

SECRET//NOFORN

# PROTECTING SECRETS

CIA'S PREPUBLICATION  
REVIEW PROCESS



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# WHAT IS THE PRB?

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**The PRB is an independent Board composed of a Chair and senior representatives from the Directorates and DIR Area, supported by a small cadre of professional reviewers and researchers to assist the Board in making informed decisions.**

## Board Members

Needed for their deep and broad directorate and management experience; their directorate network of contacts to obtain component input when needed (especially for current, undocumented classification decisions or to determine impact to current jobs); and their judgment in applying their experience and input to specific cases. Board members must have the full backing and support of their directorate front office to personally represent directorate senior leadership while also taking into consideration broader, corporate Agency considerations on prepublication review matters.

## Reviewers

Needed for their critical review and release analysis skills, world-class research expertise, knowledge base of classification guides and PRB as well as official release precedents, and outstanding judgment for applying this knowledge to specific cases

## PRB DOESN'T

PRB does NOT declassify information

PRB does NOT officially release information

PRB does NOT approve publication of classified information even if it's widely reported in open source and "everybody already knows it"

PRB does NOT confirm whether information is true, NOR correct errors

PRB does NOT deny former employees and contractors permission to publish solely because material may be embarrassing to or critical of the Agency

## PRB DOES

use expertise and tradecraft to scrutinize, research, coordinate, and perform both broadview and deep-level analysis to deny – as much as CIA authorities allow – any material whose publication would reveal classified information, or (for current employees and ICs) any material that would significantly risk impairing the author's performance of his or her job duties, interfering with the authorized functions of the CIA, or adversely affecting the foreign relations or security of the United States.

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## WHY HAVE A PRB? To protect against:

Public disclosure of classified information

Impairment to author's job duties, Agency's mission, and/or foreign relations and security of the United States

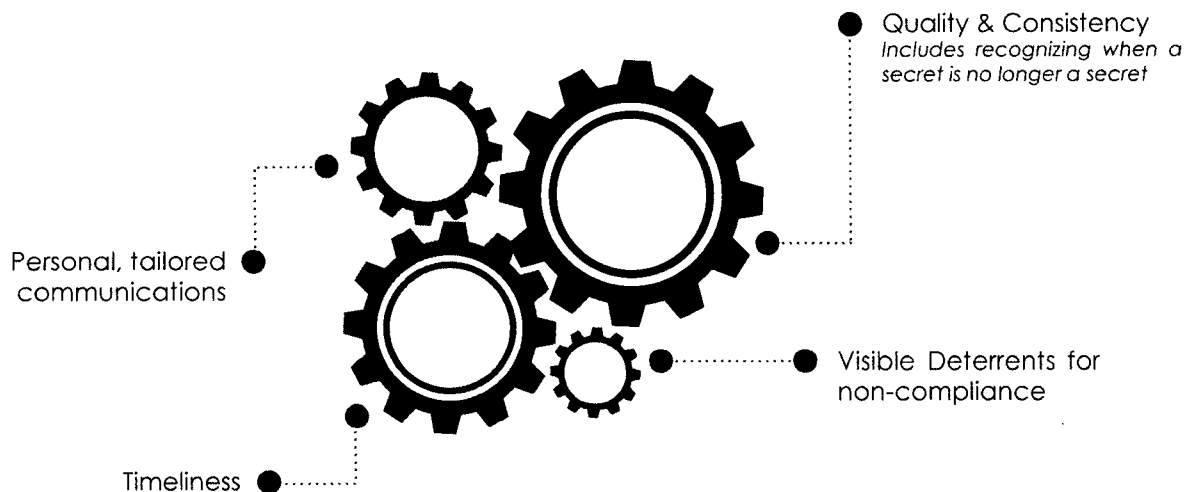
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### To Be Successful, CIA:

**Protects National Security** (and CIA's effectiveness as an employer) **AND** also allows obligated individuals to **exercise First Amendment rights**.

THROUGH **Voluntary Compliance** with prepublication review (we need obligated individuals to cooperate).

### Factors that Lead to Compliance:



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**SECRECY ≠ DISCRETION - Components tell us discretion is what keeps CIA effective.**

**Because of discretion:**

Assets trust and work with us despite risk to their lives

Liaison partners trust and work with us, often despite risk of serious political fallout

Commercial companies trust and work with us despite risk to their business and brand

Counterintelligence: Staying under the radar protects us from adversaries who use any information to chip away at our mission, people, and assets.

