

Tearline Production and Dissemination



INTELLIGENCE COMMUNITY DIRECTIVE

209

A. AUTHORITY: The National Security Act of 1947, as amended; the Homeland Security Act of 2002, as amended; Executive Order (EO) 12333, as amended; EO 13388; EO 13526; and other applicable provisions of law.

B. PURPOSE: This Intelligence Community Directive (ICD) establishes Intelligence Community (IC) policy for the production and dissemination of tearlines. This Directive rescinds Intelligence Community Policy Memorandum 2007-500-1, *Unevaluated Domestic Threat Tearline Reports*, 19 November 2007; and Director of Central Intelligence Directive 8 Series Implementation Issuance Number 1, *Guidelines For Tearline Reporting*, 13 September 2004.

C. APPLICABILITY

1. This Directive applies to the IC, as defined by the National Security Act of 1947, as amended, and to such other elements of any department or agency as may be designated as an element of the IC by the President, or designated jointly by the Director of National Intelligence (DNI) and the head of the department or agency concerned.

2. This Directive does not apply to purely law enforcement investigations or activities. When law enforcement investigations or activities also involve national intelligence or intelligence related to national security, this Directive shall apply if it is not otherwise inconsistent with any applicable Attorney General Guidelines, headquarters-level Federal law enforcement policy, or written interagency agreements.

D. POLICY: The IC has a continuing responsibility to provide timely warning, analytic insights, and intelligence information to a broad range of customers in support of United States (U.S.) national security interests. Tearlines are one essential means for fulfilling this responsibility to expand the utility of intelligence. IC elements shall develop tearlines consistent with the following:

1. Tearlines are portions of an intelligence report or product that provide the substance of a more highly classified or controlled report without identifying sensitive sources, methods, or other operational information. Tearlines release classified intelligence information with less restrictive dissemination controls, and, when possible, at a lower classification.

2. Tearlines shall render facts and judgments consistent with the original reports on which they are based.

3. To the maximum extent possible, tearline producers and requesters shall work responsibly and collaboratively to improve tearline utility for

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the needs of a particular recipient or purpose prior to publication of the tearline.

4. Maximizing the provision of information that leads to the detection, prevention, disruption, preemption, and mitigation of domestic threats is an important function of tearlines. Tearlines containing such information, therefore, shall be developed in support of those parties with statutory authority to act upon such information, including by providing it to non-Federal entities.

5. Tearlines shall be written for the broadest possible readership in accordance with established information sharing policies, and requirements in law and policy to protect intelligence sources and methods.

a. Tearline producers shall use standard methods consistent with ICD 208, *Write for Maximum Utility*. ICD 208 provides guidelines on electronic dissemination, product identifiers, and achieving the necessary balance between protecting sources and methods and meeting customer needs.

b. Tearlines shall be marked in accordance with the system established in ICD 710, *Classification and Control Markings System*.

c. Tearlines containing U.S. Person information shall be disseminated in accordance with all applicable laws, Executive Orders, and Attorney General guidelines.

6. Intelligence reports and products containing threat information and bearing the dissemination control marking ORCON (Originator Controlled) shall be disseminated with tearlines. This requirement does not apply to National Intelligence Estimates, Presidential Daily Briefs, sensitive series reporting, all-source finished products, or disseminated periodic digests and compilations.

7. The following categories of information may be excluded from the text of tearlines:

- a. Source identifying and associated operational information;
- b. Counterintelligence information;
- c. Foreign government information (FGI), when pursuant to arrangements with specific restrictions imposed by the providing government;
- d. Covert action information;
- e. Information obtained from sensitive liaison sources;
- f. Sensitive compartmented information (SCI);
- g. Information precluded from dissemination by court order; and
- h. Information specifically exempted by the head of an IC element with prior concurrence of the DNI.

8. All tearline requests in support of foreign disclosure or release shall be consistent with DCID 6/7, Intelligence Disclosure Policy, and successor directives.

9. Each IC element shall designate and identify to all other IC elements at least one tearline point of contact (POC) to manage or direct tearline requests.

10. IC element heads shall review their elements' tearline policies and procedures for consistency with this Directive no later than 180 days after signature.

E. PROCEDURES: Generally, and in accordance with Section D above, intelligence reports and products containing threat information shall be issued with tearlines. Recipients may also request tearlines for exempted intelligence reports and products, or for content not included in previously disseminated tearlines. In cases where tearlines have been requested, the following procedures apply.

1. IC elements requesting tearlines shall make such requests through the identified POC of the originating IC element.

2. Tearline requests shall be characterized as routine or urgent, and shall include the intended use and recipients of the tearline.

3. IC elements shall respond to requests for tearlines to provide intelligence information with less restrictive dissemination controls, and, when possible, at a lower classification, in accordance with this Directive.

4. Requests identified as routine generally require a response in seven calendar days or less.

5. Requests identified as urgent necessitate a response within 24 hours or less because of an imminent or immediate threat to U.S. persons or to the U.S., including its critical infrastructure.

a. In addition to the requirements for routine tearline requests, urgent tearline requests shall include a justification for requiring an expedited response.

b. Tearlines regarding imminent threat information shall be prepared for dissemination immediately upon recognition of the threat and within the time specified by the requester.

