

## From the PAO: Updates to ODNI Pre-Publication Review Policy

Recent media reports have misconstrued ODNI's policy for pre-publication of information to be publicly released. The purpose of pre-publication review is to ensure that classified and sensitive material is not improperly disclosed and that official ODNI policy is not misstated.

ODNI Instructions 80.14/2007-6, "*ODNI Instruction for ODNI Pre-Publication Review of Material Prepared for Public Dissemination*" and 80.04, "*Pre-Publication Review of Unclassified Material for Official Dissemination*" were recently combined into the updated ODNI Instruction 80.04, "*ODNI Pre-Publication Review of Information to be Publicly Released.*" The revised policy is not significantly different from the previous two policies.

Below are key elements from the updated ODNI Instruction 80.04:

1. **Non-Disclosure Agreements (NDA):** All ODNI employees are required to sign an NDA, which is binding even after the employee leaves the IC. Instruction 80.04 does not add any substantive requirements to the NDAs and simply establishes the procedures by which those requirements will be implemented.
2. **Sourcing:** ODNI employees, current and former, may not rely upon unauthorized disclosures as a source for factual statements or as proof that the information is no longer classified. Nor may they cite "anonymous sources" from media reporting if the citation, combined with their perceived inside knowledge, would tend to confirm classified information. They may cite more generally to media as long as by doing so they do not confirm classified information.
3. **Official publication:** Official publication by current ODNI employees (i.e., publications that are intended to reflect official ODNI views) will be reviewed for consistency with ODNI position. This does not apply to former employees or current employees publishing in their personal capacity using the required disclaimer. All material will be reviewed for potentially classified or otherwise sensitive non-public information.
4. **Media contact:** Former employees may engage with the media, but must provide talking points or high level outlines for review to the extent possible. DNI Pre-Pub will only look for classified or otherwise sensitive, non-public information. It is understood that there are times that former employees may receive calls for comment from the media, and there simply is not time to follow the pre-publication review process. Current employees are bound by ICD 119 regarding media contact.
5. **FOUO material:** FOUO material that is routinely provided to State, Local, Tribal, Public Sector (SLTP) or NT-50s as part of an information sharing agreement is not subject to pre-publication review. However, any dissemination outside of those channels must come through DNI Pre-Pub.
6. **Review:** DNI Pre-Pub makes every attempt to ease the process by working with requesters. In most cases, information that may be of concern can either be rewritten or cited to other acceptable sources. Timelines for review are determined by type of request, but generally the IMD requires 15 business days for official publications and no more than 30 calendar days for non-official publications.

If you have further questions about the policy, please contact the Information Management Division.