

**Society of American Archivists
Council Meeting
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Chicago, Illinois**

**Issue Brief: Declassification of Federal Records
(Prepared by SAA Committee on Public Policy)**

BACKGROUND / DISCUSSION

Transparency and openness in government is essential to our democracy because our federal government derives its power from the informed consent of the American people. The ability of citizens to hold their government accountable depends on timely access to public records. In opposition to this foundational principle is the federal government’s responsibility to provide adequate safeguard of national security information. SAA has consistently advocated for equal and open access to government records in a manner that is consistent with maintaining confidentiality and protecting individual privacy.

However, the federal declassification process suffers from a cultural propensity to withhold information despite the goal of automatic declassification. This is compounded by divergent policies and practices across agencies, a lack of adequate technology to efficiently review massive amounts of both paper and electronic records, and insufficient resources to carry out mandated declassification responsibilities. These shortcomings have been acknowledged by federal agencies, including the National Archives and Records Administration and the intelligence community, which to their credit have made impressive strides in addressing existing backlogs and developing recommendations to improve their capacity to proactively declassify national security information. Nevertheless, improvements to the declassification process are imperative.

RECOMMENDATION

THAT the following issue brief on “Declassification of Federal Records” be adopted.

Issue Brief: Declassification of Federal Records

SAA Position

The federal government should strive for the greatest possible openness when declassifying national security information, including when applying the automatic declassification provisions detailed in Executive Order 13526 (“Classified National Security Information Memorandum,” December 29, 2009). When an automatic

classification event has occurred, the duration of classification should be extended only under extraordinary and limited circumstances.

As part of their records management responsibilities, the National Declassification Center (NDC) and government agencies should support the declassification review process with adequate resources and the development of new technologies. SAA supports efforts to improve declassification and strengthen the NDC according to the following recommendations:

- Agencies should conduct mandatory consultations with the NDC before they prioritize records for declassification and transfer to the National Archives.
- Topic-based declassification should be used as the normal basis for declassification.
- The NDC should work with the public and agencies to create standard government-wide topics for declassification.
- The burden on agencies of automatic declassification should be reduced in support of such topic-based reviews.
- The NDC and agencies should end pass/fail determinations in declassification in favor of line-by-line review and specific redactions, thus enabling release of portions of documents rather than the withholding of entire documents.
- An expedited review option should be made available for subjects of high public interest being reviewed by the Interagency Security Classification Review Panel, and this option should be available in the Mandatory Declassification Review process.
- The NDC and agencies should work together to develop and improve declassification policies and procedures based on a risk management approach.
- The NDC and agencies should develop new technologies to assist and improve declassification review.
- A member of the public should be added to the Interagency National Declassification Center Advisory Panel.
- Congress should appropriate more funding directed to declassification for training, quality control, and development of technologies to assist and improve declassification review.
- The provisions of Executive Order 13526 should be given the force of law through the enactment of appropriate legislation.

In accordance with this position, SAA will:

- Advocate for pertinent legislation and development of appropriate agency regulations to streamline the declassification process, and will support NDC and other agencies in pursuit of these goals.
- Advocate for additional funding from Congress to improve declassification, especially in the areas of training, quality control, and technology to assist and improve declassification review.
- Work with other organizations concerned about declassification to improve the process and ensure timely access to government records.

The Issues

Historians, researchers, journalists, and the general public expect to have access to records of their government for purposes of historical research and government accountability. The National Archives and Records Administration (NARA) should be commended for creating the National Declassification Center in 2010 and significantly reducing the backlog of classified materials awaiting declassification review.

Despite the best efforts of NARA and NDC, however, the overall approach to and process for declassifying government information is inefficient and errs on the side of non-disclosure. Declassification is further complicated by the fact that significant variation exists across agencies in the processes and standards used to review records.

In 2009, President Obama signed Executive Order 13526, “Classified National Security Information Memorandum,” which required classifying authorities to establish a specific date or event upon which the information is automatically declassified. The Executive Order also stipulated that if a specific date or event cannot be determined, information should be marked for automatic declassification in either 10 or 25 years, depending on the nature of the material. This Executive Order further provides for “exceptional cases” in which the public interest outweighs the potential damage that might come from disclosure. In practice, however, such automatic declassification does not occur and agencies engage in lengthy, resource-intensive review. Furthermore, the Order in effect created an unfunded mandate and left it to individual agencies to fund declassification programs from within existing resources or seek additional budgetary appropriations. As a result, declassification programs are not always sufficiently resourced to carry out their responsibilities.