6. Requesters may propose tearline language for consideration by the originator to address a specific use or the needs of a particular recipient. Originators shall work with requesters to explore ways to accommodate proposed language. Use of any such proposed language must be approved by the originator.

7. Originating IC elements shall provide timely notification, consistent with paragraphs 4 and 5 above, to requesters of denial of a tearline request. Notification of a denial shall include a justification.

8. Domestic Threat Information

a. Unevaluated threat information that identifies specific U.S. persons, U.S. domestic targets, U.S. geographic locations, or methods of attack shall be disseminated with unclassified tearlines.

b. All such tearlines shall indicate the credibility of the source of the report, including volunteer threat reporting.

(1) Producers shall use “undetermined” when information is insufficient to assess the credibility of the source.

(2) Producers shall use “potentially credible” when the reporting agency has a basis for judging the source to be credible.

c. To the maximum extent possible, all available context information relating to the credibility of the source of the threat information that does not reveal intelligence sources, methods, or other operational information shall be included in tearlines.

d. The Department of Homeland Security (DHS) Office of Intelligence and Analysis (I&A) and the Federal Bureau of Investigation shall disseminate tearlines containing homeland security information, terrorism information, and weapons of mass destruction information to State, local, and tribal law enforcement agencies and other emergency responders, consistent with this Directive and other applicable IC policy.

9. National Terrorism Advisory System (NTAS)

a. When requested by DHS, IC elements shall provide tearline information on terrorism threats targeting the U.S. or its territories to support NTAS alerts.

b. NTAS alerts are issued only upon approval of the Secretary of Homeland Security after an internal DHS process and any necessary prior coordination with IC elements and other information providers.

c. NTAS alerts may be in the form of either an Elevated Alert or an Imminent Alert depending on the specificity and credibility of the threat information.

(1) An Elevated Alert provides warning of a credible terrorist threat against the U.S. and its territories that is general in both timing and target, or details significant trends and developments in terrorism such that it is reasonable to recommend implementation of protective measures to thwart or mitigate an attack.

(2) An Imminent Alert provides warning of a credible, specific, and impending terrorist threat or ongoing attack against the U.S. and its territories that is sufficiently specific and credible to recommend implementation of protective measures to thwart or mitigate an attack.

d. DHS/I&A shall inform IC elements as soon as possible when information originating in those elements is being considered as the basis for an alert.

(1) The originating IC elements shall provide tearlines within the time period requested by DHS/I&A in preparation for and during the period of the NTAS alert.

(2) All tearlines prepared in response to an NTAS request shall include a recommended time, when known, for which the content is applicable.

10. Sensitive Source Tearline Information

a. Tearlines containing certain terrorism threat information may require coordination by multiple elements. Such coordination may need to consider time-sensitive requirements, operational issues, and sensitive source concerns.

b. The National Counterterrorism Center (NCTC) shall initiate this procedure upon request by an IC element and shall convene and chair a meeting to develop tearline language and a dissemination strategy.

c. The requesting IC element shall identify and share with all pertinent IC elements the intelligence information for which the meeting is requested.

d. The requesting IC element shall include coordination, distribution, and contextual analysis requirements, and provide subsequent notification to other IC elements that may be identified as having equities in the process.

e. The requesting IC element and the IC elements identified as having equities in the tearline process shall develop a release or disclosure strategy and dissemination plan.

11. Dispute Resolution Procedures

a. Denials of requests for tearlines may be appealed to the head of the originating IC element or senior designee.

b. The Heads of IC elements may bring those issues that cannot be resolved by IC elements to the DNI for resolution.

F. ROLES AND RESPONSIBILITIES

1. The DNI will:

a. Through the Office of the National Counterintelligence Executive/Special Security Directorate/Controlled Access Program Coordination Office, publish tearline marking implementation guidance in accordance with the system established in ICD 710, *Classification and Control Markings System*.

b. Through the IC Chief Information Officer, issue standards for machine-readable markings to facilitate automated dissemination across security domains.

c. Through NCTC and upon IC element request, initiate multi-element coordination procedures in support of Sensitive Source Tearline Information.

2. The Heads of IC elements shall:

a. Review their respective tearline policies and procedures for consistency with this Directive no later than 180 days after signature.

b. Identify to all other IC elements at least one POC for tearlines.

c. Be responsible for producing tearlines related to their respective missions.

d. Be responsible for requesting and providing or denying tearlines in a timely manner.

e. Provide tearline recipients, in a timely manner, changes in the assessment of a source's credibility and context for any report issued with a tearline.

f. Apply classification and control markings to intelligence reports, products, and tearlines in accordance with the system established in ICD 710, *Classification and Control Markings System*.

g. Establish, review, update, and maintain IC element training programs for tearline producers, to promote a common understanding of tearline production in support of information sharing and safeguarding.

G. EFFECTIVE DATE: This Directive becomes effective on the date of signature.



Director of National Intelligence

6 Sep 2012

Date