NATIONAL SECURITY AGENCY
CENTRAL SECURITY SERVICE
NSA/CSS POLICY 1-30

Issue Date: 10 May 2013
Revised:

REVIEW OF NSA/CSS INFORMATION INTENDED FOR PUBLIC RELEASE

PURPOSE AND SCOPE

This document sets forth the policy, procedures, and responsibilities governing the *prepublication review* of *official NSA/CSS information* intended for *public release* by current and former NSA/CSS *affiliates* in either an *official capacity* or a *private capacity*. This policy also implements Department of Defense Directive 5230.09, "Clearance of DoD Information for Public Release" (Reference a).

This policy applies to all current and former NSA/CSS affiliates and reflects lifetime obligations agreed to in *non-disclosure agreements*.

ELIZABETH R. BROOKS
Chief of Staff

Endorsed by
Associate Director for Policy

DISTRIBUTION:
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This Policy supersedes NSA/CSS Policy 1-30, revised 9 January 2012.
OPI: The Office of Information Security Policy, DJ2, 969-2882 (secure) or (443) 654-4596 (public).

Policy 1-30 is approved for public release.

Dated: 10 May 2013

POLICY

1. Public release in an official capacity:

a. NSA/CSS makes certain accurate and timely information available to the public to promote accountability for and understanding of its activities. The public release of official NSA/CSS information shall be limited only as necessary to safeguard information requiring protection in the interest of national security or other legitimate Government interest (Reference a). All current NSA/CSS affiliates shall submit for prepublication review all official NSA/CSS information intended for public release in their official capacity. The prepublication review process includes both a classification review and a review that determines whether the information intended for public release: is consistent with established NSA/CSS, Department of Defense (DoD), and Intelligence Community policies and programs; is consistent with information security standards established by the Associate Director for Policy and Records (ADPR); and conforms to NSA/CSS corporate messaging standards as determined by the Associate Director for Strategic Communications (DN).

b. Official NSA/CSS information prepared as part of official duties and approved for public release will be used in accordance with DoD Directive 5500.07. "Standards of Conduct" (Reference b), and DoD 5500.7-R, "Joint Ethics Regulation (JER)" (Reference c), which preclude such use for monetary or nonmonetary personal gain.

2. Public release in a private capacity: NSA/CSS affiliates acting in a private capacity, and not in connection with their official duties, may prepare information for public release without management approval or policy review provided that the affiliate:

a. Violates no laws or regulations;

b. Maintains ethical standards and compliance with References b and c;

c. Uses only information that is UNCLASSIFIED and approved for public release:

d. Uses no information in which NSA/CSS may have intellectual property rights and must file a new patent application with the U.S. Patent and Trademark Office thereon or lose the right to do so (i.e.. the information, if publicly released, does not establish a date by which NSA/CSS must file a new patent application (e.g.. 1 year after public release)); and

e. Uses a disclaimer on any material in which an NSA/CSS affiliation is cited, stating that the views and opinions expressed are those of the affiliate and do not reflect those of NSA/CSS.

3. Information available from both classified and open sources:

a. Official NSA/CSS information appearing in the public domain shall not be automatically considered UNCLASSIFIED or approved for public release.

b. Where information intended for public release is available to the NSA/CSS affiliate from classified sources and also independently from open sources, the affiliate may be permitted to release the information if the affiliate can cite an adequate open source publication where the specific information is available – only if release of the information by the affiliate at the time of review will not cause additional damage to national security through confirmation of previous unauthorized releases. The *Prepublication Review Authority* shall exercise discretion in making these determinations on a case-by-case basis and may consider the following as factors in the decision:

1) The sensitivity of the information from classified sources;

2) The number and currency of the previous releases;

3) The level of detail previously exposed;

4) The source of the previous releases (whether authoritative and acknowledged or an anonymous leak);

5) The submitter's access to classified sources; and

6) The authority and credibility afforded by the affiliate's NSA/CSS experience.

4. Official NSA/CSS organizational logos: A *logo* may be created in accordance with NSA/CSS Policy 10-7, "NSA/CSS Multimedia Information" (Reference d). Once Multimedia Solutions (DN2) creates a proof of the logo, it must be reviewed and approved for public release in an official capacity as set forth in this policy. Once approved for public release, a logo may be used for official NSA/CSS operational, promotional, or morale-building purposes.

