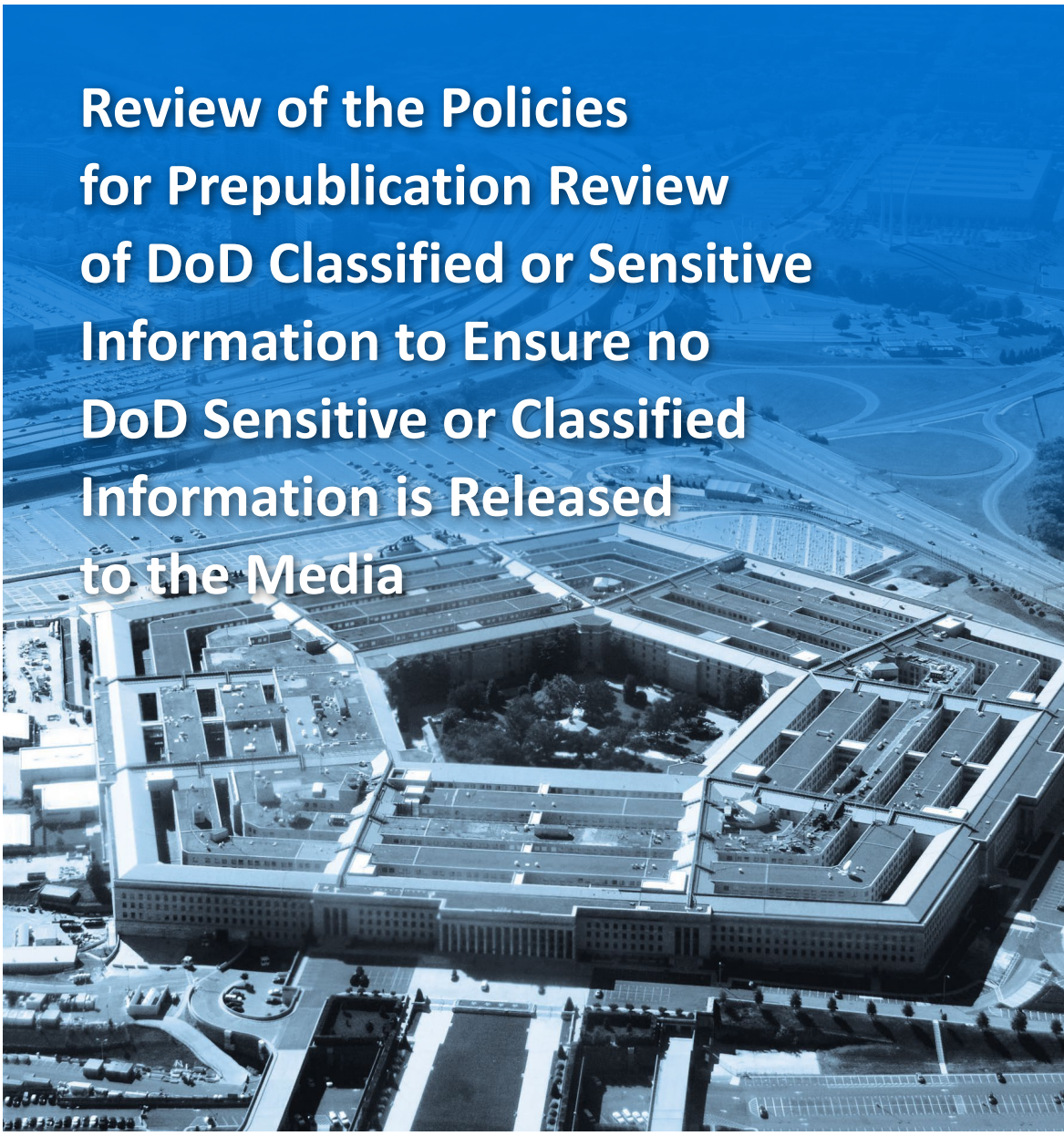
Report No. DODIG-2016-101

INSPECTOR GENERAL

U.S. Department of Defense

JUNE 17, 2016

Review of the Policies for Prepublication Review of DoD Classified or Sensitive Information to Ensure no DoD Sensitive or Classified Information is Released to the Media



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Results in Brief

Review of the Policies for Prepublication Review of DoD Classified or Sensitive Information to Ensure no DoD Sensitive or Classified Information is Released to the Media

June 17, 2016

Objective

Our objective was to review the existing policies that require Department personnel to submit DoD sensitive or classified information for prepublication review to ensure no DoD sensitive or classified information is released to the media.

