writing by the head of each DoD Component to be responsible for implementation of the Information Security Program within the Component.

(ii) *Sensitive Compartmented Information*. Information and material that requires special controls for restricted handling within compartmented intelligence systems and for which compartmentation is established.

(jj) *Special Access Program*. Any program approved in accordance with subpart M of this part which imposes need-to-know or access controls beyond those normally required for access to Confidential, Secret, or Top Secret information.

(kk) *Special Activity*. An activity, or functions in support of such activity, conducted in support of national foreign policy objectives abroad that is planned and executed so that the role of the U.S. Government is neither apparent nor acknowledged publicly; but that is not intended to influence U.S. political processes, public opinion, policies, or media, and does not include diplomatic activities or the collection and production of intelligence or related support functions.

(ll) *Unauthorized Disclosure*. A communication or physical transfer of classified information to an unauthorized recipient.

(mm) *United States and Its Territories, Possessions, Administrative, and Commonwealth Areas*. The 50 States; the District of Columbia; the Commonwealth of Puerto Rico; the Territories of Guam, American Samoa, and the Virgin Islands; the Trust Territory of the Pacific Islands; and the Possessions, Midway and Wake Islands.

(nn) *Upgrade*. A determination that certain classified information requires, in the interest of national security, a higher degree of protection against unauthorized disclosure than currently provided, together with a changing of the classification designation to reflect such higher degree.

§ 159a.10 Policies.

(a) *Classification*—(1) *Basic Policy*. Except as provided in the Atomic Energy Act of 1954, as amended, E.O. 12356, as implemented by the ISOO Directive No. 1, and this part, provides the only basis for classifying information. It is the policy of the Department of Defense to make available to the public as much information concerning its activities as possible consistent with the need to protect the national security. Accordingly, security classification shall be applied only to protect the national security.

(2) *Resolution of Doubts*. Unnecessary classification and higher than necessary classification should be avoided. If there is reasonable doubt about the need to classify information, it shall be safeguarded as if it were classsified ''Confidential'' pending a determination by an original classification authority, who shall make this determination within 30 days. If there is reasonable doubt about the appropriate level of classification, it shall be safeguarded at the higher level of classification pending a determination by an original classification authority, who shall make this determination within 30 days. Upon a classification determination, markings shall be applied in accordance with subpart E of this part.

(3) *Duration*. Information shall be classified as long as required by national security considerations. Each decision to classify requires a simultaneous determination of the duration such classification must remain in force or that the duration of classification cannot be determined.

(b) *Declassification*. Decisions concerning declassification shall be based on the loss of the information's sensitivity with the passage of time or upon the occurrence of a declassification event.

(c) *Safeguarding*. Information classified under this part shall be afforded the level of protection against unauthorized disclosure commensurate with the level of classification assigned under the varying conditions that may arise in connection with its use, dissemination, storage, movement or transmission, and destruction.

§ 159a.11 Security classification designations.

(a) *General*. Information or material that requires protection against unauthorized disclosure in the interest of national security shall be classified in one of three designations, namely:

''Top Secret,'' ''Secret,'' or ''Confidential.'' The markings ''For Official Use Only,'' and ''Limited Official Use'' shall not be used to identify classified information. Moreover, no other term such as ''Sensitive,'' ''Conference,'' or ''Agency'' shall be used in conjunction with the authorized classification designations to identify classified information.

(b) *Top Secret*. ''Top Secret'' shall be applied only to information or material the unauthorized disclosure of which reasonably could be expected to cause exceptionally grave damage to the national security. Examples of exceptionally grave damage include armed hostilities against the United States or its allies; disruption of foreign relations vitally affecting the national security; the compromise of vital national defense plans or complex cryptologic and communications intelligence systems; the revelation of sensitive intelligence operations; and the disclosure of scientific or technological developments vital to national security.

(c) *Secret*. ''Secret'' shall be applied only to information or material the unauthorized disclosure of which reasonably could be expected to cause serious damage to the national security. Examples of serious damage include disruption of foreign relations significantly affecting the national security; significant impairment of a program or policy directly related to the national security; revelation of significant military plans or intelligence operations; compromise of significant military plans or intelligence operations; and compromise of significant scientific or technological developments relating to national security.

(d) *Confidential*. ''Confidential'' shall be applied only to information or material the unauthorized disclosure of which reasonably could be expected to cause damage to the national security. Examples of damage include the compromise of information that indicates strength of ground, air, and naval forces in the United States and overseas areas; disclosure of technical information used for training, maintenance, and inspection of classified munitions of war; revelation of performance characteristics, test data, design, and production data on munitions of war.

§159a.12 Authority to classify, downgrade, and declassify.

(a) *Original Classification Authority*—(1) *Control*. Authority for original classification of information as Top Secret, Secret, or Confidential may be exercised only by the Secretary of Defense, the Secretaries of the Military Departments, and by officials to whom such authority is specifically delegated in accordance with and subject to the restrictions of this section of the part. In the absence of an original classification authority, the person designated to act in his or her absence may exercise the classifier's authority.

(2) *Delegation of Classification Authority*. Original classification authority shall not be delegated to persons who only reproduce, extract, or summarize classified information, or who only apply classification markings derived from source material or as directed by a classification guide. Delegations of original classification authority shall be limited to the minimum number required for efficient administration and to those officials whose duties involve the origination and evaluation of information warranting classification at the level stated in the delegation.

(i) *Top Secret*. Only the Secretary of Defense, the Secretaries of the Military Departments, and the senior official designated by each under §5.3(a) of E.O. 12356, provided that official has original Top Secret classification authority, may delegate original Top Secret classification authority. Such delegation may only be made to officials who are determined to have a demonstrable and continuing need to exercise such authority.

(ii) *Secret and Confidential*. Only the Secretary of Defense, the Secretaries of the Military Departments, the senior official designated by each under §5.3(a) of E.O. 12356, and officials with original Top Secret classification authority, may delegate original Secret and Confidential classification authority to officials whom they determine respectively to have a demonstrable and continuing need to exercise such authority.