



## **DECENNIAL REVIEW AGENDA**

**29 AUGUST 1994**

**8:00 A.M. SIGN IN:** get name tags and coffee.

**8:30 A.M. OPENING REMARKS:**

Ed Cohen, Director, Information Management:  
WELCOME and Statement of Purpose

Ken McDonald, Chief, History Staff:  
OVERVIEW

Scott Koch, CIA Historian:  
Statement re Office of Security

Kevin Ruffner, CIA Historian:  
Statement re Directorate of Science and Technology

Mike Warner, CIA Historian:  
Statement re Directorate of Operations

**9:30 A.M. REMARKS FROM THE GUESTS**

Order indicated by sign in-sheet unless one defers to later time slot by mutual consent.  
Suggested limit to 10 minutes each.

**10:00 - 10:15 A.M. BREAK**

**11:30 A.M. DISCUSSION/QUESTIONS AND ANSWERS**

Moderated by Ed Cohen

**12:30 P.M. SESSION ENDS**

Depart with escort to front door or take tour of portrait gallery, history museum and employee store, then depart with escort to front door.

29 August 1994

**CIA Decennial Review of Designated Files  
History Staff Report**

J. Kenneth McDonald, Chief Historian

Ed Cohen has explained to you how the Agency is handling the decennial files review and the purpose of our meeting today. I would like first to say something about how CIA's records are kept and then explain the History Staff's role in this continuing review process. After this introduction, I'll ask our three staff historians who are working with the directorates concerned to report on their findings so far.

Let me begin with a few comments about the CIA's records system, which may help you follow our reports.

- Each CIA directorate manages its records differently. While there are general CIA guidelines for records management, the Agency has no standard filing system and no central catalog or index to its records. Over the decades each CIA directorate has shaped its records system to serve the specific day-to-day needs of its own offices.
- After the CIA Information Act became law in 1984, Agency records managers used the Act's definitions to determine which files they should recommend that the DCI designate as exempt from FOIA search and review. The types of files to be exempted varied both because each directorate manages its records differently and because the CIA Information Act itself defines eligible operational files differently for each of the three directorates concerned.

Early this month, the History Staff was asked to examine selected exempted files to reach an opinion about how well these three directorates have conformed to Section 702(b) of the CIA Information Act, which states:

The review required by subsection (a) of this section shall include consideration of *the historical value or other public interest* in the subject matter of the particular category of files or portions thereof and *the potential for declassifying a significant part of the information contained therein.* [emphasis added]

Our examination (which is still underway) has been called a spot check—we have selected the files we wish to check—as opposed to the random sampling exercise that other officers will conduct separately.

As you will hear in our historians' reports, the History Staff's attention to the historical and public interest value of some Agency records has already resulted in the removal of several groups of records from the list of designated files. Beyond this, in coming weeks the History Staff will focus on the feasibility of removing other files or portions of files (especially some of those whose age may increase their potential for declassification) from the list of exempt files.

I'll now ask three members of the History Staff to describe what they have found so far in our ongoing review of the operational files exemptions of the three directorates concerned. I've asked these three staff historians briefly to describe their spot check: what they are doing, how they are doing it, and what they have found so far. I suspect that you will have questions and there will be time to discuss the issues you raise.

I'll begin with Dr. Scott Koch, who will report on the records of the Office of Security.

## DECENNIAL REVIEW OF OFFICE OF SECURITY RECORDS UNDER THE CENTRAL INTELLIGENCE AGENCY INFORMATION ACT OF 1984

### *BACKGROUND*

After Congress passed the Central Intelligence Agency Information Act of 1984 exempting certain categories of records from disclosure under the Freedom of Information Act, the Office of Security designated three groups of records for exclusion. As listed in the recent announcement in the Federal Register, they are:

(1) Covert Security Approval and Provisional Covert Security Approval files. These files document investigations to determine whether foreign intelligence sources are suitable for intelligence or counterintelligence *support* activities.

(2) Operational Approval and Provisional Operational Approval files. These files document investigations to determine whether foreign intelligence sources are suitable for intelligence or counterintelligence *operational* activities.

(3) Security Access Approval files. These records contain security approvals for individuals' access to national collection programs.

Each group of records contains information on individuals, not things. They are similar to personnel files.

