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**OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE  
INSTRUCTION NO. 80.12**

**Category 80 – Information and Records Management  
Office of Primary Responsibility: Mission Support Center Information Management**

**SUBJECT: CLASSIFICATION OF OFFICE OF DIRECTOR OF NATIONAL  
INTELLIGENCE INFORMATION**

1. **AUTHORITIES:** The National Security Act of 1947, as amended; and other applicable provisions of law.
2. **REFERENCES:** Executive Order (E.O.) 13526; Information Security Oversight Office, National Archives and Records Administration, Classified National Security Information Directive No.1; Intelligence Community Directive (ICD) 710, *Classification and Control Markings System*, 11 September 2009, *ODNI Classification Guide*, 17 March 2008, and ODNI Instruction 23.01, *Director Of National Intelligence Delegation Of Original Classification Authority*, 19 April 2010; *Intelligence Community Classification and Control Markings Implementation Manual*, 07 May 2010; and *Controlled Access Program Coordination Office Authorized Classification and Control Markings Register*, 07 May 2010.
3. **PURPOSE:** This Instruction provides guidance and establishes policy regarding the classification and marking of Office of the Director of National Intelligence (ODNI) information. It also addresses the need to ensure personnel make proper classification determinations so that ODNI information is not only appropriately protected and properly marked, but also made readily available to our customers where and when they need it. This Instruction replaces CIA's [REDACTED] *Classification of Agency Records* as it applies to the ODNI.
4. **APPLICABILITY:** This Instruction applies to all ODNI components and all categories of ODNI personnel.
5. **POLICY:** As original and derivative classifiers of ODNI information, all ODNI personnel have a responsibility to ensure national security information is properly marked and classified in

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accordance with E.O. 13526 and the *ODNI Classification Guide*. Particular care should be exercised to avoid both over and under classifying ODNI information. When significant doubt exists about the need to classify information, it shall not be classified. When there is significant doubt about the appropriate level of classification, it shall be classified at the lower level.

**A. CLASSIFICATION:**

(1) Information eligible to be classified is addressed in eight categories outlined in E.O. 13526, and includes:

- (a) Military plans, weapons systems, or operations;
- (b) Foreign government information;
- (c) Intelligence activities (including covert action), intelligence sources or methods, or cryptology;
- (d) Foreign relations or foreign activities of the United States, including confidential sources;
- (e) Scientific, technological, or economic matters relating to the national security;
- (f) United States Government programs for safeguarding nuclear materials or facilities;
- (g) Vulnerabilities or capabilities of systems, installations, infrastructures, projects, plans, or protection services relating to the national security; or
- (h) The development, production, or use of weapons of mass destruction.

(2) Information may not be classified to:

- (a) Conceal violations of the law, inefficiency, or administrative error;
- (b) Prevent embarrassment to a person, organization, or agency;
- (c) Restrain competition; or
- (d) Prevent or delay the release of information that does not require protection in the interest of national security.

(3) Information may be classified at one of three levels:

- (a) Top Secret: When the unauthorized disclosure reasonably could be expected to cause exceptionally grave damage to the national security;

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(b) Secret: When the unauthorized disclosure reasonably could be expected to cause serious damage to the national security; or

(c) Confidential: When the unauthorized disclosure reasonably could be expected to cause damage to the national security.

**B. CLASSIFICATION AUTHORITY:**

(1) Classification authority may be either original or derived. All ODNI personnel are authorized to apply derivative classification provided they have a valid need-to-know, signed a non-disclosure agreement, and received proper training regarding their responsibilities. Applying a derivative decision is accomplished by citing the applicable portion from classification guides or by citing the specific source document. The *Controlled Access Program Coordination Office (CAPCO) Marking Register and Manual* should not be used as substitutes for the *ODNI Classification Guide*. If the classification guides do not cover a given situation, the information should be referred to the MSC/IM office for resolution and guidance.

(2) A list of ODNI officials delegated original classification authority (OCA) and their responsibilities are contained in ODNI Instruction 23.01. Original classification decisions made by these OCAs will be reported within 10 days to the Director of Mission Support Center/Information Management (MSC/IM) for review in order to ensure timely updates to the *ODNI Classification Guide* and appropriate reporting requirements externally.

