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DA&M DCMO

SUBJECT: DoD Mandatory Declassification Review (MDR) Program

References: See Enclosure 1

1. PURPOSE. In accordance with the authority in DoD Directive 5105.53 (Reference (a)) and DoD Instruction 5200.01 (Reference (b)), this Manual implements policy established in Reference (b), assigns responsibilities, and provides procedures for members of the public to request a declassification review of **information records** classified under the provisions of Executive Order 13526 (Reference (c)), or predecessor orders.

2. APPLICABILITY. This Manual applies to OSD, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within DoD (hereafter referred to collectively as the "DoD Components").

3. DEFINITIONS. See Glossary.

4. RESPONSIBILITIES

a. Director, Washington Headquarters Services. *Under the authority, direction, and control of the Deputy Chief Management Officer of the Department of Defense through the Director of Administration*, the Director, Washington Headquarters Services, shall process MDR requests for OSD, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, and DoD Components not listed in the Appendix to Enclosure 2.

b. Heads of the DoD Components. The Heads of the DoD Components listed in the Appendix to Enclosure 2 shall:

(1) Establish procedures for the processing of MDR requests and appeals for **information records** originating within the Component.

(2) Appoint an appellate authority to adjudicate MDR appeals for the Component.

5. PROCEDURES. See Enclosure 2.

6. RELEASABILITY. ~~UNLIMITED-Cleared for public release~~. This Manual is ~~approved for public release and is~~ available on ~~the Internet from~~ the DoD Issuances Website at <http://www.dtic.mil/whs/directives>.

7. EFFECTIVE DATE. This Manual is effective ~~upon publication to the DoD Issuances Website~~ *December 22, 2011*.



Michael L. Rhodes

Director of Administration and Management

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ENCLOSURE 1

REFERENCES

- (a) DoD Directive 5105.53, "Director of Administration and Management (DA&M)," February 26, 2008
- (b) DoD Instruction 5200.01, "DoD Information Security Program and Protection of Sensitive Compartmented Information (SCI)," ~~October 9, 2008~~ April 21, 2016
- (c) Executive Order 13526, "Classified National Security Information," December 29, 2009
- (d) DoD 5200.1-R, "Information Security Program," January 14, 1997
- (e) Parts 2001 and 2004 of title 32, Code of Federal Regulations
- (f) Section 552 of title 5, United States Code
- (g) DoD ~~Manual~~ 5400.07-R, "DoD Freedom of Information Act (FOIA) Program," ~~September 4, 1998~~ January 25, 2017
- (h) Sections 431, 432, 432a, 432b, and 432d of title 50, United States Code
- (i) Chapter 4 of Volume 11A of DoD 7000.14-R, "Department of Defense Financial Management Regulations (FMRs)," current edition
- (j) *Public Law 113-187, "Presidential and Federal Records Act Amendments of 2014," November 26, 2014*

ENCLOSURE 2

MDR PROCESSING PROCEDURES

1. GENERAL

a. The DoD Components shall process MDR requests from the public for classified ~~information records~~ originating within the DoD Component in accordance with *DoD 5200.1-R* ~~Reference~~ (d) and part 2001 of title 32, Code of Federal Regulations (Reference (e)).

b. ~~Information-Records~~ not subject to review for public release under the MDR includes:

(1) Unclassified ~~information records (to include documents)~~ or previously classified ~~information records~~ that are declassified prior to the receipt of the MDR request. These ~~documents records~~ must be requested under the provisions of section 552(b) of title 5, United States Code (U.S.C.) (also known and hereinafter referred to as the "Freedom of Information Act" (FOIA) (Reference (f))) and DoDM 5400.07-~~R~~ (Reference (g)).

(2) ~~Information Records~~ reviewed for declassification within 2 years preceding the date of receipt of the MDR request. If this is the case, the requester shall be provided the ~~documents records~~ as previously released and advised of the right to appeal to the DoD Component within 60 days unless the ~~documents records~~ are already under appeal to the Interagency Security Classification Appeals Panel (ISCAP).