PROCEDURES

5. For public release in official capacity:

a. Information intended for public release in an NSA/CSS affiliate's official capacity (including, but not limited to, books, articles, videos, speeches, conference briefings, Internet postings, biographies, book reviews, cooperative education (co-op) reports, press releases, research papers, and organizational logos) is subject to prepublication review.

b. Before publicly disclosing his or her NSA/CSS affiliation, a current affiliate preparing material for public release in an official capacity shall seek operations security (OPSEC) guidance from his or her Staff Security Officer (SSO) and solicit a *name check* from Chief, Cover, Control, and Special Access Programs (S024) in accordance with NSA/CSS Policy 1-18, "NSA/CSS Anonymity Program" (Reference e).

c. Current NSA/CSS affiliates acting in an official capacity shall first submit, for management review and approval, all official NSA/CSS information intended for public release.

d. Upon receipt of management approval for public release (which may be in the form of a digitally signed email), a current NSA/CSS affiliate acting in an official capacity submits the following to a local *Classification Advisory Officer (CAO)* for an initial classification determination: the information, management approval, and written consent from NSA/CSS affiliates identified in the information to have any NSA/CSS affiliation publicly revealed. A complete list of CAOs can be found on NSANet ("go cao").

e. Upon determining the information to be UNCLASSIFIED, the CAO sends a digitally signed email to the affiliate containing that determination.

f. Following procedures established by the Prepublication Review Authority, either the affiliate or the local CAO then forwards the information (with all classification markings and/or handling instructions removed), management approval, classification determination, written consent from affiliates identified in the information to have any NSA/CSS affiliation publicly revealed (if applicable), technical review (if applicable), and contracting officer approval (if applicable) to the appropriate NSA/CSS Prepublication Review Authority for the final prepublication review determination.

g. The appropriate Prepublication Review Authority shall:

1) As necessary, coordinate with other information owners should the material contain information not under his or her purview;

2) Refer the information for review to organizations external to NSA/CSS, if required;

3) Coordinate, as appropriate, a review with the Associate Directorate for Strategic Communications (DN) to determine that information intended for public release in an affiliate's official capacity conforms to NSA/CSS corporate messaging standards; and

4) When necessary, request a technical review by a subject matter expert to determine that the information intended for public release is accurate.

5) When necessary, request a review by the NSA/CSS Office of the General Counsel (OGC) to determine that the information intended for public release contains no information in which NSA/CSS may have intellectual property rights and may file a patent application thereon.

6) If the current NSA/CSS affiliate acting in an official capacity is a *Senior Leader*, coordinate with the Office of Information Security Policy (DJ2) to obtain prepublication approval from the DoD Office of Security Review (OSR).

h. The appropriate Prepublication Review Authority will issue, as practicable, a final determination to the affiliate within 25 business days of receipt of all required information and supporting documentation.

6. For public release in a private capacity:

a. Resumes (including those intended for posting to public Web sites such as USAJobs.gov, Monster.com, and NSA.gov, or mailings to private companies as part of a job search): Current and former NSA/CSS affiliates shall submit resumes intended for public release to the Office of Information Security Policy (DJ2) for review according to procedures published on the Office of Information Security Policy (DJ2) Web site and on nsa.gov to determine whether they contain *NSA/CSS protected information*. Before publicly disclosing his or her NSA/CSS affiliation in a resume, a current affiliate shall seek OPSEC guidance from an SSO and solicit a name check from Chief, S024. A current affiliate shall have his or her resume first reviewed by his or her organization's CAO before submitting it to DJ2. Former affiliates shall submit resumes per instructions in paragraph 6.b.3. Resumes are not subject to management approval or policy review.

b. Other than resumes: Current and former NSA/CSS affiliates may prepare material for public release that meets all of the requirements stated in paragraph 2. This includes, but is not limited to, books, articles, videos, speeches, conference briefings, Internet postings, biographies, book reviews, co-op reports, press releases, research papers, and organizational logos. However, prepublication review is required where compliance with the requirements of paragraph 2 are in doubt (i.e., the material contains official NSA/CSS information, but it is not clear whether the information has been determined to be UNCLASSIFIED and approved for public release). In either case, before publicly disclosing an NSA/CSS affiliation, a current affiliate shall seek OPSEC guidance from an SSO and solicit a name check from Chief, S024.

1) A current affiliate with access to a TOP SECRET classified network (e.g., NSANet, JWICS) shall request review by his or her organization's CAO of the information intended for public release. After review, the organization's CAO will send the material and the initial determination to the appropriate Prepublication Review Authority for a second review.

