

Instruction

DEFENSE INTELLIGENCE AGENCY
WASHINGTON, DC 20340-5100

DIAI 5400.300

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Prepublication Review of Information Prepared for Public Release

References:

- (a) Executive Order 12333, "United States Intelligence Activities," 4 December 1981, as amended by Executive Orders 13284, on 23 January 2003 and 13355, on 27 August 2004
- (b) Executive Order 12958, "Classified National Security Information," as amended 25 March 2003
- (c) DoD Directive 5230.9, "Clearance of DoD Information for Public Release," 9 April 1996, certified current as of 21 November 2003
- (d) DoD Instruction 5230.29, "Security and Policy Review of DoD Information for Public Release," 6 August 1999

1. PURPOSE

- 1.1. This instruction establishes procedures and general guidelines for the agency's prepublication (security and policy) review program for unclassified information and material prepared for public release.
- 1.2. This instruction replaces, in part, DIA Regulation 12-2, "Public Release of DIA Information."
- 1.3. This instruction does not pertain to the policies and procedures governing release of information under the purview of the Freedom of Information Act (FOIA), requests for declassification of classified material, requests for "classification reviews" to determine appropriate level of classification of information, or release of official information in litigation or testimony by DIA personnel as witnesses.
- 1.4. This instruction applies to all DIA personnel and elements, and those obligated by contract with DIA, whether the information is intended to be an official or non-official product.

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2. DEFINITIONS

- 2.1. **Information.** Any communication or representation of knowledge such as facts, data, or opinions in any medium or form including papers, articles, manuscripts, brochures, pamphlets, CDs, video- or audio-tape, or briefings (viewgraphs and text) or other oral presentations.
- 2.2. **Official Department of Defense (DoD) Information.** All information that is in the custody and control of DoD, relates to information in the custody and control of the department, or was acquired by DoD employees as part of their official duties or because of their official status within the department.
- 2.3. **DIA information.** All information that is in the custody and control of DIA, relates to information in the custody and control of DIA, or was acquired by DIA employees as part of their official duties or because of their official status within DoD and/or the United States Intelligence Community. DIA information is a sub-category of DoD information.
- 2.4. **Official product.** Material that is prepared as part of one's official duties as a DIA employee or contractor acting in an official capacity.
- 2.5. **Non-official product.** Material that is prepared by a DIA employee or contractor as a private individual and who is not acting in an official capacity for DIA, DoD, or the U.S. Government.

3. POLICY

- 3.1. DIA employees, and others obligated by contract and/or non-disclosure agreements, will submit for prepublication (security and policy) review all ostensibly unclassified information prepared and intended for public release that pertains to intelligence; national security issues; military matters; or the policies or operations of DIA, DoD, and /or the U.S. Government.
- 3.2. Official information cleared for public release will be consistent with established DIA, DoD, and national policies and programs.
- 3.3. The release of information to the public is limited only as necessary to safeguard information requiring protection in the interest of national security or other legitimate governmental interest.
- 3.4. Information will not be denied release because its public disclosure may reveal administrative error or inefficiency.

4. GUIDELINES

- 4.1. Information being released in any form to the public must undergo

prepublication—security and policy—review if the information pertains to or mentions intelligence data; intelligence activities; military matters; national security issues; foreign relations; policies or operations of DIA, the Department of Defense, the U.S. Intelligence Community or the U.S. Government; subjects of significant concern to DIA or the Department of Defense; or any subject about which the author has had access to classified information during his or her affiliation with DIA or DoD.

4.1.1. See reference (d) for further delineation of information requiring review.

4.1.2. Because works of fiction may be based upon and/or can be used to convey factual information, fictional material is subject to review if it meets the criteria in paragraphs 4.1 and 4.1.1.

4.2. Information intended for placement on publicly accessible websites, electronic bulletin boards accessible through the INTERNET, or other publicly accessible computer servers, requires review and clearance for public release if it meets the criteria above in paragraphs 4.1, 4.1.1, or 4.1.2.

5. RESPONSIBILITIES

5.1. Individual. DIA employees, and those obligated by contract and/or non-disclosure agreements, will submit information and material prepared for public release to the [redacted] for review and clearance, regardless of whether the individual is acting in an official or non-official capacity; or will obtain guidance from [redacted] on whether information is required to be submitted.

5.2. [redacted] will manage, administer, and coordinate DIA's prepublication review program and will develop the agency position regarding releasability of information submitted for review.

5.2.1. [redacted] as necessary, will coordinate with DIA elements that have relevant subject matter expertise related to and/or equity in the information submitted for review in order to develop the agency position regarding releasability.

5.2.2. [redacted] will serve as the coordination point between DIA and the DoD Office of Security Review (OSR) on matters related to the DIA and DoD security and policy review programs:

- [redacted] will be the portal through which OSR requests DIA review of and recommendations on information proposed for public release.

- As required, [redacted] will coordinate with OSR to obtain departmental review and clearance of information submitted by DIA personnel and

