

**Office of the Secretary of Defense
Mandatory Declassification Review
Standard Operating Guidelines**

September 28, 2009

MANDATORY DECLASSIFICATION REVIEWS

A. GENERAL

The OSD Declassification Project will process Mandatory Declassification Reviews (MDR) under the compliance of section 3.5 of Executive Order 12958, as amended. The Project will adhere to Department of Defense (DOD) Directive 5200.1 and the Information Security Oversight Office (ISOO) Directive 2001.33.

B. OVERVIEW OF THE MDR PROCESS

After a request is received, a new case will be created by the Specialist for that request. Every case will undergo both an initial and senior review. All certified Document Analysts are authorized to conduct initial reviews. Only a designated Senior Reviewer is authorized to conduct a senior review.

1. Case progression begins with the receipt of the MDR request and is followed by the case establishment, initial review, senior review, Government review, QA1, and QA2.
2. MDRs are conducted on a 'line-by-line' basis. Each document is carefully checked for classified equities belonging to other agencies. Be watchful of the following:
 - a. Faded/illegible classification markings.
 - b. The first page is not marked with the classification, but the succeeding pages are.
 - c. Portion markings.
3. Each classified document is reviewed for declassification using the procedures for the Initial Review (Section C) and for the Final Review (Section D) below.
4. Document Analysts recommend the declassification or exemption of only those documents containing NSI for which authority has been granted. To determine the authority of a specific document, follow the procedures outlined in Section B, 4.
5. The OSD MDR Program has been granted declassification authority by some agencies. These Agencies are:
 - a. OSD Components (see Appendix F), with the exception of documents 19 years or younger that must first be referred.
 - b. Congress: OSD exercises this authority.
 - c. General Accounting Office: OSD exercises this authority.
 - d. Comptroller General of the United States: OSD exercises this authority.
 - e. United States Postal Service: OSD exercises this authority.
 - f. National Science Foundation: OSD exercises this authority.

- g. Any U.S. government agency when the document is marked with declassification instructions that provide explicit authority to declassify that specific document ('by direction' authority).
6. The MDR Process involves the following basic actions in order of precedence:
 - a. REMOVE a document that contains SCI, or a NATO document classified TOP SECRET or marked COSMIC.
 - b. EXEMPT specific information from declassification in accordance with Section 3.3 of E.O. 12958, as amended, or by direction of a Controlling Authority.
 - c. REFER a document if the Document Analyst does not have the authority to either DECLASSIFY or EXEMPT the information in the document or if other agencies' equities are present.
 - d. DECLASSIFY a specific document in accordance with Section 3.3 of E.O. 12958, as amended, or by direction of a Controlling Authority.
 7. After completing the review of a case, the analyst completes a Mandatory Declassification Review Report (MDRR) (see Appendix). The purpose of the MDRR is:
 - a. For recording information necessary for project controls and reports (see Chapter 7);
 - b. For note-keeping/communication between reviewers; and
 - c. For the recording of case content/characterization and special actions taken during the declassification review.
 - d. Do not record classified information on the MDRR.
 8. Cases are organized by stage and classification and are stored in the closed area or otherwise under 100% access control in accordance with appropriate personnel security clearances.

C. CASE ESTABLISHMENT

Upon receipt of an MDR request, the Specialist will assign the next case number available to each corresponding document within the request. Using the MDR database, the Specialist will enter in the new case number, source case number (original request number), source (organization or agency submitting the request), page count, requester (individual submitting request), subject, and incoming date. The received date is already provided in the appropriate field and it must not be adjusted. The document will then be placed in a folder with the appropriate cover sheet stapled to front with the case number written on the tab and placed in a box to await review.

1. Policy

Each case may contain multiple documents. Upon review, cases may be subject to the split case procedure outlined below. For cases in a 365 day letter that are not located by a referral agency, close the old case, open a new case, and notify the requester of the new case number and their right to appeal directly to ISOO.

- a. Any correspondence received from the Department of State will be stamped with the date received as to establish a beginning of a time line.

