

in the document or information, foreign government information incorporated in DoD documents shall be identified in a manner that ensures that such information is not declassified prematurely or made accessible to nationals of a third country without consent of the originator. This requirement may be satisfied by marking the face of the document "FOREIGN GOVERNMENT INFORMATION," or with another marking that otherwise indicates that the information is foreign government information, and by including the appropriate identification in the portion or paragraph classification markings, for example, (NS) or (U.K.-C). All other markings prescribed by § 159a.31(d) are applicable to these documents. In addition, DoD classified documents that contain extracts of NATO classified information shall bear a marking substantially as follows on the cover or first page: "THIS DOCUMENT CONTAINS NATO CLASSIFIED INFORMATION."

(2) When foreign RESTRICTED or NATO RESTRICTED information is included in an otherwise unclassified DoD document, the DoD document shall be marked CONFIDENTIAL. All requirements of § 159a.31(d) apply to such documents. Portion markings on such a document include, for example "(U)," "(NR)," and "(FRG-R)." In addition, the appropriate caveat from paragraph (a) of this section, shall be included on the face of the document.

(3) The "Classified by" line of DoD documents containing only foreign government information normally shall be completed with the identity of the foreign government or international organization involved, for example, "Classified by Government of Australia" or "Classified by NATO," provided that other requirements of § 159a.31(e) do not pertain to such documents.

(4) The "Declassify on" line of DoD documents containing foreign government information normally shall be completed with the notation "Originating Agency's Determination Required" or "OADR" (see § 159a.36 and § 159a.75(b)).

§ 159a.78 Protective measures.

(a) *NATO Classified Information.* NATO classified information shall be safeguarded in accordance with the provisions of DoD Directive 5100.55.

(b) *Other Foreign Government Information.* (1) Classified foreign government information other than NATO information shall be protected as is prescribed by this part for U.S. classified information of a comparable classification.

(2) Foreign government information, unless it is NATO information, that is marked under § 159a.77(c)(2) or § 159a.77(e)(2) shall be protected as U.S. CONFIDENTIAL, except that such information may be stored in locked filing cabinets, desks, or other similar closed spaces that will prevent access by unauthorized persons.

Subpart M—Special Access Programs

§ 159a.80 Policy.

It is the policy of the Department of Defense to use the security classification categories and the applicable sections of E.O. 12356 and its implementing ISOO Directive, to limit access to classified information on a "need-to-know" basis to personnel who have been determined to be trustworthy. It is further policy to apply the "need-to-know" principle in the regular system so that there will be no need to resort to formal Special Access Programs. Also, need-to-know control principles shall be applied within Special Access Programs. In this context, Special Access Programs may be created or continued only on specific showing that:

(a) Normal management and safeguarding procedures are not sufficient to limit "need-to-know" or access; and

(b) The number of persons who will need access will be reasonably small and commensurate with the objective of providing extra protection for the information involved.

§ 159a.81 Establishment of special access programs.

(a) Procedures for the establishment of Special Access Programs involving NATO classified information are based