2) Current affiliates without access to a TOP SECRET classified network (e.g., NSANet, JWICS) shall submit all information intended for public release to the appropriate Prepublication Review Authority according to established procedures.

3) Former affiliates without access to a TOP SECRET classified network (e.g., NSANet, JWICS) shall submit all information intended for public release in hardcopy to:

NSA/CSS
ATTN: DJ2, Prepublication Review
9800 Savage Road
Suite 6248
Fort George G. Meade, MD 20755-6248

4) The appropriate Prepublication Review Authority shall create an official record of the documents reviewed and the determinations made.

5) As necessary, the appropriate Prepublication Review Authority shall coordinate with other information owners when the material contains information under their purview.

6) The appropriate Prepublication Review Authority shall, as practicable, issue the determination to the affiliate within 25 business days of receipt.

7. Appeal of a prepublication review determination:

a. A prepublication review determination may be appealed in writing to the ADPR within 20 business days of receipt of the determination. At the ADPR's discretion, an additional 30 business days may be allowed to file a written appeal, provided that the affiliate files a written notice of intent to appeal within 20 business days of receipt of the initial determination and presents justification to support an extension. The affiliate making the appeal shall specifically identify the disputed portions of the initial determination and the reasons for appeal – and shall include any supporting information that the ADPR should consider.

b. In support of the ADPR, the Office of Information Security Policy (DJ2) will, if necessary, schedule meetings with the NSA OGC and/or the information owners to review the disputed information and, within 30 business days of receipt of the appeal, advise the affiliate making the appeal of the ADPR's final determination, and, to the extent consistent with national security, the reasons for any ADPR determination adverse to the affiliate's interests.

c. The final determination by the ADPR cannot be further appealed.

RESPONSIBILITIES

8. A current NSA/CSS affiliate acting in an official capacity shall:

a. Before disclosing his or her NSA/CSS affiliation, solicit a name check from Chief, S024 in accordance with Reference e;

b. Seek OPSEC guidance from an SSO regarding the possible consequences of disclosing his or her NSA/CSS affiliation;

c. Submit for prepublication review all materials intended for public release according to the procedures specified in paragraph 5;

d. As applicable, obtain written consent from each affiliate identified in the information to have his or her NSA/CSS affiliation publicly revealed; and

e. In accordance with established procedures, submit to the appropriate Prepublication Review Authority his or her requests for prepublication review along with all the required information identified in paragraph 5.f.

9. Current NSA/CSS affiliates acting in a private capacity shall:

a. Before disclosing their NSA/CSS affiliation, solicit name checks from Chief S024 in accordance with Reference e;

b. Seek OPSEC guidance from an SSO regarding the possible consequences of disclosing their NSA/CSS affiliation;

10. Current and former NSA/CSS affiliates acting in a private capacity shall:

a. Submit for prepublication review all materials intended for public release according to the procedures specified in paragraph 6;

b. Notify NSA/CSS of any request to comment on any unofficial NSA/CSS-related information (e.g., to review a book by a non-Government author prior to publication, to review an article, etc.). The NSA/CSS affiliate shall regard his/her comments as a proposed unofficial publication subject to review, as provided by this policy. If the appropriate Prepublication Review Authority determines that all or part of the text being commented on must be reviewed in order to evaluate the comments, the affiliate shall obtain permission from the author before submitting relevant parts of any unpublished text to NSA/CSS for review; and

c. As applicable, obtain written consent from each affiliate identified in the information to have his or her NSA/CSS affiliation publicly revealed.

11. Classification Advisory Officers (CAOs) shall:

a. Conduct an initial classification review of information submitted by an affiliate in their supported organizations, in accordance with current NSA/CSS classification and declassification guidance;

b. Provide the affiliate with a digitally signed email message or, if email is not practicable, an appropriately classified letter containing the classification determination; and

c. In accordance with established procedures and on behalf of the affiliate, submit a request for prepublication review to the appropriate Prepublication Review Authority (see paragraph 5.f.).

