

PRINCIPAL DEPUTY DIRECTOR OF NATIONAL INTELLIGENCE
WASHINGTON, DC 20511

E/S 00563

MEMORANDUM FOR: Distribution

SUBJECT: DNI Special Security Center and Senior Officials of the Intelligence Community Roles and Responsibilities under DCI Directive 6/8

REFERENCE: (U//FOUO) Director of Central Intelligence Directive (DCID) 6/8 (Unauthorized Disclosures, Security Violations, and Other Compromises of Intelligence Information, dated 9 December 2002)

(U//FOUO) Unauthorized disclosures and leaks to the media of classified intelligence information, specifically regarding sensitive sources and methods, is a major problem for the Intelligence Community. Unauthorized disclosures allow our adversaries to learn about, deny, counteract, and deceive our intelligence collection methods, imposing enormous costs on the Community both in terms of resources as well as, on occasion, lives. If the Intelligence Community is to be effective in obtaining information secretly and preserving it from unauthorized disclosure, Senior Officials of the Intelligence Community (SOIC) must make preventing and combating leaks a priority.

(U//FOUO) To this end, I reaffirm DCID 6/8 as a guiding directive in the effort to protect classified intelligence information. DCID 6/8 emphasizes the responsibility of SOICs to protect classified information and to establish effective policies and procedures to deter, investigate, and promptly report unauthorized disclosures, security violations, and other compromises of intelligence information. DCID 6/8 also emphasizes the responsibility of SOICs to take prompt protective and corrective actions.

(U//FOUO) The Special Security Center (SSC) was established to oversee and strengthen security in the Intelligence Community and other agencies that process or hold sensitive classified intelligence information. In particular, SSC focuses on strategic planning and adherence to Intelligence Community Directives.

(U//FOUO) Therefore, I designate the SSC as the Intelligence Community's focal point. I also designate the Office of the DNI as the action office for supervising the implementation of and compliance with DCID 6/8. The SSC will be the ODNI element responsible for reporting incidents of significant unauthorized disclosures, security violations, and other compromises of intelligence information as outlined in DCID 6/8. To keep the DNI fully informed of significant unauthorized disclosures and leaks to the media, SOICs will:

- (U//FOUO) Upon discovery of a potential DCID 6/8 incident, provide a DCID 6/8 Initial Incident Report to the SSC, giving pertinent data on what occurred, component(s) and/or agency(ies) involved, points of contact (POC) for the

investigation, classification of the information compromised, the identity of and coordination with data owner(s), individuals having access to the information, information technology systems involved, initial coordination between the agencies, and actions taken.

- (U//FOUO) Provide status reports at 30-day intervals or more frequently as required by the incident.
- (U//FOUO) Provide a DCID 6/8 Final Incident Report to the SSC, detailing the incident, outcome of the investigation, and disposition of the case. The Final Incident Report should also include coordination of a damage assessment by the National Counterintelligence Executive. This report will detail actions taken by the SOIC to prevent recurrence, as well as changes to policies and procedures to strengthen security and counterintelligence programs.

(U) SOICs may contact one of the following SSC officers to report a DCID 6/8 incident:

[Redacted] *Deputy Director, Oversight and Liaison Division*
 Non-Secure Telephone: [Redacted]
 Secure Telephone: [Redacted]
 IC E-Mail: [Redacted]
 Unclassified E-Mail: [Redacted]
 STE: [Redacted]

[Redacted] *Oversight and Liaison Division*
 Non-Secure Telephone: [Redacted]
 Secure Telephone: [Redacted]
 IC E-Mail: [Redacted]
 Unclassified E-Mail: [Redacted]
 STE: [Redacted]

(b)(3)

Michael V. Hayden
General, USAF

Date

UNCLASSIFIED

PRINCIPAL DEPUTY DIRECTOR OF NATIONAL INTELLIGENCE
WASHINGTON, DC 20511

E/S 00108

MEMORANDUM FOR: Distribution

SUBJECT: (U) Advising the Office of the Director of National Intelligence (ODNI) of Possible Violations of Law, Regulation, or Policy

