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**Date:** 06/03/97

**Category:** 70 - Information and Records Management

**OPR:** OIM

**Title:** AR 70-5 DECLASSIFICATION AND RELEASE

[Redacted box]

**PEN AND INK CHANGE:** 7 March 2001

On 18 August 2000, the Director of Central Intelligence Agency signed a delegation of authority giving the Deputy Executive Director authority to classify, declassify, and release Agency information. The change is reflected in paragraph f(3) and are designated by bold text.

*This regulation was written by the Office of the Associate Deputy Director for Administration/Information Services, [Redacted]*

**5. DECLASSIFICATION AND RELEASE**

**SYNOPSIS. This regulation provides policy and guidance regarding the declassification<sup>1</sup> and release<sup>2</sup> of information that documents Central Intelligence Agency activities, and the activities of predecessor organizations (hereinafter "Agency information").**

<sup>1</sup>Declassification, as discussed in this regulation, refers to declassification carried out under the authority of Executive Order 12958. Thus, declassification, in the context of this regulation, does not apply to imagery, since the declassification of imagery is carried out under the separate authority of Executive Order 12951.

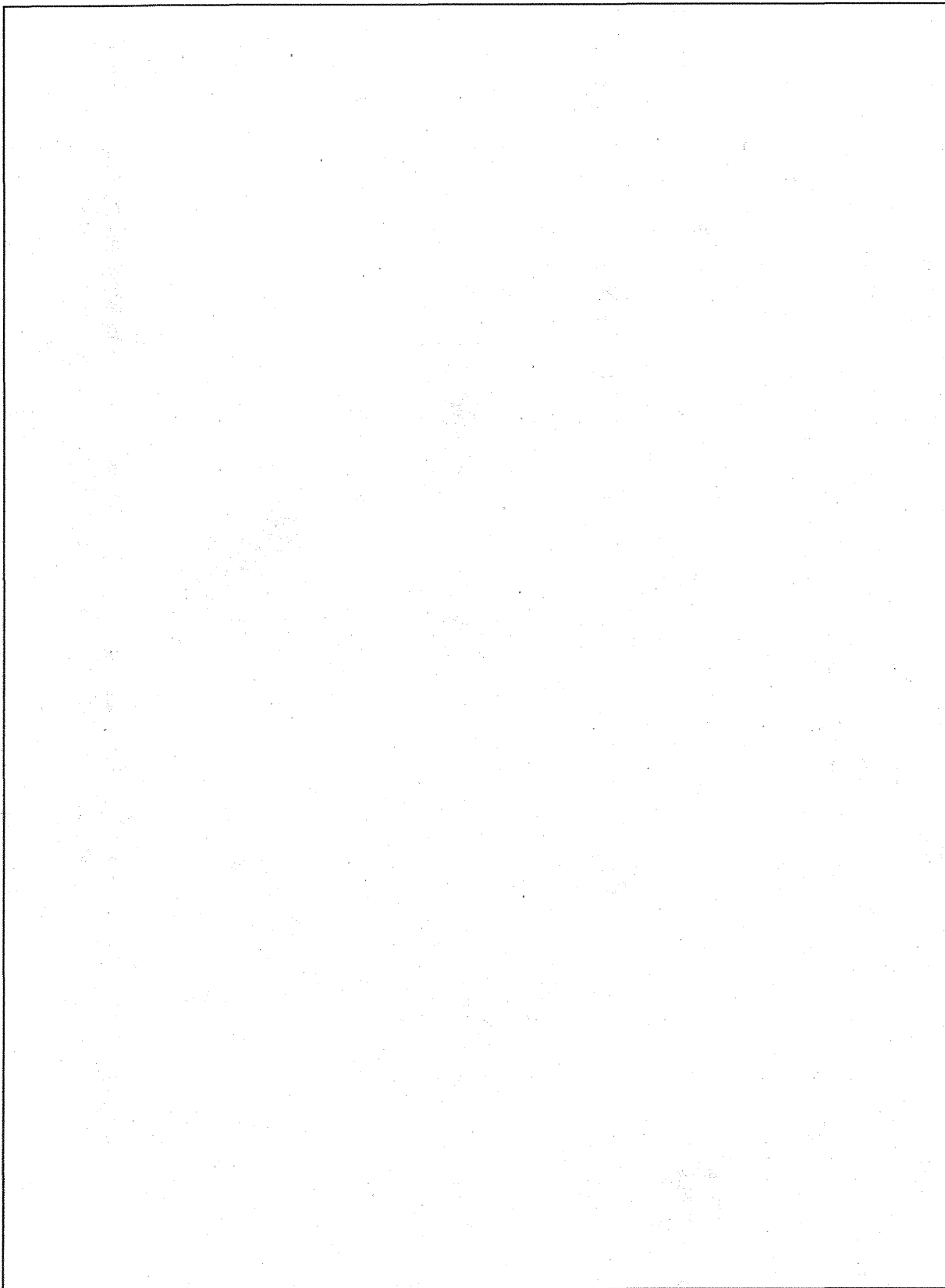
<sup>2</sup>Release, in the context of this regulation, relates only to unclassified information. Information which is classified and provided to authorized recipients outside of the Agency does not fall within the scope of this regulation.