12. Prepublication Review Authorities shall:

a. Assist the CAO, when necessary, in resolving classification disputes;

b. Coordinate reviews, as appropriate, with the NSA/CSS Associate Directorate for Strategic Communications (DN) for conformance to messaging standards;

c. If the current NSA/CSS affiliate acting in an official capacity is a Senior Leader, coordinate with the Office of Information Security Policy (DJ2) to obtain prepublication approval from the DoD OSR;

d. Coordinate prepublication reviews with any other NSA/CSS offices as required by, and specified in, this policy;

e. Coordinate prepublication reviews with external information owners (e.g., U.S. Government, foreign government), as appropriate;

f. Conduct, as practicable, final prepublication reviews of all information intended for public release within 25 business days of receipt;

g. Notify the affiliate in writing of the determination; and

h. Maintain all required electronic and hardcopy official records related to prepublication review determinations in accordance with this policy and NSA/CSS Policy 1-6, "Records Management Program" (Reference f);

13. The Office of Information Security Policy (DJ2) shall perform all of the functions of a Prepublication Review Authority (see paragraph 11) and shall:

a. Serve as the sole approval authority for the public release of personal resumes:

b. Coordinate with the DoD OSR to obtain public release approval when the current NSA/CSS affiliate acting in an official capacity is a Senior Leader;

c. Review for approval management directives and any other procedures developed to implement this policy;

d. Maintain accountability and a database for all required electronic and hardcopy official records related to prepublication review determinations in accordance with Reference f; and

e. Administratively assist the ADPR in the processing of prepublication review appeals.

14. The Information Assurance Director and Research Director, in addition to the responsibilities in paragraph 15, shall:

a. Issue management directives to implement this policy that have been approved by the Office of Information Security Policy (DJ2);

b. Provide a monthly accounting of prepublication review cases to the Office of Information Security Policy (DJ2); and

c. Grant the Office of Information Security Policy (DJ2) access to any databases used for the electronic storage and tracking of prepublication review cases.

15. The Directors, Associate Directors, NSA/CSS Chief of Staff, and Extended Enterprise Commanders/Chiefs shall:

a. Develop a process, consistent with the provisions in this policy, for ensuring the proper prepublication review of official NSA/CSS information intended for public release;

b. Ensure personnel under their supervision are made aware of the requirements of this policy; and

c. Ensure that subordinates' requests for management review and approval of official NSA/CSS information intended for public release pursuant to paragraph 5.b are completed in a timely manner.

16. The Associate Directorate for Security and Counterintelligence (Q) shall:

a. Ensure that, during initial indoctrination, all affiliates are informed of their lifelong responsibility to safeguard NSA/CSS protected information and of the procedures for prepublication review;

b. Ensure that all affiliates are reminded of their lifetime prepublication review responsibilities prior to signing their security debriefing forms at the end of their affiliation with the Agency; and

c. Via SSOs, provide OPSEC guidance to current affiliates regarding the possible consequences of publicly disclosing their NSA/CSS affiliation when preparing official NSA/CSS information for public release in either an official or private capacity.

17. The Office of General Counsel (OGC) shall:

a. Provide legal advice to a Prepublication Review Authority when material intended for public release contains any information in which NSA/CSS may have intellectual property rights and may file a patent application thereon:

b. Ensure, in coordination with the Directorate of Acquisition (BA), that contracts contain necessary provisions to require compliance with the provisions of this policy by contractors and their employees; and

c. Provide legal advice and guidance to the Office of Information Security Policy (DJ2) and the ADPR during the appeal process, as necessary and as required.

18. The Directorate of Acquisition (BA) shall ensure, in coordination with the OGC, that contracts contain necessary provisions to require compliance with the provisions of this policy by contractors and their employees.

19. The Associate Directorate for Strategic Communications (DN) shall, as appropriate, perform a review on all information intended for public release in an official capacity within 10 business days of receipt to ensure that information intended for public release conforms to current NSA/CSS messaging standards as determined by the Associate Director for Strategic Communications.

20. The Chief, Cover, Control, and Special Access Programs (S024) shall conduct name checks as requested by current affiliates preparing official NSA/CSS information for public release in either an official or private capacity in accordance with Reference e.

REFERENCES

21. References

a. DoDD 5230.09 "Clearance of DoD Information for Public Release," dated 22 August 2008.

b. DoDD 5500.07, "Standards of Conduct," dated 29 November 2007.

c. DoD 5500.7-R, "Joint Ethics Regulation (JER)." dated 1 August 1993.

d. NSA/CSS Policy 10-7, "NSA/CSS Multimedia Information," dated 12 August 2009.

e. NSA/CSS Policy 1-18, "NSA/CSS Anonymity Program," dated 16 March 2010.

f. NSA/CSS Policy 1-6, "Records Management Program," dated 16 December 2010.

g. Executive Order 13526, "Classified National Security Information," dated 29 December 2009.

h. Public Law No. 86-36 (codified as amended in 50 U.S.C. § 402, note), "National Security Agency Act of 1959."

i. 5 U.S.C § 552, "Freedom of Information Act."