AUTHORITIES:

1. Intelligence Reform and Terrorism Prevention Act of 2004;
2. Executive Order 12863, "President's Foreign Intelligence Advisory Board," dated 13 September 1993;
3. Memorandum of Understanding: Reporting of Information Concerning Federal Crimes, executed August 1995 by the Attorney General; Secretary of Defense; Director of Central Intelligence; Director, National Security Agency; Director, Defense Intelligence Agency; Assistant Secretary of State, Intelligence and Research; Director, Office of Non-Proliferation and National Security, Department of Energy;
4. Director of Central Intelligence Directive (DCID) 6/8, "Unauthorized Disclosures, Security Violations, and Other Compromises of Intelligence Information," dated 9 December 2002.

Potential violations of law, regulation, or policy are of considerable concern to the Director of National Intelligence (DNI). While every violation is a serious matter, we are particularly concerned about unauthorized disclosures of classified intelligence information that may reveal or compromise intelligence sources and methods. Section 1011 of the Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA) provides that the DNI shall ensure compliance with the Constitution and laws of the United States by the CIA and other elements of the Intelligence Community (IC) through the host executive departments that manage the programs and activities that are part of the National Intelligence Program. *See* Section 102A(f)(4) of the National Security Act of 1947, 50 U.S.C. § 403-1.

The ODNI is dedicating extensive resources to both understand the scope of potential violations of law, regulation, or policy within the IC and to initiate programs to reduce the incidents of these occurrences. The ODNI Special Security Center (SSC) will work together with the ODNI Office of the General Counsel (OGC) to review potential violations in the Intelligence Community and make appropriate recommendations to the DNI. The SSC will act as the ODNI's focal point for addressing issues concerning unauthorized disclosures of classified information in coordination with ODNI OGC.

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SUBJECT: (U) Advising the Office of the Director of National Intelligence (ODNI) of Possible Violations of Law, Regulations, or Policy

In order for the DNI to fulfill his statutory obligation to ensure compliance with the Constitution and other laws, and to enable my office to develop and implement programs to assist your Agency, I need to be aware of the range of potential issues facing members of the IC. Therefore, I am directing SOICs to do the following:

- Effective immediately, and on an ongoing and continuing basis, provide the SSC with a concurrent copy of each crimes report of each instance your Agency reports a possible unauthorized disclosure of classified information to the Department of Justice (DoJ).
- Keep the SSC advised of the status of your internal investigation into the unauthorized disclosure, any administrative action you propose to take against an identified leaker, a copy of the completed DoJ 11 questions and the progress of DoJ's investigation, if any.
- Provide the SSC with copies of all crimes reports and completed DoJ 11 questions concerning unauthorized disclosures/leaks forwarded to DoJ for the calendar years 2004 and 2005, to date.

By separate correspondence, provide to ODNI OGC information regarding activities that your agency reports to the Intelligence Oversight Board (IOB) that may be unlawful or contrary to Executive Order or Presidential directive pursuant to Executive Order 12863, "President's Foreign Intelligence Advisory Board," dated 13 September 1993, as amended. As with IOB reports, information should be provided on a quarterly basis (a photocopy of your agency's IOB report will satisfy this request).

SOICs or their designates may provide the crimes reports to either of the following:

[Redacted] *Deputy Director, Oversight and Liaison Division*

Non-Secure Telephone: [Redacted]

Secure Telephone: [Redacted]

IC E-Mail: [Redacted]

Unclassified E-Mail: [Redacted]

STE: [Redacted]

(b)(3)

[Redacted] *Oversight and Liaison Division*

Non-Secure Telephone: [Redacted]

Secure Telephone: [Redacted]

IC E-Mail: [Redacted]

Unclassified E-Mail: [Redacted]

STE: [Redacted]

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SUBJECT: (U) Advising the Office of the Director of National Intelligence (ODNI) of Possible Violations of Law, Regulations, or Policy

SOICs or their designates may provide the reports of potential IOB violations to:

[Redacted] Office of the General Counsel (b)(3)
Non-Secure Telephone: [Redacted]
Secure Telephone: [Redacted]
IC E-Mail: [Redacted]
Unclassified E-Mail: [Redacted]

I thank you in advance for your cooperation in this matter and look forward to working with each of your agencies to help develop comprehensive solutions to the issues we face as a Community.