Finding

We found that DoD Directive (DoDD) 5230.09, "Clearance of DoD Information for Public Release," August 22, 2008, and DoD Instruction (DoDI) 5230.29, "Security and Policy Review of DoD Information for Public Release," August 13, 2014, were not uniformly applied throughout the Department. Specifically, Washington Headquarters Services did not ensure the DoD Component-specific prepublication policies aligned with the DoD prepublication policies.

Recommendation

We recommend the Director of Washington Headquarters Services provide a plan of action and milestones to ensure all Defense Component-specific prepublication review policies align with DoD Directive (DoDD) 5230.09, "Clearance of DoD Information for Public Release," August 22, 2008, and DoD Instruction (DoDI) 5230.29, "Security and Policy Review of DoD Information for Public Release," August 13, 2014, with respect to prepublication review of sensitive or classified information.

Management Comments and Our Response

Management concurred with our comments to provide a plan of action and milestones to ensure all Defense Component-specific prepublication review policies align with DoD Directive (DoDD) 5230.09, "Clearance of DoD Information for Public Release," August 22, 2008, and DoD Instruction (DoDI) 5230.29, "Security and Policy Review of DoD Information for Public Release," August 13, 2014, with respect to prepublication review of sensitive or classified information. The comments addressed the specifics of the recommendations, and no further comments are required. Please see the recommendations table on the next page.

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Recommendations Table

Management	Recommendation Requiring Comment
Director, Washington Headquarters Services	None

INSPECTOR GENERAL
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June 17, 2016

MEMORANDUM FOR DIRECTOR, WASHINGTON HEADQUARTERS SERVICES

SUBJECT: Review of the Policies for Prepublication Review of DoD Classified or Sensitive Information to Ensure no DoD Sensitive or Classified Information is Released to the Media (Report DODIG-2016-101)

We are providing this report for your information and use. Our objective was to review the existing policies that require Department personnel to submit DoD sensitive or classified information for prepublication review to ensure no DoD sensitive or classified information is released to the media.

We recommended the Director of Washington Headquarters Services provide a plan of action and milestones to ensure all Defense Component-specific prepublication review policies align with DoD Directive (DoDD) 5230.09, "Clearance of DoD Information for Public Release," August 22, 2008, and DoD Instruction (DoDI) 5230.29, "Security and Policy Review of DoD Information for Public Release," August 13, 2014, with respect to prepublication review of sensitive or classified information.

We conducted this assessment in accordance with the Council of the Inspectors General on Integrity and Efficiency Quality Standards for Inspection and Evaluation. We considered comments on a draft of this report when preparing the final report. Management concurred with the recommendation. Comments from the Director of Washington Headquarters Services addressed all specifics of the recommendation and conformed to the requirements of DoD Directive 7650.3; therefore, we do not require additional comments.

We appreciate the courtesies extended to the staff. Please direct questions to me at (703) 699-7330, or the Project Manager at (703) 699-7207 (DSN 499-7207).

Anthony C. Thomas
Deputy Inspector General for
Intelligence and Special
Program Assessments

Contents

Introduction

Objective

Our objective was to review the existing policies that require Department personnel to submit DoD sensitive or classified information for prepublication review to ensure no DoD sensitive or classified information is released to the media.[1]

Background

We initiated this report as a follow-on review of the report, "Release of Department of Defense Information to the Media," Report No. 2013-092, June 14, 2013. We reviewed the two DoD prepublication policies that relate to authorized release of information to the media and outline the process for prepublication review of DoD information: DoD Directive (DoDD) 5230.09, "Clearance of DoD Information for Public Release," August 22, 2008, and DoD Instruction (DoDI) 5230.29, "Security and Policy Review of DoD Information for Public Release," August 13, 2014, (hereinafter referred to as "prepublication review policies").

DoDD 5230.09 pertains to official DoD information intended for public release relating to military matters, national security issues, or subjects of significant concern.[2] DoDD 5230.09 requires all DoD Components and personnel, retired personnel, former DoD employees, and non-active duty members of the Reserve Components to use the DoD security review process for information intended for public release. DoD personnel acting in a private capacity may prepare information for public release; however, the information must be reviewed for clearance if it meets specific criteria listed in DoDI 5230.29, as described below.

