

The Director of Central Intelligence

Washington. D C. 20505

16 April 1996

MEMORANDUM FOR: See Distribution

SUBJECT: Producing Timely Tailored Finished Intelligence: Writing for the Consumer

1. The United States has the most sophisticated and capable intelligence system in history. We have honed this national capability through a turbulent period of fundamental change in the national security environment. It is my firm intent to continue the enhancement of our intelligence capabilities. In addition, it is my intention to improve dramatically the way we do business to ensure the products of the intelligence system reach the full range of the customers we support.

2. To achieve these goals, I am continuing the reviews of our basic security practice that were initiated by my predecessors. In particular, I am focusing on the needs of commanders at all levels in the armed forces. Coalition warfare is the future model for US military conflicts, and I want the Intelligence Community to rededicate itself to the concept of releasable tailored intelligence--intelligence produced at the lowest security level commensurate with the protection of sources and methods or produced in a format that allows for timely disclosure to US customers or authorized foreign governments. From this point forward we must "write for the consumer."

3. This goal is easy to state, but difficult to put into practice. I do not intend to limit the production of intelligence at high levels of classification that is primarily in support of decisionmakers, nor do I intend to hold back the production of extremely sensitive and restricted intelligence which is based directly upon sensitive intelligence sources. We will continue to provide this kind of intelligence to limited sets of cleared customers at high levels of classification.

4. We must recognize that military commanders not only require timely information at the collateral level but they often must share information with coalition partners who may not normally receive US intelligence. In this equation it is not our military forces that have changed, but rather the nature of conflicts in which our military forces are involved. The world has changed and our provision of intelligence must change with it. We need an updated intelligence product line that is releasable from the inception--a flow of reporting based on all available sources that is written from the outset to be given broad US dissemination and appropriate foreign release. The challenge is to extract meaning from all intelligence sources and package it for our various customers without betraying the very sources that will provide the next critical piece of intelligence.

5. The forthcoming revised DCID 1/7 reflects this change in emphasis. In order to speed progress toward this goal, the Secretary of Defense and I recently agreed that the NOFORN category should be dropped from the lexicon of security terms we currently use to protect sensitive information. We concluded that NOFORN was a redundant marking which had become ineffective through its frequent overuse and misuse. Instead of the majority of actionable intelligence being marked NOFORN, the revised DCID promotes intelligence production at the uncaveated collateral level, or better still in tearline format or at a minimum, portion marked. We recognize, however, that the problem is too complex to be solved completely by any single action. A comprehensive education, training, and implementation program is critical to the success of the "write for the consumer" policy. This education and training program must be across the-board and across the government, to include reports officers, analysts, disclosure officials, and most importantly - intelligence consumers.

6. DCID 1/7 now specifies regular reviews and challenge procedures to ensure that these changes are in fact taking hold in the Intelligence Community and that new abuses are not taking place. I will follow the results of these reviews closely and make further changes as necessary.

John Deutch

ADCI/MS/TRoberts:sjk x32522 (4 APR 96)

Distribution:

1 - The Honorable John M. Deutch
Director of Central Intelligence

1 - The Honorable George J. Tenet
Deputy Director of Central Intelligence

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1 - Mr. Joe Markowitz
Director, Community Open Source Program Office

1 - ADCI/MS Chrono

1 - Executive Registry

The Director of Central Intelligence

Washington, D.C. 20505

16 April 1996

MEMORANDUM FOR: Intelligence Community Executive Committee Principals

SUBJECT: Revision of Director of Central Intelligence Directive 1/7, "Security Controls on the Dissemination of Intelligence Information"

1. I am forwarding to you a major revision of Director of Central Intelligence Directive 1/7, "Security Controls on the Dissemination of Intelligence Information" (DCID) that I have recently signed that is designed to increase significantly the amount of releasable, tailored intelligence available to support the policy and US warfighter communities. The DCID establishes a new policy of "writing for the consumer," which means preparing intelligence reports and products at the collateral, uncaveated, level to the greatest extent possible, and using tear line reporting, portion marking, or other means to facilitate the segregation and dissemination of releasable information. I do not intend to limit the production of intelligence at higher levels of classification necessary to support decisionmakers, nor to hold back the production of extremely sensitive and restricted intelligence based on sensitive intelligence sources. We will continue to provide this kind of intelligence. Rather my purpose is to improve the way we conduct business to ensure that the full range of our intelligence products reach our customers in a timely fashion. The DCID will take effect 60 days after signature.