DEFINITIONS

22. Affiliate – A person employed by, detailed to, or assigned to NSA/CSS, including a member of the U.S. Armed Forces; an expert or consultant to NSA; an industrial or commercial contractor, licensee, certificate holder, or grantee of NSA, including all subcontractors; a personal services contractor; or any other category of person who acts for or on behalf of NSA/CSS as determined by the Director, NSA/Chief, CSS. (Source: NSA/CSS Policy 5-15)

23. Classification Advisory Officer (CAO) – An individual trained and certified by the Office of Information Security Policy (DJ2) to properly apply classification rules and guidance and who assists other employees in the proper marking and protection of classified and protected information.

24. Logo – An unclassified graphical representation of an NSA/CSS-related special office, mission, program, or project.

25. Name Check – A review of past assignments, including assignments to other agencies and participation in educational programs, to determine the classification of an individual's name in association with NSA/CSS. (Source: Reference e)

26. Non-Disclosure Agreement (NdA) – A lifetime obligation to safeguard all protected information, to submit all information intended for publication and/or public release for prepublication review, and to report any *unauthorized disclosure* of protected information. NSA/CSS affiliates are legally bound and obligated by any NdAs they sign for access to NSA/CSS information. They shall not confirm or deny information about NSA/CSS that appears in the public domain without prior approval through the classification or prepublication process.

27. NSA/CSS Protected Information – Information obtained as a result of a relationship with NSA/CSS, that is:

a. Classified or in the process of a classification determination pursuant to the standards of Executive Order 13526 (Reference g), or any successor order, and implementing regulations. It includes, but is not limited to, intelligence information, sensitive compartmented information (intelligence sources and methods), and cryptologic information (information concerning information systems security and signals intelligence); or

b. Unclassified, appearing in any form or compilation, which NSA/CSS may withhold from public disclosure under authority of the National Security Agency Act of 1959 (Reference h) or by reason of being either excluded or exempted from the mandatory disclosure requirements of the Freedom of Information Act (Reference i). (Source: NSA/CSS Policy 5-13)

28. Official Capacity – Acting on behalf of NSA/CSS.

29. Official NSA/CSS Information – Any NSA/CSS, DoD, or IC information that is in the custody and control of NSA/CSS and was obtained for or generated on NSA/CSS' behalf during the course of employment or other service, whether contractual or not, with NSA/CSS.

30. Prepublication Review – The overall process to determine that information proposed for public release contains no protected information and, where applicable, is consistent with established NSA/CSS, DoD, and IC policies and programs; conforms to NSA/CSS messaging standards as determined by the Associate Director for Strategic Communications; and, in consultation with the NSA OGC, Acquisition, Research, and Technology Law, as appropriate, contains no information in which NSA/CSS may have intellectual property rights and may file a patent application thereon.

31. Prepublication Review Authority – Officials in organizations who are delegated the authority to make determinations on prepublication reviews. The Office of Information Security Policy (DJ2) serves as the corporate-level Prepublication Review Authority and as such has the authority to make a determination on any prepublication review and has sole authority for the prepublication review of personal resumes. The ADPR delegated in writing Prepublication Review Authority, for other than personal resumes, to the Research Directorate and to the Information Assurance Directorate.

32. Private Capacity – Acting on behalf of oneself and not in association with NSA/CSS.

33. Public Release – The decision to retain or to show or reveal official NSA/CSS information whether orally, in writing, or through any other medium, to one or more persons who otherwise do not have the appropriate access authorization, security clearance, and/or need to know to receive such information upon determination that the release will not harm the national security or another legitimate Government interest.

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34. Senior Leader – A Defense Intelligence Senior Executive Service (DISES) employee, a Defense Intelligence Senior Level (DISL) employee, or the military equivalent of a DISES or DISL employee.

35. Unauthorized Disclosure – Absent a public release, the communication or physical transfer of protected information to one or more unauthorized recipients who do not have appropriate access authorization, security clearance, and/or need to know to receive such information.