(3) ~~Records containing~~ ~~information~~ exempted from search and review by statute *in accordance with sections 431, 432, 432a, 432b, and 432d of title 50, United States Code* (Reference (h)).

(4) ~~Information Records (to include documents)~~ originated by the incumbent President; the incumbent President's White House Staff; committees, commissions, or boards appointed by the incumbent President; or other entities within the Executive Office of the President that solely advise and assist the incumbent President.

(5) ~~Records containing~~ ~~information~~ marked as Restricted Data or Formerly Restricted Data.

(6) ~~Information-Records~~ that ~~is-are~~ the subject of pending litigation.

2. MDR REQUESTER GUIDELINES. Members of the public seeking the declassification of *classified* DoD ~~documents records~~ under the provisions of section 3.5 of Reference (c) and Reference (h) shall:

a. Address the written request to the appropriate DoD Component listed in the appendix to this enclosure.

b. Identify the requested ~~document or information~~ *record* with sufficient specificity to enable the DoD Component to locate it with a reasonable amount of effort. Information that would provide the sufficient specificity would include a ~~document~~ *record* identifier such as originator, date, title, subject, the National Archives and Records Administration accession number, or other applicable unique-~~document~~ identifying number. Broad or topical MDR requests for records on a particular subject, such as “any and all documents concerning” a subject do not meet this standard.

c. Include a correct return mailing address with the request.

d. Include a statement that the requester understands that the request may incur processing charges in accordance with section 10 of this enclosure.

3. RECEIPT AND CONTROL. Upon receipt of an MDR request, the DoD Component shall send the requester an acknowledgement and open a file in a formal control system. The acknowledgement shall include the tracking number and date of receipt of the request.

4. SIMULTANEOUS MDR AND FOIA REQUESTS. DoD Components should be aware of possible requests under both the MDR and the FOIA. In accordance with section 2001.33(f) of Reference (e), if a requester asks for the same ~~information~~ *record* under the FOIA and the MDR, the DoD Component shall ask the requester to select only one process. If the requester does not select a process, the DoD Component shall process the requested ~~information~~ *record* under the FOIA.

5. MDR ~~DOCUMENT-RECORD~~ REVIEW PROCESS

a. Requests normally will be processed on a first in first out basis by date of receipt.

b. Every effort shall be made to ensure that a response to an MDR request is provided to the requester within 1 year from the date of receipt.

c. The DoD Components shall conduct line-by-line reviews of ~~documents~~ *records* responsive to an MDR request to determine if the information contained within the ~~documents~~ *records* continues to adhere to the standards for classification according to Reference (c). This line-by-line review must take into account the unique sensitivity of *Foreign Government Information (FGI)* as outlined in section 7 of this enclosure. In accordance with section 3.6(b) of Reference (c), classified information originating with another U.S. Government agency contained in records of the DoD Components will be referred to the originating agency for a declassification and release determination. Likewise, classified information in a DoD Component’s records originating with another DoD Component will be referred to the originating Component. It is the responsibility of the DoD Component originally receiving the MDR request to manage these referrals and to incorporate the other agency’s or DoD

Component's determinations when preparing the final decision on the request. The review of each ~~document record~~ will determine if the ~~document record~~:

(1) No longer meets the standards for classification as established by Reference (c), and is therefore declassified in full.

(2) Contains portions still meeting the standards for classification *as established by Reference (c)*, and is therefore declassified in part and denied in part.

(3) Still meets the standards for classification *as established by Reference (c)*, in its entirety and is therefore denied in full.

d. For ~~documents records~~ meeting the criteria of subparagraphs 5.c.(1) and 5.c.(2), the DoD Components shall not release any unclassified information exempt from public release pursuant to Exemptions 2 through 9 of the FOIA. Reference (g) provides a more detailed explanation of the FOIA exemptions.

e. When this process is complete, the DoD Components shall redact all information, both classified and unclassified, determined to be exempt from release as warranted under applicable law and authority. All of the remaining information within the ~~documents-records~~, which is determined to be publicly releasable information, shall be provided promptly to the requester.