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~~ADMINISTRATIVE - INTERNAL USE ONLY~~

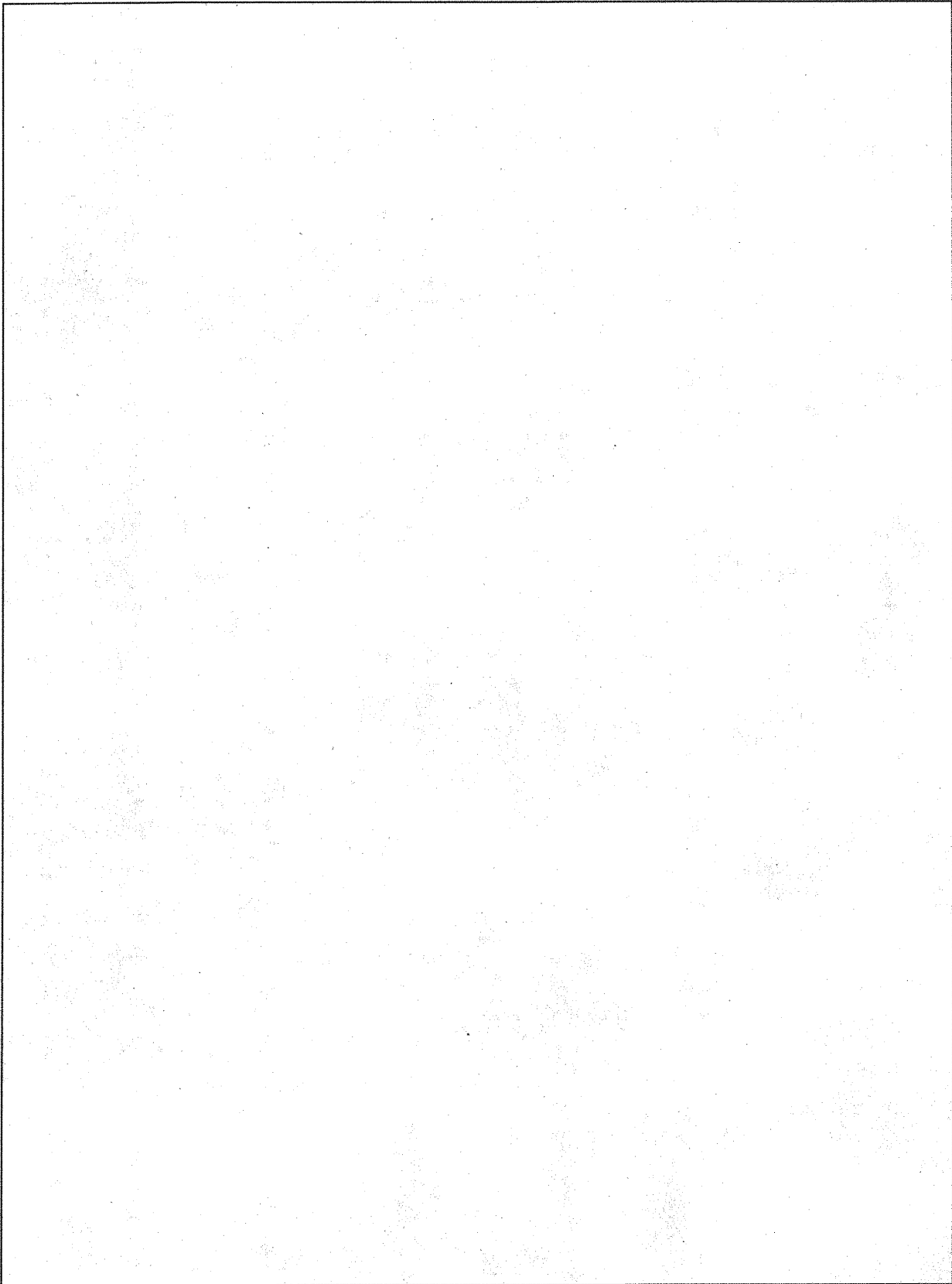
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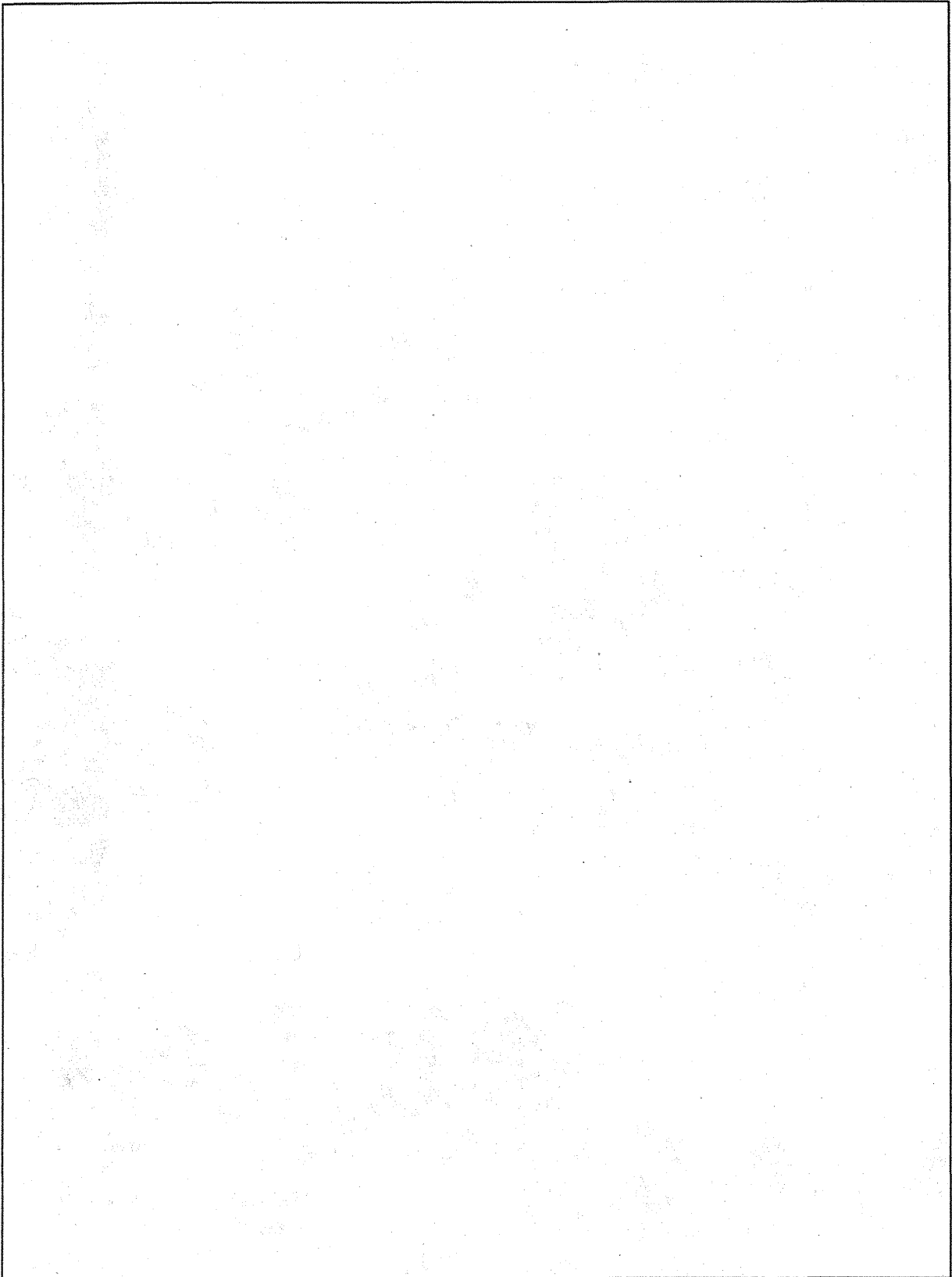
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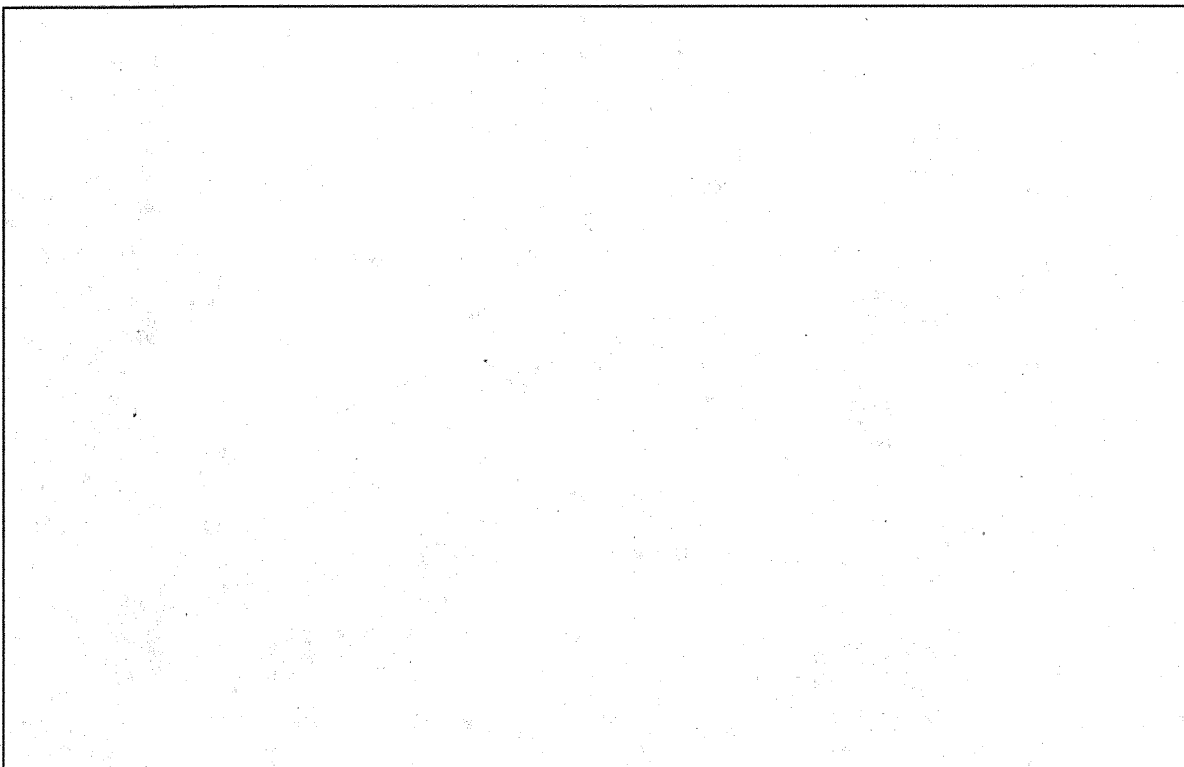
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f. **RELEASE OF INFORMATION.** A decision to publicly release any Agency information (orally, or in electronic or written format) requires not only a declassification review, but also a review to determine whether the Agency has a legal obligation, or the discretionary authority, to claim other exemptions or legal privileges against the disclosure of such information. Thus, the authority to declassify Agency information is not synonymous with the authority to publicly release Agency information. The authority to release Agency information is restricted to the following persons as set forth below, and any previous delegations of release authority are hereby rescinded:

