

# *ISOO Training Tip #8*

## *June 2018*

### **TOPIC:**

### **Classification Challenges – Agency Responsibilities**

#### **What are the agency's responsibilities when it comes to classification challenges?**

- The agency head or senior agency official shall establish procedures, in writing, under which authorized holders of information, including authorized holders outside the classifying agency, are encouraged and expected to challenge the classification of information that they believe is improperly classified or unclassified. These procedures should be published and made aware to all agency personnel.
- These procedures shall ensure that:
  - Individuals are not subject to retribution for bringing such actions
  - An opportunity is provided for review by an impartial official or panel
  - Individuals are advised of their right to appeal agency decisions to the Interagency Security Classification Appeals Panel (ISCAP)
- Agencies shall establish a system for processing, tracking and recording formal classification challenges made by authorized holders.
- The agency shall provide an initial written response to the challenge within 60 days.
- If the agency is unable to respond within 60 days, the agency must acknowledge the challenge in writing and provide a date by which the agency will respond. This acknowledgement must include a statement that if no agency response is received within 120 days, the challenger has the right to forward the challenge to ISCAP for a decision.
- If an agency has not responded to an appeal within 90 days of the agency's receipt of the appeal, the challenger may forward the challenge to ISCAP.
- Agency responses to those challenges that are denied shall include the challenger's appeal rights to ISCAP.
- When the information has been the subject of a challenge within the past two years or is the subject of pending litigation, the agency is not required to process the challenge beyond informing the challenger of this fact and of the challenger's appeal rights, if any.

Ref: [E.O. 13526](#), Sec. 1.8 / [32 CFR 2001.14](#)



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