



U.S. Department of Justice

Washington, D.C. 20530

JUL 28 2017

Mark Bradley
Director
Information Security Oversight Office
National Archives and Records Administration
700 Pennsylvania Avenue, NW
Washington, DC 20408

Dear Mr. Bradley:

Enclosed is the United States Department of Justice Fundamental Classification Guidance Review Report, as required by Executive Order 13526, "Classified National Security Information." If you have any questions regarding this plan, please contact Glenn R. Bensley, Assistant Director, Office of Information Safeguards and Security Oversight, Security and Emergency Planning Staff, on (202) 514-4798.

Sincerely,

A handwritten signature in blue ink, appearing to read "Lee J. Lofthus".

Lee J. Lofthus
Assistant Attorney General
for Administration

Enclosure

FY 2017
Fundamental Classification Guidance Review (FCGR)

| Section A: Identifying Information | | | |
|--|---|-------|---------------|
| Agency: | Department of Justice | Date: | July 12, 2017 |
| Name and Title/Position of Senior Agency Official: | Lee J. Lofthus Assistant Attorney General for Administration Justice Management Division | | |
| Name, Title/Position, Phone Number, and E-Mail Address of FCGR Point of Contact: | Glenn R. Bensley Assistant Director Security and Emergency Planning Staff 202-514-4798 Glenn.R.Bensley@usdoj.gov | | |

| Section B: Original Classification Authority (OCA) | |
|---|-----------|
| B-1. Number of OCAs in your agency. | 42 |
| B-2. Date of last validation of OCA positions. | June 2017 |
| B-3. How many OCAs have approved and signed SCGs? | 5 |

| Section C: Security Classification Guides (SCG) | |
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| C-1. Total number of guides. | 8 |
| C-2. Number of guides reviewed. | 8 |
| C-3. Number of guides cancelled as a result of this review. | 0 |
| C-4. Number of guides consolidated as a result of this review. | *4 |
| C-5. Number of guides superseded or replaced as a result of this review. | *2 |
| C-6. Was there a determination that new guides were required as a result of this review? | No |
| C-7. Number of modifications made to classification duration. | 0 |
| C-8. Number of declassification exemptions removed. | 0 |

| Section D: Review Process | |
|--|-----|
| D-1. Was a working group formed to conduct the review? | Yes |
| D-2. If yes, did the working group include subject matter experts, classification and declassification experts, and users of the guides? Please describe the process in your attached narrative. | Yes |
| D-3. If no, please describe the process used to conduct the review in your attached narrative. | N/A |
| D-4. During the review process, did you consider the following: | |
| D-4a. Should the information retain its current level of classification? | Yes |
| D-4b. Should any information be downgraded or declassified? | Yes |
| D-4c. Is the current duration of classification appropriate? | Yes |
| D-4d. Are current exemptions from automatic declassification valid? | Yes |
| D-4e. Does each guide contain the following (IAW 32 CFR 2001.15): | |
| D-4e(1). Identification of the subject matter. | Yes |
| D-4e(2). Approval by the appropriate OCA by name and position, or personal identifier. | Yes |
| D-4e(3). Agency point of contact for questions regarding the guide. | Yes |
| D-4e(4). Date of issuance or last review. | Yes |
| D-4e(5). Precise statement of each element of information that requires protection. | Yes |
| D-4e(6). The level of classification for each element of information. | Yes |
| D-4e(7). If applicable, handling caveats. | Yes |
| D-4e(8). The concise reason for classification as described in E.O. 13256, section 1.4. | Yes |
| D-4e(9). A specific date or event for declassification. | Yes |
| D-5. Have past and recent classification and declassification decisions been incorporated? | Yes |

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| D-6. Have you cross-referenced information with other guides (internal and external) and conducted a horizontal coordination to ensure consistency? | Yes |
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| Section E: Training | |
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| E-1. Have agency personnel received any training in the use of SCGs? | Yes |
| E-2. Have agency personnel received any training in the development of SCGs? | Yes |
| E-3. Are OCAs involved in the development process of the SCGs? | Yes |

Section F: Comments

Section B: Original Classification Authority

Evaluation of original classification authority is a continuous and ongoing process. The Department of Justice's most recent validation resulted in a decrease of seventeen delegated positions since 2014.

Section C: Security Classification Guides (SCG)

The following guides have been reviewed and updated:

- FBI Physical Security Vulnerability Assessment Security Classification Guide
- FBI Information Assurance Classification Guide
- FBI Continuity of Operations Security Classification Guide
- FBI Technical Surveillance Countermeasures Classification Guide

The following guides have been reviewed and updated but are still undergoing the FCGR:

- Department of Justice National Security Information Classification Guide (DOJ NSICG)
- Drug Enforcement Administration National Security Information Classification Guide (DEA NSICG)
- Federal Bureau of Investigation (FBI) National Security Information Classification Guide (NSICG)
- FBI Foreign Government Information Classification Guide (FGICG)

* C-4. The DOJ NSICG and the FBI NSICG are undergoing consolidation into one comprehensive DOJ NSICG. The FBI NSICG now encompasses the FBI FGICG. Final consolidation action for these guides is not complete at this time. Upon final approval, the 4 guides will be consolidated into 2 as a result of this review.

* C-5. Upon final approval, the DEA NSICG and the FBI FGICG will be superseded or replaced as a result of this review.

The DOJ NSICG and DEA NSICG are in the final adjudication and approval phase of consolidation into one comprehensive DOJ NSICG. The goal of consolidation is to reduce redundancy and improve the utility of information classification and classification guidance within the DOJ for standard NSI topics. Upon final approval (estimated completion date December 31, 2017), the DEA NSICG will be superseded/replaced by the comprehensive DOJ NSICG. Until approval of the final version of the DOJ NSICG, both the 2012 versions of the DOJ NSICG and DEA NSICG remain active and approved for use.

In 2015, the FBI National Security Branch undertook an initiative to consolidate two classification guides, the FBI NSICG and the Foreign Government Information Classification Guide (FGICG). The objective of this initiative was twofold: reduce the number of classification guides and integrate the updated NSICG with a standard set of classification requirements regarding foreign government information and the relationships with foreign partners. This will enable derivative classifiers, who work with the FBI's foreign partners, to obtain pertinent classification guidance more quickly and comprehensively. The desired outcome was to make the revised FBI NSICG more agile, timely, consistent, uniform, and flexible in providing classification guidance and principles at the lowest appropriate classification. The final draft FBI NSICG (inclusive of the FGICG guidance) is in the final Internal Policy Office collaboration stage (estimated completion date December 31, 2017).

Section D: Review Process

The DOJ has completed its FCGR that began in March 2016. On behalf of the Assistant Attorney General for Administration (Senior Agency Official), DOJ components with original classification authority were tasked with reviewing all SCGs to ensure they reflect current conditions; were properly classified, and were being made available to the user community. The FCGR utilized working groups, subject matter experts, security professionals, and users of the guides in order to obtain the broadest possible range of perspectives and input. When applicable, DOJ consulted internal and other agency guides to ensure consistency.

Section E: Training

Training on SCGs is included in original classification authority; initial and refresher NSI; and derivative marking courses offered in-person or via DOJ's learning management system.