



DEPARTMENT OF THE NAVY

OFFICE OF THE SECRETARY
1000 NAVY PENTAGON
WASHINGTON, D.C. 20350-1000

SECNAVINST 5510.34B
ASN (RD&A)
11 Jan 2019

SECNAV INSTRUCTION 5510.34B

From: Secretary of the Navy

Subj: DISCLOSURE OF CLASSIFIED MILITARY INFORMATION AND
CONTROLLED UNCLASSIFIED INFORMATION TO FOREIGN
GOVERNMENTS, INTERNATIONAL ORGANIZATIONS, AND FOREIGN
REPRESENTATIVES

Encl: (1) References

1. Purpose

a. To implement references (a) through (j) with respect to the disclosure of Classified Military Information (CMI) and Controlled Unclassified Information (CUI) by the Department of the Navy (DON) personnel to representatives of foreign governments or international organizations, including foreign national visitors, liaison officers, exchange personnel, cooperative programs and personnel, and other foreign nationals who may have official contact with the DON.

b. To provide DON foreign disclosure policy and assign responsibilities.

2. Cancellation. SECNAVINST 5510.34A.

3. Background. Reference (d) establishes foreign disclosure policy, procedures, criteria, and limitations. Reference (f) implements this policy and states that the Secretary of the Navy (SECNAV) shall designate a senior official to be the Principal Disclosure Authority (PDA) who shall ensure that foreign disclosures are implemented uniformly per reference (d) and other foreign disclosure directives and instructions.

4. Applicability. The provisions of this instruction apply to all DON organizations and personnel involved in initiatives that may result in the disclosure of CMI or CUI to foreign governments and international organizations, or their representatives or persons sponsored by them (hereinafter referred to as foreign representatives). DON activities shall ensure these provisions

11 Jan 2019

are imposed on contractors through the security requirements of each contract. This instruction applies to disclosures at any location and any form; i.e., in oral, visual, or material form (e.g., releases of documentary information or hardware). In the event of a perceived conflict between this instruction and other DON policies or procedures, relevant disclosure issues will be held in abeyance until the Navy International Programs Office (Navy IPO) resolves the policy conflict.

a. Military information requiring protection in the interests of National Security is limited to three classifications: TOP SECRET, SECRET, or CONFIDENTIAL, as described in reference (j), or successor Executive Orders. It includes the eight categories of information described in reference (d). Military information is information under the control or jurisdiction of the Department of Defense (DoD), including the DoD Components, or is of primary interest to them. Military information may be embodied in equipment or may be in written, oral, or other form.

b. CUI is limited to unclassified information with a military or space application to which access or distribution statements have been applied per national laws, regulations, and policies.

c. The policy set forth in this instruction and its implementing procedures shall apply to export license applications that are reviewed by the DON.

d. Access to CMI and CUI by foreign national employees of the DON or DON contractors shall be per this instruction and references (g) through (i), (k), and (l), as applicable.

e. This instruction does not apply to:

(1) disclosures to United States (U.S.) nationals (except that it does apply when they are acting as foreign representatives);

(2) DON information approved for public release per reference (m);

(3) Unclassified information that does not have a military or space application whose disclosure is governed by

other statutes, regulations, and policies; and

(4) unclassified information determined to be exempt from mandatory disclosure to the public under reference (n) implemented within the DON by reference (o).

5. Policy. CMI and CUI are national assets that must be protected but may be shared with foreign governments and international organizations when it is necessary to support U.S. national defense and foreign policy. All DON disclosure decisions must meet the criteria defined in reference (d) and follow the procedures established in the DON Foreign Disclosure Manual. All DON disclosure policies shall follow the procedures established by reference (p).

6. Responsibilities

a. The Assistant Secretary of the Navy (Research, Development and Acquisition) (ASN (RD&A)):

(1) Shall serve as the PDA for the DON and oversee the foreign disclosure program for the DON. ASN (RD&A) has the authority to speak for the DON on all foreign disclosure matters subject to compliance with this instruction.