- b. It is the policy of the Department of Energy (DOE) not to comment on the classification status of any open source documents. We will not refer any open source documents to DOE and will instead state the following when responding to the requester:
“It is the policy of the Department of Energy (DOE) not to comment on the classification status of documents in the public domain. To comply with this policy, the DOE does not conduct reviews of any open source literature.”
- c. The presidential libraries can review documents for National Security Council equities up to and including the Ronald Reagan Presidential Library with the exception of the Richard M. Nixon Presidential Library but we will still make recommendations.
- d. The presidential libraries can review documents for Department of State equities up to and including the Ronald Reagan Presidential Library but we will still make recommendations.
- e. Unclassified cases originating from NARA, the presidential libraries, other agencies, LOC, etc. will be marked as Granted in Full in the database and closed at the QA2 stage. We will notify the originator that the document(s) were unclassified and if they would like these pages reviewed they must submit a FOIA request. If however, the originator specifically notes in their request that we cannot cite the FOIA, we will Grant in Full the document(s) and respond with our decision.
- f. For cases originating from WNRC boxes we will count up the total number of unclassified pages. We will assign one case number and notify the requester that a total of XX unclassified pages were located in the box requested. The requester will be informed that if they would like these pages reviewed they must submit a FOIA and cite the MDR case number. If we then receive a request from FOID for these pages we will scan them in and send FOID a CD.
- g. Cases received from presidential libraries and marked “Unmarked, but treat as Secret” will be handled as Secret.
- h. OSD is the coordinator for appeals for WNRC cases. We will inform all necessary referral agencies of this and will also be informing the requester.

2. Split Case

Cases consisting of multiple documents requiring different actions will be split into multiple MDR cases. Every document will be assigned a new case number in accession and the source case numbers will reflect the split case in the MDR database. Source case numbers will be followed by an _1, _2, etc. for each document in accession within a split case. The first case in every split case will be the source case number without an underscore and the second case will always be the source case number with an underscore one, and so on.

3. Top Secret Document Accountability

All TS documents are properly controlled and accounted for at all times. TS documents are accounted for on a document level versus a case level for lower classifications. When a new case is established that contains TS material, the first page of every document is affixed with a barcode sticker with an individual number. Any additional copies that are made also receive a new barcode sticker. These barcode stickers are used as a tracking system for every TS document that we have. The number that is located on the barcode sticker is then entered into the MDR database in the appropriate field. The number of pages, OSD MDR case number, and the copy number are also entered accordingly.

4. Top Secret Document Downgrading

The MDR Program is authorized to downgrade some documents in accordance with the following guidelines:

- Only the Senior Reviewer, Team Lead, and the Government can downgrade a document.
- Documents must be 20 years and older.
- For documents containing marked Restricted Data/Formerly Restricted Data (RD/FRD), a Government Review is required in order to downgrade.
- OSD-originated documents may be downgraded if they adhere with all of the preceding points.
- Joint Chiefs of Staff (JS) originated documents may be downgraded if no other instruction is received from JS and they adhere with all of the preceding points.
- Department of State (DOS) originated documents may be downgraded if they adhere with the preceding points.
- The individual downgrading the document does so by placing the notification of downgrade sticker on the first page in the lower left-hand corner (covering the TS barcode sticker if possible but make sure to delete ID row, see below) and filling in the date of downgrade on the sticker. Next, every "Top"/"T" (and barcode sticker if not covered by notification of downgrade sticker) in the document must be lined through with a grease pencil and the folder's cover page must also be changed to the appropriate classification. The case's classification must also be changed in the database and all document ID rows that correspond to the barcode sticker numbers are deleted.

D. MANDATORY DECLASSIFICATION REVIEW REPORT (MDRR)

Recorded Information

The purpose of the MDRR is to record the case information and reviewers' notes. Some of that information is used for necessary project controls and reports.

1. The following information is recorded on the front of the MDRR: Case Disposition for all three reviews, Review Notes, Referrals/Concurrent Reviews, Number of Copies, MDR Policy Number(s), Benign Referral(s), Case Subject, Government Notes/Instructions, URL, Date Initial Review, Date Senior Review, Senior Reviewer, Government Review Date, Date Case Closed, Case QA, Letter QA1, and Letter QA2.
2. The back of the MDRR contains the notes area for the Initial and Senior Reviewers. It is the Initial Reviewer's responsibility to provide a synopsis of the case with the overall

disposition. The document source and any concurrent/previous reviews must always be included (see the example below for an acceptable Initial Reviewer synopsis). The Senior Reviewer or Team Lead underlines important information in green from the Initial Reviewer's synopsis and provides his/her disposition for the case.