2. The key elements of the DCID are as follows:

- Eliminates NOFORN and REL TO;
- Permits the limited use of the control marking, US ONLY, to designate that limited amount of information which cannot be shared with any foreign government. Use of tear line reporting is encouraged to allow release of intelligence not subject to this or other caveats;
- Establishes the policy that collateral, uncaveated intelligence is available for release to foreign governments consistent with the protection of sources and methods and in accordance with applicable DCI foreign disclosure policies contained in Director of Central Intelligence Directive 5/6 and other policy statements;
- Contains special procedures for dissemination and disclosure under emergency conditions where time is of the essence, such as hostile actions being initiated against the United States or combined US/coalition forces;
- Allows focused disclosure of clandestine HUMINT to US warfighters and their coalition partners through the mechanism of tear line reporting, while protecting clandestine sources by permitting the use of control markings to prevent inappropriate foreign disclosure;
- Retains ORCON, but requires the Security Policy Board staff to develop uniform guidelines on the application of this control marking by 1 July 1996 to limit its use to the absolute minimum required to protect sources and methods. The guidelines would be an attachment to this DCID; and,
- Tasks the Security Policy Board staff with preparing an annual report to me and the DepSecDef on the Community's compliance with this DCID, including the need for further policies in this area. The report will include statistics on the use of the control markings and tear-line reporting as applied to coalition/crisis military operations, and customer critiques.

3. As the heads of Intelligence Community components, I have placed responsibility on you for implementing the DCID. You will be responsible for establishing internal controls and conducting education and training programs to

ensure that the dissemination and release policies in the DCID and the limitations on the use of control markings are followed. All agree that a rigorous training and education program and discipline by both producers and consumers in adhering to all requirements of the DCID is essential to its effective implementation. You are also responsible for establishing challenge procedures by which consumers may register complaints about the misuse of control markings, or the lack of use of tear-line reporting, and for developing interim policies and guidelines limiting the use of ORCON by your component to the absolute minimum necessary to protect sources and methods.

4. I also share the concerns of many of you that the control marking, US ONLY, not become another NOFORN, a marking which was overused, redundant, and eventually, completely ineffective. In order to limit its application, the DCID permits the use of US ONLY only in those cases where foreign disclosure is not authorized under DCID 5/6, "Intelligence Disclosure Policy." I believe that the non-disclosure policies in DCID 5/6 are currently overly broad and need to be limited. It was last revised in 1983 and needs to be revised to make it consistent with our other policies of supporting the US warfighter and our coalition partners with timely intelligence. I have asked Richard Stakem, Acting Executive Director for Intelligence Community Affairs, and VADM Blair, Associate Deputy Director of Central Intelligence, to seek the broad participation of the intelligence producer and consumer communities in revising this DCID on an expedited basis. I have asked them to get back to me by 31 May 1996 with a revision.

John Deutch

Attachment

CMS/PSI/SSagalkin/dre: 44382 (5 Feb 96)
DOC ID: Planning/DCID Notice to ExCom

Distribution: (CMS/96-00109)

1 - IC ExCom Principals

1 - D/RPP

1 - C/PSI

1 - PSI Chrono

1 - CMS Registry

DIRECTOR OF CENTRAL INTELLIGENCE DIRECTIVE 1/7

[Footnote [1](#)]

Security Controls on the Dissemination of Intelligence Information

(Effective 15 June 96)

Introduction

Pursuant to the provisions of the National Security Act of 1947, as amended, Executive Order 12333, Executive Order 12958 and implementing directives thereto, policies, controls, and procedures for the dissemination and use of intelligence information and related materials are herewith established in this Director of Central Intelligence Directive (Directive or DCID).

1.0 Policy

1.1 It is the policy of the Director of Central Intelligence (DCI) that intelligence be "written for the consumer," allowing for the widest dissemination of timely, tailored intelligence possible. The policy of "writing for the consumer" must be consistent with the "need-to-know" principle and the requirement to protect sources and methods. The intelligence control markings established herein may only be

used to identify and restrict dissemination of specific intelligence derived from sensitive sources and methods and signify that originator approval is required for additional dissemination or foreign release. Such control markings may only be used when an item of intelligence information cannot reasonably be protected by use of its classification markings alone, i.e., CONFIDENTIAL, SECRET, OR TOP SECRET. Senior Officials of the Intelligence Community (SOIC) will establish procedures to comply with this policy.