But... the Agency has the authority to review but not to object to publications by the growing number of former employees who are "telling their story" in a detailed but unclassified way.

Components have told us that publication of certain unclassified details results in perceptions that CIA is indiscreet and untrustworthy, and puts cover mechanisms under undue scrutiny.

Prepublication review alone cannot fix this.

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# THE PROBLEM:

## Eroding Compliance

The changing environment threatens to erode voluntary compliance



Decreasing Ability to Protect Secrets

## Shifting Landscape

### Public Expectations

Public Trust – expectations of open discussion of intelligence-related activities

Snowden

Transparency – pressure to release and declassify more than ever

Public interest in any revelations from CIA insiders

24-hour (or less) news cycle

### Issues of Livelihood

Leveraging CIA experience as second career

### Cultural Shift

More people want to express their thoughts publically

8400+ submissions in 2015 (5000+ resumes, 3400+ manuscripts)

### Hype Factor / One-upmanship

More discussions of recent – rather than historical – operations

More other agency equities (reflecting close partnerships post 9/11)

Each author seems to be competing to share more details than the last...

### Half-life of visible deterrents shrinking

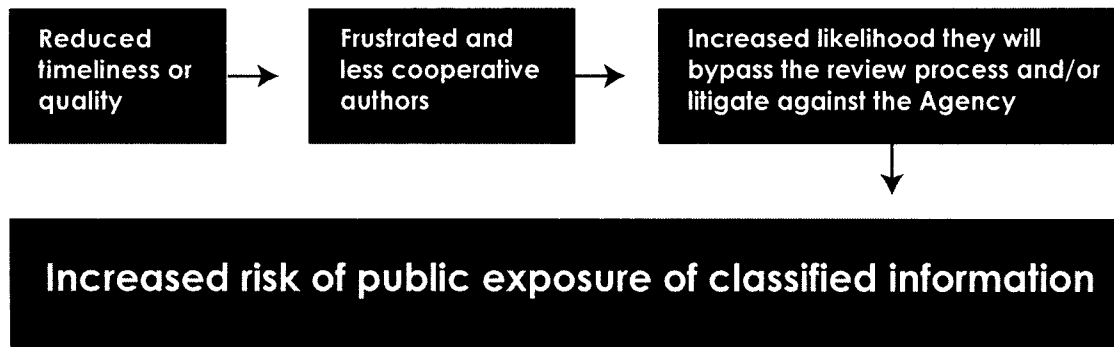
Coupled with lack of recent CIA-specific visible deterrents for non-compliance

### Legal Landscape

Courts seem less deferential to CIA regarding what's classified

## Risk has increased

With today's volumes, complexity, and drive for immediacy, PRB is struggling with achieving timeliness, and to some extent thoroughness/quality.



# CLASSIFICATION REVIEW

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CIA protects national security AND allows obligated individuals to exercise First Amendment rights.

**US vs. Marchetti** – “the maximum period for responding after submission should not exceed 30 days”

**Snepp vs. US** – Supreme Court affirms prepub review obligation

**McGehee vs. Casey** – author can seek judicial review from a final agency decision

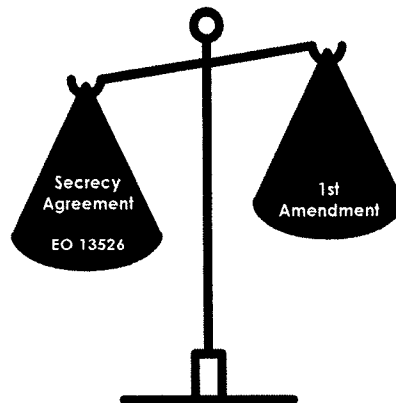
Prevent the public disclosure of classified information

## Secrecy Agreement

*... I hereby agree to submit for review by the Central Intelligence Agency any writing or other preparation in any form, including a work of fiction, which contains any mention of intelligence data or activities.*

*... that I contemplate disclosing publicly or that I have actually prepared for public disclosure, either during my employment or other service with the Central Intelligence Agency or at any time thereafter, prior to discussing it with or showing it to anyone.*

*... I further agree that I will not take any steps towards public disclosure until I have received written permission to do so from the Central Intelligence Agency."*



## Executive Order 13526 definition of classification:

### Section 1.1. Classification Standards.

2) the information is owned by, produced by or for, or is under the control of the United States Government;

(4) the original classification authority determines that the unauthorized disclosure of the information reasonably could be expected to result in damage to the national security, which includes defense against transnational terrorism, and the original classification authority is able to identify or describe the damage.