**C. CLASSIFICATION MARKINGS:** All classified information, both hard copy documents and information produced through automated systems, must be marked in accordance with the classification guide and the requirements contained in the CAPCO Marking Register and Manual. At a minimum, classified information shall contain a banner which conspicuously displays the overall classification of the information residing therein; portion markings (to include paragraphs, sub-paragraphs, titles, charts, subject lines, etc.) and a classification block to indicate the classification source; and duration of classification. Per Executive Order 13526 all classified information must be portion marked, unless a portion marking waiver exists.

**D. INFORMATION SHARING AND DISSEMINATION:** ODNI personnel should use restrictive markings such as NOFORN and ORCON *as the exception* rather than the rule. Per ICD 710, all classified intelligence information must be appropriately classified and explicitly marked for foreign disclosure or release, when warranted, at the portion and banner level. In all cases, the lowest appropriate classification and least restrictive dissemination controls applicable should be used, regardless of the medium (e.g., text, disk, blog or web page).

**E. CLASSIFICATION CHALLENGE PROCEDURES:** Authorized consumers of ODNI information who believe a classification decision is improper are *encouraged and expected* to challenge that classification. Classification challenges should be submitted to MSC/IM for initial review and determination through the [REDACTED] email group following the procedures outlined in the *ODNI Classification Guide*.

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**F. TRAINING:** MSC/IM is the focal point for classification training and will coordinate with ODNI offices to fulfill this requirement as necessary. Personnel designated as OCAs will receive mandated training when designated and on an annual basis thereafter. This training will be documented in an OCA Indoctrination letter and reported to the Director, Information Security Oversight Office (ISOO) as required by E.O. 13526. Personnel authorized to derivatively classify ODNI information will receive basic classification training within 30 days of arrival (normally as part of EOD training) as well as mandated refresher briefings.

**G. SELF INSPECTION PROGRAM:** Pursuant to the provisions of E.O. 13526, the ODNI maintains a self-inspection program. MSC/IM oversees the program and assesses ODNI's protection of classified products by reviewing and evaluating implementation of ODNI classification activities overall.

**H. PENALTIES:** The penalties for misuse or mishandling of national security classified information are summarized in E.O. 13526, and other applicable provisions of law.

**6. ROLES AND RESPONSIBILITIES:**

A. ODNI personnel will:

- (1) Properly classify and mark information.
- (2) Follow the *ODNI Classification Guide*.
- (3) Challenge the improper classification of information if it is believed to be improper.
- (4) Safeguard all sensitive and classified information entrusted to them.
- (5) Immediately report any instances of improper disclosure of classified information.

B. The Chief Management Officer (CMO) serves as the Senior ODNI Official, per E.O. 13526, with the responsibility to direct and administer the classification management program.

C. Program Managers who control and administer programmatic, financial, contractual requirements, and other resources will:

- (1) Ensure that all derivative classifiers, including contractor personnel, attend training on the proper classification of information.
- (2) Review and validate dissemination and distribution lists of classified information.

D. The Director, Information Management will:

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(1) Establish and implement the ODNI's classification and automatic declassification programs under E.O. 13526, and exercise original classification authority according to ODNI Instruction 23.01, *Delegation of Original Classification Authority*;

(2) Create, maintain and promulgate the *ODNI Classification Guide* and maintain a repository of other classification guides;

(3) Establish and implement ODNI classification policy through the creation and maintenance of the ODNI classification and declassification Guides;

(4) Provide easily accessible, relevant, and practical classification training and reference materials;

(5) Provide real-time, consistent, and accurate classification guidance for all types of ODNI information;

(6) Coordinate the ODNI response to classification actions, challenges, mandatory declassification review requests, and appeals under E.O. 13526;

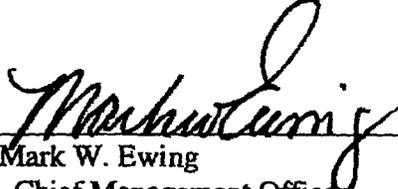
(7) Act as the Declassification Officer and liaison to the ISOO on all ODNI classification and declassification matters;

(8) Administer the ODNI's self inspection program;

(9) Serve as classification system manager, supporting the CMO who, as the Senior ODNI Official, has overall responsibility for the ODNI classification management program; and

(10) Implement additional requirements contained in the Order as necessary.

7. **EFFECTIVE DATE:** This Instruction is effective upon signature.

  
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Mark W. Ewing  
Chief Management Officer

10/25/2010  
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Date