Office of Classification

Classification

Training

Institute

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This briefing provides an introduction to classified information.

Classification

Training

Institute

June 2014

FRD

NSI

TFNI

RD

Introduction to Classified Information

June 2014

Secret

Confidential

Top Secret

EHSS
Office of Environment, Health, Safety and Security

What is classification?

- **Classification** is how we identify certain information that needs to be protected in the interest of national security.

- DOE has a formal process for classifying and declassifying information, documents, and materials.

What information is classified?

Authority

Classified Information Category

→ **Restricted Data (RD)**

→ **Formerly Restricted Data (FRD)**

**Atomic Energy Act
Implemented by
10 CFR part 1045**

⇢ *Transclassified Foreign Nuclear Information (TFNI)*

→ **National Security Information (NSI)**

**Executive Order 13526
Implemented by
32 CFR part 2001**

Restricted Data

- The Atomic Energy Act defines "Restricted Data" as <u>all</u> data concerning the

  1) Design, Manufacture, or Utilization of Atomic Weapons

  2) Production of Special Nuclear Material

  3) Use of Special Nuclear Material in the Production of Energy

but does not include data declassified or removed from the Restricted Data category (Formerly Restricted Data and Transclassified Foreign Nuclear Information)

Atomic Energy Act, Section 11y

Major Areas of Restricted Data

- Nuclear Weapons Design

- Nuclear Material Production

- Isotope Separation

- Naval Reactors
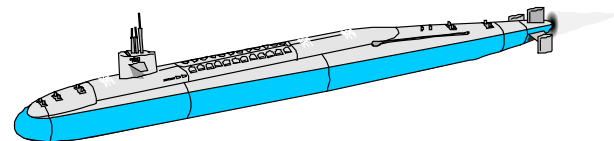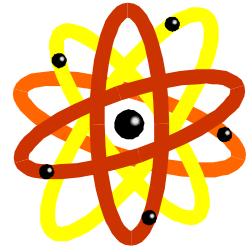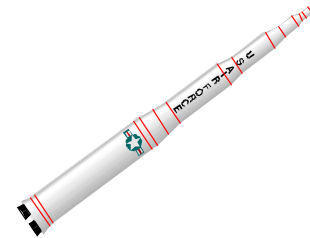
Formerly Restricted Data (FRD)

Classified information that has been removed from the Restricted Data category after DOE and DoD jointly determine that it
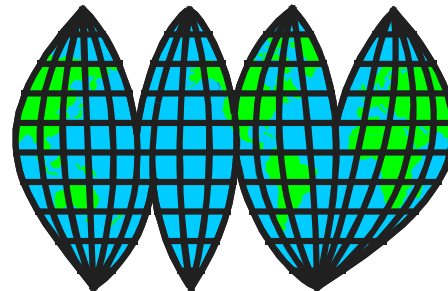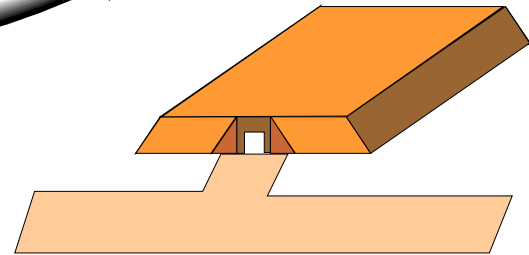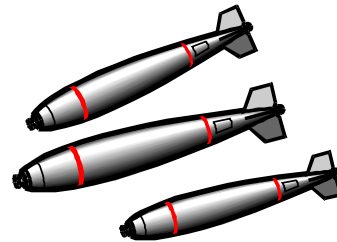
1) relates primarily to the military utilization of atomic weapons and

2) can be adequately safeguarded in a manner similar to NSI

"FORMERLY" DOES NOT MEAN UNCLASSIFIED

Atomic Energy Act, Section 142d

Examples of Formerly Restricted Data

- Stockpile quantities

- Weapons safety & storage

- Yields

- Locations

Caution: Historical information may still be classified FRD

Transclassified Foreign Nuclear Information

CLASSIFIED information that has been removed from the Restricted Data category for intelligence purposes after the DOE and the Director of National Intelligence (DNI)* jointly determine that it

1) concerns the atomic energy programs of certain nations and

2) can be adequately safeguarded in a manner similar to NSI

*Previously, the Director, Central Intelligence Agency

Additional information concerning Transclassified Foreign Nuclear Information (TFNI) is found in E.O. 13526, 32 CFR 2001.24(i), and ISOO Notice 2011-02

Atomic Energy Act, Section 142e

Transclassified Foreign Nuclear Information

- Applies to information from all sources used for intelligence purposes

- Comparable U.S. information would be RD or FRD (design-related FRD only)

- Could be RD if information is analyzed - refer to qualified reviewer

- Not subject to automatic declassification – declassified only when comparable U.S. information is declassified

- Special marking instructions

National Security Information

Government information that pertains to the national defense or foreign relations (national security) of the United States and has been classified in accordance with Executive Order 13526 or any predecessor order

NSI Subject Areas

- Military plans, weapons systems, or operations

- Foreign government information

- Intelligence (e.g., intelligence sources or methods, cryptology)

- Foreign relations or activities

- Scientific, technological, or economic matters relating to the national security

- Safeguarding nuclear materials or facilities

- Vulnerabilities or capabilities of systems/installations

- Weapons of mass destruction

Classification Levels

In addition to the category of information, the level of damage is identified in order to determine the sensitivity of the information and the level of safeguarding it requires. The damage must be identifiable or can be described.

