) whenever certain violations under the Order occur. ISOO recognizes that discretion is required in determining what needs to be reported pursuant to this section of the Order. This subject was addressed in a January 2004 letter from the Director of ISOO to senior agency officials designated under section 5.4(d) of the Order. That letter provided clarification as to minimal reporting requirements. However, agencies still struggle with their responsibilities in this area.

The purpose of this Notice is to remind senior agency officials of their reporting responsibility under the Order and to provide further clarification as to the minimal reporting requirements. Despite the need for discretion, reports to ISOO are required for the following.

1. Any violation that occurs under section 5.5(b)(3) of the Order (i.e., when officers and employees of the United States Government, and its contractors, licensees, certificate holders, and grantees knowingly, willfully, or negligently create or continue a special access program contrary to the requirements of the Order).
2. Any violation that occurs under sections 5.5(b)(1) or (2) of the Order (i.e. when officers and employees of the United States Government, and its contractors, licensees, certificate holders, and grantees knowingly, willfully, or negligently disclose to unauthorized persons information properly classified under the Order or predecessor orders or classify or continue the classification of information in violation of the Order or its implementing directives) that:
 - is reported to oversight committees in the Legislative branch;
 - may attract news media attention;
 - involves large amounts of classified information; or
 - reveals a potential systemic weakness in classification, safeguarding, or declassification policy or practices.

The timely submission of such reports by agencies is necessary for ISOO to fulfill its oversight responsibilities and to ensure that classified national security information receives the protection it requires and deserves. Reports may be classified if necessary.

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