

DIRECTOR OF CENTRAL INTELLIGENCE DIRECTIVE 6/8

**Unauthorized Disclosures, Security Violations, and Other
Compromises of Intelligence Information**

(Effective 9 December 2002)

This directive is issued pursuant to the authorities and responsibilities of the Director of Central Intelligence under the National Security Act of 1947, as amended, Executive Order 12333, Executive Order 12958, and other applicable authorities to protect intelligence sources, methods, and related information and activities from unauthorized disclosure, ensure programs are developed by the Intelligence Community to protect such information and activities, and to keep the President and Congress fully and currently informed of intelligence activities, including any significant intelligence failure. Applicable provisions cited in DCID 1/1 (19 November 1998) are included by reference. This directive rescinds DCID 3/18P.

I. Purpose

A. To carry out responsibilities prescribed by law, the DCI reaffirms a strong Intelligence Community commitment to aggressive, consistent, and effective measures to protect intelligence, intelligence sources and methods, and related information and activities ("intelligence information", or "intelligence sources and methods") from unauthorized disclosure. This directive emphasizes the responsibilities of Senior Officials of the Intelligence Community (SOICs) to protect intelligence information under their cognizance and to ensure that SOICs establish effective policies and procedures within their organizations to deter, investigate, and promptly report unauthorized disclosures, security violations, compromises of intelligence information, and to take appropriate protective and corrective actions.

B. Nothing in this directive is intended to supersede or modify current obligations of Executive department or agency heads to protect classified information, to investigate its compromise, or to report to appropriate law enforcement authorities serious or continuing breaches of security, unauthorized disclosures, or other actual or suspected violations of federal criminal law.

II. Policy

A. SOICs shall be aggressive in carrying out their responsibilities, individually and collectively, to guard against, investigate, report, and to redress unauthorized disclosures and other security violations or compromises of intelligence or intelligence information. SOICs shall continuously emphasize and enhance security and counterintelligence awareness and ensure related policies and procedures are relevant and up to date. Intentional leaks of intelligence are a violation of trust, may constitute a violation of law, may result in irrevocable damage to national security, and will not be tolerated.

B. SOICs shall promptly notify the DCI of any significant security violation, unauthorized disclosure, or other compromise, as defined for purposes of this DCID, in a way that enables the DCI to keep the President and the Congress fully informed and ensure an appropriate IC response. Upon completion of an investigation and in accordance with the guidelines of this DCID, SOICs shall assess the significance of any significant security violation or compromise to assist the DCI in strengthening and refining Intelligence Community safeguards.

III. Unauthorized Disclosures

Unauthorized disclosures of intelligence are a serious and recurring problem whose deterrence requires continuous security vigilance, thorough inquiry and investigation, and appropriately applied sanctions. The damage to US intelligence, foreign relations, national defense, and law enforcement interests caused by unauthorized disclosures, whether individual, cumulative, intentional, or unintentional, can be as great as that caused by espionage. SOICs must constantly take steps to vigorously deter unauthorized disclosures, to identify the persons responsible, and take appropriate corrective measures.

A. General Responsibilities. SOICs shall:

1. Take appropriate action to ensure that elements under their responsibility attack the problem of unauthorized disclosures from several perspectives. Such actions shall, at a minimum, ensure that:

- a. Robust personnel security screening programs assist in hiring and retaining trustworthy people;

- b. Security and counterintelligence training and awareness programs emphasize and regularly reinforce security rules, procedures and objectives;
- c. All personnel limit access to information to those who actually need to know; and
- d. Within their IC elements and in conjunction with other agencies as appropriate, utilize a full range of security, analytic, and investigatory resources to identify those who intentionally disclose or otherwise jeopardize intelligence information, take appropriate steps to sanction such persons who violate applicable statutory, Executive Order, or regulatory provisions, and take such other corrective steps necessary to prevent a recurrence of such disclosures.

2. Periodically review security programs, policies, and procedures under their cognizance in order to strengthen safeguards and update programs, policies and procedures as necessary in light of events, including changes in personnel, expanded interactions with the public, or emerging technological developments.

3. Develop procedures to ensure the appropriate protection of intelligence information by personnel engaged in collection, analytic, public information activities, or other interactions with members of the general public. Such procedures shall provide for relevant and timely guidance to reduce the likelihood of inadvertent or otherwise unintentional disclosure of classified or other intelligence information that warrants continued protection.

