



Administration
& Management

OFFICE OF THE SECRETARY OF DEFENSE
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WASHINGTON, DC 20301-1950

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ADMINISTRATIVE INSTRUCTION NO. 49

SUBJECT: Systematic Review of 20-Year-Old Classified Records

- References:
- (a) Executive Order 12065, "National Security Information," June 29, 1978
 - (b) [DoD Regulation 5200.1-R](#), "DoD Information Security Regulations," November 2, 1978
 - (c) [DoD Directive 5200.30](#), "Guidelines for the Systematic Review of 20-Year-Old Classified Information in Permanently Valuable DoD Records," June 18, 1979
 - (d) Public Law 83-703, "Atomic Energy Act of 1954" (sections 142 and 11y)

1. PURPOSE

This Administrative Instruction assigns responsibilities and establishes procedures for completing the systematic declassification review of 20-year-old permanently valuable, classified information as required by reference (a) and implemented by the Department of Defense under references (b) and (c).

2. APPLICABILITY AND SCOPE

2.1. The provisions of this Administrative Instruction apply to the Office of the Secretary of Defense (OSD) and activities serviced by the Washington Headquarters Services (WHS) (hereafter referred to as "OSD Components" or "OSD"). It does not apply to the Organization of the Joint Chiefs of Staff.

2.2. Its provisions govern the systematic review of 20-year-old classified records determined to be permanently valuable and under the classification jurisdiction of the OSD. Accordingly, information that is Restricted or Formerly Restricted Data, foreign government information, or nonpermanent classified is outside the scope of the systematic review provisions of this Administrative Instruction.

3. DEFINITIONS

Terms used in this Administrative Instruction are defined in enclosure 1.

4. RESPONSIBILITIES

4.1. The Chief, Records Management Division, Correspondence and Directives Directorate, WHS, shall:

4.1.1. Administer the Declassification Screening Program of 20-year-old permanently valuable, classified documents of the Office of the Secretary of Defense.

4.1.2. Establish internal procedures for the declassification review, documenting with flow charts the step-by-step analysis necessary to ensure a complete review.

4.1.3. Establish a retrieval procedure for recalling documents that are subject to continued classification or that have been identified as foreign government information, which is subject to review after 30 years.

4.1.4. Declassify documents pursuant to the guidance in DoD Directive 5200.30 (reference (c)). Individuals nominated to declassify must be designated pursuant to paragraph 1-603b of DoD Regulation 5200.1-R (reference (b)).

4.1.5. Obtain approval for the extension of classification of information under the jurisdiction of the OSD when declassification at 20 years would cause identifiable damage to national security. This could embrace different documents that relate to the same subject category. The request for approval shall:

4.1.5.1. Identify the category of information;

4.1.5.2. Recommend classification beyond 20 years to a specific future event or for a specific period of time not to exceed 10 years or, in the alternative, recommend a subsequent review date not more than 10 years later; and

4.1.5.3. State the reason for the recommended continued classification.

4.1.6. Request the assistance of the originating OSD office on doubtful cases where advice is needed.

4.1.7. Complete by December 1, 1980, a survey of all OSD security classified records that are beyond 20 years old to identify those that require scheduling for future disposition.

4.1.8. Assist the Archivist on the declassification of OSD documents in the Archivist's possession that are beyond 20 years old.

4.1.9. Arrange for the transfer of documents to and from the Washington National Records Center for this purpose.

4.1.10. Complete the backlog of documents to be reviewed so that the review will be current as of December 1, 1988.

4.1.11. Establish a Systematic Declassification Review Branch for the purpose of screening for declassification.

4.1.12. Provide on request information to the OSD Components on the status of declassification of individual documents that are beyond 20 years old.

4.2. The Director for Space Management and Services, WHS, shall provide logistic support in the movement of documents to and from the Washington National Records Center.

4.3. The Heads of the OSD Components or designees, shall:

4.3.1. Designate in writing to the Deputy Assistant Secretary of Defense (Administration) a point-of-contact for declassification screening who will act as a focal point for the resolution of doubtful cases.

4.3.2. Assist the Chief, Records Management Division, on doubtful cases over which the OSD Component concerned has classification jurisdiction.

4.3.3. Review all classified documents for possible downgrading or declassification before they are transferred to a Federal Records Center or the National Archives for permanent preservation.

4.3.4. Send a notice of any declassification action taken on documents not resulting from a Freedom of Information request or for mandatory declassification review.

5. EFFECTIVE DATE

This Administrative Instruction is effective immediately.



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Deputy Assistant Secretary of Defense

Enclosures - 1

E1. Definitions

E1. ENCLOSURE 1

DEFINITIONS

E1.1.1. Records

E1.1.1.1. Includes all books, papers, maps, photographs, machine-readable materials or other documentary materials, regardless of physical form or characteristics, made or received by an Agency of the U.S. Government under Federal law or in connection with the transaction of public business and preserved, or appropriate for presentation, by the OSD Components or their designees as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Government or because of the informational value of the data.

E1.1.1.2. Excludes library and museum material made or acquired and preserved solely for reference or exhibition purposes, extra copies of documents preserved only for convenience of reference, stocks of publications, and process documents.

