# PUBLIC INTEREST
## DECLASSIFICATION BOARD

May 3, 2021

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 and recent recommendations of the Public Interest Declassification Board (Board) regarding the crisis affecting the national security classification and declassification system and offer our assistance to your administration. The Board was established in 2000 and is required by law to report to you. We have 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 Board has written five reports to the President since 2009, and our most recent report, *A Vision for the Digital Age: Modernization of the U.S. National Security Classification and Declassification System* was published in June 2020.

We believe our classification and declassification system is in crisis and near failure. Modernizing this system is an imperative for our national security and for our democracy to operate effectively in the digital age. The processes we use to classify, declassify, and safeguard information remain largely the same as when they were first enacted by President Truman in 1951 – when secrets were created on paper and stored in combination safes. There is widespread agreement that this system is at a breaking point. As the velocity, variety, and volume of digital data increases exponentially, classification, declassification, and information management policies and processes have not kept pace and no longer meet the needs of national security professionals who require rapid and agile information sharing and dissemination to keep our nation safe.

The COVID-19 pandemic exacerbated and further demonstrated its shortcomings. Some agencies stopped or limited declassification and Freedom of Information Act (FOIA) reviews while others lacked secure communications to remotely share information with one another. This system is also failing our democracy, as Government transparency aids citizens in receiving information to understand our history and hold officials accountable.

We fear that without reform, the classification and declassification system is unsustainable and will soon fail and potentially harm our national security and our democratic traditions.

Our Board has focused on recommendations to address this challenge. Our most recent report offered a road map to initiate critical and transformative reforms. It was purposefully designed to

overcome collective inaction and uncoordinated efforts by a few individual agencies. It seeks to make changes that allow agencies to think creatively and work cooperatively on what is required to transform the classification and declassification system into the modern digital age. New investments in the Technology Modernization Fund offer avenues to support these needed changes by using and integrating advanced technologies into classification and declassification processes.

The recommendations in our report address key challenges facing your Administration.

## Secure and Agile Information Sharing

Agencies rely on technology to create, store, use, and share information for national security missions. However, sharing is hindered by long-held practices and obstacles. These include stove-piped classification decisions and safeguarding; classification decisions that are risk averse favoring over-classification and unnecessary classification; conflicting classification decisions where one agency classifies the same information differently than another; and outdated information technology (IT) systems that cannot communicate with other systems.

National security missions require seamless information sharing between and among agencies both horizontally and vertically so that actionable intelligence can quickly make its way to those who need it. The ability to rapidly share information allows for decision advantage in diplomacy, in negotiations, in acting in a crisis, for informed decision-making, and, importantly, for soldiers on the battlefield.

## Data Needs to be Discoverable

Agencies need advanced technologies and tools to "find the needle in the haystack" in identifying and leveraging data. In some instances, agencies have deployed these technologies for limited purposes focused on specific missions but have not considered using them to modernize their overall information management practices. These technologies must also be used to support and manage large volumes of data and communicate that data at the appropriate level both within an agency to address mission-critical activities and to share that information with others when needed to support national and global activities. Discoverability is further hindered by outdated IT systems and databases that are not capable of communicating with one another.

Consistency in data standards is crucial for the application of advanced technology to manage information and support mission-critical activities. Efforts in the Intelligence Community (IC) recognized the importance of standards, and it made significant progress. However, the IC did not include or integrate classification and declassification into these standards. As a result, inconsistencies remain. Additionally, IC standards only apply to IC elements, and not to the broader national security community, including those agencies that only have certain elements that are part of the IC. Uniform data standards should be applied to all national security agencies, include classification, and be applied throughout the lifecycle of the information. This action will also improve recognition of IC information contained in non-IC agency records and improve declassification for those digital records.

## Strong Security and Access Permissions

The necessity of a strong cybersecurity policy and related access controls is critical to both guard against unauthorized intrusions and theft but also to allow wider dissemination of national security information to those who need the information to support missions. Such a policy will ensure that agencies have confidence in a system that secures their data and safeguards it appropriately while also supporting critical information sharing and access.