GIP
Document from JFK. Concurrent review by DOS. Previous review by CIA. GIP subject to concurrent DOS review and previous CIA redactions. DOC 1 GIP=[]=OSD=x5,6 GIP=[]=CIA=x1,9

E. DOCUMENTS

The MDR Program strives to maintain uniformity with its reviews whenever possible. The following procedures aid in that goal:

1. The age of the document determines whether or not immediate action can be taken on a document. For documents that are 20 years and older, follow the automatic declassification (auto-declass) procedures previously outlined. For documents 19 years and younger, follow E.O. 12958, as amended, section 1.4, which requires staffing to the appropriate OSD office of origin. All classified documents originated by the Secretary of Defense, Deputy Secretary of Defense, or Executive Secretary of Defense and dated January 20, 1989 and younger will be automatically staffed to the Office of the Executive Secretary (ExecSec) of Defense for review after all other referrals and staffings are complete with the exception of DoD Office of Freedom of Information (FOID) which may be staffed simultaneously. All classified documents 12 years and younger will be automatically staffed to FOID for review after all other referrals and staffings are complete*. *Exception: simultaneous staffing to ExecSec.
2. Declassification instructions provide guidance to the reviewers. For documents for which a declassification authority is evident (see Section B above), follow the auto-declass procedures. For all other documents, downgrade to Secret if permissible (see Section C above) and refer the document to its originator. For either of the scenarios, the presence of declassification instructions should be noted on the back of the MDRR.
3. Every reproduction must be accounted for and labeled. The first reproduction will be labeled R-1 (other than the copy used as the original), next reproduction R-2, etc., on the lower right-hand corner and slash marks will be put for each reproduction in the Number of Copies section on the front of the MDRR.
4. If at any time a reviewer believes part of the document is missing, the reviewer must inform the Senior Reviewer or Team Lead and contact the source for verification. A note must be made on the back of the MDRR and the review can only then proceed once a verbal response has been received from the source. Any missing pages received will be assigned a new case number. The objective for this procedure is to minimize delays due to missing pages.
5. If illegible pages are found at any time during a review, the reviewer must inform the Senior Reviewer or Team Lead and contact the source for verification. If the source verifies that its records also contain illegible pages, then the reviewer must make a note on the back of the

MDRR and redact, citing exemptions 1-9 or A-G (depending on the document's age) next to the illegible areas. The reviewer may then proceed with the case. If the source informs the reviewer that its records do not contain illegible pages, then follow the procedures outlined above for missing pages.

6. To sanitize a document for immediate release into the public domain, make blade redactions, photocopy the document with the lid up, mark every page that is being sanitized with the appropriate stamp and date, and line through every classification marking, including portion markings and handling instructions.
7. No noticeable black sections can remain in a document. Any pages containing black sections must be re-copied in order to remove them.
8. Blank pages/sections must clearly be marked, "This page is blank".
9. The Remote Archive Capture Program (RAC) is a source of some of the requested documents.
 - a. Some requests require obtaining documents from the RAC program. First, compose a list of requests with the source case numbers of documents needed from the RAC; this is done the first of every month. The request letters are filed for use once the documents are received, and the list is faxed to the point of contact at the RAC program.
 - b. Upon receipt of the requested documents on CD, the Specialist must switch to the classified system and print each document out. An additional copy of the request letter usually comes with the CDs.
 - c. Cross the appropriate source case numbers off the outstanding RAC document list that has been received.
 - d. Create new cases out of the documents that have been printed out.
10. Washington National Records Center (WNRC) originals documents are left in the back of the case file until that case is closed, at which point the originals will be returned to their appropriate WNRC box and folder.
11. All initial reviews are to be done in red ink, and all senior reviews in green. OSD redactions on all outgoing copies will be marked with blue ink, Joint Staff (JS) with purple, and other agencies with various other colors.
12. The OSD Redaction Annotation for the working copy will be handwritten (OSD-x _). For the final copy, the black OSD stamp is used. The blue stamp is used for the outgoing copy.

F. MANDATORY DECLASSIFICATION REVIEWS

The order of the procedures as presented below reflects the precedence of actions for each reviewer's responsibilities.

