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INFORMATION SECURITY OVERSIGHT OFFICE

NATIONAL ARCHIVES *and* RECORDS ADMINISTRATION

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ISOO Notice 2015-01: Withholding Authorities for Mandatory Declassification Review

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Agencies should apply the following conventions for indentifying the reasons for withholding of information in responses to mandatory review requests made under section 3.5 of Executive Order 13526, “Classified National Security Information” (the Order):

- For classified national security information in records less than 25 years old, use the appropriate citation from section 1.4 of the Order. The 50X1-HUM and 50X2-WMD designations may also be cited if applicable.
- For classified national security information in records between 25 and 50 years old, use the appropriate declassification exemption from section 3.3(b) of the Order, expressed as “25X” followed by the appropriate number from 1 to 9, as approved by the Interagency Security Classification Appeals Panel for use by your agency.
- For classified national security information in records between 50 and 75 years old, use the appropriate declassification exemption from section 3.3(b) of the Order, expressed as “50X” followed by the appropriate number from 1 to 9, as approved by the Interagency Security Classification Appeals Panel for use by your agency.
- For classified national security information in records over 75 years old, use the appropriate declassification exemption from section 3.3(b) of the Order, expressed as “75X” followed by the appropriate number from 1 to 9, as approved by the Interagency Security Classification Appeals Panel for use by your agency.
- For Restricted Data or Formerly Restricted Data classified under the Atomic Energy Act of 1954, as amended, use the designations, “RD” or “FRD.”
- For information exempted from disclosure under exemptions 1, 2, 4, 5, 6, 7, 8, or 9 of the Freedom of Information Act (FOIA), use the designation, “FOIA Exemption” followed by the appropriate exemption number
- For information exempted from disclosure under FOIA exemption 3, the specific statute or law under which the withholding is warranted should be listed. For example, “Central Intelligence Act of 1949.”

Agencies should not cite either section 3.5(c) or section 6.2(d) of the Order by themselves as authorities for the withholding of information in response to mandatory declassification review requests.

Section 3.5(c) of the Order is not an authority for withholding of information. Rather, it specifies that “[a]gencies conducting a mandatory review for declassification shall declassify information that no longer meets the standards for classification...” and

“[t]hey shall release this information unless withholding is otherwise authorized and warranted under applicable law.” Similarly, section 6.2(d) of the Order is not an authority for the withholding of information; it is a recognition that the Order does not supersede any requirement made by the Atomic Energy Act of 1954, as amended, or the National Security Act of 1947.

This notice supersedes ISOO Notice 2009-07.

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