



**OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE
INSTRUCTION 80.04**

**Category 80 - Information and Records Management
Office of Primary Responsibility: Assistant Director of National
Intelligence for Policy and Strategy/
Information Management Division**

Revision 2

**SUBJECT: ODNI PRE-PUBLICATION REVIEW OF INFORMATION TO BE
PUBLICLY RELEASED**

- 1. AUTHORITIES:** The National Security Act of 1947, as amended; and other applicable provisions of law.
- 2. REFERENCES:** Executive Order (E.O.) 12333, as amended; E.O. 13526; *Intelligence Community Markings System Register and Manual*; and the *Office of the Director of National Intelligence (ODNI) Classification Guide*.
- 3. PURPOSE:** This Instruction establishes the requirements and responsibilities in the ODNI for pre-publication review of all information that is to be released publicly. The goal of pre-publication review is to prevent the unauthorized disclosure of information, and to ensure the ODNI's mission and the foreign relations or security of the U.S. are not adversely affected by publication. This Instruction replaces ODNI Instruction 80.04, *ODNI Pre-publication Review of Information to be Publicly Released*, dated April 8, 2014.
- 4. APPLICABILITY:** This Instruction applies to current and former ODNI permanent cadre employees; ODNI staff reserve (i.e., time-limited) cadre employees, including Highly Qualified Experts; federal civilian detailees; military detailees; Intergovernmental Personnel Act detailees; Presidential appointees; assignees; and contractors. In accordance with any relevant agreement by the ODNI and other government agencies (OGAs), this Instruction also applies to OGA employees providing service support to the ODNI. The above listed group will be referred to collectively as "individuals" in this Instruction.

5. DEFINITIONS:

A. Chatham House Rule: An understanding, spoken or unspoken, that during academic discussions, the topics discussed and opinions relayed will NOT be attributed to individuals or organizations. This rule is intended to allow the free discussion of academic ideas and opinions without attribution.

B. Non-official publication: The category of publications created by individuals for personal, professional, or commercial use that will be made available to the public (e.g., resumes, books, op-eds, personal blogs, performance evaluation reports [PERs] for personal use).

C. Official publication: The category of publications created by individuals as part of their duties on behalf of the ODNI, the DNI, the Intelligence Community (IC), or the U.S. Government (USG) that will be made available to the public (e.g., speeches, newsletters, official web pages, outreach documents, brochures).

D. Publication: Any information created in part (co-authored) or wholly by individuals intended for release outside the control of the USG, regardless of the medium by which it will be released (i.e., written, voice, or electronic) that discusses any information related to the ODNI, the IC, or national security.

E. Release: Allowing information to be made available to the public.

6. POLICY: The ODNI has a security obligation and legal responsibility under E.O. 12333 and E.O. 13526 to safeguard sensitive intelligence information and prevent its unauthorized publication as defined in paragraph 5.D. The Director, Information Management Division (D/IMD), serves as the ODNI authority for approval of all ODNI public release reviews. All individuals are required to submit all official and non-official information intended for publication that discusses the ODNI, the IC, or national security. Any 'For Official Use Only' (FOUO) information intended for State, Local, Tribal, and Public Sector (SLTP) must be approved by the IMD. The IMD will coordinate, as necessary, with the Assistant DNI for Partner Engagement (ADNI/PE) on any FOUO information to be shared with foreign partners. FOUO information disseminated within the USG (e.g., Departments of State, Defense, Homeland Security, Treasury) does not require an IMD review. Pre-publication review must be conducted before any uncleared individuals can receive the information, and before the material is sent for peer review via unclassified channels. This Instruction does not release individuals from their obligation to fully comply with nondisclosure agreements (NDAs), nor does it authorize individuals to alter the terms of such agreements. In case of any conflict between this Instruction and an NDA, the NDA shall govern. ODNI pre-publication reviews will be executed as follows:

A. Pre-submission: Individuals must initiate a request for approval for the publication of information and conform to the following guidance:

- (1) **Classification:** The individual initiating the request must ensure all draft documents

are correctly classified and portion marked prior to submission for review. See the *IC Markings System Register and Manual* and the current *ODNI Classification Guide* for guidance on correct classification and markings.

(2) Sourcing: Correct unclassified sourcing is critical in executing pre-publication review. Individuals must not use sourcing that comes from known leaks, or unauthorized disclosures of sensitive information. The use of such information in a publication can confirm the validity of an unauthorized disclosure and cause further harm to national security. Individuals are not authorized to use anonymous sourcing.

(3) The Public Affairs Office (PAO) will ensure that official information intended for public release is consistent with the official ODNI position or message. The PAO will approve or disapprove the use of official ODNI seals and letterhead associated with the intended release, as deemed appropriate.

(4) Individuals must obtain supervisor approval for official publication requests, in accordance with internal review requirements of their component, before submitting information for pre-publication review.

(5) Contractual deliverables that will be publicly released must receive approval of the Contracting Officer (CO) or the Contracting Officer's Technical Representative (COTR) prior to submission for pre-publication review. The written approval from the CO or COTR must be included in the submission for review.

(6) Individuals must, prior to participating in open discussion venues such as forums, panels, round tables, and questions and answer (Q&A) sessions, either in-person or online, comply with the following conditions:

(a) Individuals must obtain approval from the PAO to represent the ODNI in any capacity at any public forum.

(b) Individuals expecting to engage in unstructured or free-form discussions about operations, business practices, or information related to the ODNI, the IC, or national security must prepare an outline of the topics to be discussed or the agenda to be followed, and provide to the IMD anticipated potential questions and ODNI responses.