1. Cases are worked in precedence of appeals, oldest cases, special cases, QAs, re-initials, and initials.
2. The initial review is the first review in which a case undergoes. The following is an outline of the steps in the initial review.

- a. The first step is to check out the case in the database and print out an MDRR.
 - b. Next, the reviewer must make a working copy of the document and make sure to label it with the appropriate reproduction number (see Section E above). A separator page is added to the back of the working copy.
 - c. Every page except for the final outgoing packet must have a separator page on the front of it with the correct boxes checked off with the other exception of the working copy where it is placed in the back initially.
 - d. The document must now be checked for missing or blank pages. If a page count has been provided by the source, this must correspond with the copy of the document that has been received.
 - e. The reviewer will now review the document for exemptions and/or equities.
 - f. Make sure the information printed on the MDRR is correct.
 - g. Write down notes properly on the back of the MDRR (see Section D above). The goal is that at any time this case can be picked up, and anyone can read the notes and understand what is happening with the case.
 - h. Fill out areas of responsibility on the front of the MDRR, which includes the case disposition, any referrals/staffings, number of copies, case subject, and date initial review completed, and any URL's applicable.
 - i. Update the initial review information in the database and give the case to a Senior Reviewer.
 - j. Government notes are sometimes provided. Check the MDRR in the notes field or for WHS letterhead in the case file for possible instructions. If at anytime unsure about the instructions provided to you, ask the Team Lead for clarification. Always follow the instructions given and do not deviate from them. If instructed to go straight to the QA step, write "Per Government Instruction" alongside the Government Review checkmark area on the front of the MDRR, update the MDRR, and update the initial review and senior review information in the database.
3. Referral Responses/Re-Initial reviews are conducted similarly to initial reviews. The differences are as follows:
- a. The Initial Reviewer reprints the MDRR and writes in his/her name next to the previous Initial Reviewer's name. The initial reviewer may cross-out the previous reviewer's name if they are no longer a member of the team. The Initial Reviewer's name is also put in the database.
 - b. Any redactions taken from other agencies must be color-coded (see below).

- c. Make appropriate notes on the back of the MDRR, including the referral responses and the color-coding for the redactions.
4. The senior review is the second review in an MDR. The main objective of this review is to check the Initial Reviewer's work and to provide feedback to that reviewer. See section D above for the Senior Reviewer's procedures outlined for the back of the MDRR. Finally, the areas of responsibility must be filled out on the front of the MDRR, which includes the case disposition, any referrals/staffings, date senior review completed, and Senior Reviewer.
5. A Government Review is completed after both previous reviews have been finished. The Government Reviewer uses the previous reviews as a tool to aid in determining the final case disposition. The previous reviewers' work is checked and the Government Reviewer determines the case's outcome. The areas of responsibility to be filled out are the case disposition, any referrals/staffings, any Government notes, and the Government Review date.

G. QUALITY ASSURANCE REVIEWS (QAs)

Any team member can perform a QA review up to his/her clearance level once appropriate training has occurred. The order of the procedures as presented below reflects the precedence of actions for each reviewer's responsibilities.

1. QA1 Review

This is the first of two Quality Assurance reviews. The purpose of the QA1 is as its name states; to provide quality assurance for the work that the MDR Program sends out. It is in this stage that the final packet is put together and when the letters are written. Not only are the packets and letters reviewed, but the entire case file is reviewed as well to ensure the highest quality possible. The following are the steps in the QA1 process:

- Organize/prepare the case which includes making necessary copies.
- Read the request letter, document list, and back of the MDRR for information that must be added to the letter(s); e.g. concurrent reviews, missing pages, special instructions, etc.
- Make final packet (excluding letter), redact/sanitize if necessary (redact = Government Agencies, Presidential Libraries, Library of Congress, etc; sanitize = RAND Corporation, National Security Archive, etc.).
- Compose the letter(s) but do not print out.
- Put the classification of the document in the header and footer of each page of the letter.
- Update the number of copies on the MDRR and write the total number of copies if the case is not a referral or a staffing.
- Adjust case disposition if it has changed.
- Place case on QA2 shelf.

2. Sanitization Process

A document deemed for immediate release into the public domain and has a final case disposition of granted in part must be sanitized. The following are the steps in the sanitization process:

- Make a "Swiss cheese" copy by making blade redactions.
- Make a photocopy of the "Swiss cheese" copy with top of the copier raised.