1.2 The goal of this policy is to produce intelligence at the collateral, uncaveated level to the greatest extent possible, thus allowing for dissemination to all US "need-to-know consumers" and for release in gisted form to all appropriate foreign governments, in accordance with this Directive and DCID 5/6, Intelligence Disclosure Policy. This does not require that all intelligence reports and products be prepared without reference to sources or methods when necessary to provide the recipient with additional intelligence reflecting on the credibility or usefulness of the information. In such cases, intelligence producers shall make every reasonable effort to limit the amount of information classified at a higher level or marked with a restrictive caveat and to use a "tear-line", portion-marking, or separable annexes to allow broader dissemination or release of information at the lower level of classification.

2.0 Purpose

2.1 This Directive establishes policies, controls, and procedures for the dissemination and use of intelligence information to ensure that, while facilitating its interchange for intelligence purposes, it will be adequately protected. This Directive implements and amplifies applicable portions of the directives of the Information Security Oversight Office issued pursuant to Executive Order 12958 (E.O.) and directives of the Security Policy Board issued pursuant to E.O. 12958 and PDD-29.

2.2 Additionally, this Directive sets forth policies and procedures governing the release of intelligence to contractors and consultants, foreign governments, international organizations or coalition partners consisting of sovereign states, and to foreign nationals and immigrant aliens, including those employed by the US Government.

2.3 Executive Order 12958 provides for the establishment of Special Access

Programs, including Sensitive Compartmented Information. DCID 3/29 provides procedures for the establishment and review of Special Access Programs pertaining to intelligence activities and restricted collateral information. Intelligence Community components may establish and maintain dissemination controls on such information as approved under the policies and procedures contained in DCID 3/29, the DCID, and implementing guidance.

3.0 Definitions

3.1 Intelligence information and related materials (hereinafter referred to as "Intelligence") include the following information, whether written or in any other medium, classified pursuant to E.O. 12958:

3.1.1 Foreign intelligence and counterintelligence defined in the National Security Act of 1947, as amended and in Executive Order 12333;

3.1.2 Information describing US foreign intelligence and counterintelligence activities, sources, methods, equipment, or methodology used for the acquisition, processing, or exploitation of such intelligence; foreign military hardware obtained through intelligence activities for exploitation and the results of the exploitation; and any other data resulting from US intelligence collection efforts; and,

3.1.3 Information on Intelligence Community protective security programs (e.g., personnel, physical, technical, and information security).

3.2 "Need-to-know" is the determination by an authorized holder of classified information that access to information in his/her possession is required by another person to perform or assist in a lawful and authorized governmental function. Such persons must possess an appropriate security clearance or access approval granted pursuant to Executive Order 12968.

3.3 Intelligence Community (and agencies within the Intelligence Community) means the United States Government agencies and organizations identified in section 3 of the National Security Act of 1947, as amended.

3.4 Senior Official of the Intelligence Community (SOIC) is the head of an Intelligence Community agency or organization.

3.5 A "tear line" is the place on an intelligence report (usually denoted by a series of dashes) at which the sanitized version of a more highly classified and/or controlled report begins. The sanitized information below the tear line should contain the substance of the information above the tear line, but without identifying the sensitive sources and methods. This will permit wider dissemination, in accordance with the "need to know" principle and foreign disclosure guidelines, of the information below the tear line.

3.6 "Caveated" information is synonymous with information subject to one of the authorized control markings under Section 9.

4.0 General Applicability

4.1 In support of the Policy Statement in Section 1.0, classifiers of intelligence information shall take a risk management approach when preparing information for dissemination. In the interest of the widest possible dissemination of information to policy makers, warfighters and other consumers, classifiers shall carefully consider whether there is a need to mark material with any dissemination control marking and to use control markings only in the limited instances authorized by his Directive.

4.2 In carrying out this policy, intelligence producers shall prepare their reports and products at the lowest classification level commensurate with expected damage that could be caused by unauthorized disclosure. When necessary, the material should be prepared in tear-line form to permit broader dissemination or release of information below the tear-line. All material shall be portion marked to allow ready identification of information that cannot be broadly disseminated or released.

4.3 The controls and procedures established by this Directive shall be applied uniformly in the dissemination and use of intelligence originated by all Intelligence Community components.

4.4 The substance of this Directive shall be promulgated by each Intelligence Community component, and appropriate procedures permitting prompt interagency consultation established.

