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**PUBLIC INTEREST
DECLASSIFICATION BOARD**

EXECUTIVE-SECRETARY

William P. Fischer
Acting Director
Information Security Oversight
Office

October 24, 2023

The Honorable Joseph R. Biden
President of the United States
The White House
Washington D.C. 20500

Dear Mr. President,

We wish to inform you of the work of the Public Interest Declassification Board (PIDB) regarding the national security classification and declassification system and specifically provide recommendations on reforming Executive Order 13526, Classified National Security Information. The PIDB was established in 2000 with the statutory mandate to promote "the fullest possible public access to a thorough, accurate, and reliable documentary record of significant . . . national security decisions and . . . activities" and advise the President and other executive branch officials on policies regarding the classification and declassification of national security information. The PIDB has written several reports and letters on national security issues. Our most recent report on this subject, *A Vision for the Digital Age: Modernization of the U.S. National Security Classification and Declassification System*, was published in June 2020.

The PIDB has advocated for modernization of classification and declassification policies and processes to counter over-classification and improve the declassification process. The volume of classified information has been growing at an increasing rate with federal agencies responsible for petabytes of information. Methods for classifying, reviewing, and declassifying have not been modernized for the digital age. Most of the methods and techniques rely on processes and procedures that were developed decades ago and are no longer effective with digital information. Overclassification and delays in declassification hinder transparency within government and democratic discourse.

In addition to the volume of born-digital classified information, federal agencies are also digitizing analog records to meet the requirements and deadlines from the Office of Budget and Management (OMB) and the National Archives and Records Administration (NARA). These requirements add to the urgency for modernization. OMB and NARA have issued two

memorandums, M19-21, Transition to Electronic Records and M23-07, Update to Transition to Electronic Records, requiring federal agencies to move to a fully electronic environment. Permanent analog records, including classified records, still in the custody of the agencies after June 30, 2024 must be digitized prior to transfer to NARA. Digitized and born-digital records require modern tools and methods, standardization, and the agencies storing them sufficient appropriations to manage classified information.

The PIDB believes that changes to Executive Order 13526 would help put the U.S. government on a path toward modernization of our system for classification and declassification of records. Based on the PIDB's work, including briefings with entities responsible for agency classification and declassification policies, this letter provides a number of specific areas for focus and possible reform.

Consolidation and improvement of security classification guides

Security classification guides are fundamental to a well-functioning system for classification and declassification, and critical to the long-term use of technology to assist with declassification. An effective security guide not only documents the basis for an original classification authority's classification decision, enabling both consistency and better derivative classification, but also provides information about what can be said about the subject in an unclassified way, encouraging less classified reporting. Proper use of security classification guides can also expedite declassification, serving as a means to identify information that no longer needs to be classified.

Executive branch agencies, however, often fail to adequately maintain, update, and consolidate their security classification guides, resulting in a lack of clear guidance on what information is properly classified, why it is classified, and how it might be addressed in an unclassified way. Overlapping security guides—both within an agency and across the government—expand confusion, increasing the likelihood of overclassification.

The National Geospatial-Intelligence Agency (NGA) developed a program that can serve as a model for other agencies seeking to improve their security classification guides. NGA developed the Consolidated NGA Security Classification Guide, whose purpose is to consolidate all of the individual NGA classification guides into a single source which is searchable and allows more efficient and accurate classification. The goal of this project was to reduce redundancy, improve the utility of the guide, and modernize the process. NGA consolidated 65 individual classification guides into one guide with an updated and modernized list of information. Additionally, NGA deployed an online searchable version.

While the NGA's project was focused exclusively on the security classification guides, rather than how those same guides could be incorporated into broader record-keeping and

declassification efforts or use of machine learning or artificial intelligence, it could serve as the basis for further research in the automation of classification and declassification. The PIDB would recommend that a revised executive order recognize the importance of updating and consolidating security guides.

