



Department of Defense INSTRUCTION

NUMBER 5230.29

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WHS

SUBJECT: Security and Policy Review of DoD Information for Public Release

- References:
- (a) DoD Instruction 5230.29, same subject as above, May 6, 1996 (hereby canceled)
 - (b) [DoD Directive 5230.9](#), "Clearance of DoD Information for Public Release," April 9, 1996
 - (c) [DoD Directive 5400.4](#), "Provision of Information to Congress," January 30, 1978
 - (d) [DoD Directive 5230.24](#), "Distribution Statements on Technical Documents," March 18, 1987
 - (e) [DoD Directive 5230.25](#), "Withholding of Unclassified Technical Data from Public Disclosure," November 6, 1984
 - (f) International Traffic in Arms Regulation (ITAR), Department of State, November 1989

1. PURPOSE

This Instruction:

- 1.1. Reissues reference (a).
- 1.2. Implements policy, assigns responsibilities, identifies information that must be cleared before public release, and prescribes procedures under reference (b) to carry out security and policy review of DoD information for public release.

2. APPLICABILITY

This Instruction applies to the Office of the Secretary of Defense, the Military Departments, the Chairman of the Joint Chiefs of Staff, the Combatant Commands, the

Defense Agencies, and the DoD Field Activities (hereafter referred to collectively as "the DoD Components").

3. DEFINITIONS

Terms used in this Instruction are defined in enclosure 2 of reference (b).

4. POLICY

It is DoD policy under reference (b) that a security and policy review shall be done on all official DoD information intended for public release that pertains to military matters, national security issues, or subjects of significant concern to the Department of Defense.

5. RESPONSIBILITIES

5.1. The Director, Washington Headquarters Services shall:

5.1.1. Monitor compliance with the procedures established in section 6., below, for the security and policy review of official DoD information.

5.1.2. Provide for the prompt security and policy review of official DoD information proposed for public release that is originated by, in, or for the Department of Defense, to include statements intended for open presentation before the Congress and other material submitted to the Congress in accordance with DoD Directive 5400.4 (reference (c)). The review is made to ensure that properly classified information is not disclosed and no conflict exists with established policies or programs of the Department of Defense or the U.S. Government.

5.1.3. Coordinate, as necessary, with the staffs of the DoD Components when reviewing official DoD information for public release clearance to ensure accuracy and currency of existing policy and security guidance.

5.1.4. Respond to requests for review of information submitted voluntarily by non-DoD sources or DoD personnel acting in a private capacity to ensure that such material does not contain classified information. This review shall also address technology transfer and public releasability of technical data under DoD Directives 5230.24 and 5230.25, and the ITAR (references (d) through (f)).

5.2. The General Counsel of the Department of Defense shall conduct legal reviews, as needed, to ensure compliance with applicable laws and regulations to protect DoD rights and interests.

5.3. The Heads of the DoD Components shall:

5.3.1. Ensure compliance with this Instruction and issue any guidance necessary for the internal administration of the requirements prescribed in section 6., below.

5.3.2. Forward official DoD information specified under subsection 6.1., below, which is proposed for public release to the Director, Washington Headquarters Services, ATTN: Director for Freedom of Information and Security Review (DFOISR), for review and clearance, as prescribed in subsection 6.2., below, with specific recommendation on the releasability of the information being forwarded.

5.3.3. Provide prompt guidance and assistance to the Director, WHS, when requested, on any information proposed for public release.

5.3.4. Exercise clearance authority for information not specified under subsection 6.1., below. This authority may be delegated to the lowest level competent to evaluate the content and implications of public release of the information.

6. PROCEDURES

6.1. Clearance Requirements. Official DoD information that is prepared by or for DoD personnel and is proposed for public release shall be submitted to the Director, WHS, ATTN: DFOISR, 1400 Defense Pentagon, Room 2C757, Washington, DC 20301-1155, for review and clearance, if the information:

6.1.1. Originates or is proposed for release in the Washington, DC area;

6.1.2. Is or has the potential to become an item of national or international interest;

6.1.3. Affects national security policy or foreign relations;

6.1.4. Concerns a subject of potential controversy among the DoD Components or with other Federal Agencies;

6.1.5. Is presented by a DoD employee, who by virtue of rank, position, or expertise would be considered an official DoD spokesperson;

6.1.6. Contains technical data, including data developed under contract or independently developed and controlled by the ITAR (reference (f)) that may be militarily critical and subject to limited distribution, but on which a distribution determination has not been made; or,

6.1.7. Bears on any of the following subjects:

6.1.7.1. New weapons or weapons systems, or significant modifications or improvements to existing weapons or weapons systems, equipment, or techniques.