### *OFFICE OF SECURITY FILING SYSTEM*

I want to emphasize that the Office of Security does not organize its records by assigning specific file numbers to specific groups of documents, nor are the records separated into distinct categories. In this respect the Office of Security is more like the Directorate of Science and Technology than the Directorate of Operations. The Office does not maintain homogeneous bodies of records entitled "Covert Security Approval and Provisional Covert Security Approval Files," "Operational Approval and Provisional Operational Approval Files," and "Security Access Approval Files." Documents in these groups are commingled with other documents, but can be retrieved easily through the Office's computer data base. The only way to tell whether a document belongs to one of the three exempted groups is to retrieve it and look at it.

### *RESPONDING TO A FOIA REQUEST*

The Office of Security responds to several hundred FOIA requests each year, and last year processed 415 inquiries.

When the Office receives an inquiry under FOIA, it searches its computer data bases and other indices to see whether its files hold any relevant information. The Office uses microfiche indices to locate very old records that may not have been entered into the computer data base. The Office searches *all* its files, including the files exempt from disclosure under FOIA. An O/S analyst reviews records that match information in the request. At this point the search stops if the record or records happen to be in one of the three groups the Office has exempted from FOIA under the CIA Information Act.

### *HISTORY STAFF REVIEW OF THE OFFICE OF SECURITY RECORDS*

The History Staff has been asked to examine exempted records from the perspective of their historical or public interest value. The Staff has examined and will

continue to examine selected records from each of these three types of Office of Security designated documents. We are not looking at randomly sampled documents. We have deliberately concentrated on older records—that is, records 30 years old or older. Some of the records we have looked at are potential candidates for removal from exemption even though they have been properly designated under the operational exemption of the Act. When we finish our review we will make our recommendations to the Director of Central Intelligence.

*OFFICE OF SECURITY TO MAKE SECURITY ACCESS APPROVAL FILES SUBJECT TO FOIA*

In any event, however, The Office of Security will recommend to the Director of Central Intelligence that the Security Access Approval files be taken off the exempt list and be made subject to FOIA. The Office reached this decision, prior to History Staff involvement, for two reasons. FOIA requests rarely involve information in these files, and when they do, the Office of Security releases it whenever possible. The History Staff fully endorses this recommendation.

The majority of records in the other two groups of Security files—the Covert Security Approval and Operational Approval material—are likely to retain their exempt status. The History Staff agrees with the Office of Security that the records in these groups less than 30 years old should retain their exemption from FOIA searches. Nonetheless, the Office of Security's decision to make the Security Access Approval files nonexempt will make more information available to scholars and the general public.

Directorate of Science and Technology  
Decennial Review of Designated Files

The CIA Information Act of 1984 states that “only those files that document the means by which foreign intelligence or counterintelligence is collected through scientific and technical means may be recommended for designation.” As a consequence of this law, the Director of Central Intelligence approved the following files of the Directorate of Science and Technology to be exempt from searches under the Freedom of Information Act (these are listed in the *Federal Register*):

- a. Imagery Analysis and Exploitation files. These are files that document the scientific and technical methods used in the collection, analysis, and exploitation of photographic intelligence and other imagery for foreign intelligence and counterintelligence.
- b. Signal Intelligence files. These are files which document scientific and technical methods used in the collection, analysis, and exploitation of electromagnetic signals for foreign intelligence and counterintelligence.
- c. Operations and Technical Support files. These are files which document scientific and technical methods used in support of human intelligence source operations in the collection of foreign intelligence and counterintelligence.
- d. Intelligence Collection Systems files. These are files which document the use of other scientific and technical methods in conjunction with clandestine operations in collecting foreign intelligence and counterintelligence.

In working with the DS&T for this decennial review, the History Staff learned that the Directorate does not maintain its records in distinct files, as described above. There is no separate “file” for Intelligence Collection Systems, for example, or any of the other designated files. Records do not contain special codes that allow a reviewer to determine whether they are exempt. Rather, documents of all types are interspersed throughout the

DS&T's components and at the Agency's records center. As will be discussed shortly, the DS&T must search all of its records in response to a FOIA request. With the exception of requests for imagery analysis and exploitation files, no FOIA request is automatically declared exempt by the DS&T until after a search has been made and the records have been examined.

The Deputy Director for Science and Technology is responsible for directing and coordinating the activities of the Offices of Research and Development, Technical Collection, Development and Engineering, Technical Service, the Foreign Broadcast Information Service, and the National Photographic Interpretation Center (NPIC). The four designated files are found in most, but not all, of the DS&T components. The Foreign Broadcast Information Service, for instance, has no files designated as exempt under the FOIA. The National Photographic Interpretation Center does not have an exemption for Signal Intelligence while the Office of Technical Service does not have an exemption for Imagery Analysis and Exploitation.