The Public Interest Declassification Board (PIDB), established in 2000, has consistently pointed to the need to adopt a government-wide technology strategy to manage classified records. In 2015 the PIDB established a technology working group at NARA, representing 14 Executive agencies and departments. According to the PIDB, most agencies have not implemented basic workflow applications to assist human review of classified information and lack the basic technological infrastructure to support automating the review process.¹

Declassification (and classification) comes at a cost. In the latest figures available (2015), the cost of declassification—the resources used to identify and process information that is subject to various declassification programs established by executive order or statute as well as discretionary declassification activities—was \$105.5 million.² The cost of classification management—the resources used to identify, control, transfer, transmit, retrieve, inventory, archive, or destroy classified information—was \$367.44 million.³ The total cost for security classification, which in addition to the costs already noted includes the costs for personnel, physical security, protection and maintenance for classified information systems, training, and other related costs, was \$16.17 billion.⁴ Costs have been rising steadily since 1997, when the total cost for security classification was \$3.37

billion.⁵ Streamlining the declassification process and increasing the use of technology could help bring down these costs.

Among the core values of archivists as defined by the Society of American Archivists on behalf of the archives profession are accountability and access and use: “In a republic ... accountability and transparency constitute an essential hallmark of democracy. Public leaders must be held accountable both to the judgment of history and future generations as well as to citizens in the ongoing governance of society. Access to the records of public officials and agencies provides a means of holding them accountable both to public citizens and to the judgment of future generations.”⁶ Use is one of the tenets of archival ethics as well: “Recognizing that use is the fundamental reason for keeping archives, archivists actively promote open and equitable access to the records in their care within the context of their institutions’ missions and their intended user groups.”⁷ Declassification plays an essential role in ensuring the access needed for open and transparent government as demanded by both our [Core Values of Archivists and Code of Ethics for Archivists](#).

[1] “The Importance of Technology in Classification and Declassification: A White Paper of the Public Interest Declassification Board,” June 2016.

[2] “2015 Report to the President,” Information Security Oversight Office, July 15, 2016, p.31-32.

[3] Ibid.

[4] Ibid, p.32.

[5] Ibid, p.34.

[6] <http://www2.archivists.org/statements/saa-core-values-statement-and-code-of-ethics>.

[7] Ibid.

Additional Resources

Executive Order 13526, Classified National Security Information (2009).

<https://www.archives.gov/isoo/policy-documents/cnsi-eo.html>

Office of the Director of National Intelligence, “Improving the Intelligence Community’s Declassification Process and the Community’s Support to the National Declassification Center,” December 2016.

https://www.dni.gov/files/documents/Newsroom/Reports%20and%20Pubs/CDA3-23-2015-Improving-the-IC-Declass-Process-and-IC-Support-to-NDC_Final.pdf

Office of the Director of National Intelligence, “Principles of Intelligence Transparency for the Intelligence Community,” February 2015.

<https://www.dni.gov/index.php/intelligence-community/intelligence-transparency-principles>

Open the Government coalition. <http://www.openthegovernment.org>.

Public Interest Declassification Board reports:

“Improving Declassification” report (2007).

<https://www.archives.gov/declassification/pidb/improving-declassification.pdf>

“Transforming the Security Classification System” report (2012)
<http://www.archives.gov/declassification/pidb/recommendations/transforming-classification.pdf>

“Setting Priorities: An Essential Step in Transforming Declassification” report (2014)
<http://www.archives.gov/declassification/pidb/recommendations/setting-priorities.pdf>

“The Importance of Technology in Classification and Declassification” white paper (2016)
<http://www.archives.gov/declacation/pidb/recommendations/technology-whitepaper.pdf>

All sites were accessed on April 1, 2017.

Support Statement: This issue brief supports SAA’s Public Policy Agenda by providing members and other prospective audiences with SAA’s considered opinion on the topic of the declassification of federal records as it relates to ensuring government transparency and the public’s right to access government information found in archives.

Impact on Strategic Priorities: Addresses Goal 1: Advocating for Archives and Archivists, Strategy 1.1. Provide leadership in promoting the value of archives and archivists to institutions, communities, and society, 1.2. Educate and influence decision makers about the importance of archives and archivists, and 1.3. Provide leadership in ensuring the completeness, diversity, and accessibility of the historical record.

Fiscal Impact: Approval of the issue brief does not commit SAA to expend funds on any particular advocacy effort at this time.