

National Archives and Records Administration

§ 1260.2

Subpart A—General Information

§ 1260.1 What is the purpose of this part?

(a) This subchapter defines the responsibilities of NARA and other Federal agencies for declassification of classified national security information in the holdings of NARA. This part also describes NARA's procedures for:

(1) Operation of the National Declassification Center,

(2) Processing referrals to other agencies,

(3) Facilitating systematic reviews of NARA holdings, and

(4) Processing mandatory declassification review requests for NARA holdings.

(b) Regulations for researchers who wish to request access to materials containing classified national security information are found in 36 CFR part 1256.

(c) For the convenience of the user, the following table provides references between the sections contained in this part and the relevant sections of the Order and the Implementing Directive.

CFR section	Related section of E.O. 13526	Related section of Implementing Directive
1260.20 Who is responsible for the declassification of classified national security Executive Branch information that has been accessioned by NARA?	3.3, 3.3(d)(3), 3.6	
1260.22 Who is responsible for the declassification of classified national security White House originated information in NARA's holdings?	3.3(d)(3), 3.6	
1260.24 Who is responsible for declassification of foreign government information in NARA's holdings?	6.1(s)	
1260.28 Who is responsible for declassifying Restricted Data (as defined by the Atomic Energy Act of 1954, as amended), Formerly Restricted Data (as defined in 10 CFR 1045.3, and Transclassified Foreign Nuclear Information (as defined in 32 CFR 2001.24(i))?	2001.24(i)
1260.34 What are the responsibilities of the NDC?	3.3, 3.3(d)(3), 3.4	
1260.36 What are agency responsibilities with the NDC?	3.3(d)(3)	
1260.40 What types of referrals will the NDC process?	3.3	
1260.42 How does the NDC process referrals of Federal Records?	3.3(d)(3)(B)	
1260.46 How does the Department of Defense process referrals?	3.3	
1260.50 How are records at NARA reviewed as part of the automatic declassification process?	3.3	
1260.52 What are the procedures when agency personnel review records in NARA's legal and physical custody?	3.3	2001.30(p)
1260.56 What are NARA considerations when implementing automatic declassification?	3.3	
1260.72 What procedures does NARA follow when it receives a request for Executive Branch records under MDR?	3.6(a), 3.6(b)	2001.33
1260.74 What are agency responsibilities after receiving an MDR request forwarded by NARA?	3.5(c)	
1260.76 What are NARA's procedures after it has received the agency's declassification determinations?	Appendix A
1260.78 What is the appeal process when an MDR request for Executive Branch information in NARA's legal custody is denied in whole or in part?	3.3	2001.30(p), 2001.33
1260.80 What actions must NARA take when information in its physical and legal custody is reclassified after declassification under proper authority?	2001.13
1260.82 What actions must NARA take with information in its physical and legal custody that has been made available to the public after declassification without proper authority?	2001.13

§ 1260.2 What definitions apply to the regulations in this part?

Classified national security information, or *classified information*, means information that has been determined under Executive Order 13526 or any predecessor order to require protection against unauthorized disclosure and is

marked to indicate its classified status when in documentary form.

Declassification means the authorized change in the status of information from classified information to unclassified information.

Equity refers to information:

(1) Originally classified by or under the control of an agency;

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(2) In the possession of the receiving agency in the event of transfer of function; or

(3) In the possession of a successor agency for an agency that has ceased to exist.

File series means file units or documents arranged according to a filing system or kept together because they relate to a particular subject or function, result from the same activity, document a specific kind of transaction, take a particular physical form, or have some other relationship arising out of their creation, receipt, or use, such as restrictions on access or use.

Integral file block means a distinct component of a file series, as defined in this section, that should be maintained as a separate unit in order to ensure the integrity of the records. An integral file block may consist of a set of records covering either a specific topic or a range of time such as presidential administration or a 5-year retirement schedule within a specific file series that is retired from active use as a group. For purposes of automatic declassification, integral file blocks shall contain only records dated within 10 years of the oldest record in the file block.

Mandatory declassification review means the review for declassification of classified information in response to a request for declassification that meets the requirements under section 3.5 of Executive Order 13526.

Records means the records of an agency and Presidential materials 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.

Referral means that information in an agency's records that was originated by or is of interest to another agency is sent to that agency for a determination of its classification status.

Systematic declassification review means the review for declassification of classified information, including previously exempted information, contained in records that have been determined by the Archivist of the United

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States to have permanent historical value in accordance with 44 U.S.C. 2107.

§ 1260.4 What NARA holdings are covered by this part?

The NARA holdings covered by this part are records legally transferred to NARA, including Federal records, 44 U.S.C. 2107; Presidential records, 44 U.S.C. 2201-2207; Nixon Presidential materials, 44 U.S.C. 2111 note; and donated historical materials, 44 U.S.C. 2111.

Subpart B—Responsibilities

§ 1260.20 Who is responsible for the declassification of classified national security Executive Branch information that has been accessioned by NARA?

(a) Consistent with the requirements of section 3.3 of the Order on automatic declassification, the originating agency is responsible for declassification of its information and identifying equity holders.

(b) An agency may delegate declassification authority to NARA.

(c) If an agency does not delegate declassification authority to NARA, the agency is responsible for reviewing the records to identify the equities of other agencies before the date that the records become eligible for automatic declassification.

(d) NARA is responsible for the declassification of records in its legal custody of defunct agencies that have no successor. NARA will consult with agencies having an equity in the records before making declassification determinations in accordance with sections 3.3(d)(3) and 3.6 of the Order.

§ 1260.22 Who is responsible for the declassification of classified national security White House originated information in NARA's holdings?

(a) NARA is responsible for declassification of information from a previous administration that was originated by:

- (1) The President and Vice President;
- (2) The White House staff;
- (3) Committees, commissions, or boards appointed by the President; or
- (4) Others specifically providing advice and counsel to the President or acting on behalf of the President.