Michael V. Hayden
Michael V. Hayden
General, USAF

1 Mar '06
Date

References: (2):

Reference A: (U) Memorandum of Understanding: Reporting of Information Concerning Federal Crimes, executed August 1995 by the Attorney General; Secretary of Defense; Director of Central Intelligence; Director, National Security Agency; Director, Defense Intelligence Agency; Assistant Secretary of State, Intelligence and Research; Director, Office of Non-Proliferation and National Security, Department of Energy.

Reference B: (U//FOUO) DCID 6/8, "Unauthorized Disclosures, Security Violations, and Other Compromises of Intelligence Information", dated 9 December 2002.

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SUBJECT: (U) Advising the Office of the Director of National Intelligence (ODNI) of Possible Violations of Law, Regulations, or Policy

External Distribution:

- 1 - Director, Central Intelligence Agency
- 1 - Under Secretary of Defense for Intelligence
- 1 - Assistant Administrator for Intelligence, Drug Enforcement Agency
- 1 - Director, Defense Intelligence Agency
- 1 - Director, Office of Intelligence, Department of Energy
- 1 - Director, Federal Bureau of Investigation
- 1 - Acting Assistant Secretary for Information Analysis, Department of Homeland Security
- 1 - Director, National Geospatial - Intelligence Agency
- 1 - Director, National Reconnaissance Office
- 1 - Director, National Security Agency
- 1 - Director, Office of Naval Intelligence
- 1 - Assistant Secretary for Intelligence and Research, Department of State
- 1 - Assistant Secretary for Intelligence and Analysis, Department of the Treasury
- 1 - Director, US Air Force Intelligence
- 1 - Director, US Army Intelligence
- 1 - Director, US Coast Guard Intelligence
- 1 - Director, US Marine Corps Intelligence

UNCLASSIFIED



**OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE
INSTRUCTION NO. 2007-5**

**SUBJECT: (U) OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE
RESPONSIBILITIES AND PROCEDURES FOR REPORTING AND INVESTIGATING
ACTUAL OR SUSPECTED UNAUTHORIZED DISCLOSURES, INCLUDING MEDIA
LEAKS, OF CLASSIFIED INFORMATION**

1. (U) PURPOSE: This instruction codifies the responsibilities and procedures for all Office of the Director of National Intelligence (ODNI) personnel (staff employees, military, contractor, and detailees) assigned to the ODNI for reporting and investigating actual or suspected unauthorized disclosures, including media leaks, of classified information ("unauthorized disclosures") contained in ODNI documents, oral communications, or any other media, electronic or otherwise. Any questions concerning the implementation of this instruction should be directed to the ODNI/Special Security Center (SSC).

2. (U) RESPONSIBILITIES AND PROCEDURES

A. (U) ODNI/Personnel shall:

(U) Immediately notify the SSC if they are aware of, or have reason to suspect, an unauthorized disclosure of classified information. While we must share classified information within the Intelligence Community (IC) in order to accomplish our mission of defending the Nation, the release, inadvertent or otherwise, of classified information to unauthorized individuals outside the IC can undermine our efforts and rapidly result in the loss of critical capabilities, resources, and even lives. It is every individual's responsibility to share and safeguard classified information appropriately, and the responsibility of assigned ODNI security officials to determine when and if an unauthorized disclosure has occurred.

B. (U) ODNI/SSC shall:

(1) (U//FOUO) Prepare a "Flash Report" of initial notification of each incident, for appropriate distribution, to include the ODNI's: Deputy Director of the Intelligence Staff, Assistant Deputy Director of National Intelligence for Security (ADDNI/SEC), Office of General Counsel (OGC) and Office of Security (OS).

