

**NATIONAL ARCHIVES AND RECORDS
ADMINISTRATION
BRIEFING FOR MATTHEW AID
JANUARY 27, 2006**

NARA'S ROLE IN THE AGENCY REVIEW PROCESS

The originator of the classified information subject to the agency review process retains control of the declassification of the information despite the fact that NARA has legal custody of the records.

NARA does not encourage or participate in the review of records by agencies for possible inadvertent release.

NARA:

- Negotiates with agencies to narrow the scope of their reviews to those records most likely to contain their equity.
- Assists agencies in locating records that have been moved, are being processed by archivists, or are not on the shelf.
- Recommends priorities for review of records identified by the agency in order to return high-demand records more quickly.
- Provides space and logistical support for agencies. This includes indexing and documenting all records that are withdrawn, and tracking agency movement of records to ensure that the records are returned.
- Provides training and oversight on the handling and storage of archival materials.
- Participates in a "Review on Demand" program where researchers can request an expedited review of selected documents or boxes.

- Through ISOO, provides quality control oversight of the agencies review decisions.

REASONS FOR AGENCY CONCERN

- **Concerns Over Other Government Agency Review Quality Due to:**
 - Rush to complete reviews during the early days of EO 12958
 - Lack of training in equity recognition
 - Insufficient sharing of information about sensitive programs

- **Findings of Missed Equity During Reviews for FRUS Publication**

- **Lack of Standard Markings and Methods for Referral Notification**

- **Findings of Missed Equity During the Department of Energy's Kyl-Lott Reviews**

DEFINITIONS

- **Audit:** Page-by-page examination of records in a box/series by an agency to determine if any of its equity has been inadvertently released.
- **Equity:** Information originally classified by or under the control of an agency. According to the Executive Order, information...that originated with other agencies or the disclosure of which would affect the interests or activities of other agencies shall be referred...to those agencies and the information...shall be subject to automatic declassification only by those agencies. In reviewing for declassification, this information is often found in the records or files of another agency.
- **Referral:** The act of notifying, either physically or electronically, another agency of its equity for declassification review action.
- **Survey:** Sampling of the records in a specific collection by an agency to determine if a closer examination (audit) of the records for inadvertently released agency equities may be necessary.

INADVERTENT RELEASE and RECLASSIFICATION

Declassification without proper authority: Classified information that has been declassified without proper authority remains classified. Administrative action shall be taken to restore markings and controls, as appropriate. This is commonly referred to as an inadvertent release of classified information. When NARA is notified by an agency that its information has been inadvertently released without proper authority, it will take appropriate action to protect the information (See 32CFR2001.10(d), and 36CFR1260.70(b)).

Reclassification: The formal process of restoring national security classification to information that has been declassified and released to the public under proper authority. This can only occur upon the written request of the agency head or deputy agency head who must notify ISOO that reclassification of the information is necessary in the interest of the national security (See 32CFR2001.12 and 36CFR1260.70 (a)).

INR CHRONOLOGY

1994-1995:

- INR lot files 58D776, 58D528, 59D27, and 60D403 reviewed in response to researcher requests.
- Communications breakdowns among NARA, State, and other agencies, lead to improper release of sensitive documents.
- A total of 55 archives boxes involved. Approximately 6,600 pages withdrawn and 42,800 pages released.

1999-2000:

- Improper release discovered by personnel from the NARA General Counsel's office.
- Re-review authorized at a joint meeting of NARA, State, ISOO, and other agencies.
- ISOO determines no authorized declassification has occurred; this is not a reclassification project.
- 55 boxes re-reviewed in whole or in part by thirteen different agencies and approximately 1,400 documents totaling approximately 9,750 pages ordered withdrawn.

2000-2005:

- Agency determinations implemented by NARA in response to specific researcher requests.
- Twenty-three boxes remain unprocessed and closed as of December 2005.
- During processing, NARA consults FRUS volumes and attempts to ensure no properly released documents are erroneously withheld.

2005-2006:

- Matthew Aid requests processing of remaining boxes and seven most pressing processed and released.
- Remaining unprocessed boxes scheduled for processing.
- All documents withdrawn in the original 1994-1995 projects scheduled for review in the Referral Center.