6. PUBLIC ACCESS. In the interest of transparency, the DoD Components should make efforts to post ~~documents records~~ released under the MDR program on DoD Component websites.

7. FGI. Every effort must be made to ensure that FGI is not subject to declassification without the prior consent of the originating government. Therefore, if a requested ~~document record~~ originated with *or contains information from* a foreign government or organization ~~and or~~ was classified by that government or organization, the DoD Component shall:

a. Conduct MDR of the ~~document record~~ in accordance with Reference (d).

b. Forward the ~~document record~~ with the results of the review to the Department of State for further processing and coordination with the originating government. The address is: Department of State, Office of Information, Programs & Services, Attention: ~~A/GIS/IPS/RL, Room 8100, SA-2, Washington, DC 20522-8100. A/GIS/IPS/RL Room 8100, SA-2 Washington, DC 20522-8100.~~

8. DENIAL OF INFORMATION

a. When classified information is denied, the DoD Component shall advise the requester, in writing:

(1) That information currently and properly classified has been denied (whether a ~~document~~-record in its entirety or partially) in accordance with the appropriate sections of Reference (c).

(2) Of the right to appeal the denial to the DoD Component within 60 days of receipt of the denial.

(3) Of the mailing address for the appellate authority.

b. When unclassified information is withheld because it is determined to be exempt from release pursuant to Exemptions 2 through 9 of the FOIA (whether or not classified information was also withheld within the same ~~document~~ record), the DoD Component shall advise the requester that:

(1) Section 3.5(c) of Reference (c) allows for the denial of information when withholding it is authorized and warranted under applicable law.

(2) Unclassified information exempt from public release pursuant to one or more exemptions of the FOIA has been withheld.

c. For the denial of unclassified information, the requester shall not be given MDR appeal rights because the MDR applies only to the denial of classified information and because the request was not processed under the FOIA.

d. The DoD Component is not required to confirm or deny the existence or nonexistence of requested information whenever the fact of its existence or nonexistence is itself classified pursuant to Reference (c).

9. MDR APPEALS. MDR appeals are for the denial of classified information only. DoD Components shall make an appellate decision within 60 working days of receipt of an MDR appeal. If additional time is required to make a determination, the appellate authority shall notify the requester of the additional time needed and provide the requester with the reason for the extension. When the appellate review is complete, the appellate authority shall notify the requester in writing of the final determination and of the reasons for any denial. If the appellate authority determines that some information remains classified under the provisions of Reference (c), the requester will be advised of the right to appeal the final decision to the ISCAP within 60 days of the final Component decision, in accordance with section 5.3 of Reference (c).”

10. FEES. In responding to MDR requests, the DoD Components may charge fees as permitted by Reference (e). Fees for search, review, and reproduction shall be in accordance with the fee schedule in Appendix 2 of Chapter 4 of Volume 11A of DoD 7000.14-R (Reference (i)).

APPENDIX TO ENCLOSURE 2

ADDRESSING MDR REQUESTS

1. GENERAL. The Department of Defense does not have a central repository for DoD records. MDR requests therefore should be addressed to the DoD Component that has custody of the requested record. If a requester is not sure which DoD Component has custody or if the DoD Component is not listed below, the MDR request should be directed to the Washington Headquarters Services in subparagraph 2.a. of this appendix.

2. DoD COMPONENT MDR ADDRESSES

a. OSD and the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff. Department of Defense, Washington Headquarters Services, Records, *Privacy*, and Declassification Division, Suite 02F09-02, 4800 Mark Center Drive, Alexandria, VA 22350-3100. EXCEPTION: DoD Inspector General. DoD Office of Inspector General, ~~400 Army Navy Drive, Arlington, VA 22202-470-FOIA/PA Chief, 4800 Mark Center Drive, Suite 17F18, Alexandria, VA 22350-1500.~~

b. Department of the Army. ~~U.S. Army Declassification Activity, Attention: AHRC-RDD, 8850 Richmond Highway, Suite 300, Alexandria, VA 22309.~~

(1) For Army records with unknown originator and less than 25 years old, submit MDR request to: Army Declassification Activity, 7701 Telegraph Road, Room 102, Casey Building, Alexandria, Virginia 22315-3860.