(2) (U//FOUQ) Create and maintain individual case files and the SSC incident-tracking database.

(3) (U) Conduct preliminary and subsequent investigations within the ODNI and coordinate with other IC agencies whose information may also have been disclosed.

(4) (U//~~FOUO~~) Assist the OGC with preparation of the Crimes Report and/or the Department of Justice (DoJ) "11 Questions," as appropriate; coordinate with, and assist, DoJ as necessary.

(5) (U) Coordinate with the ODNI's: Office of Legislative Affairs, Office of Public Affairs, and National Counterintelligence Executive, as appropriate.

(6) (U) Provide periodic status reports to the ADDNI/SEC.

(7) (U) Ensure that deficiencies in policies, processes, and/or procedures contributing to disclosures are identified, corrective measures are proposed, and related policy changes are appropriately coordinated.

(8) (U) Provide guidance to ODNI components for reporting unauthorized disclosures.

(9) (U) Ensure that ODNI policies and procedures provide for the execution of the full range of available actions against those who make unauthorized disclosures.

(10) (U) Propose and coordinate requirements for additional ODNI security training and awareness programs.

C. (U) ODNI/OGC shall:

(1) (U//~~FOUO~~) When appropriate, forward to the DoJ a Crimes Report that shall include, at a minimum:

(a) A determination that the incident is a first-time disclosure.

(b) Identification of those portions of the disclosed information that are classified and the level of classification of the information disclosed.

(c) Whether the disclosure is likely to have a serious effect on national security interests.

(d) The extent of official and approved dissemination of the information.

(2) (U) Ensure that any information, which indicates that classified information is being or may have been disclosed directly to a foreign power or an agent of a foreign power, is reported immediately to the Federal Bureau of Investigation (FBI).

D. (U) ADDNI/SEC shall:

(1) (U) Provide ODNI senior management with timely status reports regarding the incident.

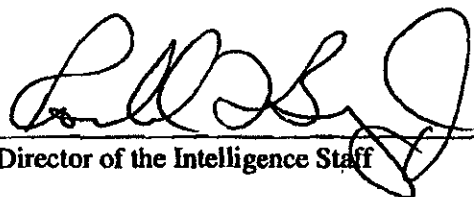
(2) (U//~~FOUO~~) Determine in concert with the ODNI's OS, OGC, and SSC whether the incident warrants an FBI investigation based on the following criteria:

- (a) The extent of dissemination and the likelihood of discovering the source of the disclosure.
- (b) The level of classification of the disclosure.
- (c) Whether the disclosure is likely to have a serious effect on national security interests.
- (d) ODNI Senior level direction.

(3) (U//~~FOUO~~) Require the ODNI data owner(s) to assist the ODNI's SSC and OGC with the completion of the Crimes Report and "11 Questions."

(4) (U//~~FOUO~~) If criminal prosecution is not pursued, then in coordination with the ODNI's OGC and SSC, provide a recommendation to the DNI regarding administrative penalties that should be taken against personnel found to have made an unauthorized disclosure.

3. (U) **EFFECTIVE DATE:** This instruction becomes effective upon date of signature. _____



Director of the Intelligence Staff

7/22/07

Date

DIRECTOR OF NATIONAL INTELLIGENCE
WASHINGTON, DC 20511

E/S 00707

MEMORANDUM FOR: Distribution

SUBJECT: Unauthorized Disclosures of Classified Information

REFERENCE: Intelligence Community Directive 701, "Security Policy Directive for Unauthorized Disclosures of Classified Information," dated 14 March 07

In accordance with my responsibility to protect sources and methods, I am committed to preventing unauthorized disclosures of classified information. I take this responsibility extremely seriously, recognizing that disclosure of classified information, including "leaks" to the media, can compromise sensitive sources and methods. These disclosures may allow our adversaries to learn about, deny, counteract, and deceive our intelligence collection methods, leading to the loss of critical capabilities, resources, and even lives. In recent years, unauthorized disclosures have severely diminished the capability of the Intelligence Community (IC) to perform its mission and support national security objectives. Furthermore, these disclosures greatly impact our relationships with our foreign partners, who become reluctant to share sensitive intelligence, fearing this information might appear in the media.

