(8) That the request cannot be satisfied to the same extent through requests for access to reasonably described records under the Freedom of Information Act or the mandatory declassification review provisions of Executive Order 12958 (by Coordinator, DCSI and originator).

(b) Time. These responses shall be provided expeditiously on a “first-in, first-out” basis taking into account the business requirements of the tasked offices and consistent with the information rights of members of the general public under the Freedom of Information Act and the Privacy Act. The Agency will utilize its best efforts to complete action on requests under this part within thirty (30) days of date of receipt.

§ 1909.15 Action by hearing authority.

Action by Agency Release Panel. The Coordinator, in his or her capacity as Executive Secretary of the Agency Release Panel, shall place historical access requests ready for adjudication on the agenda at the next occurring meeting of the Agency Release Panel. The Executive Secretary shall provide a summation memorandum for consideration of the members, the complete record of the request consisting of the request and the findings of the tasked parties. The Panel shall meet and decide requests sitting as a committee of the whole on the basis of the eight factors enumerated at 32 CFR 1909.14(a). Decisions are by majority vote of those present at a meeting and shall be based on the written record and their deliberations; no personal appearances shall be permitted without the express permission of the Panel.

§ 1909.16 Action by appeal authority.

In any cases of divided vote by the ARP, any member of that body is authorized to refer the request to the CIA Historical Records Policy Board which acts as the senior corporate board for the Agency. The record compiled (the request, the memoranda filed by the originator and interested parties, and the previous decision(s)) as well as any memorandum of law or policy the referent desires to be considered, shall be certified by the Executive Secretary of the Agency Release Panel and shall constitute the official record of the proceedings and must be included in any subsequent filings. In such cases, the factors to be determined as specified in 32 CFR 1909.14(a) will be considered by the Board de novo and that decision shall be final.

§ 1909.17 Notification of decision.

The Coordinator shall inform the requester of the decision of the Agency Release Panel or the Historical Records Policy Board within ten (10) days of the decision and, if favorable, shall manage the access for such period as deemed required but in no event for more than two (2) years unless renewed by the Panel or Board in accordance with the requirements of 32 CFR 1909.14(a).

§ 1909.18 Termination of access.

The Coordinator shall cancel any authorization whenever the Director of Personnel Security cancels the security clearance of a requester (or research associate, if any) or whenever the Agency Release Panel determines that continued access would not be in compliance with one or more of the requirements of 32 CFR 1909.14(a).
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OVERSIGHT OFFICE, NATIONAL ARCHIVES
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APPENDIX A TO PART 2001—INTERAGENCY SECURITY CLASSIFICATION APPEALS PANEL BYLAWS.

AUTHORITY: Section 5.2(a) and (b), and section 5.4., E.O. 12958, 60 FR 19625, April 20, 1995.

SOURCE: 60 FR 53492, Oct. 13, 1995, unless otherwise noted.

Subpart A—Classification

§ 2001.10 Classification definitions and standards [1.1 and 1.2].

(a) Definitions. (1) An original classification authority with jurisdiction over the information includes:

(i) The official who authorized the original classification, if that official is still serving in the same position;
(ii) The originator’s current successor in function;
(iii) A supervisory official of either;
or
(iv) The senior agency official under Executive Order 12958 (“the Order”).

(2) Permanently valuable information or permanent historical value refers to information contained in:

(i) Records that have been accessioned into the National Archives of the United States;
(ii) Records that have been scheduled as permanent under a records retention schedule approved by the National Archives and Records Administration (NARA); and
(iii) Presidential historical materials, presidential records or donated historical materials located in the National Archives of the United States, a presidential library, or any other approved repository.

(b) Identifying or describing damage to the national security. Section 1.2(a) of the Order sets forth the conditions for classifying information in the first instance. One of these conditions, the ability to identify or describe the damage to the national security, is critical to the process of making an original classification decision. There is no requirement, at the time of the decision, for the original classification authority to prepare a written description of such damage. However, the original classification authority must be able to support the decision in writing, including identifying or describing the damage, should the classification decision become the subject of a challenge or access demand.

§ 2001.11 Classification authority [1.4].

(a) General. Agencies with original classification authority shall establish