



INTELLIGENCE
COMMUNITY
POLICY
GUIDANCE
403.4

(U) Procedures for Interagency Coordination Prior to Foreign Disclosure and Release to Senior Foreign Officials

A. (U) AUTHORITY: The National Security Act of 1947, as amended; Executive Order (EO) 12333, as amended; EO 13526; and other applicable provisions of law.

B. (U) PURPOSE: To establish procedures under Intelligence Community Directive (ICD) 403, *Foreign Disclosure and Release of Classified National Intelligence* for interagency coordination prior to the decision by IC officials to disclose or release classified national intelligence to Senior Foreign Officials (SFOs).

C. (U) APPLICABILITY

1. (U) This Intelligence Community Policy Guidance (ICPG) applies to the Intelligence Community (IC), as defined by the National Security Act of 1947, as amended; and to such elements of any other department or agency as may be designated an element of the IC by the President, or jointly by the Director of National Intelligence (DNI) and the head of the department or agency concerned.

2. (U) This ICPG does not apply to disclosures or releases of classified military information pursuant to National Disclosure Policy 1 and National Security Decision Memorandum-119.

3. (U) This ICPG does not apply to Restricted Data and Formerly Restricted Data. Such data may only be disclosed or released to foreign governments pursuant to an agreement for cooperation as required by the Atomic Energy Act of 1954, as amended.

4. (U [REDACTED]) This ICPG does not apply to classified national intelligence derived from Foreign Intelligence Surveillance Act (FISA) information, unless the FISA statute or the Foreign Intelligence Surveillance Court permits such information to be disclosed or released to foreign entities and such disclosure or release is not otherwise prohibited by the Privacy Act, 5 USC 552a. Where disclosure or release of this information is not permitted by the statute or the Court, or would be prohibited by the Privacy Act, the FISA-derived information cannot be released or disclosed to foreign entities.

D. (U) PROCEDURES

1. (U [REDACTED]) ICD 403 defines Senior Foreign Officials as responsible foreign officials or individuals who, by virtue of their positions or access, may directly affect policy making of recipient foreign governments. SFOs include foreign officials of assistant secretary rank and above, ambassadors, chargés d'affaires, and other officials of similar rank. SFOs include officials of finance, defense, and foreign affairs ministries, but not senior intelligence officials.

2. (U [REDACTED]) Disclosure or release of classified national intelligence to SFOs that reflects or could be construed as reflecting U.S. analytic judgments can be viewed as official foreign policy pronouncements of the U.S. Government and therefore must be consistent with U.S. national security and foreign policy objectives.

3. (U [REDACTED]) Classified national intelligence may only be disclosed or released to an SFO consistent with ICD 403 and this Guidance. The disclosure or release to an SFO of analytical or estimative products of the National Intelligence Council must be consistent with guidance from the DNI, in consultation with the National Intelligence Board as appropriate.

4. (U [REDACTED]) Proposals to disclose or release classified national intelligence to an SFO in accordance with this Guidance shall be coordinated in advance with the IC elements that originated the classified national intelligence in question.

a. If the proposal includes information which is not classified national intelligence, the requestor shall refer to the originating department's guidance on foreign disclosure or release of that information.

b. Proposals shall, at a minimum, be coordinated with the Assistant Director of National Intelligence for Partner Engagement (ADNI/PE), or designee; the Assistant Secretary of State for Intelligence and Research, or designee; the Director of the Central Intelligence Agency, or designee; the Director of the Defense Intelligence Agency, or designee; the Under Secretary of Defense for Intelligence when designated as the Director of Defense Intelligence, or designee; and other affected IC elements who may have equities with the proposed SFO request. Coordination timelines shall be consistent with ICD 403.

5. (U) Any disclosure or release of classified national intelligence to an SFO in accordance with this Guidance must also comply with the foreign disclosure and release criteria articulated in ICPG 403.1, *Criteria for Foreign Disclosure and Release of Classified National Intelligence*.

6. (U [REDACTED]) Proposals to disclose or release classified national intelligence to an SFO in accordance with this Guidance shall include, for the purposes of coordination, the following minimum information provided by the IC element making the request:

- a. A unique tracking number, which identifies the requesting agency and type of request;
- b. Name and nationality of foreign recipient(s);
- c. Official position of the SFO, including international organizations to which the SFO may belong, if applicable;
- d. Subject country or countries;

- e. Briefing date or date range;
- f. Briefing location, including city and country;
- g. Purpose and justification for the disclosure or release, including how the disclosure supports U.S. national security or foreign policy;
- h. Description of the classified national intelligence proposed, including explicit reference to whether the request is for disclosure or release;
- i. Identification of the underlying sourcing for the intelligence including whether the intelligence has gone through the intelligence clearance process and, if approved, the date of the approval;
- j. Statement of whether the IC coordinated judgment contains differing views. If the judgment does contain differing views, additional coordination, specified in Section D.8 of this guidance, is required.
- k. Proposed classification level of the intelligence information to be shared;
- l. Intention to obtain the SFO's assurance of protection prior to disclosure or release, consistent with ICPG 403.1, Section D.2.
- m. Primary and secondary points of contact, including both secure and unsecure phone and email information; and
- n. Deadline for agency responses, no later than 7 business days from request.

7. (U [REDACTED]) If the IC analytic or estimative product approved for disclosure or release contains differing views, those views must be part of the disclosure or release (without attribution) unless all stakeholders agree otherwise.

8. (U) The approval for the classified national intelligence to be disclosed or released to an SFO shall indicate whether the approval is for disclosure or release.

9. (U) Disputes related to foreign disclosure and release of classified national intelligence to SFOs shall follow the dispute resolution process defined in ICD 403, Section E.7.

E. (U) ROLES AND RESPONSIBILITIES

- 1. (U) The ADNI/PE shall:
 - a. Facilitate the coordination of proposals to disclose or release classified national intelligence to SFOs, in accordance with ICD 403, Section F.2.b., as appropriate; and
 - b. Maintain an IC registry of SFO disclosures and releases requested, approved, and withdrawn in accordance with this Guidance.
- 2. (U) Heads of IC elements shall:

- a. Conduct and coordinate disclosure or release of classified national intelligence to SFOs in accordance with this Guidance, ICD 403, and other applicable policy guidance;
- b. Identify responsible points of entry for foreign disclosure and release requests and appeals, and provide contact information for the designated points of entry and their associated areas of responsibility;
- c. Include proper handling instructions for the delivery of the intelligence information disclosed or released; and
- d. Maintain records of SFO disclosure and release approvals and decisions, and submit such records to the ADNI/PE for inclusion in the IC registry.

F. (U) EFFECTIVE DATE: This ICPG becomes effective on the date of signature.



Director of National Intelligence

25 OCTOBER 2014
Date