At the present time, the Federal Bureau of Investigation is vigorously investigating several cases of unauthorized disclosures and will refer appropriate cases to the Department of Justice for prosecution. Under the U.S. Code, individuals convicted of the unauthorized disclosure of classified information can not only be sentenced to confinement, they may also forfeit any earned federal annuity and other retirement benefits. Executive Order (EO) 12958, as amended, prescribes sanctions for the knowing, willful, or negligent disclosure of classified information, which include the loss of access to classified information, termination of employment, and other sanctions. Within the IC, all available administrative authorities, such as those contained in EO 12958, will be applied appropriately to any person identified as having committed an unauthorized disclosure.

My office is dedicating extensive resources both to exploring the scope of potential violations of law, regulation, or policy within the IC and to initiating programs to reduce unauthorized disclosures. The Office of the Director of National Intelligence (ODNI) Special Security Center (SSC) is the IC focal point for oversight of all suspected unauthorized disclosures. Any actual or suspected unauthorized disclosures, including media leaks of classified information, should be immediately reported to the SSC using established procedures detailed in Intelligence Community Directive 701. The SSC will coordinate with ODNI General Counsel, the Department of Justice, and appropriate law enforcement organizations regarding the required reporting and investigation of such disclosures.

Dennis C. Blair 18/07/07

1 July 2007
Date

SUBJECT: Unauthorized Disclosures of Classified Information

Distribution:

**Director, Central Intelligence Agency
Director, Defense Intelligence Agency
Director, Office of Intelligence and Counterintelligence, Department of Energy
Under Secretary, Intelligence and Analysis, Department of Homeland Security
Assistant Secretary, Bureau of Intelligence and Research, Department of State
Assistant Secretary, Intelligence and Analysis, Department of Treasury
Chief of Intelligence/Senior Officer (SOIC), Drug Enforcement Administration
Executive Assistant Director, National Security Branch, Federal Bureau of Investigation
Director, National Geospatial-Intelligence Agency
Director, National Reconnaissance Office
Director, National Security Agency
Deputy Chief of Staff, G2 Army
Director of Naval Intelligence, United States Navy
Deputy Chief of Staff for Intelligence, Surveillance and Reconnaissance, United States Air Force
Director of Intelligence, Headquarters, U.S. Marine Corps
Assistant Commandant for Intelligence and Criminal Investigations, United States Coast Guard
Under Secretary of Defense for Intelligence
Deputy Under Secretary of Defense (Policy, Requirements, and Resources)**

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DIRECTOR OF NATIONAL INTELLIGENCE
WASHINGTON, DC 20511

E/S 00212

MEMORANDUM FOR: Distribution

SUBJECT: Intelligence Community Handling of Unauthorized Disclosures

REFERENCE: Intelligence Community Directive 701, "Security Policy Directive for Unauthorized Disclosures of Classified Information," dated 14 March 07

During my 3 December 2009 testimony before the Senate Select Committee on Intelligence, I renewed my commitment to proactively confront the issue of unauthorized disclosures in the media. In accordance with my responsibility to protect intelligence sources and methods, I have decided to refocus the Intelligence Community (IC) agencies' handling of leaks to the media and to streamline the process for the initial assessment and reporting of these disclosures.