(b) If there is significant doubt about the need to classify information, it shall not be classified.

# MANAGEMENT REVIEW

CIA balances the interests of the employee, as a citizen, in commenting upon matters of public concern and the interest of the CIA, as an employer, in promoting the efficiency of the public services it performs through its employees.

(based on US Supreme Court case - *Pickering v. Board of Education*, 391 U.S. 563, 568, (1968))

Ensure publication does not adversely affect the author's performance of his duties, the Agency's mission, or the foreign relations or security of the U.S.

(only applies to current staff and independent contractors)



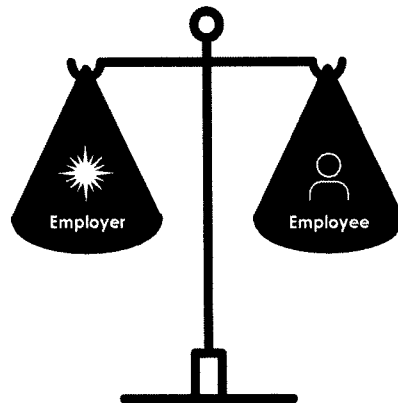
## In Favor of Denying

Significant Risk that the manuscript would:

Impair author's performance of job duties

Interfere with functions of CIA

Adversely affect US foreign relations or security



## In Favor of Allowing

Topic is matter of public concern

**Submission is for academic course work**

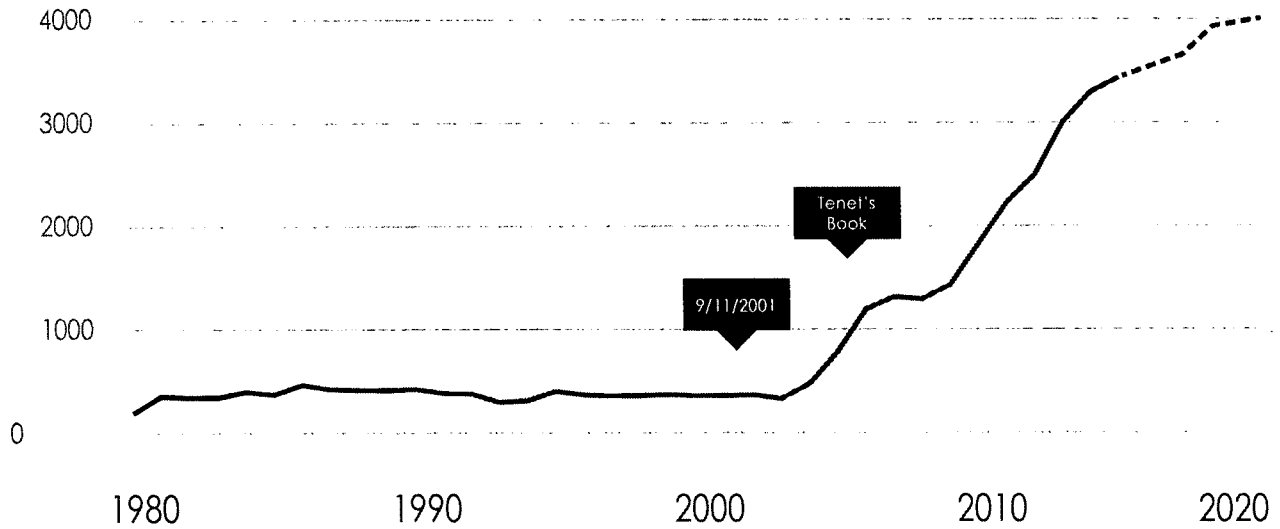
**Submission is for classroom use only**

Topic is unrelated to author's official assignment

Criticism is of elements/people that the author does not normally interact with in the execution of his/her official assignment



### Manuscript Submissions Are Increasing



### Each Manuscript Requires:

**1 classification check** PER PAGE (on avg). Some manuscripts require hundreds

Humans required for all of these--that's an average of **736 checks** per work day

