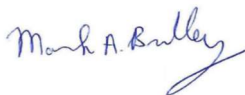




November 20, 2020

Memorandum for: Senior Agency Officials (SAOs) Designated Under Section 5.4(d) of Executive Order (E.O.) 13526, "Classified National Security Information"

From: Mark A. Bradley, Director 

Subject: Automatic Declassification Deadlines and Declassification Review Requirements

The COVID-19 pandemic, for which the President declared a national emergency on March 13, 2020, has created many new challenges for agencies. This includes in the area of declassifying Classified National Security Information. Several agencies have expressed concerns that, due to diminished operational capacity and capability, they would likely be unable to complete declassification reviews of their 25-year old classified permanent records before the onset of automatic declassification on December 31, 2020. These agencies have requested some form of relief, such as a declassification delay or waiver.

After consultation with the National Security Council (NSC), the National Declassification Center (NDC), and legal counsel, our office has determined that Executive Order (E.O.) 13526, "Classified National Security Information", and its implementing regulation, 32 Code of Federal Regulations (C.F.R.) Part 2001 do not permit the declassification delays or waivers requested in this instance. Criteria for delays to automatic declassification are detailed in E.O. 13526 section 3.3(d)(2) and 32 C.F.R. 2001.30(n).

ISOO recommends that agencies that do not believe they can review all 25-year old permanent records before the onset of automatic declassification on December 31, 2020 adopt a risk-based approach and prioritize the review of their most sensitive records. Originating agency information in 25-year old permanent records that are not reviewed prior to December 31, 2020 will be automatically declassified. Agencies must still review permanent records for originating agency information and other agency equities prior to transferring those records to NARA.

It is important to note that automatic declassification applies only to the information of the creating/originating agency and it does not apply to information contained within records which originated with other agencies. Originating agencies are still responsible for identifying equity information of other agencies in accordance with section 3.3(d)(3) of E.O. 13526 and 32 C.F.R. 2001.30(n)(2). Agencies must complete the NDC's Classified Records Transfer

Checklist and use Standard Form 715, Declassification Review Tab, for all referred records before the NDC will accept any accessions of agency classified records.

E.O. 13526 and 32 C.F.R. Part 2001 allow for reclassification of information that has been declassified but is later determined to require continued protection in some instances. Requirements and procedures for reclassification are outlined in section 1.7(c) and (d) of E.O. 13526 and 32 C.F.R. 2001.13 and 2001.90(b). For information belonging to the originating agency, decisions to reclassify information that was automatically declassified must adhere to the procedures outlined in section 1.7(d) of E.O. 13526. Requests for reclassification must be made in writing by the agency head, the deputy agency head, or senior agency official.

Please direct any questions related to this issue to Beth Fidler at elizabeth.fidler@nara.gov.