- (1) The DCI, as the head of the CIA, has release authority with respect to all Agency information (including information under the cognizance of the statutory Office of the DCI) the disclosure of which is not precluded by law.
- (2) The Deputy Director of Central Intelligence is delegated release authority with respect to all Agency information (including information under the cognizance of the statutory Office of the DCI) the disclosure of which is not precluded by law.
- (3) The Executive Director **and Deputy Executive Director are** is delegated release authority with respect to all Agency information (except information under the cognizance of the statutory Office of the DCI) the disclosure of which is not precluded by law.
- (4) The Deputy Director of Central Intelligence for Community Management/Executive Director for Intelligence Community Affairs is delegated release authority with respect to all Community Management Staff information the

~~ADMINISTRATIVE - INTERNAL USE ONLY~~

~~ADMINISTRATIVE - INTERNAL USE ONLY~~

disclosure of which is not precluded by law.

- (5) The General Counsel is delegated, consistent with DCI authority, release authority with respect to Agency information (including information under the cognizance of the statutory Office of the DCI) to be released to the courts, the Department of Justice, or otherwise in the conduct of the General Counsel's statutory responsibilities, when the disclosure of that information is not precluded by law.
- (6) The Inspector General is delegated, consistent with DCI authority, release authority with respect to Agency information (including information under the cognizance of the statutory Office of the DCI) to be released to the Congress or otherwise in the conduct of the Inspector General's statutory responsibilities, when the disclosure of that information is not precluded by law.
- (7) The Deputy Director for Administration, the Deputy Director for Intelligence, the Deputy Director for Operations, the Deputy Director for Science and Technology, and the heads of elements within the DCI Area are delegated release authority with respect to all Agency information within their functional responsibilities, when the disclosure of that information is not precluded by law.
- (8) Deputy Directors and heads of elements within the DCI Area may delegate release authority to subordinate officials as necessary. Such delegations shall be in writing and sent to the Director of Information Management who will maintain a file of such delegations.
- (9) The DCI Area IRO is delegated release authority for DCI Area information and each Directorate IRO is delegated release authority for information from that Directorate, when disclosure of that information is not precluded by law. The DCI Area IRO may release information within the functional responsibilities of an element within the DCI Area in coordination with that element or in accordance with mutually agreed upon procedures.
- (10) Deputy Directors and heads of elements within the DCI Area (or their designees) have the authority to authorize the release of material received from a current CIA employee that is intended for nonofficial publication when consistent with the standards of review required by AR 6-2 .
- (11) The DCI has designated the DDA as the "senior agency official" within the meaning of section 5.6 of Executive Order 12958. As such, the DDA has further delegated to the Director of Information Management (D/IM), as both the classification system manager for CIA and the Agency Information Review Officer, release authority with respect to material denied by the Agency on initial information requests, when that material is unclassified or has been declassified and the Agency does not claim any exemption or privilege from disclosure.
- (12) The Director of Congressional Affairs is delegated release authority with respect to Agency information (including information under the cognizance of the statutory Office of the DCI) to be released to Members of Congress, or Congressional committees, or Congressional staff, when that information is unclassified or has

~~ADMINISTRATIVE - INTERNAL USE ONLY~~

been declassified and the Agency does not claim any exemption or privilege from disclosure.