According to DoDD 5230.09, the Director, Washington Headquarters Services (WHS) is responsible for ensuring the DoD Component-specific prepublication policies align with DoDD 5230.09, developing procedures and review guidelines for security and policy review of information intended for public release, and implementing the DoD security review process through the Defense Office of Prepublication and Security Review (DOPSR).

[1] For the purposes of this report, "media" means entertainment media, social media, print media but does not include news journalism.

[2] DoDD 5230.09 does not apply to specific materials provided to congressional committees; information before publication or disclosure by DoD contractor; official information in litigation; or release of official DoD information to the news media.

According to DoDI 5230.29, all classified information, controlled unclassified information, or unclassified information that may individually or in the aggregate lead to the compromise of classified information or disclosure of operations, must undergo a security review. Enclosure 3, Section 1 of DoDI 5230.29 specifies the types of information that must be submitted to DOPSR for security review. The information requiring security review includes official DoD information intended for public release relating to items of national or international interest, or that affects national security policy. As with DoDD 5230.09, the Director, WHS is responsible for ensuring DoD Component-specific prepublication policies align with DoDI 5230.29.

Finding

DoD Directive (DoDD) 5230.09, "Clearance of DoD Information for Public Release," August 22, 2008, and DoD Instruction (DoDI) 5230.29, "Security and Policy Review of DoD Information for Public Release," August 13, 2014, are not Uniformly Applied by DoD Components

We found that DoD Directive (DoDD) 5230.09, "Clearance of DoD Information for Public Release," August 22, 2008, and DoD Instruction (DoDI) 5230.29, "Security and Policy Review of DoD Information for Public Release," August 13, 2014, were not uniformly applied throughout the Department. Specifically, Washington Headquarters Services did not ensure the DoD Component-specific prepublication policies aligned with DoD prepublication review policies.

Inconsistent Alignment of Prepublication Policies

We reviewed policies from the Defense agencies, Military Services, and Combatant Commands' Public Affairs Offices. We found sufficient examples to support our finding that the Director, WHS, had not ensured all Defense Component-specific prepublication policies aligned with DoD prepublication review policies with respect to security reviews. We also found some Defense Components' prepublication policies aligned with DoD prepublication policies. Below we highlight specific examples where DoD prepublication policies were not uniformly applied by Defense Components.

Examples of Defense Components' Policies not Aligned with DoD Prepublication Policies

U.S. Army

The Army follows Army Regulation 360-1, "Army Public Affairs Program," May 25, 2011, which references DoD prepublication review policies. The Army's Office of the Chief of Public Affairs is responsible for the prepublication reviews for the Army. The Army has a decentralized prepublication review process. Public Affairs Officers at all levels are authorized to approve public release of products for which they have adequate expertise to review and which do not require a DOPSR level review under DoDI 5230.29. The Army Office of Security

Review determines whether the review item needs to go to Army staff sections for subject matter expert review or to the DOPSR for higher level review. The Army Office of Security Review has one security reviewer, who relies on professional judgment to determine whether an item needs to be sent to a subject matter expert or DOPSR for classification verification.

National Security Agency

The National Security Agency (NSA) prepublication review guidance is codified in NSA/Central Security Service (CSS) Policy 1-30, "Review of NSA/CSS Information Intended for Pubic Release," May 10, 2013. While the NSA policy does incorporate DoDD 5230.09, the NSA policy does not incorporate DoDI 5230.29. While the NSA policy requires coordination with DOPSR to obtain public release approval when the current NSA/CSS affiliate action in an official capacity is a Senior Leader, the NSA policy does not mandate DOPSR review for any other information specified in DoDI 5230.29. Interviews with NSA public affairs officials confirmed that NSA does not use DOPSR if the information is another Intelligence Community agency's equity, despite the requirements in DoDI 5230.29. Instead, NSA contacts the other agencies directly.

U.S. Central Command

The U.S. Central Command (CENTCOM) prepublication review guidance is codified in CENTCOM Regulation 360-3, "Public Affairs: Clearance of Department of Defense Information (Security Review)," June 5, 2013. This regulation references the prepublication review policies. However, the CENTCOM regulation is not compliant with DoDD 5230.09 and DoDI 5230.29. CENTCOM Regulation 360-3 states that retired military personnel, former DoD employees, and non-active duty members of reserve components are not subject to the provisions of the CENTCOM regulation, but they may use the review service to ensure that information they propose to publish or disclose about CENTCOM does not compromise classified information or otherwise violate security. DoDD 5230.09 specifically states that retired personnel, former DoD employees, and non-active duty members of the Reserve Components shall use the DoD security review process to ensure that information they submit for public release does not compromise national security. DOPSR is not involved in the CENTCOM review process, which does not allow for a higher-level review for DoD or Intelligence Community equities.