6.1.7.2. Military operations, significant exercises, and operations security.

6.1.7.3. National Command Authorities; command, control, communications, computers, and intelligence; information operations and computer security.

6.1.7.4. Military activities or application in space; nuclear weapons, including nuclear weapons effects research; chemical warfare and defensive biological warfare; and arms control treaty implementation.

6.1.7.5. Any other contemporary topic that is designated by the Head of a DoD Component.

6.2. Submission for Review. The following procedures apply to all information required to be submitted to DFOISR for clearance:

6.2.1. A minimum of three copies of material, in its final form, shall be submitted, together with DD Form 1910, "Clearance Request for Public Release of Department of Defense Information," to DFOISR.

6.2.2. Any material submitted for review shall be initialed by the speaker, author, or other authorized individual acting for the principal to indicate approval of the text.

6.2.3. All information submitted for review to DFOISR must first be coordinated within the originating DoD Component to ensure that it reflects the

organization's policy position and does not contain classified information requiring withholding.

6.2.4. Only the full and final text of material proposed for release shall be submitted for review. Notes, outlines, briefing charts, etc., may not be submitted as a substitute for a complete text.

6.2.5. Abstracts to be published in advance of a complete paper, manuscript, etc., require clearance. Clearance of an abstract does not fulfill the requirement to submit the full text for clearance before its publication. If an abstract is cleared in advance, that fact, and the DFOISR case number assigned to the abstract, shall be noted on the DD Form 1910 or other transmittal when the full text is submitted.

6.2.6. The requirements of DoD Directive 5400.4 (reference (c)) shall apply to the processing of information proposed for submission to Congress.

6.2.7. Information intended for placement on electronic bulletin boards accessible through the INTERNET, or other publicly accessible computer servers, requires review and clearance for public release if, it meets the requirements of subsection 6.1., above.

6.3. Time Limits

6.3.1. Submit speeches and briefings a minimum of 3 working days before the event. Additional time may be needed for complex or potentially controversial speeches.

6.3.2. Papers, articles, and other material shall be submitted a minimum of 5 working days before the date needed. The length, complexity, and content shall determine the number of reviewing Agencies and, consequently, the time required for the complete review process.

6.3.3. Technical papers shall require a minimum of 10 working days. The majority of papers are processed in that time-frame. Occasionally, more time is needed if the material is complex or requires review by several Agencies.

6.4. Effect of Review Actions and Appeals

6.4.1. Information reviewed for public release clearance shall result in one of the following actions:

6.4.1.1. Cleared for Open Publication. The information may be released without restriction by the originating Component or its authorized official. DFOISR may require a disclaimer to accompany the information, as follows:

"The views expressed are those of the author and do not reflect the official policy or position of the Department of Defense or the U.S. Government."

6.4.1.2. Cleared "as amended" for open publication. Amendments, made in red, are binding on the submitter. Red brackets identify information that must be deleted. When possible, alternative wording is provided to substitute for the deleted material. Occasionally, wording will be included that shall be added to the text before public release. A disclaimer, as in subparagraph 6.4.1.1., above, may also be required."


6.4.1.2. Not Cleared. The information submitted for review may not be released.

6.4.2. Although DFOISR has no responsibility for correcting errors of fact or making editorial changes, obvious errors may be identified in the text and noted as "recommended." Those corrections are not binding on the author or submitter.

6.4.3. All amendments or "not cleared" determinations may be appealed through DFOISR to the Director, WHS. All appeals shall be resolved at the lowest practical level and as quickly as possible.

7. EFFECTIVE DATE

This Instruction is effective immediately.



D. O. Cooke, Director
Washington Headquarters Services