- (13) The Director of Public Affairs is delegated release authority with respect to Agency information (including information under the cognizance of the statutory Office of the DCI) to be provided to the media that is unclassified or that has been declassified and for which the Agency does not claim any exemption or privilege from disclosure.
- (14) The Information and Privacy Coordinator is delegated release authority with respect to Agency material (including material under the cognizance of the statutory Office of the DCI) responsive to Freedom of Information Act, Privacy Act, and Executive Order Mandatory Declassification requests, when that material is unclassified or has been declassified and the Agency does not claim any exemption or privilege from disclosure.
- (15) The Director of the Center for the Study of Intelligence (D/CSI) is delegated release authority with respect to 25 year old permanent Agency material exempt from automatic declassification, Agency material that is part of the Historical Review and Publications programs, Agency information requested by the Department of State for the Foreign Relations of the United States Series, and Agency materials provided as part of academic outreach programs under the purview of the D/CSI, when that information or material is unclassified or has been declassified and the Agency does not claim any exemption or privilege from disclosure. The Chief, Historical Review Group is delegated release authority, to be exercised on behalf of the D/CSI, for Agency information and material that has been reviewed for systematic declassification, when that information or material is unclassified or has been declassified and the Agency does not claim any exemption or privilege from disclosure.
- (16) The Automatic Declassification Program Manager is delegated release authority with respect to 25 year old or older permanent Agency records, not exempt from automatic declassification, when those records are unclassified or have been declassified and the Agency does not claim any exemption or privilege from disclosure.
- (17) All Agency focal point officers appointed by the EXDIR or D/IM for a special search are delegated release authority with respect to Agency information (including information under the cognizance of the statutory Office of the DCI) responsive to that special search, when that information is unclassified or has been declassified and the Agency does not claim any exemption or privilege from disclosure.
- (18) The D/IM is delegated exclusive authority (except as otherwise specifically set forth in this subsection) to publicly release or otherwise disclose to anyone outside the Agency all Agency-wide regulatory issuances; provided that no Agency-wide regulatory issuance may be publicly released or otherwise disclosed by the D/IM unless it has first been reviewed for release or disclosure by the Office of Primary

## ADMINISTRATIVE - INTERNAL USE ONLY

Responsibility (OPR) and the appropriate IRO. Any decision by the D/IM whether or not to publicly release or otherwise disclose to someone outside the Agency an Agency-wide regulatory issuance may be appealed by the OPR or IRO to the DDA, the Executive Director, the DDCI, and, if necessary, to the DCI. The delegation of this authority to the D/IM does not divest the DDA, the Executive Director, or the DDCI of their authority to publicly release or otherwise disclose Agency-wide regulatory issuances, subject to DCI appeal, or the DCI of his authority to make such releases or disclosures. Any Agency-wide regulatory issuance that has previously been publicly released may be publicly released or otherwise disclosed to someone outside the Agency by the OPR or the appropriate IRO without obtaining D/IM approval.

- (19) AR  provides further detail on specific categories of unclassified Agency information where approvals may or may not be required prior to release. It also provides further detail on when employees may be in contact with persons or groups outside of CIA for the purpose of releasing unclassified Agency information. It is expected that consideration of particular release or contact approvals will be done in consultation or coordination with the designated IROs. Directorates or elements within the DCI Area may require, for information on certain topics, a higher level of approval for releases or contacts.
- (20) All individuals authorized to publicly release Agency information are responsible for verifying prior to any release, through actual knowledge or consultation with the appropriate IRO or other Agency official with actual knowledge, that any information which they intend to publicly release is unclassified or declassified, and the Agency will not claim any exemption or privilege from disclosure.
- (21) All individuals authorized to publicly release Agency information shall ensure, whenever they publicly release any Agency information in electronic or written format, that the information is provided to the manager of the Agency's database of released information in accordance with guidelines issued by the manager.

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Acting Director of Central Intelligence