## Marked Documents

You may encounter documents in the open literature that are marked as classified. These may have been leaked or properly declassified and released. Often classification markings do not accurately convey the correct classification status. Since the classification status is unknown, you may not save or send the document or links to it to others. It may only be printed on a volatile memory printer. When printed, such documents must be protected, as required. Inadvertent viewing of such documents is not a comment unless you have received instructions to this effect.

## Precautions

- Do **NOT** annotate an open source document to indicate it contains classified information. Any annotation implying the document contains classified information necessitates review by a Derivative Classifier; it must be marked and protected at the appropriate classification level and category.

- A citation (e.g., in a footnote or bibliography) of a well-known open source document may be allowed if the reference does not point to classified information in the document. Check with your local Classification Officer for guidance on acceptable citations.

## Advisories

Advisories may be issued when classified information appearing in the open literature is particularly noteworthy or significant concerns regarding the release of the classified information arise. However, whether an Advisory is issued or not, the "No Comment" policy should be followed whenever classified information appears in the open literature.

## Violations

Any cleared person who intentionally verifies the classification status of any information or the technical accuracy of classified information in the open literature is subject to appropriate sanctions. Such sanctions may range from administrative, civil, or criminal penalties, depending on the nature and severity of the action.

## Questions/Comments

Contact the Office of Classification at (301)903-7567 or outreach@hq.doe.gov.

**EHSS**

## U.S. DEPARTMENT OF ENERGY

## Understanding DOE's "No Comment" Policy on Classified Information in the Open Literature
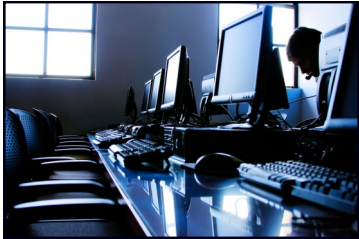
### GEN-16 Revision 2 September 2014

**Office of Classification**
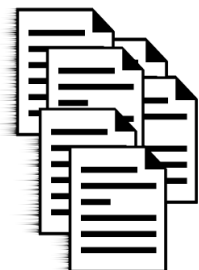
**Office of Environment, Health, Safety and Security**

**EHSS**

October 2014

The Department of Energy has had a long-standing policy that prohibits cleared Federal or contractor employees from commenting on classified information that appears in the open literature (formerly referred to as "the public domain"). However, since that policy was issued, the ways we acquire, process, store, and disseminate information has changed dramatically.

It is much more likely these days for employees working in classified subject areas to inadvertently encounter classified information in the open literature through Internet searches, electronic newsletters, or social networking sites. This information may or may not be marked. Commenting on this information can cause greater damage to the national security by confirming its location, classified nature, or technical accuracy. Just because classified information appears in the open literature, does not mean it is unclassified. Therefore, it is imperative that as a cleared employee, you understand what to do when you encounter such information.

## What's a "comment"?

A comment is any activity by a cleared employee that would allow an unauthorized person to (1) locate classified information or (2) confirm the classified nature or technical accuracy of classified information in the open literature.

You must **NEVER**, either verbally or in writing,
- Point out that a certain magazine or website contains classified information.
- Verify that information in the open literature (e.g., on the Internet, on a social networking site, in a printed publication) is classified or reveal that it is being reviewed because it might contain classified information.
- Discuss whether technical information in a classified subject area that is in the open literature is accurate, effective, or workable.

You should also be careful if your job requires you to hold discussions involving classified subject areas in a public setting, such as at a press conference, a town hall meeting, or at a symposium attended by uncleared persons. If you are absolutely certain the specific information being discussed is unclassified, you may comment on it. However, questions or comments may lead you to inadvertently confirm that information is classified. Therefore, you may want to consider responding to any question or comment concerning a classified subject area by simply saying, "We do not comment on this type of information."

## Permitted Activities

You may view, posses, print or send open source publications or web pages that contain classified information that are not marked unless the source is annotated in any way to indicate it could be classified or other instructions have been issued by the U.S. Government concerning a specific compromise.

You may collect open source publications or web pages in a given subject area (such as nuclear weapons, uranium centrifuges) as long as the collection is not limited to only those publications or web pages containing classified information.

Summaries of open source documents or collections thereof that might contain classified information must be reviewed by a Derivative Classifier.