(2) For Army records 25 years old or older, submit the MDR request to: National Archives and Records Administration Chief, Special Access/FOIA Staff (NWCTF), 8601 Adelphi Road, College Park, MD 20740-6001.

c. Department of the Navy. ~~DON/AA DRMD, 6000 MacArthur Boulevard, Suite 2000, Bethesda, MD 20816-3208.~~

~~(1) Department of the Navy, Chief of Naval Operations, CNO N09N2, 2000 Navy Pentagon, Washington, DC 20350-2000 (Collateral MDR)~~

~~—(2) Department of Navy, Chief of Naval Operations, CNO N2/N6, 2000 Navy Pentagon, Washington, DC 20350-2000 (Sensitive Compartmented Information MDR)~~

d. Department of the Air Force. Department of the Air Force, ~~HAF/AMIO (MDR), SAF/AAL (MDR)~~, 1000 Air Force Pentagon, Washington, DC 20330-1000.

e. United States Marine Corps. Commandant of the Marine Corps, ~~HQMC Code PP&O, Security Division (PS), 3000 Marine Corps Pentagon, Room 4A324, Washington,~~

~~D.C. 20350-3000-HQMC Code PP&O Security Division (PS), 3000 Marine Corps Pentagon, Room 4A324, Washington, DC 20350-3000.~~

~~f. Defense Advanced Research Projects Agency. Defense Advanced Research Projects Agency, 3701 N. Fairfax Drive, Arlington, VA 22203-1714.~~

~~g. Defense Contract Audit Agency. Director, Defense Contract Audit Agency, Attention: CPS, 8725 John J. Kingman Road, Suite 2135, Fort Belvoir, VA 22060-6219.~~

~~hf. Defense Information Systems Agency. Defense Information Systems Agency, Attention: Security Division, MPS-6, 5111 Leesburg Pike, Suite 100, Falls Church, VA 22041. P.O. Box 549, Fort Meade, MD 20755~~

~~ig. Defense Intelligence Agency. Defense Intelligence Agency, Attention: ~~DAN-1A~~ (FOIA), Washington, DC 20340-5100. DLOC/MDR, 200 MacDill Boulevard, Washington, DC 20340-5100~~

~~jh. Defense Logistics Agency. Defense Logistics Agency, Attention: DLA/DSS-S, 8725 John J. Kingman Road, Suite 2533, Fort Belvoir, VA 22060-6221.~~

~~ki. Defense Security Service. Defense Security Service, Office of FOIA & Privacy, ~~1340~~ Braddock Place, Alexandria, VA 22314-1651. 27130 Telegraph Road, Quantico, VA 22134~~

~~lj. Defense Threat Reduction Agency. Defense Threat Reduction Agency, Attention: SCR 8725 John J. Kingman Road, Stop 6201, Fort Belvoir, VA 22060-6201.~~

~~mk. Missile Defense Agency. Missile Defense Agency, Attention: ~~MDA/DS, 7100 Defense~~ Pentagon, Washington, DC 20301-7100. ~~Missile Defense Agency/EIR, Attention: Information Safeguards, Building 5222, Martin Road Redstone Arsenal, AL 35898.~~~~

~~nl. National Geospatial-Intelligence Agency. ~~National Geospatial-Intelligence Agency, Mail Stop D-10, 4600 Sangamore Road, Bethesda, MD 20816-5003. National Geospatial-Intelligence Agency, 7500 GEOINT Drive, Springfield, VA 22150-7500.~~~~

~~om. National Reconnaissance Office. National Reconnaissance Office, NRO-DDA-MSO-ASG-IMSC-IART, 14675 Lee Road, Chantilly, VA 20151-1715.~~

~~pn. National Security Agency/Central Security Service. National Security Agency, Declassification Office, DJP5, 9800 Savage Road, Suite ~~6884~~ 6881, Fort George G. Meade, MD 20755-~~6884~~ 6881.~~

~~qo. North American Aerospace Defense Command and U.S. Northern Command. HQ NORAD/CSO, 250 Vandenberg St. Ste B016, Peterson AFB, CO 80914. 250 Vandenberg Street, Suite B016, Peterson Air Force Base, CO 80914-3804.~~

~~fp.~~ U.S. Africa Command. US Africa Command, Unit 29951, ATTN: COS-FOIA, APO AE 09751.