Each IC agency will continue to follow established internal procedures to determine whether information appearing in the media constitutes an unauthorized disclosure of properly classified information. When an IC agency files a "Crimes Report" based on an unauthorized disclosure that has occurred that includes a request for an FBI investigation, the Report should include thorough answers to the Department of Justice's (DOJ) Eleven Questions. The affected agency will submit the "Crimes Report" to the DOJ and Office of the Director of National Intelligence's Special Security Center (SSC). In the cases where the agency desires to conduct an internal administrative investigation, the DOJ has agreed to inform the IC agency and SSC within 21 days of the receipt of a Crimes Report whether DOJ intends to conduct a criminal investigation. If DOJ elects to conduct a criminal investigation, the IC agency shall consult with DOJ about how best to assist in the investigation. If DOJ elects not to conduct a criminal investigation or does not notify the IC agency and SSC within 21 days, the IC agency may begin an administrative investigation into the unauthorized disclosure. These new procedures will be critical to reinvigorate efforts to detect and deter unauthorized disclosures and hold accountable those individuals who betray our trust by disclosing classified information.

When an IC agency pursues an administrative investigation into an unauthorized disclosure, it will provide the SSC with status reports as necessary on the progress of the investigation in a format to be established by the SSC.

The SSC will continue to coordinate joint notifications to the DOJ if an unauthorized disclosure is determined to contain multiple IC agency equities. The SSC will also be responsible for providing investigative assistance and coordinating investigative activity between IC agencies as required. If a suspect is identified as the result of an administrative investigation, IC agencies will notify the DOJ.

Past government studies have confirmed that "leaks" by the media have significantly impaired U.S. capabilities against our hardest targets, caused grave harm to national security, and collectively cost the American people hundreds of millions of dollars. It is my intention to take the necessary actions to decrease their occurrence and reduce this harm.

Dennis Blair

Dennis C. Blair

5/21/2010

Date

SUBJECT: Intelligence Community Handling of Unauthorized Disclosures

Distribution:

Director, Central Intelligence Agency
Under Secretary of Defense for Intelligence
Director, Defense Intelligence Agency
Director, Office of Intelligence, Department of Energy
Director, Federal Bureau of Investigation
Acting Assistant Secretary for Information Analysis, Department of Homeland Security
Director, National Geospatial - Intelligence Agency
Director, National Reconnaissance Office
Director, National Security Agency
Director, Office of Naval Intelligence
Assistant Secretary for Intelligence and Research, Department of State
Assistant Secretary for Intelligence and Analysis, Department of the Treasury
Director, U.S. Air Force Intelligence
Director, U.S. Army Intelligence
Director, U.S. Coast Guard Intelligence
Director, U.S. Marine Corps Intelligence
Assistant Administrator for Intelligence, Drug Enforcement Administration

DIRECTOR OF NATIONAL INTELLIGENCE
WASHINGTON, DC 20511

E/S 00708

MEMORANDUM FOR: Joint Intelligence Community Committee
SUBJECT: Unauthorized Disclosures of Classified Information

On 1 July 2009, I distributed to the IC workforce a memorandum in which I emphasized the damage posed to national security by unauthorized disclosures of classified information, including "leaks" to the media. The Federal Bureau of Investigation is currently investigating several cases of unauthorized disclosures in the Intelligence Community (IC) and will refer appropriate cases to the Department of Justice for prosecution. My office has dedicated extensive resources to exploring the scope of potential violations of law, regulation, or policy within the IC and to initiating programs to prevent unauthorized disclosures of classified information. I require that any actual or suspected unauthorized disclosures be immediately reported to my Special Security Center.

Given the harmful effects unauthorized disclosures have across the government, I urge you to consider issuing a similar memorandum to your departments, noting the importance of protecting classified information and reporting unauthorized disclosures.

Dennis C. Blair

Dennis C. Blair

7/22/09

Date

Attachment:

DNI Memorandum, dated 1 July 2009, Unauthorized Disclosures of Classified Information

SUBJECT: Unauthorized Disclosures of Classified Information

Distribution:

Secretary of Energy, Department of Energy
Secretary of Homeland Security, Department of Homeland Security
Secretary of State, Department of State
Secretary of the Treasury, Department of Treasury
Secretary of Defense, Department of Defense
Attorney General, Department of Justice