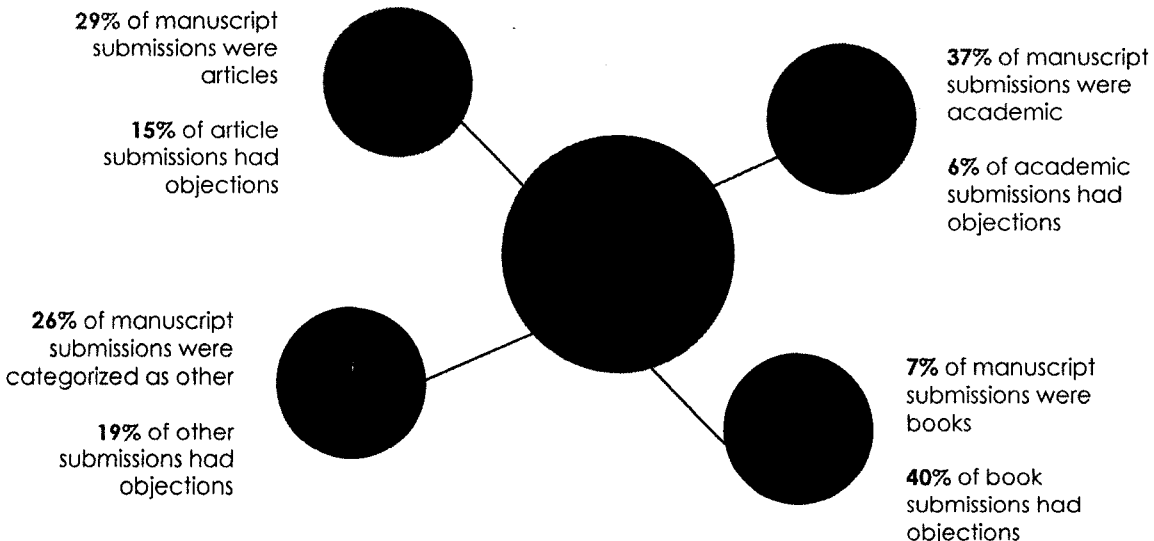
Multiple consultations with up to **16 mission SMEs**

**30 minutes to 20 hours** to communicate with authors

Complex manuscripts require **MULTIPLE READS** by lead reviewer

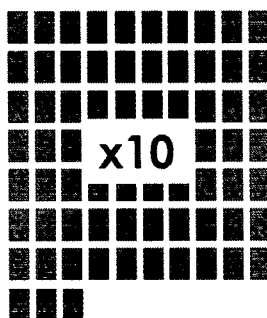
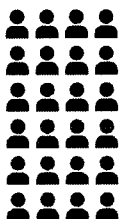
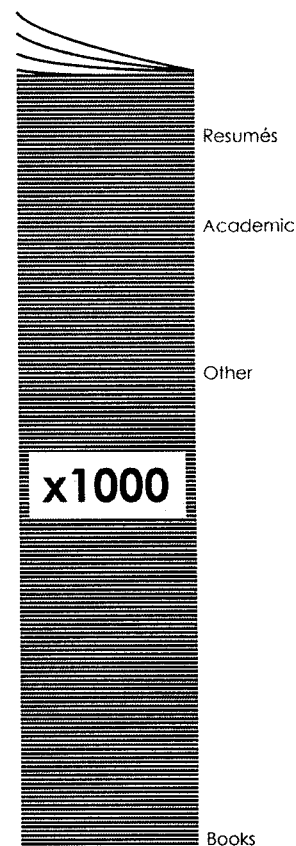
Up to **7 additional reads** for PRB Board discussion

Best practice: at least **2 sets of PRB eyes** on each manuscript



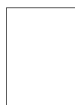


# 2015 BY THE NUMBERS



**184,000+**  
PAGES SUBMITTED

**736**  
PAGES PER DAY



**56 pages per day** per lead reviewer



**More than double increase** in resumés since 2009

(b)(1)  
(b)(3) CIAAct  
(b)(3) NatSecAct

**7 fold increase** in manuscripts submitted since 2004

## 12x

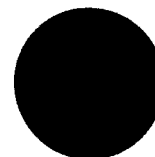
Pages reviewed by PRB were 12 times that of its DIA counterpart and nine times that of its NSA counterpart.

## 90%

PRB data show that it meets the 30-day guideline in more than 90 percent of submissions.