5.0 Use By and Dissemination Among Executive Branch Departments/Agencies of

the US Government

5.1 Executive Order 12958 provides that classified information originating in one US department or agency shall not be disseminated beyond any recipient agency without the consent of the originating agency. However, to facilitate use and dissemination of intelligence within and among Intelligence Community components and to provide for the timely flow of intelligence to consumers, the following controlled relief to the "third agency rule" is hereby established:

5.1.1 Each Intelligence Community component consents to the use of its classified intelligence in classified intelligence products of other Intelligence Community components, including its contractors under Section 6, and to the dissemination of those products within executive branch departments/agencies of the US Government, except as specifically restricted by controls defined in this directive or other DCIDs.

5.1.2 As provided in 5.1.1, classified intelligence that bears no restrictive control markings may be given secondary US dissemination in classified channels to any US executive branch department/agency not on original distribution if (a) the intelligence has first been sanitized by the removal of all references and inferences to intelligence sources and methods and the identity of the producing agency, or (b) if the product is not so sanitized, the consent of the originator has been obtained.

5.1.3 Any component disseminating intelligence beyond the Intelligence Community assumes responsibility for ensuring that recipient organizations agree to observe the need-to-know principle and the restrictions prescribed by this directive, and to maintain adequate safeguards.

6.0 Policy and Procedures Governing the Release of Intelligence to Contractors and Consultants

6.1 General Policies and Procedures for Contractors

6.1.1 SOICs, or their designees, may release intelligence to appropriately cleared or access-approved US contractors and consultants (hereinafter "Contractor") having a demonstrated "need to know" without referral to the originating agency prior to release provided that:

6.1.1.1 The SOIC or her/his designee certifies in writing that disclosure does not create an unfair competitive advantage for the contractor or a conflict of interest with the contractor's obligation to protect the information. In cases where the designated official cannot or does not resolve the issue of unfair competitive advantage or conflict of interest, consent of the originator is required;

6.1.1.2 Release is made only to contractors certified by the SOIC (or designee) of the sponsoring organization as performing classified services in support of a national security mission;

6.1.1.3 The contractor has an approved safeguarding capability if retention of the intelligence is required;

6.1.1.4 Contractors are not authorized to disclose further or release intelligence to any of their components or employees not directly engaged in providing services under contract or other binding agreement or to another contractor (including subcontractors) without the prior written authorization of the sponsoring agency;

6.1.1.5 Intelligence released to contractors, all reproductions thereof, and all other material generated based on, or incorporating data therefrom (including authorized reproductions), remain the property of the US Government. Final disposition of intelligence information shall be governed by the sponsoring agency;

6.1.1.6 National Intelligence Estimates (NIEs), Special National Intelligence Estimates (SNIEs), and Interagency Intelligence Memoranda may be released to appropriately cleared contractors possessing an appropriate level facility clearance and need-to-know, except as regulated by provisions concerning proprietary information as defined in sections 6.1.1.7 and 9.3, below;

6.1.1.7 Intelligence that bears the control marking "CAUTION-PROPRIETARY INFORMATION INVOLVED" (abbreviated "PROPIN" or "PR") may not be released to contractors, unless prior permission has been obtained from the originator and those providing the intelligence to the originator. Intelligence that bears the control marking, "Dissemination and Extraction of Information Controlled By Originators" (abbreviated "ORCON") may only be released to contractors within Government facilities, unless prior permission of the originator is obtained. These control markings are further described under Sections 9.2 and

9.3, below; and

6.1.1.8 Authorized release to foreign nationals or foreign contractors is undertaken through established channels in accordance with sections 7 and 8, and DCID 5/6, Intelligence Disclosure Policy, and the National Policy and Procedures for the Disclosure of Classified Military Information to Foreign Governments and International Organizations (abbreviated title: National Disclosure Policy 1 or NDP 1) to the extent consistent with DCIDs and other DCI guidance.

6.2 Policies and Procedures for Contractors Inside Government Owned or Controlled Facilities

Contractors who perform duties inside a Government owned or controlled facility will follow the procedures and policies of that sponsoring Intelligence Community member in accordance with Section 6.1 of this directive.

6.3 Policies and Procedures for Contractors Outside Government Owned or Controlled Facilities

6.3.1 Contractors who perform duties outside of Government owned or controlled facilities will adhere to the following additional policies and procedures:

6.3.1.1 The SOIC of the sponsoring agency, or her/his designee, is responsible for ensuring that releases to contractors of intelligence marked ORCON and/or PROPIN are made only with the consent of the originating agency pursuant to this Directive and through established channels; (See Sections 9.2 and 9.3);

6.3.1.2 The sponsoring agency shall maintain a record of material released;

6.3.1.3 Contractors shall establish procedures to control all intelligence received, produced, and held by them in accordance with the provisions of the National Industrial Security Program Operating Manual. This will not impose internal receipt and document accountability requirements for internal traceability and audit purposes;

6.3.1.4 All reproductions and extractions of intelligence shall be classified, marked, and controlled in the same manner as the original(s);

6.3.1.5 Sensitive Compartmented Information released to contractors shall be controlled pursuant to the provisions of DCID 1/19, Security Policy for Sensitive Compartmented Information (SCI); and,

6.3.1.6 Sponsoring agencies shall delete any reference to the Central Intelligence Agency, the phrase "Directorate of Operations," the place acquired, the field number, the source description, and field dissemination from all CIA Directorate of Operations reports passed to contractors, unless prior approval to do otherwise is obtained from CIA.