## How the Public Interest Declassification Board Can Help

The Board is non-partisan and independent. Our members are preeminent in their fields of national security, intelligence, foreign policy, history, information technology, information management, law, and archives. In 2009, our report on *Improving Declassification* served as the basis for the National Security Advisor's request that our Board engage agencies and the public on how to improve the classification and declassification system. Several of our recommendations were included in Executive Order 13526, "Classified National Security Information." Later, our report, *Setting Priorities: An Essential Step in Declassification* led to a renewed push by agencies to prioritize records for declassification that were of the most interest to the public.

Our most recent report, *A Vision for the Digital Age: Modernization of the U.S. National Security Classification and Declassification System* builds off an earlier report focused on transforming this system so that it operates effectively and efficiently in the digital age. It focuses on the need to align and integrate technology modernization across national security agencies with policy changes necessary to better protect America in the modern age and support national security missions and objectives.

When signed on December 29, 2009, Executive Order 13526 was acclaimed by users of the classification system and the public. At the time, this Executive order and its implementing directive provided instructions for classifying and marking email and recognized the importance of information sharing. It also set time limits and refined definitions to exemptions from automatic declassification. It led to the declassification of historical President's Daily Briefs from the Kennedy, Johnson, Nixon, and Ford administrations.
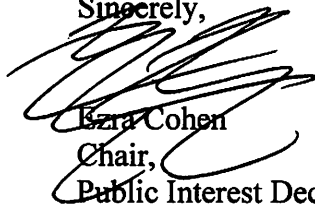
Much has changed since 2009 as electronic data communications methods have proliferated and the volume and variety of digital data have grown exponentially beyond just email. This Executive order and its implementing directive, which focus on policies and processes for paper "documents" and their secure storage in combination safes, are now outdated and require critical updates. Declassification processes – despite the refinements – have fallen further behind. The National Archives and Records Administration, which maintains classified Presidential records, estimates that, with the current system, it will take over 100 years to make all records of the George W. Bush and the Barack Obama presidencies available to the public.

Comprehensive reform of the current Executive order is needed to address these and other classification and declassification issues. We believe the necessity for modernizing this Executive order is both a national security imperative and a government transparency requirement. The Board plans to continue its focus on how to transform the classification and declassification system, including addressing how innovation in technology can better support precise classification and improved declassification.

In addition to continuing our support for these needed reforms, the Board also intends to return to earlier recommendations from its 2014 Report to the President, *Setting Priorities: An Essential Step in Transforming Declassification.* In it, we focused on topic-based prioritization and recommended specific policy and process changes aimed at improving access to historically significant records most sought-after by the public. The Board intends to engage stakeholders to learn about possible topics of significant public interest such as records relating to the 9/11 terrorist attacks on the United States, the most popular topics requested under the Freedom of Information Act, and other topics noted in the appendix to the 2014 report.

The Board has a positive and productive history of working with stakeholders – from national security agencies to civil society organizations and from senior government leaders to historians. We aim to continue these discussions as your administration begins, and we offer our expertise to assist in efforts to modernize the classification and declassification system. We look forward to working with you and your Administration to take on these challenges.

Sincerely,

Ezra Cohen
Chair,
Public Interest Declassification Board

# PIDB Recommendations

The recommendations in *A Vision for the Digital Age: Modernization of the U.S. National Security Classification and Declassification System* include several that will have an immediate impact on modernizing outdated policies and practices:

- Simplifying and streamlining the classification system and deciding how to adopt a two-tiered classification system.
- 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 records, including electronic records.
- Deploying advanced technology to support classification and declassification automation.
- Implementing secure information technology connectivity between and among all agencies managing classified information, specifically including the National Archives and Records Administration, which manages the National Declassification Center (NDC) and the classified records of the Presidential Libraries.
- 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.

Additionally, we recommended new strategic policies that recognize the imperatives of cross-agency collaboration and how agencies use information technology and manage data:

- Designating a Cabinet-level Executive Agent, and an Executive Committee with the authorities and responsibilities for designing and implementing a transformed classification system.
- Organizing agency declassification programs into a federated National Declassification System (NDS) and operating the NDS in a system-of-systems enterprise to streamline and modernize classification and declassification policies, processes, and technologies.
- Empowering the NDC with the authorities and responsibilities to oversee the implementation of the NDS system-of-systems enterprise approach for managing classified information across the Executive branch.

It became clear to the Board that only by exploiting current and developing new technologies and applying them in an improved policy framework will the national security community be capable of managing the growing volume of electronic information created in the digital age.