E1.1.2. Permanently valuable records are those classified or unclassified records that document the OSD's function, such as:

E1.1.2.1. Policy, Procedural, Organizational, or Reporting Documents

E1.1.2.1.1. Formal policy and procedural issuances (obsolete as well as current), such as regulations, orders, circulars, manuals, and other types of directives with related forms, recommendations, endorsements, clearances, and comments.

E1.1.2.1.2. Organizational charts and directories (obsolete as well as current).

E1.1.2.1.3. Annual or other periodic narrative and statistical reports on accomplishments at the organizational levels above divisions.

E1.1.2.1.4. Narrative accounts of the OSD's history.

E1.1.2.1.5. Publicity and public information material, such as press releases relating to matters of general interest to taxpayers; and photographs and official speeches relating to changes in the OSD's policies and programs, charts, and posters.

E1.1.2.1.6. Publications that contribute to an understanding of the organization and the functions of the OSD Components exclusive of publications that embody the results of statistical or research activity.

E1.1.2.2. Records that Provide Executive Direction to the OSD Component Activities

E1.1.2.2.1. Such authoritative documents consist of those received by the OSD for comment, clearance, appraisal, evaluation, guidance, or other action; and those drafted, prepared or issued by the OSD.

E1.1.2.2.1.1. Include documents relating to legislation and Executive orders proposed by the OSD or by other Government Agencies, delegations, and continuing authorities and revocations thereof; interagency agreements; court decisions; internal and external interpretations and rulings; and legal opinions.

E1.1.2.2.1.2. Case, subject planning, and control files documenting OSD participation in the preparation, issuance, and analysis of; its official reactions to; and its actions to ensure compliance with those authoritative documents that affect and define the functions of the OSD Component concerned.

E1.1.2.2.2. Legislative history files, exclusive of nonrecord copies of hearings, bills, and statutes.

E1.1.2.2.3. Agenda and minutes, with supporting papers, of staff meetings at the divisional and higher organizational levels pertaining to substantive functions of the OSD.

E1.1.2.2.4. Agenda and minutes, with supporting papers, of those meetings of interagency and extra-Federal Governmental bodies in which the OSD participates, that relate to substantive matters pertaining to OSD functions.

E1.1.2.2.5. Reports on special studies, surveys, and inspections of operations, management, and systems with related papers showing their inception, scope, procedure, and results.

E1.1.2.2.6. Documents concerning relations with the White House, the Executive Office of the President, and the Congress that concern the planning, initiation, management, and effectiveness of changes in the OSD's programs, including interagency programs in which it participates.

E1.1.2.2.7. Budget statements (estimates and justifications) prepared at the OSD level, budget briefing books, and comprehensive program and financial plans developed under the Planning, Programming, and Budgeting System and earlier or later equivalents such as Zero Base Budgeting.

E1.1.2.2.8. Annual activity and reports and any special nonrecurring reports from field offices that are required for the purpose of executive direction.

E1.1.2.2.9. Interagency agreements and delegations of continuing authority to and from other Agencies that significantly affect the substantive functions of the OSD.

E1.1.2.2.10. Case files on approved plans, policies, program projects and procedures (including internal management improvement, records management, and staff development).

E1.1.2.2.11. Litigant case files, the results of which had a significant impact on OSD policy or procedure.

E1.1.2.3. Records Documenting Major Functions of OSD

E1.1.2.3.1. Documentation of the development, supervision, and evaluation of each of the major substantive functions.

E1.1.2.3.2. Formal legal opinions relating to major functions.

E1.1.2.3.3. Case files of precedential significance concerning policy formulation.

E1.1.2.3.4. Summary statistical data relating to each major function.

E1.1.2.3.5. Pertinent portions of office files of directorates or higher organizational units that were responsible for carrying out major substantive functions of the OSD.

E1.1.2.3.6. Pertinent portions of field office records if the substantive functions were administered from the field.

E1.1.3. Foreign Government Information. Information that is:

E1.1.3.1. Provided to the United States by a foreign government or international organization of governments in the expectation, expressed or implied, that the information is to be kept in confidence; or

E1.1.3.2. Produced by the United States pursuant to a written joint arrangement with a foreign government or international organization of governments requiring that either the information or the arrangement, or both, be kept in confidence. Such a written joint arrangement may be evidenced by an exchange of letters, a memorandum of understanding, or other written record.

E1.1.4. Formerly Restricted Data. Information removed from the Restricted Data category upon a joint determination by the Department of Energy (or antecedent Agencies) and the Department of Defense that such information relates primarily to the military utilization of atomic weapons and that such information can be adequately safeguarded as classified defense information. For purposes of foreign dissemination, however, such information is treated in the same manner as Restricted Data.

E1.1.5. Restricted Data. All data concerning:

E1.1.5.1. The design, manufacture or utilization of atomic weapons;

E1.1.5.2. The production of special nuclear material; or

E1.1.5.3. The use of special nuclear material in the production of energy, but shall not include data declassified or removed from the Restricted Data category pursuant to sections 142 and 11y of the Atomic Energy Act (reference (d)). (See also "Formerly Restricted Data," paragraph E1.1.4., above.)