7.0 Release to Foreign Governments, International Organizations, and Coalition Partners

7.1 It is the policy of the DCI that intelligence may be shared with foreign governments, and international organizations or coalition partners consisting of sovereign states to the extent such sharing promotes the interests of the United States, does not pose unreasonable risk to U.S. foreign policy or national defense, and is limited to a specific purpose and normally of limited duration. The release of intelligence to such entities is subject to this Directive, DCID 5/6, Intelligence Disclosure Policy, and NDP 1 to the extent consistent with DCIDs and other DCI guidance.

7.1.2 In "writing for the consumer," Intelligence Community elements shall prepare their reports and products at the collateral, uncaveated level to the greatest extent possible, without diluting the meaning and value of the intelligence for the consumer. If it is not possible to prepare the entire report at the collateral, uncaveated level, Intelligence Community elements shall organize their intelligence reports and products to identify clearly information not authorized for release to foreign entities. The preferred method of doing this is through the use of tear lines. Intelligence information below the tear lines shall be written so that it may be released to an authorized foreign recipient pursuant to DCID 5/6. Where tear lines cannot be used, information not authorized for release should be limited, to the greatest extent possible to specific, portion-marked paragraphs to facilitate segregation and dissemination of releasable material.

7.1.3 Intelligence Community elements shall restrict the information subject to control markings to the minimum necessary. See Appendix A for illustration.

7.2 Intelligence information that bears no specific control marking may be released to foreign governments, international organizations, or coalition partners provided that:

7.2.1 A positive foreign disclosure decision is made by a designated intelligence disclosure official in accordance with procedures in DCID 5/6;

7.2.2 No reference is made to the originating agency or to the source of the documents on which the released product is based; and,

7.2.3 The source or manner of acquisition of the intelligence (including analytic judgments or techniques), and/or the location where the intelligence was collected (if relevant to protect sources and methods) is not revealed and cannot be deduced in any manner.

7.3 RESTRICTED DATA and FORMERLY RESTRICTED DATA may only be released to foreign governments pursuant to an agreement for cooperation as required by Sections 123 and 144 of Public Law 585, Atomic Energy Act of 1954, as amended.

8.0 Dissemination to Foreign Nationals or Foreign Contractors

8.1 It is the policy of the DCI that no classified intelligence will be shared with foreign nationals, foreign contractors, or international organizations not consisting of sovereign states, except in accordance with the provisions of this Section.

8.2 Intelligence, even though it bears no restrictive control markings, will not be released in any form to foreign nationals or immigrant aliens (including those employed by, used by, or integrated into the US Government) without the permission of the originator. In such cases where permission of the originator has been granted, the release must be in accordance with DCID 5/6, and the NDP 1 to the extent consistent with DCIDs and other DCI guidance.

8.3 Release of intelligence to a foreign contractor or company under contract to the US Government must be through the foreign government of the country which the contractor is representing, unless otherwise directed in government-to-government agreements or there is an appropriate US channel for release of the information.

Provisions concerning release to foreign governments is contained in Section 7.0, above.

9.0 Authorized Control Markings

9.1 DCI policy is that the authorized control markings for intelligence information in this Section shall be individually assigned as prescribed by an original classification authority (OCA) or by officials designated by a SOIC and used in conjunction with security classifications and other markings specified by Executive Order 12958 and its implementing directive(s). Unless originator consent is obtained, these markings shall be carried forward to any new format or medium in which the same information is incorporated.

9.1.1 To the maximum extent possible, information assigned an authorized control marking shall not be combined with uncaveated information in such a way as to render the uncaveated information subject to the control marking. To fulfill the requirements of paragraph 9.6.1 below, SOICs shall establish procedures in implementing directives to expedite further dissemination of essential intelligence. Whenever possible, caveated intelligence information reports should include the identity and phone number of the organization authorized to approve further dissemination on a case-by-case basis.

