

§ 159a.55 Accountability and control.

(a) *Top Secret Information.* DoD activities shall establish the following procedures:

(1) *Control Officers.* Top Secret Control Officers (TSCOs) and alternates shall be designated within offices to be responsible for receiving, dispatching, and maintaining accountability registers of Top Secret documents. Such individuals shall be selected on the basis of experience and reliability, and shall have Top Secret security clearances. TSCOs need not be appointed in those instances where there is no likelihood of processing Top Secret documentation.

(2) *Accountability—(i) Top Secret Registers.* Top Secret accountability registers shall be maintained by each office originating or receiving Top Secret information. Such registers shall be retained for 2 years and shall, as a minimum, reflect the following:

(A) Sufficient information to identify adequately the Top Secret document or material to include the title or appropriate short title, date of the document, and identification of the originator;

(B) The date the document or material was received;

(C) The number of copies received or later reproduced; and

(D) The disposition of the Top Secret document or material and all copies of such documents or material.

(ii) *Serialization and Copy Numbering.* Top Secret documents and material shall be numbered serially. In addition, each Top Secret document shall be marked to indicate its copy number, for example, copy -1- of -2- copies.

(iii) *Disclosure Records.* Each Top Secret document or item of material shall have appended to it a Top Secret disclosure record. The name and title of all individuals, including stenographic and clerical personnel to whom information in such documents and materials has been disclosed, and the date of such disclosure, shall be recorded thereon. Disclosures to individuals who may have had access to containers in which Top Secret information is stored, or who regularly handle a large volume of such information need not be so recorded. Such individuals, when identified on a roster, are

deemed to have had access to such information. Disclosure records shall be retained for 2 years after the documents or materials are transferred, downgraded, or destroyed.

(3) *Inventories.* All Top Secret documents and material shall be inventoried at least once annually. The inventory shall reconcile the Top Secret accountability register with the documents or material on hand. At such time, each document or material shall be examined for completeness. DoD Component senior officials (§159a.93 (b) and (c)) may authorize the annual inventory of Top Secret documents and material in repositories, libraries, or activities that store large volumes of Top Secret documents or material to be limited to documents and material to which access has been granted within the past year, and 10 percent of the remaining inventory. If a storage system contains large volumes of information and security measures are adequate to prevent access by unauthorized persons, a request for waiver of the annual inventory requirement accompanied by full justification may be submitted to the DUSD(P).

(4) *Retention.* Top Secret information shall be retained only to the extent necessary to satisfy current requirements. Custodians shall destroy non-record copies of Top Secret documents when no longer needed. Record copies of documents that cannot be destroyed shall be reevaluated and, when appropriate, downgraded, declassified, or retired to designated records centers.

(5) *Receipts.* Top Secret documents and material will be accounted for by a continuous chain of receipts. Receipts shall be maintained for 2 years.

(b) *Secret Information.* Administrative procedures shall be established by each DoD Component for controlling Secret information and material originated or received by an activity; distributed or routed to a sub-element of such activity; and disposed of by the activity by transfer of custody or destruction. The control system for Secret information must be determined by a practical balance of security and operating efficiency and must meet the following minimum requirements:

(1) It must provide a means to ensure that Secret material sent outside a

major subordinate element (the activity) of the DoD Component concerned has been delivered to the intended recipient. Such delivery may be presumed where the material is sent electronically over secure voice or data circuits. Ensuring physical delivery may be accomplished by use of a receipt as provided in §159.58(c)(2) or through hand-to-hand transfer when the receiving party acknowledges responsibility for the Secret material.

(2) It must provide a record of receipt and dispatch of Secret material by each major subordinate element. The dispatch record requirement may be satisfied when the distribution of Secret material is evident from addresses or distribution lists for classified documentation. Records of receipt and dispatch are required regardless of the means used to ensure delivery of the material (see paragraph (b)(1) of this section).

(3) Records of receipt and dispatch for Secret material shall be retained for a minimum of 2 years.

(c) *Confidential Information.* Administrative controls shall be established to protect Confidential information received, originated, transmitted, or stored by an activity.

(d) *Receipt of Classified Material.* Procedures shall be developed within DoD activities to protect incoming mail, bulk shipments, and items delivered by messenger until a determination is made whether classified information is contained therein. Screening points shall be established to limit access to classified information to cleared personnel.

(e) *Working Papers.* (1) Working papers are documents and material accumulated or created in the preparation of finished documents and material. Working papers containing classified information shall be:

- (i) Dated when created;
- (ii) Marked with the highest classification of any information contained therein;
- (iii) Protected in accordance with the assigned classification;
- (iv) Destroyed when no longer needed; and
- (v) Accounted for, controlled, and marked in the manner prescribed for a

finished document of the same classification when:

(A) Released by the originator outside the activity or transmitted electrically or through message center channels within the activity;

(B) Retained more than 90 days from date of origin;

(C) Filed permanently; or

(D) Top Secret information is contained therein.