B. Specific Responsibilities

1. Nondisclosure Agreements. SOICs shall review their respective policies and procedures to ensure that:

- a. As a condition for access to classified intelligence information under their cognizance, all individuals prior to being granted such access to classified intelligence sign appropriate nondisclosure agreements in accordance with applicable law and presidential directive. The agreements must address the responsibility to safeguard intelligence information that is classified

or that is in the process of a classification determination, pursuant to law or Executive Order.

b. Personnel are aware that the prohibition against unauthorized release or disclosure applies to individuals having former as well as current access to classified intelligence information.

c. Upon termination of access to classified intelligence information, individuals receive an exit briefing. The individual's signature will be requested acknowledging his or her continuing obligation to protect classified intelligence information and materials and to return any such information and materials in his or her possession. Refusal to provide a signature will not relieve the individual from the obligation to abide by the conditions set forth in the original nondisclosure agreement. Any individual who refuses to do so shall be so advised. Any individual who refuses to return classified intelligence information and materials in his or her possession shall be advised of applicable sanctions and reported to appropriate investigating authorities.

2. Training and Awareness.

SOICs shall ensure that their IC elements maintain security and counterintelligence training and awareness programs that specifically address the topic of unauthorized disclosures and reinforce the vital requirement to protect all categories of intelligence information, including Sensitive Compartmented Information (SCI), third agency information, and other intelligence in accordance with applicable law and directive.

a. At the initial security briefing, security officials shall provide employees with information concerning policies and procedures for handling requests for official or nonofficial information that could affect intelligence interests. This information shall also include methods for determining if an individual is authorized access to intelligence information as well as the requirement to report inquiries from persons not authorized access to intelligence information, so as to guard

against unintentional or deliberate unauthorized disclosures.¹

b. Security training and counterintelligence awareness courses shall include specific discussion of the damage that unauthorized disclosures cause and examples of the impact they have on organizational missions and national security. Such examples shall not draw upon an ongoing investigation or prosecution.

c. Training modules on unauthorized disclosure issues (to include ethics, reporting--including crimes reporting--requirements, and responsibilities) also shall be added to appropriate generic training courses.

IV. Reporting Significant Unauthorized Disclosures, Security Violations and Compromises.

SOICs shall ensure that the DCI and, where appropriate, law enforcement authorities, are promptly notified of unauthorized disclosures, security violations, or other compromises of intelligence information that they determine is or could be significant as defined in this directive.

A. General Responsibilities. Senior Officials of the Intelligence Community shall put mechanisms in place, with respect to personnel and intelligence information under their cognizance, that ensure:

1. SOICs and their authorized designees receive timely information on significant unauthorized disclosures, security violations, or compromises.
2. Appropriate officials initially and periodically remind personnel of their obligations to report promptly, through appropriate channels, any potential or actual security violation or compromise of classified intelligence information.
3. Security officials act quickly to conduct internal security inquiries regarding actual or suspected violations or compromises of intelligence information and determine their significance.

¹ Annex E of DCID 6/4 provides additional standards for SCI security awareness programs in the US Intelligence Community.

4. The DCI, and law enforcement authorities as appropriate, receive prompt and meaningful notice of an unauthorized disclosure, security violation, or compromise of intelligence information in accordance with applicable law, policy, and this directive.

B. Specific Notification Requirements. SOICs shall notify the DCI of any actual or suspected unauthorized disclosure, security violation, or other compromise of intelligence information that they, in their discretion, determine is consistent with the definition and guidance herein regarding "significant" unauthorized disclosures, security violations or compromises.

1. Initial Notice.

a. Upon receiving credible information suggesting a significant security violation or compromise has or may have occurred, the responsible SOIC shall provide an immediate preliminary alert to the DCI.

b. If the SOIC concludes that a suspected or actual significant security violation or compromise involves classified intelligence information originated by or otherwise within the responsibility of another IC element, the SOIC shall alert and consult with the SOIC having originator authority over the information prior to notifying the DCI.

2. Ongoing Notification.

a. Concurrently, the responsible SOIC shall ensure the conduct of a prompt, security-oriented internal inquiry to identify relevant facts related to the actual or suspected significant security violation or compromise, to include what has or may have been compromised. The responsible SOIC shall provide the DCI periodic status reports, as appropriate, until a formal notification can be provided that indicates whether or not a significant security violation or compromise has, in fact, occurred.

b. Notification to the DCI is not intended to affect the authorities of the heads of executive departments and agencies to exercise their responsibilities to manage elements of the Community under their responsibility, including providing notification of

an authorized disclosure, security violation, or compromise to appropriate law enforcement authorities. The responsible SOIC shall ensure that he or she, or the FBI when serving as the lead investigative agency, keeps the DCI apprised of the national security implications as revealed by any investigation into a significant violation or compromise of classified intelligence information.

c. SOICs shall be mindful of their existing obligations to also ensure that information reflecting a violation of federal law shall be reported to the Department of Justice, if appropriate, under section 1.7(a) of Executive Order 12333, and that information indicating classified intelligence information is being, or may have been, disclosed in an unauthorized manner to a foreign power or agent of a foreign power is reported to the Federal Bureau of Investigation, in accordance with Section 811 of the Counterintelligence and Security Enhancements Act of 1994 as amended, as well as to the DCI in accordance with applicable policies and procedures.

