



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

Category 80 - Information and Records Management

**Office of Primary Responsibility: Intelligence Community Chief Information Officer/
Information Management Division
Revision 1**

**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 (EO) 12333, as amended; EO 13526; Controlled Access Program Coordination Office *Intelligence Community Authorized Classification and Control Markings Register and Manual (CAPCO Register)*; and the *Office of the Director of National Intelligence (ODNI) Classification Guide* dated July 3, 2012.

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, *Pre-publication Review of Unclassified Material for Official Dissemination*, dated August 5, 2009, and rescinds ODNI Instruction 80.14 (formerly 2007-6), *The Office of the Director of National Intelligence Instruction for ODNI Pre-publication Review of Material Prepared for Public Dissemination*, dated July 25, 2007.

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; special government employees; assignees; and contractors (collectively, "individuals" and "personnel").

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 ODNI personnel for personal, professional, or commercial use that will be made available to the public. (e.g., resumes, books, op-eds, personal blogs).

C. Official publication: The category of publications created by ODNI personnel 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 ODNI personnel intended for public release, regardless of the medium by which it will be released (i.e., written, voice, or electronic) that discusses operations, business practices, or 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 EO 12333 and EO 13526 to safeguard sensitive intelligence information and prevent its unauthorized publication as defined in paragraph 5.D. The Director/Information Management Division (D/IMD) or designee in the IC Chief Information Officer's (IC CIO) office will serve as the exclusive ODNI authority for approval of all ODNI public release reviews. All ODNI personnel are required to submit all official and non-official information intended for public release for review. Any 'For Official Use Only' (FOUO) information intended for State, Local, Tribal, Public Sector (SLTP) and non-Title-50 entities 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 personnel can receive the information, and before peer review can be conducted via unsecure 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: ODNI personnel must initiate a request for approval for the public release 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 *CAPCO Register* 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. ODNI personnel 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. ODNI personnel 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, 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) ODNI personnel must, prior to participating in open discussion venues such as forums, panels, round tables, and questions and answer (Q&A) sessions, comply with the following conditions:

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

(b) ODNI personnel 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) Required Disclaimer: Approval of non-official publications does not imply endorsement by the ODNI, IC, or national security. The following disclaimer must be provided in non-official publications created by ODNI personnel who express 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."

This language is not required for resumes, bios, or as others exempted by the D/IMD.

B. Submission: ODNI personnel 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 WMA@cia.ic.gov](mailto:DNI-Pre-Pub_WMA@cia.ic.gov) or DNI-Pre-Pub@dni.gov for final approval. Exceptions are as follows:

(1) Former ODNI personnel 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. 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 requestor 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): ODNI personnel 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.

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 final 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 ODNI personnel 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 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