(2) Designated the Director, Navy IPO as the DON Designated Disclosure Authority to approve or deny the disclosure of DON CMI and CUI to foreign governments, international organizations, and foreign representatives within the limits of this instruction. Under this authority, the Director, Navy IPO represents the DON on the National Disclosure Policy Committee, ad hoc committees, and working groups, and may further delegate disclosure authority to Foreign Disclosure Officers (FDOs) via Delegation of Disclosure Authority Letters as necessary for the DON to carry out its assigned missions.

b. The Director, Navy IPO shall:

(1) Prepare, coordinate, and promulgate under his/her signature the DON Foreign Disclosure Manual that shall set out the detailed DON procedures for the implementation of this instruction. The DON Foreign Disclosure Manual shall cover the various circumstances under which DON commands, agencies, offices, and staff elements (hereafter, "DON organizations") may

11 Jan 2019

disclose CMI and CUI to foreign representatives, and shall be dynamically updated as procedural changes occur. The DON Foreign Disclosure Manual shall also establish procedures to coordinate all DON foreign disclosure actions with other DoD or Federal agencies or foreign governments that have jurisdiction over or an interest in the information to be disclosed.

(2) Develop a training program for DON officials who are to be FDOs and other DON personnel who are involved in or manage the disclosure of information concerning international programs.

(3) Designate in writing DON officials, including those identified in paragraph 6(c) below, to serve as FDOs when such authority is determined to be necessary to ensure effective and efficient operations.

c. The Chief of Naval Operations (CNO), the Commandant of the Marine Corps (CMC), Navy Fleet Commanders, Commanders of DON Systems Commands, and the Chief of Naval Research shall identify eligible candidates to serve as FDOs and decide foreign disclosure matters on their behalf. The FDOs must be of suitable military rank or civilian grade with a security clearance level commensurate with the type and level of classified information they will be expected to review.

d. Heads of DON organizations:

(1) Shall develop internal procedures to assure compliance with this instruction and the DON Foreign Disclosure Manual.

(2) Shall avoid entering into discussions with foreign persons or their representatives on initiatives that will result in the disclosure of CMI or CUI without first obtaining disclosure authority from an FDO in their chain of command or Navy IPO, as appropriate.

(3) May apply to the Director, Navy IPO for disclosure authority on a case-by-case basis when it can be justified that such authority is mission essential.

e. The Director, Naval Criminal Investigative Service (NCIS) shall maintain effective liaison with the Director, Navy IPO on security matters related to the visits and assignments of

11 Jan 2019

foreign nationals to DON organizations and their contractors under the provisions of reference (q).

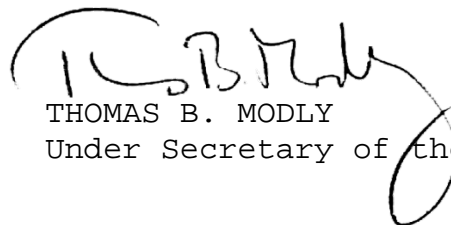
f. The Inspector General of the Navy shall conduct periodic reviews to determine compliance with this policy and the implementing procedures. The results of such reviews, along with recommendations, shall be provided to SECNAV; ASN (RD&A); the CNO or the CMC, as appropriate; the Director, NCIS; and the Director, Navy IPO.

7. Records Management

a. Records created as a result of this instruction, regardless of format or media, must be maintained and dispositioned according to the records disposition schedules found on the Directives and Records Management Division (DRMD) portal page:

<https://portal.secnav.navy.mil/orgs/DUSNM/DONAA/DRM/SitePages/Home.aspx>.

b. For questions concerning the management of records related to this instruction or the records disposition schedules, please contact your local Records Manager or the DRMD program office.


THOMAS B. MODLY
Under Secretary of the Navy

Distribution:

Electronic only, via Department of the Navy Issuances website

<https://doni.documentservices.dla.mil/>.

REFERENCES

- (a) 22 U.S.C. §2751 et. seq.
- (b) 22 U.S.C. §2151 et. seq.
- (c) 50 U.S.C. §4601 et. seq.
- (d) National Policy and Procedures for the Disclosure of Classified Military Information to Foreign Governments and International Organizations (National Disclosure Policy or NDP-1)(NOTAL)
- (e) DoD Directive 5230.25 of 18 August 1995
- (f) DoD Directive 5230.11 of 16 June 1992
- (g) DoDM 5200.01 Volume 3, DoD Information Security Program: Protection of Classified Information of 24 February 2012
- (h) DoDM 5200.01 Volume 4, DoD Information Security Program: Controlled Unclassified Information (CUI)of 24 February 2012
- (i) DoD 5220.22-M, National Industrial Security Program Operating Manual of 18 May 2016
- (j) E.O. 13526
- (k) SECNAVINST 5510.36A
- (l) SECNAVINST 5510.30B
- (m) SECNAVINST 5720.44C
- (n) 5 U.S.C. §552
- (o) SECNAVINST 5720.42F
- (p) SECNAVINST 4900.46C
- (q) DoD Directive 5230.20 of 22 June 2005