Expanded use of technology

Previous PIDB reports, including most recently *A Vision for the Digital Age*, have provided information on the increase of digital assets transferred to NARA from past presidential administrations and have called for deploying technology for classifying and declassifying information. Although the US government does not yet have comprehensive technology to address declassification, in the last few years several agencies have undertaken projects and pilots using artificial intelligence (AI) and machine learning (ML) technologies to assist with records review for declassification.

Most agencies that the PIDB has spoken with agree with the observation in the Defense Department's 2021 report to Congress on the declassification backlog¹ that there is currently no technological solution to replicate a human reviewer for declassification. Although there are a number of research projects on technology reviews and potential solutions underway, there are concerns that using any application or tool will not result in 100 percent certainty of the accuracy in the determinations. While the desire for this level of certainty is understandable, it may be difficult to achieve through technological applications, especially in the near term. Until the tools and applications achieve 100 percent accuracy, agencies will have to combine them with human classifiers and reviewers. Whether or not it is possible, or even desirable, to replace human decision making entirely, there is widespread recognition that technology can aid in the process and increase efficiency.

The PIDB met with representatives from the NGA, the Department of State, and the Office of the Secretary of Defense (OSD) to discuss their initiatives in developing artificial intelligence and machine learning tools for declassification. These projects demonstrate that using these tools can result in improved accuracy and efficiency, although we are still not at a point where tools can replace human reviewers. The PIDB is aware that there are other pilots in development at the Department of Energy and the intelligence agencies and will continue discussions and coordinate briefings with those agencies as well.

The State Department's pilot tested AI tools on classified cables from 1995 to 1997. Cables traditionally have been manually reviewed by a team of reviewers and it takes the team about a year to review each year of cables; however, with the sharp increase in the number of cables

¹ Department of Defense. Office of Prepublication and Security Review. Reducing the Backlog in Legally Required Historical Declassification Obligations of the Department of Defense. Report to Congress, March 2021, available at: <https://media.defense.gov/2021/Oct/22/2002878432/-1/-1/1/REDUCING-THE-BACKLOG-IN-LEGALLY-REQUIRED-HISTORICAL-DECLASSIFICATION-OBLIGATIONS-OF-THE-DOD.PDF>, accessed January 10, 2022.

created, this method has become unsustainable. The pilot used previously reviewed cables from 1995 and 1996 to recreate declassification decisions made in 2020 and 2021. The pilot included over 300,000 classified cables, took three months, and five data scientists to develop and train a model that replicates human declassification review. The budget for this three-month pilot was \$400,000. The performance was impressive, with a high accuracy rate of over 97 percent, a low error rate of about one percent, and saved months of work by reducing the manual workload by 65 percent. Future expansion of the pilot will require constantly updating the data, algorithms, and models, and consulting with historians, bureaus, and other agencies. Each new year brings new terms, changing world events and sensitivities that need to be considered in the records. The State Department will also need to examine how to use these tools against other types of records beyond cables. The State Department's pilot uses AI to augment the reviewers' work who still validate and provide oversight of the declassification decisions.

OSD has been working with the Applied Research Laboratory for Intelligence and Security (ARLIS) at the University of Maryland to develop declassification tools that operationalize the declassification guides. Similar to the State Department's effort, the intent is for these tools to assist humans with the process. The Department of Defense has 26 different operations; the goal of this project is to create a holistic approach throughout DoD for classification and declassification of records. The project uses artificial intelligence and natural language processing techniques along with human-centered systems engineering for declassification review. Additionally, OSD has been developing the Electronic Records and Declassification System (eRADS) to transition to an electronic records environment. The system will support automatic and mandatory declassification reviews and records management functions.

As an increasing number of agencies validate the use of AI or ML in declassification programs and expand their tools, there is an urgent need to coordinate on the use of tools and systems across the executive branch, to ensure they remain interoperable. Revised guidance and centralized oversight can play an important role in ensuring new systems coming online are not inappropriately siloed. We would strongly encourage the designation of an entity to monitor and coordinate activities around the development and roll out of new technology aimed to aid in classification and declassification across the executive branch.