U.S. Special Operations Command

The U.S. Special Operations Command (USSOCOM) prepublication review policy is codified in USSOCOM Directive 360-1, "Policy Guidance for the Conduct of United States Special Operations Command Public Affairs," June 24, 2003. USSOCOM Directive 360-1 references DoDD 5230.09, but does not incorporate

DoDI 5230.29. DoDI 5230.29 specifies the types of information that must be submitted to DOPSR for security review and includes official DoD information intended for public release relating to items of national or international interest; or that affects national security policy. A representative of the Commanders Oversight Review Board told us that USSOCOM is in the process of developing a new manual that would explicitly cover current, former and retired USSOCOM employees, and include mandatory review for speeches, academic papers, and other materials.

U.S. Southern Command

The U.S. Southern Command (USSOUTHCOM) Regulation 360-1, "U.S. Southern Command Public Affairs Policy and Procedures," April 15, 2014, includes a requirement that component and subordinate commands ensure statements and releases conform to established USSOUTHCOM, Office of the Assistant to the Secretary of Defense for Public Affairs (OATSD(PA)), DoD, and Department of State policy guidance. As a prepublication requirement, USSOUTHCOM Public Affairs coordinates with the USSOUTHCOM Headquarters staff and other agencies to ensure information considered for release meets established standards of security, accuracy, policy, and propriety. While USSOUTHCOM Regulation 360-1 does incorporate DoDD 5230.09 and mandates OATSD(PA) review of information, the regulation does not incorporate DoDI 5230.29 or mandate DOPSR review.

Examples of Defense Components' Policies Aligned with DoD Prepublication Policies

U.S. Air Force

The Air Force follows Air Force Policy Directive 35-1, "Public Affairs Management," September 28, 2012, which references DoD prepublication review policies. The authority for the Air Force to unilaterally review information for release is given in DoD Instruction 5230.29, which specifies the information that may be unilaterally reviewed. The Air Force PAO is the only Service PAO that has two security review specialists, therefore, providing continuity when one security review specialist is unavailable. When a media item is submitted, the reviewers receive it in hard copy to prevent potential spillage issues if the item proves to be classified. The reviewers then determine if the information submitted contains any Air Force equities. If the information has Air Force equities, the reviewers forward the information to the appropriate Air Force component to identify any classified or sensitive information. The security reviewers have control over which subject matter experts are required to review the material. If a prepublication review request contains information about individuals or agencies outside of the Air Force, SAF/PA reviewers forward the request to DOPSR, which then becomes the release authority.

U.S. Navy

The U.S. Navy follows DoD Directive 5230.09, DoD Instruction 5230.29, and "Department of the Navy Public Affairs Policy and Regulations," SECNAVINST 5720.44C, February 21, 2012. The U.S. Navy Chief of Information (CHINFO) is the head of Navy's Public Affairs. There is no security specialist assigned to the CHINFO office. All media items needing a security review must be submitted to the Office of the Deputy Undersecretary of the Navy (DUSN) for Policy, Program Oversight; and Information's Directorate of Security ("Directorate of Security"). The security subject matter expert reviews scripts and manuscripts to protect the sensitive information contained in these items. If the information contains DoD equities other than Navy, the media items are forwarded to DOPSR.

National Geospatial-Intelligence Agency

The National Geospatial Intelligence Agency's Office of Corporate Communications (NGA-OCC) maintains a clear, coherent, and well-advertised pre-publication review process in its internal policy, NI 5720.1R9, "NGA Instruction for Clearance for Public Release," January 16, 2008. The NGA Instruction references and reinforces the DoD prepublication policies. For example, NGA employees and contractors are trained at their entrance on duty, and again annually. Prepublication review points of contact are available on the NGA Intranet. The policy requires that the first line supervisor and other key personnel sign off on an employee's submission to increase accountability and enable extra layers of review for security. The professional OCC PAO staff work in conjunction with employees and their supervisors to move and track the submission through internal security and DoD Components. The OCC also coordinates and ensures external DoD, including DOPSR, or IC entity review and approval on submissions that contain outside equities.