9.1.2 Further, to the maximum extent visible, tear line reporting will be used to disseminate releasable intelligence, not subject to the restrictions of the control marking. The caveated intelligence should be above the tear line.

9.2 "DISSEMINATION AND EXTRACTION OF INFORMATION CONTROLLED BY ORIGINATOR" (ORCON)

9.2.1 This marking may be used only on classified intelligence that clearly identifies or would reasonably permit ready identification of intelligence sources or methods that are particularly susceptible to countermeasures that would nullify or measurably reduce their effectiveness. It is used to enable the originator to maintain continuing knowledge and supervision of distribution of the intelligence beyond its original dissemination This control marking may not be used when access to the intelligence information will reasonably be protected by use of its classification markings, i.e., CONFIDENTIAL, SECRET or TOP SECRET, or by use of any other control markings specified herein or in other DCIDs.

9.2.2 Information bearing this marking may be disseminated within the headquarters [Footnote 2] and specified subordinate elements of recipient organizations, including their contractors within Government facilities. This information may also be incorporated in whole or in part into other briefings or products, provided the briefing or intelligence product is presented or distributed only to original recipients of the information. Dissemination beyond headquarters and specified subordinate elements or to agencies other than the original recipients requires advance permission from the originator.

9.2.3 Information bearing this marking must not be used in taking investigative action without the advance permission of the originator.

9.2.4 As ORCON is the most restrictive marking herein, agencies that originate intelligence will establish procedures, pursuant to Section 14, to ensure that: 1) it is applied by the originating agency only to intelligence which clearly identifies or would reasonably permit ready identification of intelligence sources or methods that are particularly susceptible to countermeasures that would nullify or measurably reduce their effectiveness; and, 2) timely reviews of requests for further dissemination of intelligence bearing this marking are conducted. This marking shall be abbreviated "ORCON" or "OC."

9.3 "CAUTION-PROPRIETARY INFORMATION INVOLVED" (PROPIN). This marking is used, with or without a security classification, to identify information provided by a commercial firm or private source under an express or implied understanding that the information will be protected as a proprietary trade secret or proprietary data believed to have actual or potential value. [Footnote 3] This marking may be used on government proprietary information only when the government proprietary information can provide a contractor(s) an unfair advantage, such as US Government budget or financial information. Information bearing this marking shall not be disseminated outside the Federal Government in any form without the express permission of the originator of the intelligence and provider of the proprietary information. This marking precludes dissemination to contractors irrespective of their status to, or within, the US Government without the authorization of the originator of the intelligence and provider of the information. This marking shall be abbreviated "PROPIN" or "PR."

9.4 "US ONLY" (UO). This marking is used to identify that limited amount of

intelligence which an originator has determined falls under the criteria of Section C, "Intelligence Which May Not Be Disclosed," attachment to DCID 5/6 (attached hereto as Appendix B) and may not be released in any form to foreign governments, international organizations, coalition partners, foreign nationals, or immigrant aliens.

9.5 "US and (specify country(s)) ONLY". This control marking is used when a limited exception to the marking requirements in Section 9.4 may be authorized to release the information beyond US recipients. This marking is authorized only when the originator has an intelligence sharing arrangement or relationship with a foreign government approved in accordance with DCI policies and procedures that permits the release of the specific intelligence information to that foreign government, but to no other in any form.

9.6 Further Dissemination of Intelligence with Authorized Control Marking(s)

9.6.1 This Directive does not restrict an authorized recipient of intelligence at any level from directly contacting the originator of the intelligence to ask for relief from a specific control marking(s) in order to further disseminate intelligence material to additional users for which the authorized original recipient believes there is a valid need-to-know. Authorized recipients are encouraged to seek such further dissemination through normal liaison channels for release to US Government agencies or contractors and through foreign disclosure channels for foreign release, on a case-by-case basis, in order to expedite further dissemination of essential intelligence.

9.6.2 Authorized recipients may obtain information regarding points of contact at agencies that originate intelligence from their local dissemination authorities or from instructions issued periodically by these intelligence producers. Intelligence products often also carry a point of contact name/office and telephone number responsible for the product. If no other information is available, authorized recipients are encouraged to contact the producing agency of the document to identify the official or office authorized to provide relief from authorized control marking(s).

9.6.3 If there are any questions about whom to contact for guidance, recipients are also encouraged to contact the Director of Central intelligence (DCI) representative at the Commander-in-Chief (CINC) Headquarters, overseas mission, trade

delegation, or treaty negotiating team under which they operate.