(2) Heads of DoD Components, or their single designees, may approve waivers of accountability, control, and marking requirements for working papers containing Top Secret information for activities within their Components on a case-by-case basis provided a determination is made that:

(i) The conditions set forth in paragraph (e)(1)(v) (A), (B), or (C) of this section, will remain in effect;

(ii) The activity seeking a waiver routinely handles large volumes of Top Secret working papers and compliance with prescribed accountability, control, and marking requirements would have an adverse affect on the activity's mission or operations; and

(iii) Access to areas where Top Secret working papers are handled is restricted to personnel who have an appropriate level of clearance, and other safeguarding measures are adequate to preclude the possibility of unauthorized disclosure.

(3) In all cases in which a waiver is granted under paragraph (e)(2) of this section, the DUSD(P) shall be notified.

(f) *Restraint on Reproduction.* Except for the controlled initial distribution of information processed or received electrically or as provided by §159a.2(f) and §159a.29(c), portions of documents and materials that contain Top Secret information shall not be reproduced without the consent of the originator or higher authority. Any stated prohibition against reproduction shall be observed strictly. (See §159a.35(f)) To the extent possible, DoD Components shall establish classified reproduction facilities where only designated personnel can reproduce classified materials and institute key control systems for reproduction areas. Also, when possible, two people shall be involved in the reproduction process to help assure positive control and safeguarding of all

copies. The following additional measures apply to reproduction equipment and to the reproduction of classified information:

(1) Copying of documents containing classified information shall be minimized;

(2) Officials authorized to approve the reproduction of Top Secret and Secret information shall be designated by position title and shall review the need for reproduction of classified documents and material with a view toward minimizing reproduction.

(3) Specific reproduction equipment shall be designated for the reproduction of classified information. Rules for reproduction of classified information shall be posted on or near the designated equipment;

(4) Notices prohibiting reproduction of classified information shall be posted on equipment used only for the reproduction of unclassified information;

(5) DoD Components shall ensure that equipment used for reproduction of classified information does not leave latent images in the equipment or on other material;

(6) All copies of classified documents reproduced for any purpose including those incorporated in a working paper are subject to the same controls prescribed for the document from which the reproduction is made; and

(7) Records shall be maintained for 2 years to show the number and distribution of reproduced copies of all Top Secret documents, of all classified documents covered by special access programs distributed outside the originating agency, and of all Secret and Confidential documents that are marked with special dissemination and reproduction limitations.

(See § 159a.35(f))

Subpart I—Transmission

§ 159a.57 Methods of transmission or transportation.

(a) *Policy.* Classified information may be transmitted or transported only as specified in this subpart.

(b) *Top Secret Information.* Transmission of Top Secret information shall be effected only by:

(1) The Armed Forces Courier Service (ARFCOS);

(2) Authorized DoD Component Courier Services,

(3) If appropriate, the Department of State Courier System;

(4) Cleared and designated U.S. military personnel and Government civilian employees traveling on a conveyance owned, controlled, or chartered by the U.S. Government or DoD contractors;

(5) Cleared and designated U.S. Military personnel and government civilian employees by surface transportation;

(6) Cleared and designated U.S. Military personnel and government civilian employees on scheduled commercial passenger aircraft within and between the United States, its Territories, and Canada, when approved in accordance with § 159a.59(d)(1).

(7) Cleared and designated U.S. Military personnel and government civilian employees on scheduled commercial passenger aircraft on flights outside the United States, its territories, and Canada, when approved in accordance with § 159a.59(d)(2).

(8) Cleared and designated DoD contractor employees within and between the United States and its Territories provided that the transmission has been authorized in writing by the appropriate contracting officer or his designated representative, and the designated employees have been briefed on their responsibilities as couriers or escorts for the protection of Top Secret material. Complete guidance for Top Secret transmission is specified in DoD 5220.22–R and DoD 5220.22–M.

(9) A cryptographic system authorized by the Director, NSA, or via a protected distribution system designed and installed to meet the standards included in the National COMSEC and Emanations Security (EMSEC) Issuance System.

(c) *Secret Information.* Transmission of Secret information may be effected by:

(1) Any of the means approved for the transmission of Top Secret information except that Secret information may be introduced into the ARFCOS only when the control of such information cannot be otherwise maintained in U.S. custody. This restriction does not apply to SCI and COMSEC information;