Conclusion

There are two DoD policies that outline the process for prepublication review of DoD sensitive or classified information: DoDD 5230.09 and DoDI 5230.29. As discussed above, there are sufficient examples that relevant prepublication review policies were not uniformly applied throughout the Department. WHS did not ensure that Defense Component-specific prepublication review policies aligned with the two relevant DoD prepublication review policies with respect to prepublication review of classified or sensitive information.

Recommendations, Management Comments, and Our Response

Recommendation

We recommend the Director of Washington Headquarters Services provide a plan of action and milestones to ensure all Defense Component-specific prepublication review policies align with DoD Directive (DoDD) 5230.09, "Clearance of DoD Information for Public Release," August 22, 2008, and DoD Instruction (DoDI) 5230.29, "Security and Policy Review of DoD Information for Public Release," August 13, 2014, with respect to prepublication review of sensitive or classified information.

Director of Washington Headquarters Services Comments

The Director of Washington Headquarters Services concurred with our recommendation and, in coordination with the Director of Administration of the Office of the Deputy Chief Management Officer, will issue guidance by July 15, 2016, to the Defense components on the requirements to conduct prepublication and security reviews; direct the Defense components to incorporate DoD Directive (DoDD) 5230.09, "Clearance of DoD Information for Public Release," August 22, 2008, and DoD Instruction (DoDI) 5230.29, "Security and Policy Review of DoD Information for Public Release," August 13, 2014, into their component prepublication polices; and to certify annually to Director, WHS that their component prepublication policies are compliance with DoD prepublication policies.

Our Response

Comments from the office of the Director of Washington Headquarters Services addressed all specifics of the recommendation, and no further comments are required.

Appendix

Scope and Methodology

We conducted this evaluation from September 2012 to June 2014, with updates through January 2016, in accordance with Quality Standards for Inspection and Evaluation issued by the Council of the Inspectors General on Integrity and Efficiency. Those standards require that we plan and perform the evaluation to obtain sufficient, appropriate evidence to provide a reasonable basis for our finding and conclusions based upon our evaluation objectives.

We interviewed personnel, and obtained documentation from the offices of:

- The Undersecretary of Defense for Intelligence (USD[I]),
- Assistant Secretary of Defense for Public Affairs (ATSD[PA]),
- DoD Senior Intelligence Oversight Official (formerly Assistant to the Secretary of Defense for Intelligence Oversight),
- Public Affairs Officers from:
    - U.S. European Command (USEUCOM),
    - U.S. Africa Command (USAFRICOM),
    - U.S. Northern Command (USNORTHCOM),
    - U.S. Pacific Command (USPACOM),
    - U.S. Forces Korea (USFK),
    - U.S. Southern Command (USSOUTHCOM),
    - U.S. Strategic Command (USSTRATCOM),
    - U.S. Cyber Command (USCYBERCOM),
    - U.S. Central Command (USCENTCOM),
    - U.S. Special Operations Command (USSOCOM),
    - U.S. Transportation Command (USTRANSCOM),
- Military Services, Services' Media Liaison Offices in Los Angeles, CA, and New York City, NY,
- Public Affairs Officers from:
    - National Security Agency,
    - Defense Intelligence Agency,
    - National Reconnaissance Agency,
    - National Geospatial-Intelligence Agency,

- Defense Information School,
- Washington Headquarters Services (WHS), Defense Office of Prepublication and Security Review (DOPSR).

Computer-Processed Data

We did not use computer-processed data to perform this review.

Prior Coverage

During the last 5 years, the DoD OIG issued two reports discussing unauthorized disclosure of classified or sensitive information to the media.

- Report No. DODIG-2012-056, "Report on Sensitive Compartmented Information Leaks in the Department of Defense," February 27, 2012
- Report No. DODIG-2013-092, "Release of Department of Defense Information to the Media," June 14, 2013

During the last 5 years, the National Geospatial-Intelligence Agency OIG issued two reports discussing unauthorized disclosure of classified or sensitive information to the media.

