

paragraph (k)(1)(i) of this section, that upgrading of the related items is warranted, prompt notice of the determination shall be given to all holders of the related information.

(l) *Compilation of Information.* Certain information that would otherwise be unclassified may require classification when combined or associated with other unclassified information. However, a compilation of unclassified items of information should normally not be classified. In unusual circumstances, classification may be required if the combination of unclassified items of information provides an added factor that warrants classification under paragraph (c) of this section. Classification on this basis shall be fully supported by a written explanation that will be provided with the material so classified.

(m) *Extracts of Information.* Information extracted from a classified source shall be derivatively classified or not classified in accordance with the classification markings shown in the source. The overall and internal markings of the source should supply adequate classification guidance. If internal markings or classification guidance are not found in the source, and no reference is made to an applicable and available classification guide, the extracted information shall be classified according either to the overall marking of the source, or guidance obtained from the classifier of the source material.

**§ 159a.16 Duration of original classification.**

(a) *General.* When a determination is made by an official with authority to classify originally information as Top Secret, Secret, or Confidential, such official must also determine how long the classification shall remain in effect.

(b) *Duration of Classification.* (1) Information shall be classified as long as required by national security considerations.

(2) When it can be determined, a specific date or event for declassification shall be set by the original classification authority at the time the information is classified originally. Such dates or events shall be consistent with na-

tional security. Any event specified for declassification shall be an event certain to occur.

(3) Original classification authorities may not be able to predetermine a date or event for automatic declassification in which case they shall provide for the indefinite duration of classification.

(4) Information classified under predecessor orders and marked for declassification review shall remain classified until reviewed for declassification under the provisions of this part.

(c) *Subsequent Extension of Duration of Classification.* The duration of classification specified at the time of original classification may be extended only by officials with requisite original classification authority and only if all known holders of the information can be notified of such action before the date or event previously set for declassification. Any decision to continue classification of information designated for automatic declassification under E.O. 12065 or predecessor orders, other than on a document-by-document basis, shall be reported to the DUSD(P) who shall, in turn, report to the Director, ISOO.

**§ 159a.17 Classification guides.**

(a) *General.* (1) A classification guide shall be issued for each classified system, program, plan, or project as soon as practicable before the initial funding or implementation of the system, program, plan or project. Successive operating echelons shall prescribe more detailed supplemental guides that are considered essential to assure accurate and consistent classification. In preparing classification guides, originators shall review DoD 5200.1-H<sup>5</sup>.

(2) Classification guides shall:

(i) Identify the information elements to be protected, using categorization to the extent necessary to ensure that the information involved can be identified readily and uniformly;

(ii) State which the classification designations (that is, Top Secret, Secret, or Confidential) applies to each element or category of information;

(iii) State declassification instructions for each element or category of information in terms of a period of

<sup>5</sup>See footnote 2 to § 159a.3.

time, the occurrence of an event, or a notation that the information shall not be declassified automatically without approval of the originating agency; and

(iv) State any special public release procedures and foreign disclosure considerations.

(3) Each classification guide shall be approved personally and in writing by an official who:

(i) Has program or supervisory responsibility over the information or is the senior agency official designated by the Secretary of Defense or Secretaries of the Military Departments in accordance with § 5.3(a) of E.O. 12356; and

(ii) Is authorized to classify information originally at the highest level of classification prescribed in the guide.

(b) *Multiservice Interest.* For each classified system, program, project, plan, or item involving more than one DoD Component, a classification guide shall be issued by: (1) The element in the Office of the Secretary of Defense that assumes or is expressly designated to exercise overall cognizance over it; or (2) The DoD Component that is expressly designated to serve as the executive or administrative agent for the particular effort. When there is doubt which Component has cognizance of the information involved, the matter shall be referred to the DUSD(P) for resolution.

(c) *Research, Development, Test, and Evaluation.* A program security classification guide shall be developed for each system and equipment development program that involves research, development, test, and evaluation (RDT&E) of classified technical information. For each such program covered by an approved Decision Coordinating Paper (DCP) or Program Objective Memorandum (POM), initial basic classification guidance applicable to technical characteristics of the system or equipment shall be developed and submitted with the proposed DCP or POM to the Director, Defense Research and Engineering for approval. A detailed classification guide shall be developed and issued as near in time as possible to the approval of the DCP or POM.

(d) *Project Phases.* Whenever possible, classification guides shall cover specifically each phase of transition, that

is, RDT&E, procurement, production, service use, and obsolescence, with changes in assigned classifications to reflect the changing sensitivity of the information involved.