3. Final Reporting.

a. The responsible SOIC shall provide the DCI a final written determination of whether a significant violation or compromise occurred, a complete statement of the facts, the scope of any significant unauthorized disclosure, security violation or compromise, contributing security deficiencies, and the significance to the national security. If, however, the violation or compromise results or may result in a criminal prosecution, prior to developing the final evaluation or preparing a damage assessment, the responsible SOIC shall keep the DCI appropriately informed and await either (a) a decision by the appropriate prosecutorial authority not to prosecute, (b) court acceptance of any plea agreement (c) completion of the criminal prosecution, or (d) a determination by the Attorney General or his authorized designee that a final damage assessment would not jeopardize a pending or anticipated prosecution.

b. SOICs shall ensure that deficiencies determined to have contributed directly to a significant

security violation or compromise are corrected. If the responsible SOIC cannot achieve the requisite corrections within his or her available resources or authorities, that SOIC shall provide full details and recommendations on Intelligence Community remedies to the DCI.

V. Sanctions

SOICs shall review the internal policies and procedures that govern intelligence information and activities under their responsibility to ensure that they facilitate the full range of available actions against those who make unauthorized disclosures of intelligence or otherwise breach security procedures or regulations. SOICs shall ensure that IC personnel in their organizations found in violation of applicable law or regulations prohibiting disclosure of intelligence information or materials to unauthorized recipients or determined to have engaged in a significant security violation or compromise are subject to appropriate administrative penalties and, in certain cases, criminal investigation and possible prosecution. Administrative penalties, applied from appropriate managerial levels, may include such actions as written reprimands, suspension without pay, monetary penalties, or termination of employment or accesses. The intentional disclosure or release of classified intelligence information to persons not authorized to receive it shall not be tolerated or condoned.

VI. Definitions

Classified Intelligence. Intelligence information classified pursuant to Executive Order 12958, Executive Order 12951, or other applicable authority.

Intelligence Information, Sources and Methods (and Related Materials). Includes the following information whether written or in any other medium:

1. Foreign intelligence and counterintelligence, as defined in the National Security Act of 1947, as amended, and Executive Order 12333;
2. Information describing or otherwise revealing US foreign intelligence and counterintelligence activities, sources, methods, equipment, or methodology used for the acquisition, processing, or exploitation of such intelligence; foreign military hardware obtained through intelligence activities for exploitation and the results of the exploitation; and

any other data resulting from US intelligence collection efforts; or

3. Information on Intelligence Community protective security programs (e.g., personnel, physical, technical, and information security).

Responsible SOIC. SOIC with primary or sole authority to conduct an internal inquiry into the suspected violation or compromise.

Senior Official of the Intelligence Community (SOIC). The head of an agency, office, bureau, or other intelligence element as identified in Section 3 of the National Security Act of 1947, as amended, and Executive Order 12333.

Significant security violation or compromise, whether actual or suspected, is an unauthorized disclosure, a security violation, or a compromise of intelligence information that is either extensive in scope, indicates pervasive breach of security procedures, or is otherwise likely to have a serious effect on national security interests. Examples include:

- Evidence of an unauthorized disclosure of classified intelligence information to an international organization, a foreign power, or an agent of a foreign power, or evidence indicating possible espionage;
- Loss or compromise of classified intelligence information that could pose a risk to human life;
- Loss or compromise of classified intelligence information on a scale or over such an extended period of time as to indicate the possibility of a systemic compromise;
- Loss or compromise of information storage media or equipment containing intelligence information of such quantity or sensitivity as to potentially jeopardize intelligence activities, sources or methods;
- Evidence of clandestine surveillance devices discovered in a sensitive area;
- Loss or compromise of information revealing covert or clandestine US or liaison partner's intelligence operations or locations;
- Loss or compromise of classified intelligence information that could seriously impair foreign relations;

- Such other disclosure, release, violation, or compromise of intelligence sources, methods, activities, or information that a SOIC determines could have a substantial or otherwise adverse impact on the conduct of activities related to US national security.

VII. References

- A. National Security Act of 1947, as amended (including 50 USC 402a, 404g, and 421 et seq.)
- B. Title 18 USC Section 793, 794, 798, 1924.
- C. Title 28 USC Section 535
- D. Executive Order 12333, United States Intelligence Activities
- E. Executive Order 12958, Classified National Security Information
- F. Executive Order 12968, Access to Classified Information
- G. NSDD-84, Safeguarding National Security Information
- H. NSCID-1, Basic Duties and Responsibilities (17 February 1972)
- I. MOU, Reporting of Information Concerning Federal Crimes (August 1995)

VIII. Interpretation

Questions concerning the interpretation of this policy shall be referred to the Office of the Deputy Director of Central Intelligence for Community Management for resolution in coordination with the DCI's Office of General Counsel.

Director of Central Intelligence

Date