- **Top Secret**

  RD/FRD/TFNI/NSI   Exceptionally Grave Damage

- **Secret**

  RD/FRD/TFNI/NSI   Serious Damage

- **Confidential**

  RD/FRD/TFNI   Undue Risk to the Common Defense and Security

  NSI   Damage

Agency Roles

RD/ TFNI

DOE has sole responsibility for identifying RD
and declassifying RD and TFNI

FRD

DOE and DoD share responsibility for identifying
and declassifying FRD

TFNI

DOE and DNI share responsibility for identifying TFNI,
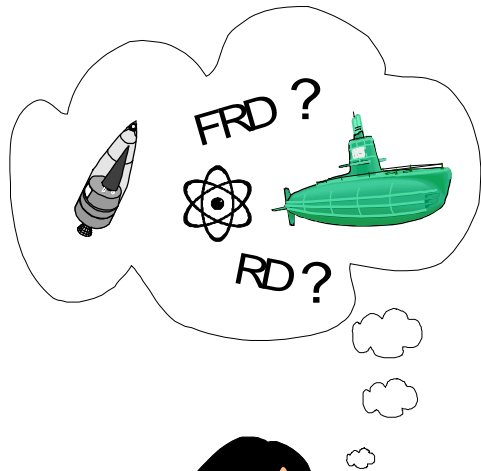DOE has sole responsibility for declassifying TFNI

NSI

All Government agencies specified by the
President classify and declassify their own NSI

Authority for Classifying Documents

Within DOE, specific authority is required to classify and declassify documents (as well as upgrade and downgrade documents)

- Derivative Classifiers (DCs) are trained and authorized to classify or upgrade documents

- Derivative Declassifiers (DDs) are trained and authorized to declassify or downgrade documents

Note: These are separate authorities and a person may or may not have both. For example, a person may be a DC but not a DD.

Documents Intended for Public Release

- Documents intended for public release include
    - Documents placed on a publicly available website
    - Documents sent to a member of the public
    - Documents submitted to Congress as unclassified
- If a document intended for public release is in a classified subject area, it must be reviewed by the Classification Officer
- At DOE HQ, the CO is AU-60 or NA-70 (for NNSA), but review authority could be delegated to specific DCs

Marking example of a document containing NSI

SECRET ← Page Marking

Subject/Title Marking →

Subject:(U) NSI Document Markings

Portion Marking →

(S) This paragraph contains Secret information.

(U) This paragraph contains Unclassified information.

Outside of Back Cover OR

(C) This paragraph contains Confidential information.

Back of Last Page of Text

NSI Special Control Marking →

Derivative Declassifier review required prior to declassification

Classification Authority Block →

Classified By: Joe Smith, Director, DOE, AU-61

Derived From: CG-SS-4, 9/12/2000, DOE OC

Declassify On: Upon Completion of Exercise

Page Marking →

SECRET

Markings are for training purposes only.

Marking example of a document containing RD

SECRET

Title/Subject Marking

(U) The title is Unclassified

This paragraph contains SRD.

Note: Portion marking is not required

This paragraph contains CRD.

This paragraph is Unclassified.

Classification Authority Block

Admonishment

The paragraph is CRD.

Note there are NO declassification instructions!

RESTRICTED DATA
This document contains RESTRICTED DATA as defined in the Atomic Energy Act of 1954. Unauthorized disclosure subject to Administrative and Criminal Sanctions.

Classified By: Joe Smith, Director, DOE, AU-61

Derived From: TCG-NAS-2, 03/1997, DOE OC

SECRET

Classification Challenges

- Employees are encouraged and expected to challenge the classification of information, documents, or material he or she believes is improperly classified. For example:

    - Document is unclassified; employee believes it is classified

    - Document is classified; employee believes it should not be classified

    - Employee believes document is classified at too low a level/category or too high a level/category

- Process may start with an informal discussion with the DC who classified the document or your Classification Representative (CR) or Classification Officer (CO)

- Employee may choose to formally challenge the classification – contact your CR, CO, or the outreach program for instructions on how to submit formal challenges

DOE Access Requirements for Classified Information

Category	Top Secret	Secret	Confidential
Restricted Data	Q	Q	L
Formerly Restricted Data	Q	L	L
Transclassified Foreign Nuclear Information	Q	L	L
National Security Information	Q	L	L

Violations of the Atomic Energy Act or E.O. 13526

- Failure to adequately protect classified information.

- Knowingly communicate or attempt to communicate classified material to an unauthorized person.

Infraction and Violation Penalties

- RD or FRD
  - Infractions - Administrative penalty

  - Violation
    - Civil penalty of up to $100,000
    - Criminal penalty of
      Maximum of 10 years (without intent)
      Maximum of Life (with intent)

- NSI: Sanctions may include reprimand, suspension without pay, removal, termination of classification authority, loss or denial of access to classified information, or other sanctions in accordance with applicable law and agency regulation.

Questions?

- Contact the DOE Classification Outreach Program
  - 301.903.7567
  - outreach@hq.doe.gov