Governance of new technology

In the past few years, the White House issued two executive orders on artificial intelligence. The 2019 Executive Order 13859, *Maintaining American Leadership in Artificial Intelligence*, called for federal agencies to focus on promoting the research of AI systems for scientific, technological, and economic advancements. Executive Order 13960, *Promoting the Use of Trustworthy Artificial Intelligence in the Federal Government*, was issued in 2020 and encouraged agencies to use AI to benefit the American people. Agencies were directed to design, develop, acquire, and use AI and to ensure that privacy, civil rights, civil liberties, and American

values were protected and were consistent with applicable laws. Additionally, agencies are required to publicly post inventories of AI non-classified and non-sensitive use cases.

As part of the effort to promote the development and manage risks associated with AI, the National Institute of Standards and Technology released in January 2023 the AI Risk Management Framework. The framework, designed through a collaborative process with government agencies, industry, academia, civil society organizations, and the public, is voluntary. The intent of the framework is to incorporate trustworthiness into the design, development, deployment of AI products, services, and systems.

The projects the PIDB has reviewed show promise and are already leading to efficiencies and improvements in managing classified information. While not explicitly stated in Executive Orders 13859 and 13960, federal agencies should leverage these orders to explore solutions for the challenges facing modernizing processes for classifying and declassifying information. This will require dedicated on-going funding to support the research, pilots, and implementation of a government-wide national security classification and declassification system. Reforms to Executive Order 13526 must ensure new policies enable the use of technological applications to support classification and improve declassification; agency classification guides are supported by technology and classification assigned with the eventual declassification taken into account; and practices and processes are aligned government-wide.

Increasing support for executive branch policy-making on classification and declassification

As the PIDB highlighted in our *A Vision for the Digital Age* report, transforming our classification system requires White House endorsement and leadership. That report recommended the designation of an executive agent and executive committee with authorities and responsibilities for designing and implementing a transformed security classification system. Unfortunately, there has been no significant movement on executive branch oversight since the PIDB issued the report in 2020. We reiterate the need for leadership to design and implement needed reforms, and to coordinate on new technologies.

We would also observe that existing structures to develop policy and oversight of the security classification system are increasingly under strain. The Information Security Oversight Office (ISOO) at NARA is responsible for developing, coordinating and issuing directives regarding the executive orders governing classification policy and oversight of the government-wide security classification system, the government-wide system for controlled unclassified information and the National Industrial Security Program, in addition to providing support for the PIDB. Unfortunately, as we flagged earlier this year in our report to Congress, ISOO's budget has not kept pace with the demands, straining its ability to complete its core mission and support the PIDB. Given the pressing need for reforms and oversight of the classification system, we would

encourage the development of a budget that recognizes the critical role played by ISOO and the PIDB.

Additional recommendations

Previous PIDB reports, including most recently *A Vision for the Digital Age*, have included a series of recommendations for policies and practices that have not yet been implemented, and could be incorporated into a revised executive order. We reiterate these recommendations, which include:

- Directing the Secretaries of Defense and Energy and the Director of National Intelligence to develop a unified or joint plan and assist the Archivist of the United States in modernizing the systems in use across agencies for the management of classified analog and electronic records.
- Deploying advanced technology, including artificial intelligence and machine learning, to support classification and declassification processes.
- Implementing secure information technology connectivity between and among all agencies managing classified information, specifically including NARA, which manages the National Declassification Center (NDC).
- Empowering the NDC to design and implement a process to solicit, evaluate, prioritize, and sponsor topics for declassification government-wide, in consultation with the public and government agencies.
- Simplifying and streamlining the classification system and adopting a two-tiered classification system.

Thank you for your continued support of the Board's mission of advocating for increased public transparency and access to the historical record.

Sincerely,

A handwritten signature in black ink, appearing to read "Alissa Starzak". The signature is fluid and cursive, with a large initial "A" and "S".

Alissa Starzak
Acting Chair
Public Interest Declassification Board