~~sq.~~ U.S. Central Command. U.S. Central Command, Attention: CCJ6-RDD, 7115 South Boundary Blvd., MacDill AFB, FL 33621-5101.

~~tr.~~ U.S. European Command. U.S. European Command, Attention: ECJ1-AX, Unit 30400, APO AE 09131.

~~u.~~ U.S. Joint Forces Command. ~~U.S. Joint Forces Command, Code J02SM, 1562 Mitscher Ave., Suite 200, Norfolk, VA 23511-2488.~~

~~v.~~ U.S. Northern Command. ~~U.S. Northern Command, HQ USNORTHCOM/CSO, 250 Vandenberg Street, Suite B016, Peterson AFB, CO 80914-3804.~~

~~ws.~~ U.S. Pacific Command. U.S. Pacific Command, Attention: J151 FOIA, Box 64017, Camp Smith, HI 96861-4017.

~~xt.~~ U.S. Southern Command. U.S. Southern Command, Attention: ~~SCJ2-SM-CFO (FOIA)~~ 3511 NW 91st Avenue, Miami, FL 33172-1217. *Attn: SCSJA (MDR), 9301 NW 33rd Street, Doral, FL 33172.*

~~yu.~~ U.S. Special Operations Command. U.S. Special Operations Command, Attention: ~~SOCS-SJS-SI (FOIA), 7701 Tampa Point Blvd., MacDill AFB, FL 33621-5323.~~ *SOCS-SJS-VI, 7701 Tampa Point Blvd, MacDill AFB, FL 33621-5323.*

~~zv.~~ U.S. Strategic Command. U.S. Strategic Command, Attention: CS50, 901 SAC Blvd., STE 1C17, Offutt AFB, NE 68113-6000.

~~aw.~~ U.S. Transportation Command. US Transportation Command, Chief, Command Information Management, ATTN: TCCSIM, ~~508 Scott Drive, Scott AFB IL 62225-5357.~~ *508 Scott Drive, Bldg. 1961, Scott AFB, IL 62225-5357.*

~~bx.~~ Interagency Security Classification Appeals Panel.
~~<http://www.archives.gov/isoo/oversight-groups/iscap/index.html>~~ *National Archives and Records Administration, 700 Pennsylvania Avenue NW, Room 100, Washington, DC 20408-0001.*

~~ey.~~ Principal MDR Contacts at Federal Agencies.
~~<http://www.archives.gov/isoo/contact/mdr-contact.html>~~

GLOSSARY

PART I. ABBREVIATIONS AND ACRONYMS

FGI	Foreign Government Information
FOIA	Freedom of Information Act
ISCAP	Interagency Security Classification Appeals Panel
MDR	Mandatory Declassification Review
U.S.C.	United States Code

PART II. DEFINITIONS

Unless otherwise noted, these terms and their definitions are for the purpose of this Manual.

FGI. Defined in ~~DoD 5200.1-R~~ (Reference (d)).

Formal Control System. A system designed to ensure DoD Component accountability and compliance. For each MDR request, the system shall contain, at a minimum, a unique tracking number, requester's name and organizational affiliation, information requested, date of receipt, and date of closure.

Formerly Restricted Data. Defined in Reference (d).

MDR. The review of classified ~~information-records~~ for declassification in response to a declassification request that meets the requirements under section 3.5 of Reference (c).

~~records~~. *Defined in Public Law 113-187 (Reference (j)).*

Restricted Data. Defined in Reference (d).