Federal Maritime Commission

§ 503.59

Safeguarding classified information.

(a) All classified information shall be afforded a level of protection against unauthorized disclosure commensurate with its level of classification.

(b) Whenever classified material is removed from a storage facility, such material shall not be left unattended and shall be protected by attaching an appropriate classified document cover sheet to each classified document.

(c) Classified information being transmitted from one Commission office to another shall be protected with a classified document cover sheet and hand delivered by an appropriately cleared person to another appropriately cleared person.

(d) Classified information shall be made available to a recipient only when the authorized holder of the classified information has determined that:

1. The prospective recipient has a valid security clearance at least commensurate with the level of classification of the information; and

2. The prospective recipient requires access to the information in order to perform or assist in a lawful and authorized governmental function.

(e) The requirement in paragraph (d)(2) of this section, that access to classified information may be granted only to individuals who have a need-to-know the information, may be waived for persons who:

1. Are engaged in historical research projects, or

2. Have a need-to-know.
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(2) Previously have occupied policy-
making positions to which they were
appointed by the President.

(f) Waivers under paragraph (e) of
this section may be granted when the
Commission Senior Agency Official:

(1) Determines in writing that access
is consistent with the interest of na-
tional security;

(2) Takes appropriate steps to protect
classified information from unauthor-
ized disclosure or compromise, and en-
sures that the information is properly
safeguarded; and

(3) Limits the access granted to
former presidential appointees to items
that the person originated, reviewed,
signed, or received while serving as a
presidential appointee.

(g) Persons seeking access to classi-
fied information in accordance with
paragraphs (e) and (f) of this section
must agree in writing:

(1) To be subject to a national secu-

(3) Not to publish or otherwise reveal
to unauthorized persons any classified
information.

(h) Except as authorized by the origi-
nating agency, or otherwise provided
for by directives issued by the Presi-
dent, the Commission shall not disclose
information originally classified by an-
other agency.

(i) Only appropriately cleared per-
sonnel may receive, transmit, and
maintain current access and account-
ability records for classified material.

(j) Each office which has custody of
classified material shall maintain:

(1) A classified document register or
log containing a listing of all classified
holdings, and

(2) A classified document destruction
register or log containing the title and
date of all classified documents that
have been destroyed.

(k) An inventory of all documents
classified higher than confidential
shall be made at least annually and
whenever there is a change in classified
document custodians. The Senior
Agency Official shall be notified, in
writing, of the results of each inven-
tory.

(l) Reproduced copies of classified
documents are subject to the same ac-
countability and controls as the original
documents.

(m) Combinations to dial-type locks
shall be changed only by persons hav-
ing an appropriate security clearance,
and shall be changed whenever such
equipment is placed in use; whenever a
person knowing the combination no
longer requires access to the combina-
tion; whenever a combination has been
subject to possible compromise; when-
ever the equipment is taken out of
service; and at least once each year.
Records of combinations shall be clas-
sified no lower than the highest level of
classified information to be stored in
the security equipment concerned. One
copy of the record of each combination
shall be provided to the Senior Agency
Official.

(n) Individuals charged with the cus-
tody of classified information shall
conduct the necessary inspections
within their areas to insure adherence
to procedural safeguards prescribed to
protect classified information. The
Commission Senior Agency Official
shall conduct periodic inspections to
determine if the procedural safeguards
prescribed in this subpart are in effect
at all times.

(o) Whenever classified material is to
be transmitted outside the Commis-
sion, the custodian of the classified
material shall contact the Commission
Senior Agency Official for preparation
and receipting instructions. If the ma-
terial is to be hand carried, the Senior
Agency Official shall ensure that the
person who will carry the material has
the appropriate security clearance, is
knowledgeable of safeguarding require-
ments, and is briefed, if appropriate,
concerning restrictions with respect to
carrying classified material on com-
mmercial carriers.

(p) Any person having access to and
possession of classified information is
responsible for protecting it from per-
sons not authorized access to it, to in-
clude securing it in approved equip-
ment or facilities, whenever it is not
under the direct supervision of author-
ized persons.

(q) Employees of the Commission
shall be subject to appropriate sanc-
tions, which may include reprimand,
Federal Maritime Commission

§ 503.61 Conditions of disclosure.

(a) Subject to the conditions of paragraphs (b) and (c) of this section, the Commission shall not disclose any record which is contained in a system of records, by any means of communication, to any person or other agency who is not an individual to whom the record pertains.

(b) Upon written request or with prior written consent of the individual to whom the record pertains, the Commission may disclose any such record to any person or other agency.

§ 503.60 Definitions.

For the purpose of this subpart:

(a) Agency means each authority of the government of the United States as defined in 5 U.S.C. 551(1) and shall include any executive department, military department, government corporation, government controlled corporation or other establishment in the executive branch of the government (including the Executive Office of the President), or any independent regulatory agency.

(b) Commission means the Federal Maritime Commission.

(c) Individual means a citizen of the United States or an alien lawfully admitted for permanent residence to whom a record pertains.

(d) Maintain includes maintain, collect, use, or disseminate.

(e) Person means any person not an individual and shall include, but is not limited to, corporations, associations, partnerships, trustees, receivers, personal representatives, and public or private organizations.

(f) Record means any item, collection, or grouping of information about an individual that is maintained by the Federal Maritime Commission, including but not limited to a person’s education, financial transactions, medical history, and criminal or employment history, and that contains the person’s name, or the identifying number, symbol or other identifying particular assigned to the individual, such as a fingerprint or voice print, or a photograph.

(g) Routine use means [with respect to the disclosure of a record], the use of such records for a purpose which is compatible with the purpose for which it was collected.

(h) Statistical record means a record in a system of records, maintained for statistical research or reporting purposes only and not used in whole or in part in making any determination about an identifiable individual, but shall not include matter pertaining to the Census as defined in 13 U.S.C. 8.

(i) System of records means a group of any records under the control of the Commission from which information is retrieved by the name of the individual or by some identifying number, symbol or other identifying particular assigned to the individual.

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