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**OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE
INSTRUCTION 80.16**

**Category 80 – Information and Records Management
Office of Primary Responsibility: Policy & Strategy/Information Management
Division
Revision 3**

SUBJECT: ORIGINAL CLASSIFICATION AUTHORITY

1. AUTHORITIES: The National Security Act of 1947, as amended; and other applicable provisions of law.

2. REFERENCES: Executive Order (EO) 13526; Office of the Director of National Intelligence (ODNI) Instruction 10.03, *Director of National Intelligence Delegation of Original Classification Authority (OCA)*; and the *ODNI Classification Guide (CG)*.

3. PURPOSE: This Instruction sets forth guidance regarding the exercise of original classification authority as it pertains to ODNI information. This Instruction replaces ODNI Instruction 80.16, *Original Classification Authority*, dated March 9, 2015.

4. APPLICABILITY: This Instruction applies to ODNI senior officials in positions listed in Instruction 10.03 that have been delegated original classification authority.

5. DEFINITIONS:

A. Classification Guide: A documentary form of classification guidance issued by an OCA that identifies the elements of information regarding a specific subject that must be classified, and establishes the level and duration of classification for each such element.

B. Controlled Access Program (CAP): A program established for a specific class of classified information that imposes safeguarding and access requirements that exceed those normally required for information at the same classification level.

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C. Derivative Classification: The classification of new material created when incorporating, paraphrasing, or restating classified information; or generating a new form of information that is already classified. The classification marking of the new material is derived from and consistent with the classification markings that apply to the source information.

D. Original Classification: The initial determination by an OCA that information requires protection against unauthorized disclosure in the interest of national security.

E. Original Classification Authority: An individual authorized to classify information in the first instance including individuals who are designated in writing as "Acting" officials in any of the delegated positions. The OCA positions are listed in Instruction 10.03, and they may not be delegated further.

6. POLICY: The ODNI manages OCA activities under the authority and guidance of EO 13526. Additional specific ODNI guidance pertaining to this authority is as follows:

A. Classification Authority: All ODNI OCAs may originally classify information up to and including TOP SECRET and only when an appropriate classification citation cannot be identified in the current *ODNI CG*, in a source document, in an existing CAP, or other classification guide. The original classification of information is rarely necessary. If the OCA has significant doubt about the need to classify information, it shall not be classified. If there is significant doubt about the appropriate level of classification in rendering an original classification decision, it shall be classified at the lowest level under consideration. In all cases, over-classification shall be avoided.

B. Reporting Requirement: OCAs will coordinate, when practical, with the Director, Information Management Division (D/IMD) to ensure consistency and compliance with EO 13526. Final original classification decisions (e.g., copy of the classified memo or program level classification guide) must be sent to the D/IMD within 10 days of each original classification decision to ensure proper reporting to the United States National Archives and Records Administration's Information Security Oversight Office (ISOO) and for inclusion in the annual report on classification to the President.

C. Creation of Classification Guides: Classification guides will only be issued upon request to protect sensitive national security information. To ensure program consistency, classification guides must be coordinated with the D/IMD, and in the case of CAP guides, prior coordination with the ODNI Policy and Strategy (P&S) office is required.

D. Training Requirements: OCAs may not exercise original classification authority without documented initial and annual training, as required by EO 13526. IMD will provide required classification training to OCAs.

E. Declassification Authority: Only the DNI, the Principal Deputy DNI (PDDNI), the Chief Management Officer (CMO), and the D/IMD, who also serves as the ODNI's Chief Declassification Officer, may declassify all types of ODNI information regardless of its

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classification level. All other ODNI OCAs may declassify only that information that was originally classified by them and may only exercise their authority in coordination with the D/IMD.

F. Referrals: Records, not otherwise exempt from automatic declassification, containing classified information that originated under an OCA of other agencies will be identified prior to the onset of automatic declassification and later referred to those agencies through the standard referral process.

G. Under no circumstances shall previously declassified ODNI information be reclassified without the approval of the DNI or the PDDNI, and coordination with the D/IMD.

7. RESPONSIBILITIES:

A. The Chief Management Officer will:

- (1) Provide policy oversight.
- (2) Direct and administer the original classification activities in the ODNI in accordance with this Instruction and the *ODNI CG*.
- (3) Exercise original classification authority as appropriate.
- (4) Exercise declassification authority as appropriate.

B. The Director, Information Management Division will:

- (1) Support the CMO in direction and administration of original classification activities in the ODNI.
- (2) Serve as the ODNI Chief Declassification Officer, and exercise declassification authority as appropriate.
- (3) Exercise original classification authority as appropriate.
- (4) Update the *ODNI CG* when warranted.
- (5) Report classification decisions to the ISOO, including the number of times information is originally and derivatively classified, and take the lead on other ISOO-directed information management actions.
- (6) Issue classification and declassification guidance to the ODNI, and assist, as necessary, other ODNI and Intelligence Community elements in developing classification guides.

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(7) Provide annual classification training to ODNI OCAs and document that training in annual self-inspections.

C. Original Classification Authorities will:

(1) Make original classification decisions regarding ODNI information where a determination has not otherwise been made.

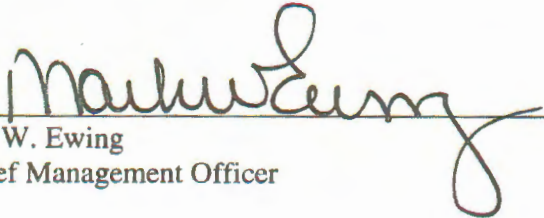
(2) Coordinate original classification decisions with the D/IMD, and under exigent circumstances, provide copies of such decisions to the D/IMD within 10 days.

(3) Exercise original classification authority as appropriate.

(4) Complete initial and annual classification training as required.

(5) Declassify only that information that was originally classified by them and only exercise their authority in coordination with the D/IMD. This restriction does not apply to the DNI, the PDDNI, the CMO, and the D/IMD.

8. EFFECTIVE DATE: This Instruction is effective upon signature.



Mark W. Ewing
Chief Management Officer



Date