



# Department of Defense DIRECTIVE

December 31, 1984  
NUMBER 5230.11

USD(P)

SUBJECT: Disclosure of Classified Military Information to Foreign Governments and International Organizations

- References:
- (a) DoD Directive 5230.11, subject as above, March 2, 1979 (hereby canceled)
  - (b) "National Policy and Procedures for the Disclosure of Classified Military Information to Foreign Governments and International Organizations" (short title; National Disclosure Policy (NDP-1)), September 9, 1981<sup>1</sup>
  - (c) DoD Directive C-5230.23, "Intelligence Disclosure Policy," November 18, 1983
  - (d) DoD Directive 2040.2, "International Transfers of Technology, Goods, Services, and Munitions," January 17, 1984
  - (e) through (i), see enclosure 1

## A. REISSUANCE AND PURPOSE

This Directive reissues reference (a), implements reference (b), and updates policy, responsibilities, and procedures for the disclosure and denial of classified military information to foreign governments and international organizations.

## B. APPLICABILITY AND SCOPE

1. This Directive applies to the Office of the Secretary of Defense (OSD), the Military Departments, the Organization of the Joint Chiefs of Staff (OJCS), the Unified and Specified Commands, and the Defense Agencies (hereafter referred to collectively as "DoD Components").

2. This Directive applies to all disclosures of classified military information under the control of NDP-1 (reference (b)), except as limited by DoD Directive C-5230.23 (reference (c)).

3. This Directive also applies to munitions cases processed under the provisions of DoD Directive 2040.2 (reference (d)).

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<sup>1</sup> Available on a "need-to-know" basis from the Principal Director for Counterintelligence and Security Policy, Office of the Deputy Under Secretary of Defense for Policy

### C. POLICY

1. Under NDP-1 (reference b)), the interagency National Military Information Disclosure Policy Committee (NDPC) has been designated as the central authority for the formulation, promulgation, administration, and monitoring of the National Disclosure Policy. Under NDP-1 (reference (b)), the Secretary of Defense or the Deputy Secretary of Defense and the NDPC are authorized to grant exceptions to reference (b). The Secretary of Defense and the Deputy Secretary of Defense are the only officials within the Department of Defense having original authority to disclose or deny U.S. classified military information to foreign governments and international organizations. In all other cases, responsibility for disclosure decisions rests with the head of the DoD Component originating the information.

2. It is DoD policy to treat U.S. classified military information as a national security asset that must be conserved and protected and that may be shared with foreign governments and international organizations only when there is a clearly defined advantage to the United States. Disclosures and denials of such information to foreign governments and international organizations shall be made only when authorized by those officials specifically granted disclosure or denial authority by this Directive (section D. below) after they have determined that all of the requirements of NDP-1, DoD Directive C-5230.23, DoD Instruction 5230.17, and DoD Instruction 5230.20 (references (b), (c), (e) and (f)) have been met.

### D. RESPONSIBILITIES

1. The Secretaries of the Military Departments, the Chairman of the Joint Chiefs of Staff, the Under Secretary of Defense for Policy, the Under Secretary of Defense for Research and Engineering, and the Director, Defense Intelligence Agency, except as limited by DoD Directive C-5230.23 (reference (c)), shall:

a. Have the authority to disclose or deny U.S. classified military information originating in their DoD Component within the limitations of NDP-1 (reference (b)) and may redelegate disclosure authority, in writing, as required for the effective operation of commands and agencies under their direction, control, or authority.

b. Designate a principal subordinate official within their respective Component to be the principal disclosure authority for the Component. Such designations shall be in writing, and a copy shall be provided to the Deputy Under Secretary of Defense for Policy, ATTN: Chairman, NDPC.

c. Designate a member and an alternate to represent their Component on the NDPC. Individuals so designated shall (1) be thoroughly familiar with the administration of disclosure activities within the Component; (2) be qualified to provide broad guidance on matters brought before the NDPC; and (3) have direct access on disclosure matters to their principal disclosure officials and other members of the NDPC.

