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ISOO Notice 2013-03: Processing of Mandatory Declassification Review Requests Appealed to the Interagency Security Classification Appeals Panel

April 10, 2013

The purpose of this notice is to inform Federal agency declassification offices that they must continue to process mandatory declassification review (MDR) requests that have been appealed to the Interagency Security Classification Appeals Panel (ISCAP) in cases where the agency has not made a decision within one year of the filing of an initial request or within 180 days of an internal agency appeal. The processing may include continuing to appropriately refer information to other government agencies, collecting the results of those referrals, and communicating decisions to the requester and to the ISCAP.

The bylaws of the ISCAP, published as 32 CFR Part 2003, specify the conditions under which a requester may appeal an MDR request to the ISCAP. One condition for appeal is if the requester has not received an initial decision on an MDR request within one year of its filing. Another condition is if the requester has not received a final decision within 180 days of the filing of an internal agency appeal.

When the ISCAP receives a valid MDR appeal, the ISCAP Executive Secretary notifies the agency that has custody of the requested record through the designated senior agency official for classified national security information. If the notice indicates the appeal is the result of the appellant not receiving a decision within the time period established by the ISCAP bylaws, that agency must continue to process the request despite the appeal to the ISCAP. Appellants retain their ISCAP appeal rights for classified information denied to them in the decisions made by an agency after their appeal to the ISCAP.

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