10.0 Dissemination and Disclosure Under Emergency Conditions

10.1 Certain emergency situations [Footnote 4] that involve an imminent threat to life or mission warrant dissemination of intelligence to organizations and individuals not routinely included in such dissemination. When the national command authority (NCA) directs that an emergency situation exists, SOICs will ensure that intelligence support provided to the ongoing operations conforms with this Directive, DCID 5/6, and NDP 1 to the maximum extent practical consistent with the mission.

10.1.2 Dissemination of intelligence under this provision is authorized only if: (a) an authority designated by the military commander or civilian official determines that adherence to this DCID reasonably is expected to preclude timely dissemination to protect life or mission; (b) disseminations are for limited duration and narrowly limited to persons or entities that need the information within 24 hours to satisfy an imminent emergency need; and (c) there is insufficient time to obtain approval through normal intelligence disclosure channels.

10.1.3 The disclosing authority will report the dissemination through normal disclosure channels within 24 hours of the dissemination, or at the earliest opportunity thereafter as the emergency permits. For purposes of this provision, planning for contingency activities or operations not expected to occur within 24 hours does not constitute "imminent" need that warrants exercise of the emergency waiver to bypass the requirements of this DCID.

10.1.4 Military commanders and/or responsible civilian officials will ensure that written guidelines for emergency dissemination contain provisions for safeguarding disseminated intelligence and notifying producers of disclosures of information necessary to meet mission requirements.

10.1.5 The NCA, and/or major commands or responsible civilian officials will immediately advise intelligence producers when the emergency situation ends.

11.0 Procedures Governing Use of Authorized Control Markings

11.1 Any recipient desiring to disseminate intelligence in a manner contrary to the control markings established by this Directive must obtain the advance permission of the agency that originated the intelligence. Such permission applies only to the specific purpose agreed to by the originator and does not automatically apply to all recipients. Producers of intelligence will ensure that prompt consideration is given to recipients' requests with particular attention to reviewing and editing, if necessary, sanitized or paraphrased versions to derive a text suitable for release subject to lesser or no control marking(s).

11.2 The control markings authorized above shall be shown on the title page, front cover, and other applicable pages of documents, incorporated in the text of electrical communications, shown on graphics, and associated (in full or abbreviated form) with data stored or processed in automated information systems. The control markings also shall be indicated by parenthetical use of the masking abbreviations at the beginning or end of the appropriate portions in accordance with E.O. 12958.

12.0 Obsolete Restrictions and Control Markings

12.1 The following control markings are obsolete and will not be used in accordance with the following guidelines:

12.1.1 **WNINTEL** and **NOCONTRACT**. The control markings, Warning Notice - Intelligence Sources or Methods Involved (**WNINTEL**), and **NOT RELEASABLE TO CONTRACTORS/CONSULTANTS** (abbreviated **NOCONTRACT** or **NC**) were rendered obsolete effective 12 April 1995. No permission of the originator is required to release, in accordance with this Directive, material marked **WNINTEL**. Holders of documents prior to 12 April 1995 bearing the **NOCONTRACT** marking should apply the policies and procedures contained in Section 6.1 for possible release of such documents.

12.1.2 The control markings, **REL**, **REL TO**, and **Not Releasable to Foreign Nationals (NOFORN)** will no longer be authorized for use after the effective date of this Directive.

12.1.3 For automated information systems, a phased-in elimination of the **WNINTEL**, **NOCONTRACT**, **REL**, **REL TO**, and **NOFORN** control marking will be accomplished as systems are upgraded or software is modified but not later than

three years from the date of this Directive, except that no phase-in period is authorized for electrical message formatting procedures.

12.1.4 Remarkings of material bearing the WNINTEL, NOCONTRACT, REL, or REL TO control marking is not required; however, holders of material bearing these markings may line through or otherwise remove the marking(s) from documents or other material.

12.1.5 Information that was marked NOFORN before the effective date of this Directive continues to be nonreleasable to foreigners. If the information is being considered for release to a foreigner, permission must be received from the producer of the intelligence prior to dissemination. Information bearing the NOFORN marking that is being incorporated without originator's approval into material created after the effective date of this Directive must be remarked US ONLY, if such information meets the requirements of Section 9.4, above.

