

§ 2001.82

Order will be collected from the agencies. The agencies will provide data to ISOO on the cost estimates for classification-related activities. ISOO will report these cost estimates annually to the President. The agency senior official should work closely with the agency comptroller to ensure that the best estimates are collected.

(b) The Secretary of Defense, acting as the executive agent for the National Industrial Security Program under Executive Order 12829, and consistent with agreements entered into under section 202 of E.O. 12829, will collect cost estimates for classification-related activities of contractors, licensees, certificate holders, and grantees, and report them to ISOO annually. ISOO will report these cost estimates annually to the President.

§ 2001.82 Definitions [6.1].

(a) “*Accessioned Records*” means records of permanent historical value in the legal custody of NARA.

(b) “*Authorized person*” means a person who has a favorable determination of eligibility for access to classified information, has signed an approved non-disclosure agreement, and has a need-to-know for the specific classified information in the performance of official duties.

(c) “*Cleared commercial carrier*” means a carrier that is authorized by law, regulatory body, or regulation, to transport SECRET and CONFIDENTIAL material and has been granted a SECRET facility clearance in accordance with the National Industrial Security Program.

(d) “*Control*” means the authority of the agency that originates information, or its successor in function, to regulate access to the information.

(e) “*Declassified or Declassification*” means the authorized change in the status of information from classified information to unclassified information.

(f) “*Equity*” means information originally classified by or under the control of an agency.

(g) “*Exempted*” means nomenclature and marking indicating information has been determined to fall within an enumerated exemption from automatic

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declassification under E.O. 12958, as amended.

(h) “*Federal Record*” includes all books, papers, maps, photographs, machine-readable materials, or other documentary materials, regardless of physical form or characteristics, made or received by an agency of the United States Government under Federal law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Government or because of the informational value of data in them. Library and museum material made or acquired and preserved solely for reference, and stocks of publications and processed documents are not included. (44 U.S.C. 3301)

(i) “*File series*” means a body of related records created or maintained by an agency, activity, office or individual. The records may be related by subject, topic, form, function, or filing scheme. An agency, activity, office, or individual may create or maintain several different file series, each serving a different function. Examples may include a subject file, alphabetical name index, chronological file, or a record set of agency publications. File series frequently correspond to items on a NARA-approved agency records schedule. Some very large series may contain several identifiable sub-series, and it may be appropriate to treat sub-series as discrete series for the purposes of the Order.

(j) “*Newly Discovered Records*” means records that were inadvertently not reviewed prior to the effective date of automatic declassification because the agency declassification authority was unaware of their existence.

(k) “*Open storage area*” means an area constructed in accordance with section 2001.62 and authorized by the agency head for open storage of classified information.

(l) “*Pass/Fail (P/F)*” means a declassification technique that regards information at the full document or folder level. Any exemptible portion of a document or folder may result in exemption (failure) of the entire documents

or folders. Documents or folders that contain no exemptible information are passed and therefore declassified. Documents within exempt folders are exempt from automatic declassification. Declassified documents may be subject to FOIA exemptions other than the security exemption (b)(1), and the requirements placed by legal authorities governing Presidential records and materials.

(m) “*Permanent Records*” means any Federal record that has been determined by NARA to have sufficient value to warrant its preservation in the National Archives of the United States. Permanent records include all records accessioned by NARA into the National Archives of the United States and later increments of the same records, and those for which the disposition is permanent on SF 115s, Request for Records Disposition Authority, approved by NARA on or after May 14, 1973.

(n) “*Presidential Historical Materials and Records*” means the papers or records of the former Presidents under the legal control of the Archivist pursuant to sections 2107, 2111, 2111note, or 2203 of title 44, U.S.C., as defined at 44 U.S.C. 2111, 2111note, and 2001.

(o) “*Records*” means the records of an agency and Presidential papers or Presidential records, as those terms are defined in title 44, United States Code, including those created or maintained by a government contractor, licensee, certificate holder, or grantee that are subject to the sponsoring agency’s control under the terms of the contract, license, certificate, or grant.

(p) “*Redaction*” means the removal of exempted information from copies of a document.

(q) “*Security-in-depth*” means a determination by the agency head that a facility’s security program consists of layered and complementary security controls sufficient to deter and detect unauthorized entry and movement within the facility. Examples include, but are not limited to, use of perimeter fences, employee and visitor access controls, use of an Intrusion Detection System (IDS), random guard patrols throughout the facility during non-working hours, closed circuit video monitoring or other safeguards that

mitigate the vulnerability of open storage areas without alarms and security storage cabinets during non-working hours.

(r) “*Tab*” means a narrow paper sleeve placed around a document or group of documents in such a way that it would be readily visible.

(s) “*Transferred Records*” means records transferred to agency storage facilities or a federal records center.

(t) “*Temporary Records*” means federal records approved by NARA for disposal, either immediately or after a specified retention period. Also called disposable records.

(u) “*Unscheduled Records*” means federal records whose final disposition has not been approved by NARA. All records that fall under a NARA approved records control schedule are considered to be scheduled records.

(v) “*Vault*” means an area approved by the agency head which is designed and constructed of masonry units or steel lined construction to provide protection against forced entry. A modular vault approved by the General Services Administration (GSA) may be used in lieu of a vault as prescribed in the first sentence of this paragraph (e). Vaults shall be equipped with a GSA-approved vault door and lock.

§ 2001.83 Effective date [6.3].

Part 2001 shall become effective September 22, 2003.

APPENDIX A TO PART 2001—INTER-AGENCY SECURITY CLASSIFICATION APPEALS PANEL BYLAWS

ARTICLE I. PURPOSE

The purpose of the Interagency Security Classification Appeals Panel (ISCAP) and these bylaws is to fulfill the functions assigned to the ISCAP by Executive Order 12958, “Classified National Security Information,” as amended.

ARTICLE II. AUTHORITY

Executive Order 12958, “Classified National Security Information,” as amended (hereafter the “Order”), and its implementing directives.

ARTICLE III. MEMBERSHIP

A. Primary Membership. Appointments under section 5.3(a) of the Order establish the primary membership of the ISCAP.

B. Alternate Membership.