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(U//~~FOUO~~) Report on Intelligence Community
Unauthorized Disclosures Notifications
January to July 2018

OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

National Counterintelligence and Security Center



Report Date

17 October 2018

(b) (3)

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~~(U//FOUO)~~ Report of Intelligence Community on Unauthorized Disclosures Notifications
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(U) REPORT REQUIREMENT

(U) This is the first report in response to Intelligence Community Directive (ICD) 701, as revised and signed by Director of National Intelligence on 22 December 2017. ICD 701 directs the Director of the National Counterintelligence and Security Center (NCSC) to “report to the DNI, on a semiannual basis, data regarding the occurrence of unauthorized disclosures within the Intelligence Community (IC), including trends, actions taken and status.”

(U) CRIMES REPORTS ON UNAUTHORIZED DISCLOSURES

(U) ICD 701 governs IC efforts to deter, detect, report, and investigate unauthorized disclosures of classified national security information. An “unauthorized disclosure” is a communication, confirmation, acknowledgement, or physical transfer of classified information, including the facilitation of, or actual giving, passing, selling or publishing of, or in any way making such information available to an unauthorized recipient.

~~(U//FOUO)~~ When they encounter a media report that appears to contain an unauthorized disclosure of classified information from their agency that is likely to cause damage to national security interests, IC agencies conduct a preliminary inquiry to determine whether to send a Crimes Report to the Department of Justice (DoJ), National Security Division. In some cases the media outlet publishes a specific classified document in its entirety, but in many cases the classified information is described in the media article without reference to a specific classified document. Media disclosures often come from all-source analysis, so they expose equities of several IC agencies.

(U) DEFINING TIERS

(U) IC agencies are required to provide notification of unauthorized disclosures to the DoJ, the IC Inspector General (IG) and NCSC. Pursuant to a Memorandum of Understanding with DoJ, ICD 701 outlines three Tiers for reporting unauthorized disclosures:

- Tier 1 report: The agency recommends no action.
- Tier 2 report: The agency indicates the intent to conduct an internal investigation.
- Tier 3 report: The agency requests a criminal investigation by the DoJ.

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(U) FINDINGS FOR THIS REPORTING PERIOD

~~(S//NF)~~ According to reports provided to NCSC, three IC agencies sent a total of 45 Crimes Reports to the Department of Justice in the first seven months of 2018, citing disclosures that appeared in the media from 25 April 2017 through 30 June 2018.^a The Central Intelligence Agency (CIA) produced 30 reports, the **(b)(1), (b)(3)** and **(b)(1)**. No other IC agency submitted reports as required by ICD 701.^b

(b)(1), (b)(3)

(U) CRIMES REPORTS RECOMMENDED ACTIONS

~~(S//NF)~~ Thirty-one of the 45 Crimes Reports in this period recommended no action (Tier 1), five recommended that additional internal investigation be conducted (Tier 2), and nine called for a criminal investigation (Tier 3).