The DS&T does not plan to add any additional files for exemption in 1994. Administrative changes and reorganizations over the past ten years, however, have meant that exempted files from some older components have been merged into newer components. These records will continue to carry their FOIA exemption status. The DS&T, likewise, does not plan to remove any of its four exempt files during this decennial review.

Over the past three weeks, the History Staff has conducted a "spot check" of the DS&T's records. We have examined various project files to see how records fall under the four designated files. We have had the full cooperation of the DS&T staff and discussed the overall records management system with the Directorate's Information Review Officer (IRO). While by no means a thorough search of all of the DS&T records, our brief look at several projects to date confirms the validity of the exempted files in the DS&T. DS&T records are sensitive because of their very nature, the relationship

between CIA and other organizations, as well as the actual intelligence that is derived from DS&T operations. The History Staff's specific recommendations concerning DS&T records will be discussed at the conclusion of my briefing.

As stated previously, the DS&T conducts a search of its records for the bulk of its FOIA requests. The Directorate does not automatically exclude any records from FOIA searches with the exception of requests for imagery. Following a search by the components, the DS&T IRO then determines if the documents fall under the four general exemption files. At this point, the IRO ascertains whether to review the records under FOIA or to deny the request based on the current exemption regulations. While the 1984 law permits the DS&T to exempt without review those FOIA requests that fall within the four files, the Directorate still conducts searches for the majority of requests that it receives.

The DS&T has taken steps, however, to remove certain records from its four exempted files. The D&ST now conducts FOIA searches and releases material on the research, development, and operations of U-2 and SR-71 reconnaissance aircraft, both of which were formerly in exempted files. Likewise, the DS&T is currently reviewing a classified history of those programs under FOIA. There may be similar progress with NPIC records of early reconnaissance programs and imagery if the President issues a proposed Executive Order dealing with overhead reconnaissance.

The History Staff does not propose to recommend any changes in the DS&T's four FOIA exemption files as established in 1984. The History Staff, however, may well recommend that some older DS&T records that fall within these four files be opened for FOIA review. The fact that the Directorate now reviews FOIA requests dealing with the U-2 and the SR-71 is a positive step. We hope that we can identify other older records in the DS&T's designated files that should be opened for review.



## *Directorate of Operations Records*

1. The CIA Information Act of 1984 exempts from Freedom of Information Act review operational “files of the Directorate of Operations which document the conduct of foreign intelligence or counterintelligence operations or intelligence or security liaison arrangements or information exchanges with foreign governments or their intelligence or security services.”
  
2. Some facts about Directorate of Operations (DO) operational files:
  - As the recent *Federal Register* notice explained, the DCI in 1984 ruled that six types of Directorate of Operations file categories qualify as operational files under the CIA Information Act. The six types are: 1) Operational Activities Files; 2) Operational Interest Files; 3) Personality Files; 4) Policy and Management Files; 5) Obsolete Categories; and 6) Peripheral Files.
  
  - All but a dozen of the Directorate of Operations' roughly 85 file categories fall under these six types of operational files, and are therefore exempt. What this means is that more than 90% of the Directorate of Operations' files are considered exempt. I must stress that these designated files do not include the final intelligence products disseminated to policymakers and other agencies.
  
  - When a Directorate of Operations officer begins processing a FOIA request, he or she runs a trace against the Directorate of Operations data system to determine whether relevant information is held at all and if it resides in one of the exempted file categories. If the trace indicates information might be held in non-exempt files, the officer then tasks the relevant or logical components to search their indicated files. If the trace indicates that information resides only in exempted files, the FOIA search stops.

3. The History Staff was brought into the designated files review process less than a month ago but has had time to do a spot check of Directorate of Operations operational records. We have concentrated on older records of historical and public interest. Although Directorate of Operations officers were present at each step of our review, in no case were we denied access to any extant files that we asked to see. Here are some preliminary findings of our review:

- The Directorate of Operations' own review of the exempted files has determined that a dozen currently exempt but little utilized categories no longer need to be exempt. These categories contain about 2% of all Directorate of Operations files.
- Since 1984 the Directorate of Operations has created three new file categories that fit under the six types of operational files described above. The DO has proposed that these three new file categories be added to the exempt list.
- The History Staff will focus in coming weeks on the feasibility of de-designating some portions of currently exempted Directorate of Operations files that are more than 30 years old. Many of these older records will still be redacted, and some no doubt will be denied in full, but we believe enough material will be releasable to justify the review of these older files.