- Place the “Swiss cheese” copy in the back of the case file marked - “do not copy.”
- Discard blade-redacted portions in a burn bin.
- Line through all classification markings including portion markings, handling instructions, and previous declassification/downgrading instructions.
- Use the appropriate declassification stamp with the date on every page.

3. Other Agency Stamps

The final outgoing copy of the document must have all of the agency stamps from referral responses we received (when applicable) on the first page. If multiple agency responses are received, cut and paste onto one page and make a copy.

4. QA2 Review

The QA2 is the final review a case will undergo before the correspondence is sent out.

- The QA2 is completed by the Editor.
- The Editor reviews the letters and checks that all of the information is correct and included. The case file must also be checked in its entirety.
- It is the Editor’s responsibility to verify that the document and the case file are correct and in order.
- After everything is in order, the Editor may then print out two copies of correspondence; one for the case file and one as the outgoing copy but both on WHS letterhead. The final packet is placed with the correspondence in an envelope stamped with the appropriate classification. There can only be one addressee per envelope. Cases containing multiple pieces of correspondence are each placed in an individual envelope and the entire case (folder and envelope(s)) is rubber-banded together.

5. Handling Instructions

The handling instructions NOFORN, LIMDIS, and ORCON are written on letters and envelopes when applicable.

H. DISPOSITION CATEGORIES

After a review has been completed, the case is rendered one of the following dispositions:

1. GRANT IN FULL (GIF)

- Declassification instructions are present and no unmarked RD/FRD is found.
- Document(s) are unclassified and no unmarked RD/FRD is found. *Note: Documents can appear unclassified but are actually classified. Situations include drafts, notes, and misclassification of documents. Unmarked documents are treated as Secret.*
- Referral responses recommend GIF and no OSD classified equities are present.
- The only classified or sensitive equities within the case belong to an agency that is concurrently reviewing.
- OSD recommended referrals are coordinated and forwarded by the Libraries, NARA, etc.

2. GRANT IN PART (GIP)

- OSD equities require continued protection.
- Staffing responses indicate that information requires continued protection.

- Referral responses indicate that information requires continued protection. *Note: the letter would be GIF for this scenario but for our records and database, if OSD did not have any redactions then the case would be a GIF.*

3. DENY IN FULL (DIF)

- All OSD information requires continued protection.
- All previously redacted OSD information requires continued protection.
- Staffing responses indicate all OSD information requires continued protection.
- Referral responses indicate all information requires continued protection. *Note: the letter would be DIF for this scenario but for our records and database, if OSD did not have any redactions then the case would be a GIF.*
- The only information left in the document after redaction reveals information that serves no purpose to the requester.

4. REFERRAL

- Document has been originated by OSD or any other agency.
- Other agency equities in addition to OSD equities are present.
- Cases may be referred to multiple agencies.

5. STAFFING

- Document is OSD-originated and is 19 years or younger.
- Document originated by another agency is 19 years or younger.
- Document is JS-originated.
- Document contains equities that pertain to the Defense Prisoner of War/Missing Personnel Office.
- Document that is 20 years or older and verification of OSD policy is required.

6. TRANSFER

- Document has been originated by OSD, by dual agencies, or by an agency outside the purview of OSD.
- Cases may not be transferred to multiple agencies.
- May be GIF or GIP.
- Library cases cannot be transferred.

I. LETTER COMPOSITION

Letter composition is an integral part of the MDR Program. It is important that MDR correspondence be clear and concise.

1. Writing Guideline

The MDR Program adheres to the DOD Manual for Written Material 5110.4-M; see Chapter 6 in the Manual for specific guidance.

2. OSD Letters

All of the MDR Program correspondence is saved in folders according to classification and year. Always use the appropriate template and save as case number and type of case in the corresponding folder. Ex: (07-M-1693 (GIP))

3. Response Letters

There are several types of response letters that the MDR Program utilizes. The following are the main points to remember when composing a response letter:

- The 3rd party clause occurs when an agency requests that OSD take ownership of all the redactions. At no time is that agency's name to be disclosed in our response letter or response package.
- For letters to the public and non-government organizations (RAND Corporation, National Security Archive, etc.), agencies' response(s) are cited in the letter. Exception: Forward everything OSD receives when the case was previously transferred to another agency but that agency responded to OSD instead as long as they are not citing 3rd party.
- For federal agencies, copies of original responses from the agencies are provided and their responses are cited in the letter.
- For letters to foreign countries, apply the appropriate country code preceding the OSD POC phone number.

