CHAPTER 3

DERIVATIVE CLASSIFICATION

Section 1

Policy and General Requirements

3-100 The Nature of the Process

Derivative classification is the process of determining whether information that is to be included in a document or material has been classified and, if it has, ensuring that it is identified as classified information by marking or similar means. Information is derivatively classified whenever it is extracted, paraphrased, restated, or generated in a new form. Application of classification markings to a document or other material as directed by a security classification guide or other source material is derivative classification. Simply photocopying or otherwise mechanically reproducing classified material is not derivative classification.

3-101 Authority and Responsibility

Within the Department of Defense, all cleared personnel who generate or create material that should be derivatively classified are responsible for ensuring that the derivative classification is accomplished in accordance with this chapter. No specific delegation of authority is required by persons doing derivative classification. DoD officials who sign or approve derivatively classified documents have principal responsibility for the quality of their derivative classification.

3-102 Policy

All persons performing derivative classification shall:

a. Observe and respect the classification determinations made by original classification authorities. If they believe information to be improperly classified, they will take action as required by subsection 4-900 of this Regulation, below.

b. Apply markings or other means of identification to the derivatively classified material as required by Chapter 5 of this Regulation.

c. Use only authorized sources of instructions about the classification of the information in question. Authorized sources of instructions about classification are security classification guides, other forms of classification guidance, and markings on material from which the information is extracted. The use of only memory or "general rules" about the classification of broad classes of information is prohibited.

d. Use caution when paraphrasing or restating information extracted from a classified source document to determine whether the classification may have been changed in the process.

e. Take appropriate and reasonable steps to resolve doubts or apparent conflicts about the classification, level of classification, and duration of classification of information. These steps may include consulting a security classification guide or referral to the organization responsible for the original classification. In cases of apparent conflict between a security classification guide and a classified source document about a discrete item of information, the instructions in the security classification guide shall take precedence.

Section 2

Procedures

3-200 General

a. Derivative classifiers must carefully analyze the material they are classifying to determine what information it contains or reveals and evaluate that information against the instructions provided by the classification guidance or the markings on source documents.

b. Drafters of documents that must be derivatively classified should be encouraged to portion mark their drafts and keep records of the sources they use, to facilitate derivative classification of the finished product.

c. Declassification instructions for derivatively classified documents shall not be automatically copied from source documents. They must be determined as required by Chapter 4, and applied in accordance with Chapter 5 of this Regulation.

d. When material is derivatively classified based on "multiple sources" (more than one security classification guide, classified source document, or combination thereof), the derivative classifier must compile a list of the sources used. A copy of this list must be included in or attached to the file or record copy of the document.

3-201 Special Cases

a. If information is extracted from a document or section of a document classified by compilation, the derivative classifier will consult the explanation on the source document to determine the appropriate classification. If that does not provide enough guidance, the originator of the source document should be contacted for assistance.

b. If the derivative classifier has reason to believe the classification applied to information is inappropriate, the classifier of the source document shall be contacted to resolve the issue. The information will continue to be classified as specified in the source document until the matter is resolved.

c. If the activity originating the classified information no longer exists, the activity that inherited the functions of the originating activity is responsible for determining the action to be taken with respect to declassification. If the functions of the originating activity were dispersed to more than one other activity, the inheriting activity (ies) cannot be determined or, the functions have ceased to exist, the senior agency official of the DoD Component of which the originating activity was a part, is responsible for determining the action to be taken with respect to classification.