12.1.6 Other obsolete markings include: WARNING NOTICE INTELLIGENCE SOURCES OR METHODS INVOLVED, WARNING NOTICE SENSITIVE SOURCES AND METHODS INVOLVED, WARNING NOTICE INTELLIGENCE SOURCES AND METHODS INVOLVED, WARNING NOTICE SENSITIVE INTELLIGENCE SOURCES AND METHODS INVOLVED, CONTROLLED DISSEM, NSC PARTICIPATING AGENCIES ONLY, INTEL COMPONENTS ONLY, LIMITED, CONTINUED CONTROL NO DISSEM ABROAD, BACKGROUND USE ONLY, USIB ONLY, NFIB ONLY.

12.2 Questions with respect to current applications of all control markings authorized by earlier Directives on the dissemination and control of intelligence and used on documents issued prior to the effective date of this Directive should be referred to the agency or department originating the intelligence so marked.

13.0 Reporting Unauthorized Disclosures

13.1 Violations of the foregoing restrictions and control markings that result in unauthorized disclosure by one agency of the intelligence of another shall be reported to the Director of Central Intelligence through appropriate Intelligence Community channels.

14.0 Responsibilities of SOICs

14.1 SOICs shall be responsible for the implementation of internal controls and shall conduct training to ensure that the dissemination and release policies contained in this Directive and the limitations on the use of control markings are followed. SOICs shall assure that agency personnel are accountable for the proper marking of classified information under this Directive and Section 5.6 of EO 12958.

14.2 SOICs shall establish challenge procedures by which consumers may register complaints about the misuse of control markings or the lack of use of tear line reporting or portion marking. Information concerning such challenges shall be provided to the Security Policy Board staff upon request or for the annual review.

14.3 No later than the effective date of this Directive, SOICs shall develop additional policies and guidelines on the use of the control marking ORCON to limit its use to the absolute minimum necessary to protect the most sensitive sources and methods. SOICs shall provide the Staff Director, Security Policy Board copies of such policies and guidelines prior to their adoption. The Security Policy Board staff shall, in coordination with the Intelligence Community, including the SIGINT Committee and the National HUMINT Requirements Tasking Center (NHRTC), develop uniform policies and guidelines (including sanitization and oversight procedures) on the proper and uniform application of ORCON for approval by the DCI as an attachment to this Directive by 1 July 1996.

15.0 Annual Report on the Use of Control Markings

15.1 The Security Policy Board staff shall report to the DCI and Deputy Secretary of Defense on Intelligence Community compliance with this Directive, including the need for further policies in this area. The report will include an in-depth evaluation of the use of control markings in intelligence reporting/production, including consumer evaluations and producer perspectives on implementation of the Directive. The report shall also include, specifically applied to coalition/crisis military operations, statistics on: (1) the use of control markings - collateral (no caveat), US ONLY, US (designated country(s)) ONLY, and ORCON, and tear line reporting (2) the number of exceptions granted by the originator to permit further dissemination, and (3) the number of times the authority in Section 10 was used and the documents provided. In order to inform the Security Policy Board staff of

substantive detail in these areas for purposes of this review, Intelligence Community elements shall respond to requests for information from the Security Policy Board staff. Intelligence Community elements may build this program into their Self-Inspection programs under E.O 12958. The Security Policy Board staff shall also obtain pertinent information on this subject from intelligence consumers as required.

15.2 The report required by this Section shall be conducted annually, unless otherwise directed by the DCI. The Staff Director, Security Policy Board shall establish the schedule for the report.

16.0 Interpretation

16.1 Questions concerning the implementation of this policy and these procedures shall be referred to the Community Management Staff.

John Deutch
Director of Central Intelligence

16 April 1996
Date

[Footnotes]

1. This Directive supersedes DCID 1/7, effective 12 April 1995.
2. Recipients will apprise originating agencies as to which components comprise the headquarters element and identify subordinate elements that may be included as direct recipients of intelligence information.
3. This provision is a requirement of the Trade Secrets Act, as amended (18 U.S.C 1905). The consent of the originator is required to permit release of material marked CAUTION - PROPRIETARY INFORMATION INVOLVED, PROPIN or PP to other than federal government employees.

4. For the purposes of implementing this portion of the DCID, "emergency situation" is defined as one of the following:

- a) declared Joint Chiefs of Staff (JCS) alert condition of defense emergency, air defense emergency or DEFCON 3;
 - b) hostile action(s) being initiated against the United States or combined U.S./coalition/friendly forces;
 - c) U.S. persons or facilities being immediately threatened by hostile forces;
 - d) U.S. or combined U.S./coalition/friendly forces planning for or being deployed to protect or rescue U.S. persons, or U.S. /coalition/friendly forces;
 - e) U.S. civilian operations in response to U.S. or international disasters/catastrophes of sufficient severity to warrant Presidential declared disaster assistance/relief.
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