(7) Disclaimer: Approval of non-official publications does not imply endorsement by the ODNI, IC, or national security. Any opinions offered by individuals must be clearly marked as official ODNI or USG positions, or contain a disclaimer that the opinions are not those of the ODNI or USG. The following disclaimer is an example for a non-official publication created by an individual who expresses an opinion about the ODNI, IC, or USG:

"The views expressed in (this publication/these remarks) are the author's and do not imply endorsement by the Office of the Director of National Intelligence or any other U.S. Government agency."

Disclaimers are not required for PERs, resumes, bios, or as others exempted by the D/IMD.

B. Submission: Individuals must submit requests electronically via email to DNI-Pre-Pub. Requests must include results from all previous pre-publication requests for the same information. Publication requests made through the Outside Activities Report (OAR) database must also include a separate email submission to DNI-Pre-Pub@cia.ic.gov (classified) or DNI-Pre-Pub@dni.gov (unclassified) for final approval. Exceptions are as follows:

(1) Former individuals assigned to the ODNI who, lacking access to classified email, will submit requests to DNI-Pre-Pub@dni.gov and ensure their publications have been clearly sourced to unclassified information prior to transmittal.

(2) Detailees and assignees will submit requests for non-official publications to their home agency, provided the home agency has an established publication review process. The IMD will assist those detailees and assignees uncertain of how to submit requests to their home agency.

(3) The Director, Intelligence Advanced Research Projects Agency (D/IARPA), or designee, is delegated the authority to review and publicly disseminate official IARPA technical publications independent of the review process outlined in this Instruction.

C. Review:

(1) The IMD will lead the coordination with all USG agencies and internal ODNI subject matter experts (SMEs) that have equities in a submitted request. The IMD will de-conflict any issues on responses from separate agencies and from within the ODNI, and will provide a single and final response to the requester.

(2) Timelines for review are determined by type of request, complexity of subject, SME time constraints, and requester deadlines. General time lines for reviews are:

(a) For Official Publications: The IMD will complete a review of official publication requests no later than 15 business days from the receipt of the request, as priorities and resources allow.

(b) For Non-Official Publications: The IMD will complete a review of non-official publication requests no later than 30 calendar days from the receipt of the request, as priorities and resources allow.

(3) Requesters must not assume approval in cases where the IMD's reply has not been received by the time guidelines described in this Instruction. It is the responsibility of the requester to protect the information until a formal approval is provided.

D. Re-submission: In the event that a request for public release is denied in whole or in part by the IMD, the requester may resubmit the request to the IMD for a second review. The

resubmittal must include results from the initial pre-publication requests, and must include additional information and/or a revised draft.

E. Appeal: If publication is denied by the IMD for a second time, the requester may submit a written appeal to the IMD no later than 30 calendar days from the date of the denial. The IMD will coordinate the appeal process. Appeal documentation must include the information intended for publication and any supporting materials to be considered. The IMD will provide the information to the Chief Management Officer (CMO) for final decision. The CMO will receive support from any USG agency and internal ODNI SMEs in the appeal decision, as appropriate. The CMO will issue a final decision, through the IMD, to the requester as time and resources allow.

F. Consequences for non-compliance: Failure to comply with this Instruction may result in the imposition of civil and administrative penalties, and may result in the loss of security clearances and accesses.

G. Non-attribution during discussions (Chatham House Rule): Individuals who participate in environments where the Chatham House Rule applies are not authorized to discuss information or topics that are not authorized for public release. Information that is deemed sensitive or classified due to attribution to the IC or USG cannot be discussed under the Chatham House Rule.

7. RESPONSIBILITIES:

A. The Chief Management Officer will:

- (1) Provide oversight for this policy and the pre-publication review process.
- (2) Issue final decisions on all formal appeals from requesters.

B. The Director, Information Management Division, or designee, will:

- (1) Implement this Instruction.
- (2) Serve as the approval authority for public release of ODNI information to the public, based on classification, policy, and other applicable authorities.
- (3) Coordinate timely pre-publication reviews with all appropriate ODNI components and USG agencies. This includes obtaining, as necessary, additional information from the requester, clarification of purpose, and to make a final determination.
- (4) Provide all staff support to the CMO in the appellate process, to include the preparation of all necessary appeal information to be presented to the CMO.

(5) Maintain records for all pre-publication review requests, dispositions, and associated actions.

C. The Director, Public Affairs Office, or designee, will:

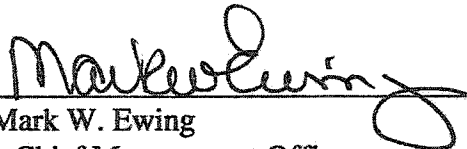
(1) Determine if individuals are authorized to officially represent the ODNI, the IC, or USG publicly.

(2) Review official publications for accuracy, clarity, and consistency of ODNI message as part of the pre-publication review process.

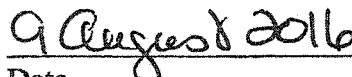
D. The Director, Intelligence Advanced Research Projects Agency, or designee, will exercise authority granted in this Instruction to review and publicly disseminate any official IARPA technical publications independent of the review process outlined in this Instruction.

E. Component Directors will, when requested by the D/IMD, designate one or more component SMEs as appropriate, either permanently or on a case-by case basis, to participate in pre-publication reviews. SMEs will limit the scope of their reviews to their component's area of expertise, and provide comments solely on the appropriateness of the information under review for public release.

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



Mark W. Ewing
Chief Management Officer



Date