## YEAR+

Book-length manuscripts received today are currently projected to take over a year because of the complexity and large book backlog, even though PRB completes academic reviews in an average of 6 days.



**54%** of manuscript submissions were by current employees requiring additional management review



## ADJUSTMENTS CURRENTLY UNDERWAY:



### ADDING PEOPLE:

In last 18 months, DDI (and prior to that, CIO) increased PRB staff by 33%.

DO seeking additional DO reps.

Diverting some resume resources to manuscripts, but keeping average turnaround to under 30 days – part of valuing CIA's workforce, plus protection from revealing classified to external groups who analyze LinkedIn, Monster.com, Facebook profiles.



(b)(3) CIAAct  
(b)(3) NatSecAct



### MANAGING RISK:


Implemented only one-set-of-eyes for more straightforward manuscripts




### INITIATING TECH INVESTMENT:


Started investment in technology solutions

Forming data scientist leap team to brainstorm discrete technical tools – small & fast

 Quality & Consistency

 Timeliness

 Personal, Tailored communications

 Visible Deterrents for non-compliance



### TWEAKING PROCESS FOR EFFECTIVENESS AND EFFICIENCY

Personalizing communications.

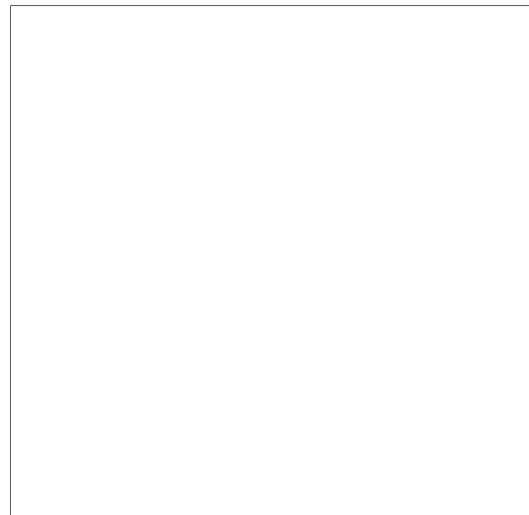
Continuing to improve PRB's internal stakeholder communications.

Continuing PRB education/outreach.

Implementing several efficiency measures internal to PRB.

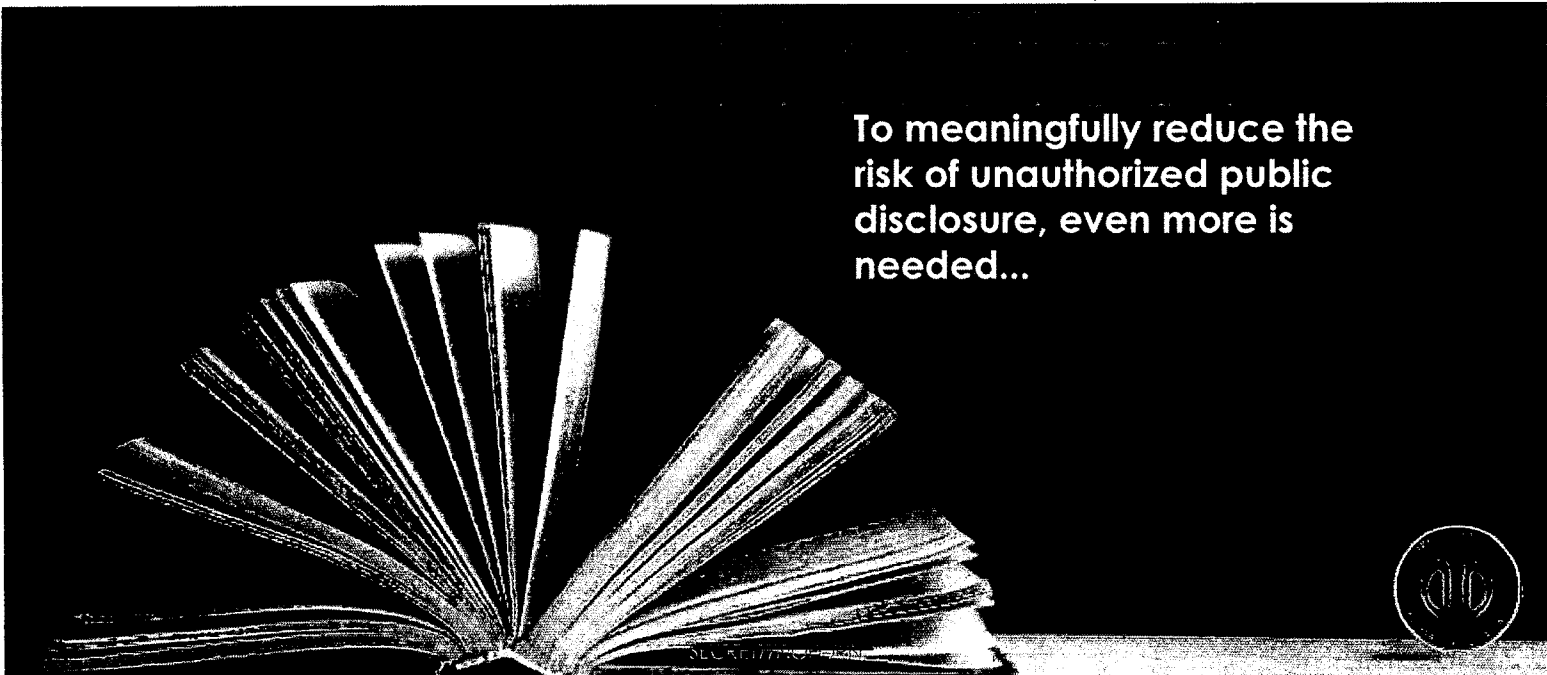
OPE and OGC revising overly restrictive IC contract language.