4. GIF Response Packet

A GIF response packet includes correspondence on WHS letterhead and a copy of the request letter with the document list (if applicable), the MDR request (if applicable), other agency responses or explanation in letter (if applicable), and the document.

5. GIP Response Packet

A GIP response packet includes correspondence on WHS letterhead and a copy of the request letter with the document list (if applicable), the MDR request (if applicable), other agency responses or explanation in letter (if applicable), and the document.

- The letter must include the exemption categories and appeal information.
- For a GIP letter that is responding to a public requester only, explain the exemptions in addition to listing them.

6. DIF Response Packet

A DIF response packet includes correspondence on WHS letterhead and a copy of the request letter with the document list (if applicable), the MDR request (if applicable), other agency responses or explanation in letter (if applicable), and the document.

- The letter must include the exemption categories and appeal information.
- For a DIF letter that is responding to a public requester only, explain the exemptions in addition to listing them.
- If the response packet is going directly to the public, do not include a copy of the document.
- For all other response packets, include a proper copy of the document (redacted on every page) if the document is 10 pages or less.
- If the document is more than 10 pages, only the first and last page are redacted, but the document is still sent in its entirety.

7. Referral Response Packet

A referral response packet includes correspondence on WHS letterhead and a copy of the request letter with the document list (if applicable), the MDR request (if applicable), other agency responses or explanation in letter (if applicable), and the document.

- A notification letter to requester must also be sent (unclassified) notifying the requester of the agencies to which the case has been referred.

8. Staffing Response Packet

A staffing response packet includes correspondence on WHS letterhead and a copy of the request letter with the document list (if applicable), the MDR request (if applicable), other agency responses or explanation in letter (if applicable), and the document.

- Staffing only to offices within OSD.
- Notification to requester must be sent only if staffing to JS and/or Defense Prisoner of War/Missing Personnel Office (DPMO).

9. Transfer Response Packet

A transfer response packet includes correspondence on WHS letterhead and a copy of the request letter with the document list (if applicable), the MDR request (if applicable), other agency responses or explanation in letter (if applicable), and the document.

- Direction to respond directly to requester must be included in the letter.
- Notification letter to the requester.
- Presidential library cases are never transferred.

10. Public Requester

There are a few key notes to remember when responding to a public requester:

- Make sure to present only unclassified addresses when providing appeal addresses.
- No other contact information should be provided other than the appeal address and Government email address.
- Serial requesters receive Government's phone number and email address.

J. INTERAGENCY SECURITY CLASSIFICATION APPEALS PANEL (ISCAP)

After an MDR case is initially appealed, the requester has sixty days to file a subsequent appeal with ISCAP. ISCAP then forwards the appeal and their request for documents regarding the case to the Washington Headquarters Services Office of Security Review (OSR). OSR informs the OSD MDR Program of the appeal and request. ISCAP is not in possession of any of the documents in the case file and a packet must therefore be provided to them. We prepare a packet and send it to OSR who then forwards it to ISCAP. The following is a complete list of what is included in the packet:

- Standard letter (found in the ISCAP appeals folder)
- Original MDR request
- Original OSD response
- Appeal request letter

- OSD appeal response
- Original document/s
- Sanitized document/s from appeal

This provides ISCAP with all of the documents needed to make a pertinent decision on the case.

K. PHONE CALLS

Phone calls can be part of a daily process for an MDR team member. When making a phone call, the team member is to identify him/herself with the Office of Secretary of Defense MDR Program.

1. If a phone call is needed to DOS for simple inquiries, any MDR team member may call this agency. For all other inquiries, a Senior Reviewer or the Team Lead should handle the call. However, the Chief of Records and Declassification Division will call if necessary.
2. Always use the Phone Log form for every phone conversation and place it in the case file.
3. If there is ever any doubt as whether or not to call an agency, check with the Team Lead first.
4. Policy is never discussed during a phone conversation. For example, an agency can be told what exemptions were taken, but not how or why the decision was made for that particular information.

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