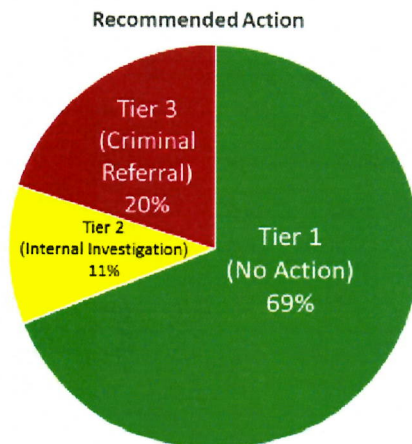


Chart is ~~(S//NF)~~

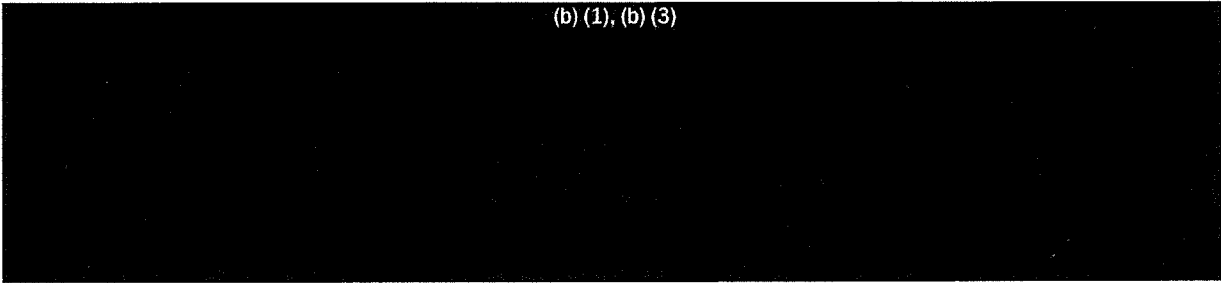
^a (U//FOUO) Reports submitted between January and July 2018 reflect disclosures that appeared in the media between April 2017 and June 2018.

^b (U//FOUO) The ICD 701 reporting requirement took effect in December 2017. NCSC and the IC IG are working to ensure that all IC agencies understand this requirement and notify NCSC and IC IG about their Crimes Reports. The *Department of Defense Directive 5210.50* effective February 16, 2018 requires DoD agencies to submit a Department of Justice (DoJ) media leak questionnaire and Crimes Report to DoJ in the event of an unauthorized disclosure. Defense Intelligence Components then notify the USD(I) through security channels when sending Crimes Reports to DoJ. NCSC will seek to ensure that Defense Intelligence Components notify NCSC and IC IG of their Crimes Reports.

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(U) TIER 1 CRIMES REPORTS



(b) (1), (b) (3)

No.	Agency	Media Date	Publisher	Media Title	Classification
1	CIA			(b)(1), (b)(3)	
2	CIA				
3	CIA				
4	CIA				
5	CIA				
6				(b)(1) (b)(3)	
7	CIA			(b)(1), (b)(3)	
8				(b)(1) (b)(3)	
9	CIA			(b)(1), (b)(3)	
10				(b)(1) (b)(3)	

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No.	Agency	Media Date	Publisher	Media Title	Classification
11	CIA			(b)(1), (b)(3)	
12				(b)(1) (b)(3)	
13	CIA			(b)(1), (b)(3)	
14	CIA				
15	CIA				
16				(b)(1) (b)(3)	
17	CIA			(b)(1), (b)(3)	
18	CIA				
19	CIA				
20	CIA				
21	CIA				
22				(b) (1), (b) (3)	

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(U) TIER 2 CRIMES REPORTS

~~(S//NF)~~ CIA issued five Tier 2 reports seeking Department of Justice permission to conduct additional internal investigation that will inform its later judgment as to whether a Tier 1 (no action) or Tier 3 (criminal referral) designation was merited.

No.	Agency	Media Date	Publisher	Media Title	Classification
23	CIA	(b) (1), (b) (3)			
24	CIA				
25	CIA				
26	CIA				
27	CIA				


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(U) TIER 3 CRIMES REPORTS

(b) (1), (b) (3)



~~(S//NF)~~ There is overlap. Some media articles exposed equities of multiple IC agencies. (b) (1), (b) (3)



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(U) WIDE RANGE OF COMPROMISED INFORMATION

(b) (3)



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(U) NEXT REPORT

(U//~~FOUO~~) NCSC's next report on unauthorized disclosures, in January 2019, will cover disclosures from August through December 2018, and summarize the full year of 2018.

NOTE:

(U) SNOWDEN DISCLOSURES DURING THIS REPORTING PERIOD

(S//NF) The US website [REDACTED] (b)(1) (b)(3) IC attributes to former NSA contractor Edward Snowden. Those disclosures are not part of this report because they are included in the ongoing Snowden criminal investigation (Tier 3 Crimes Report submitted in 2013).

(S//NF) An IC task force reviews the Snowden disclosures and assesses the damage to IC equities. [REDACTED]

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