- Report No. OIGE-13-02, "Inspection of NGA Clearance Process for Public Release," February 2013
- Report No. OIGE-13-03, "Inspection of NGA Processes Related to Media Leaks," March 2013

Management Comments

Director, Washington Headquarters Services

DEPARTMENT OF DEFENSE
WASHINGTON HEADQUARTERS SERVICES
1155 DEFENSE PENTAGON
WASHINGTON, DC 20301-1155

MAY 25 2016

MEMORANDUM FOR INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE

SUBJECT: DoD OIG Draft Report, Project No. D2012-DINT01-0079.001, Review of the Policies for Prepublication Review of DoD Classified or Sensitive Information to Ensure no DoD Sensitive or Classified Information is Released to the Media

Washington Headquarters Services (WHS) has reviewed the subject draft Office of the Inspector General Department of Defense report and concurs with the recommendation with comment (attached). If you have any questions regarding this response, my point of contact is [redacted] Chief, Defense Office of Prepublication and Security Review, who can be reached at [redacted]

Barbara A. Westgate
Director

Attachment:
As stated

Director, Washington Headquarters Services (cont'd)

Final Report Reference

WASHINGTON HEADQUARTERS SERVICES' RESPONSE (with comment)

DoD OIG Draft Report, Project No. D2012-DINT01-0079.001, Review of the Policies for Prepublication Review of DoD Classified or Sensitive Information to Ensure no DoD Sensitive or Classified Information is Released to the Media

WHS provides the following response to the recommendation in the draft report:

Recommendation: "We recommend the Director of Washington Headquarters Services provide a plan of action and milestones to ensure all Defense Component-specific prepublication review policies align with DoD Directive (DoDD) 5230.09, "Clearance of DoD Information for Public Release," August 22, 2008, and DoD Instruction (DoDI) 5230.29, "Security and Policy Review of DoD Information for Public Release," August 13, 2014, with respect to prepublication review of sensitive or classified information."

WHS Response: Concur with recommendation.

The Director, WHS, in coordination with the Director of Administration of the DCMO, will:

- issue guidance to the DoD components on the requirement to conduct prepublication and security reviews in accordance with DoDI 5230.29 and DoDD 5230.09;
- direct the DoD components to incorporate DoDI 5230.09 and DoDD 5230.29 into their component-specific prepublication policies when updating their current issuances, and to notify the Director, WHS, upon completion of the updates;
- direct DoD components to certify annually to the WHS Director that their component-specific prepublication policies are in compliance with DoDI 5230.09 and DoDD 5230.29.

The Director of WHS, in coordination with the Director of Administration of the DCMO, will issue this guidance to the DoD components by July 15, 2016.

WHS provides the following comment to the recommendation in the draft report:

Clarified in footnotes 1 and 2

In accordance with DoDD 5122.05, the Office of the Assistant to the Secretary of Defense for Public Affairs is the sole release authority to news media representatives of official DoD information. The report misrepresents the DoD security review process. The Defense Office of Prepublication and Security Review (DOPSR) reviews information for public release as requested by submitters (current and former employees) and returns the results to the submitters. DOPSR does not publicly release any of the records it reviews. DoDD 5230.09 does not apply to the release of official DoD information to the news media, specifying that the "release of information to the public, cleared by the DOPSR, is the responsibility of the originating office."

DOPSR does not review information that is intentionally submitted as sensitive or classified. DoD submitters verify that information submitted for clearance has their

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Director, Washington Headquarters Services (cont'd)

Final Report Reference

agency's approval for public release on DD Form 1910, "Clearance Request for Public Release of Department of Defense Information." Accordingly, originators should remove all sensitive or classified information prior to submitting records to DOPSR.

Report modified

Additionally, the report misrepresents the products reviewed under the prepublication and security review process. Only information or records are subject to the prepublication and security review process; programs and tangible items do not undergo a prepublication and security review.

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Acronyms and Abbreviations

CENTCOM	U.S. Central Command
DoDD	Department of Defense Directive
DoDI	Department of Defense Instruction
DOPSR	Defense Office of Prepublication and Security Review
IC	Intelligence Community
NGA-OCC	National Geospatial Intelligence Agency's Office of Corporate Communications
NSA/CSS	National Security Agency/Central Security Service
OATSD(PA)	Office Of The Assistant Secretary Of Defense For Public Affairs
PAO	Public Affairs Officer
USSOCOM	U.S. Special Operations Command
USSOUTHCOM	U.S. Southern Command
WHS	Washington Headquarters Service (OSD)


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Whistleblower Protection
U.S. Department of Defense

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For more information about DoD IG reports or activities, please contact us:

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