



DEPARTMENT OF THE NAVY
OFFICE OF THE SECRETARY
1000 NAVY PENTAGON
WASHINGTON, DC 20350-1000

SECNAVINST 5510.34A
Navy IPO-01
8 October 2004

SECNAV INSTRUCTION 5510.34A

From: Secretary of the Navy
To: All Ships and Stations

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

Ref: (a) Arms Export Control Act (22 U.S.C. 2751 et. seq.)
(b) Export Administration Act (50 U.S.C. 2401-2420)
(c) Executive Order 12958, Classified National Security
Information
(d) National Policy and Procedures for the Disclosure of
Classified Military Information to Foreign Governments
and International Organizations (Short Title: National
Disclosure Policy or NDP-1) of Oct 00
(e) DoD Directive 5230.11 of 16 Jun 92
(f) DoD Directive 5230.25 of 6 Nov 84
(g) DoD 5400.7-R of Sep 98
(h) DoD 5200.1-R of Jan 97
(i) DoD Directive 5230.20 of 12 Aug 98
(j) DoD 5200.2-R of Jan 87
(k) DoD 5220.22-M of 17 Jan 95
(l) SECNAVINST 5510.36 of 17 Mar 99
(m) SECNAVINST 5510.30A of 10 Mar 99
(n) SECNAVINST 4900.46B of 16 Dec 92
(o) International Traffic in Arms Regulations (ITAR) (22
CFR 120-130) of 1 Apr 04
(p) Export Administration Regulation (EAR) (15 CFR 730-
774)
(q) DoD Directive 5530.3 of 11 Jun 87
(r) DoD 5105.38-M of Oct 03
(s) DoD 5000.3-M-2 of Jan 94
(t) DoD Directive 4500.54 of 1 May 91
(u) DoD 4500.54-G of 10 Jan 04 (<http://www.fcg.pentagon.mil>)
(v) White House Directive on Safeguarding Classified
National Security Information of 4 Aug 99 (NOTAL)
(w) DoD Directive 5000.1 of 12 May 03
(x) DoD Instruction 5000.2 of 12 May 03
(y) SECNAVINST 5000.2B of 6 Dec 96

8 October 2004

(z) DoD 5230.18-M of Jul 85

Encl: (1) Definition of Terms

1. Purpose

a. To implement references (a) through (h) with respect to the foreign disclosure by Department of the Navy (DON) personnel of classified military information (CMI) and controlled unclassified information (CUI).

b. To implement reference (i) with respect to the control of foreign national visitors, liaison officers, exchange personnel, cooperative program personnel, and other foreign nationals or their representatives who may have contact with the DON.

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

2. Cancellation. SECNAVINST 5510.34, its classified supplement OPNAVINST S5510.155C, and SECNAVINST 5510.31C are hereby cancelled. Report symbols SECNAVINST 5510-1, 5510-2, 5510-3, 5510-4, 5510-5, 5510-6, and 5510-7, which were originally required by SECNAVINST 5510.34, are also cancelled.

3. Background. Reference (d) issued the National Disclosure Policy (NDP-1) and established foreign disclosure policy, procedures, criteria and limitations. Reference (e) 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 and in accordance with the NDP-1.

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 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.

8 October 2004

a. CMI is information originated by or for the Department of Defense (DoD) or its agencies or is under their jurisdiction or control and requires protection in the interest of national security. It is designated TOP SECRET, SECRET, or CONFIDENTIAL. CMI may be in oral, visual, or material form and has been subdivided further into eight NDP Categories.

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

c. The policy set forth in this instruction and its implementing procedures shall apply to export license applications that are reviewed by DON pursuant to references (a) and (b).

d. Access to CMI and CUI by foreign national employees of the DON or DON contractors shall be in accordance with this instruction and references (j) through (o), as applicable.

e. This instruction does not apply to

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

(2) DON information approved for public release,

(3) unclassified information that does not have a military or space application, and

(4) unclassified information determined to be exempt from mandatory disclosure to the public under the Freedom of Information Act (5 U.S.C. 552), for which other instructions apply.

5. Delegations of Authority. Disclosure authority is hereby delegated within the DON as described below. The heads of DON organizations not listed below 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.

a. The Assistant Secretary of the Navy for Research, Development, and Acquisition (ASN (RD&A)) is the PDA for the DON. The ASN (RD&A) has the authority to speak for the DON on all foreign disclosure matters subject to compliance with this instruction.

8 October 2004

b. The ASN (RD&A) has delegated authority to Director, Navy IPO 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, Director, Navy IPO represents the DON on the National Disclosure Policy Committee (NDPC), ad hoc committees, and working groups and may further delegate disclosure authority as necessary for the DON to carry out its assigned missions.

c. Delegation of Disclosure Authority Letters (DDLs) for other specified DON organizations and offices (e.g., the Chief of Naval Operations, the Commandant of the Marine Corps, commanders of Navy commands, and Technical Project Officers (TPOs)) are issued under separate correspondence.

6. Action

a. ASN (RD&A) shall oversee the foreign disclosure program for the DON and ensure that DON foreign disclosure procedures are in compliance with this instruction.

b. The Director, Navy IPO shall:

(1) Prepare, coordinate and publish the Department of the Navy Foreign Disclosure Manual (hereafter, "Manual"). This Manual shall establish DON procedures for the implementation of this instruction. The Manual shall cover the various circumstances under which DON commands, agencies, offices, and staff elements (hereafter, "DON organizations") may disclose CMI and CUI to foreign representatives. The 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 Designated Disclosure Authorities (DDAs), Foreign Disclosure Points of Contact (FDPOCs), and other DON personnel who are involved in or manage the disclosure of information concerning international programs.

(3) Delegate foreign disclosure authority to DON organizations or officials when such authority is determined to be mission essential and in the best interest of the U.S. Government.

c. The Chief of Naval Operations, the Commandant of the Marine Corps, Naval Component Commanders, Commanders of the