(e) *Review of Classification Guides.* (1) Classification guides shall be reviewed by the originator for currency and accuracy not less than once every 2 years. Changes shall be issued promptly. If no changes are made, the originator shall so annotate the record copy and show the date of the review.

(2) Classification guides issued before August 1, 1982, that are in current use must be updated to meet the requirements of paragraph (a)(2) of this section. Such updating shall be accomplished by the next biennial review. Converting previous declassification determinations directed by classification guides shall be accomplished in accordance with the following:

(i) Automatic declassification dates or events remain in force unless changed by competent authority in accordance with § 159a.16(c).

(ii) Dates for declassification review shall be changed to automatic declassification dates or provide for the indefinite duration of classification.

(f) *Distribution of Classification Guides.*

(1) A copy of each approved classification guide and changes thereto other than those covering SCI or a Special Access Program and which discloses information that require special access, shall be sent to the Director of Freedom of Information and Security Review, Office of the Assistant Secretary of Defense (Public Affairs), and to the Director of Security Plans and Programs, ODUSD(P). A copy of each approved classification guide covering SCI shall be submitted to and maintained by the Senior Intelligence Officer who has security cognizance over the issuing activity.

(2) Two copies of each approved classification guide and its changes shall be sent by the originator to the Administrator, Defense Technical Information Center (DTIC), Defense Logistic Agency, unless such guide is classified Top Secret, or covers SCI, or is determined by the approval authority of the guide to be too sensitive for automatic

secondary distribution to DoD Components, such as a Special Access Program guide revealing the nature of the Program. Each classification guide forwarded to DTIC must bear distribution statement B, C, D, E, F, or X from DoD Directive 5230.24<sup>6</sup> on its front cover or first page if there is no cover.

(g) *Index of Security Classification Guides.* (1) All security classification guides, except as provided in paragraph (g)(2) of this section, issued under this part shall be listed in DoD 5200.1-I<sup>7</sup>, on the basis of information provided on DD Form 2024, “DoD Security Classification Guide Data Elements.” The originator of each guide shall execute DD Form 2024 when the guide is approved, changed, revised, reissued, or canceled, and when its biennial review is accomplished. The original copy of each executed DD Form 2024 shall be forwarded to the Director of Security Plans and Programs, ODUSD(P) who will maintain the Index. Report Control Symbol DD-POL (B&AR)1418 applies to this information collection system.

(2) Any classification guide that because of classification considerations is not listed in accordance with paragraph (g)(1) of this section, shall be reported by the originator to the Director of Security Plans and Programs, ODUSD(P). The report shall include the title of the guide, its date, the classification of the guide, and identification of the originating activity. A separate classified list of such guides will be maintained. Report Control Symbol DD-POL(B&AR)1418 applies to this information collection system.

**§ 159a.18 Resolution of conflicts.**

(a) *General.* When two or more offices, headquarters, or activities disagree concerning a classification, declassification, or regrading action, the disagreement must be resolved promptly.

(b) *Procedures.* If agreement cannot be reached by informal consultation, the matter shall be referred for decision to the lowest superior common to the disagreeing parties. If agreement cannot be reached at the major command (or equivalent) level, the matter

shall be referred for decision to the headquarters office having overall classification management responsibilities for the Component. That office shall also be advised of any disagreement at any echelon if prompt resolution is not likely to occur.

(c) *Final Decision.* Disagreements between DoD Component headquarters, if not resolved promptly, shall be referred for final resolution to the ODUSD(P).

(d) *Timing.* Action under this section at each level of consideration shall be completed within 30 days. Failure to reach a decision within 30 days shall be cause for referral to the next level for consideration.

**§ 159a.19 Obtaining classification evaluations.**

*Procedures.* If a person not authorized to classify originates or develops information that he or she believes should be safeguarded, he or she shall:

(a) Safeguard the information in the manner prescribed for the intended classification.

(b) Mark the information (or cover sheet) with the intended classification designation prescribed in § 159a.11;

(c) Transmit the information under appropriate safeguards to an appropriate classification authority for evaluation. The transmittal shall state that the information is tentatively marked to protect it in transit. If such authority is not readily identifiable, the information should be forwarded to a headquarters activity of a DoD Component, to the headquarters office having overall classification management responsibilities for a DoD Component, or to the DUSD(P). A determination whether to classify the information shall be made within 30 days of receipt;

(d) Upon decision by the classifying authority, the tentative marking shall be removed. If a classification is assigned, appropriate markings shall be applied; but

(e) In an emergency requiring immediate communication of the information, after taking the action prescribed by paragraphs (a) and (b) of this section transmit the information and then proceed in accordance with paragraph (c) of this section.

<sup>6</sup>See footnote 1 to § 159a.3.

<sup>7</sup>Controlled distribution.