2. The Deputy Under Secretary of Defense for Policy (DUSD(P)), or designee, shall:

a. Assume DoD responsibility for the oversight and effective implementation of NDP-1 (reference (b)) and operation of the NDPC under NDP-1 (reference (b)).

b. Designate the Chair, NDPC, who shall represent the Secretary of Defense on the Committee.

c. Advise DoD Components and the NDPC regarding security matters related to disclosures.

d. Draft and negotiate, in coordination with other appropriate DoD Components and Federal departments and agencies, security agreements between the United States and foreign governments and international organizations governing the safeguarding of classified military information. Each such agreement shall include the requirements specified in NDP-1 (reference (b)).

e. Review and approve, when justified, requests for disclosure authority from heads of organizational elements within the OSD and heads of DoD Components not covered in subsection D.1., above.

f. Issue supplemental procedures governing the disclosure of classified military information to foreign governments and international organizations.

g. Be responsible for the overall direction, management and control of the Foreign Disclosure and Technical Information System (FORDTIS) in accordance with DoD Instruction 5230.18 (reference (g)).

3. The General Counsel, Department of Defense, shall:

a. Ensure the legal adequacy of security and other agreements for the safeguarding of classified military information between the United States and foreign governments and international organizations.

b. Advise DoD Components and the NDPC on the legal aspects of applying the NDP-1 to individual disclosure decisions.

4. The Assistant to the Secretary of Defense (Atomic Energy), who is a special member of the NDPC, shall keep other NDPC members currently informed on the implementation of international agreements made under the Atomic Energy Act (Reference (h)), including statutory determinations and requirements placed on recipient foreign governments and international organizations with respect to safeguarding atomic information released to them.

5. The Secretary of the Air Force shall provide automatic data processing resources in connection with the operation, maintenance, and administration of FORDTIS. Requests for funds to carry out this responsibility shall be submitted in accordance with DoD 7110.1-M (reference (i)).

E. PROCEDURES

1. Disclosure decisions made under this Directive shall be reported to the FORDTIS in accordance with DoD Instruction 5230.18 reference (g)).

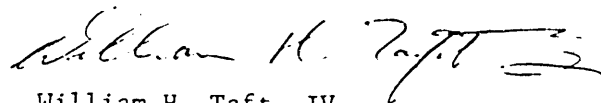
2. Requests for exceptions to the NDP-1 (reference (b)) shall follow guidelines established by DoD Instruction 5230.17 (reference (e)). Additionally, all disclosure actions, including requests for exceptions to the NDP-1 (reference (b)) that require decisions by the Secretary of Defense or Deputy Secretary of Defense shall contain the views of the originating DoD Component or agency and shall be coordinated with the DUSD(P).

3. Under conditions of actual or imminent hostilities, classified military information through TOP SECRET may be disclosed by any U.S. commander to any actively participating allied force when such military information is urgently required for support of combined combat operations. Under such circumstances, the JCS shall determine, as soon as practicable, the limitations that should be imposed on continuing disclosure of military information to such participating allied force and inform the appropriate U.S. commander.

4. Disclosure of information identified by the JCS as pertaining to or involving strategic war plans may be authorized only by the Secretary of Defense, the Deputy Secretary of Defense, or the JCS.

F. EFFECTIVE DATE AND IMPLEMENTATION

This Directive is effective immediately. Forward one copy of implementing documents to the Deputy Under Secretary of Defense for Policy within 120 days.



William H. Taft, IV  
Deputy Secretary of Defense

Enclosure - 1  
References

REFERENCES, continued

- (e) DoD Instruction 5230.17, "Procedures and Standards for Disclosure of Military Information to Foreign Activities," August 17, 1979
- (f) DoD Instruction 5230.20, "Control of Foreign Representatives," June 25, 1984
- (g) DoD Instruction 5230.18, "The DoD Foreign Disclosure and Technical Information System (FORDTIS)," November 5, 1984
- (h) Title 42, United States Code, Sections 2121, 2153, 2164 (Public Law 83-703, Atomic Energy Act of 1954, as amended)
- (i) DoD 7110.1-M, "DoD Budget Guidance Manual," July 8, 1982