Beginning to address areas noted during recent IG inspection:



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To meaningfully reduce the risk of unauthorized public disclosure, even more is needed...



**Enduring Agency Challenges:  
Some Key Questions Beyond the PRB Process**

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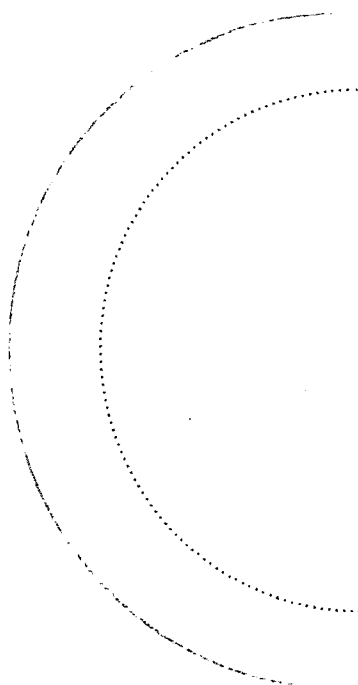
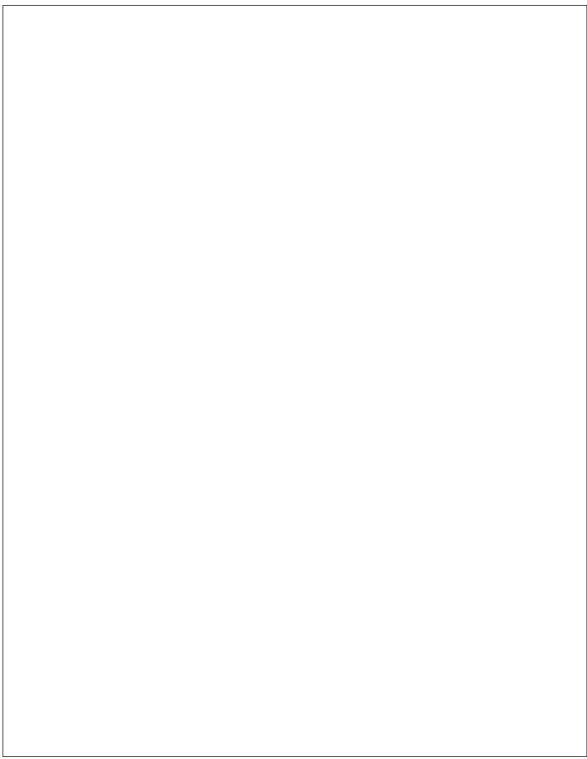
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# DRAFT IG RECOMMENDATIONS

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**For the Agency's Chief Data Officer:**

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**For the Director, Information Management Services (IMS):**

(b)(5)

**For the Director, Information Management Services:**

(b)(5)

**For the Agency's Chief Data Officer:**

(b)(5)

**For the Chair of the Publications Review Board:**

(b)(5)

**For the Executive Director:**

(b)(5)



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