

alert the originating agency and seek instruction.

(g) *Unscheduled records.* Classified information in records that have not been scheduled for disposal or retention by NARA is not subject to section 3.3 of the Order. Classified information in records that are scheduled as permanently valuable when that information is already more than 20 years old shall be subject to the automatic declassification provisions of section 3.3 of the Order five years from the date the records are scheduled. Classified information in records that are scheduled as permanently valuable when that information is less than 20 years old shall be subject to the automatic declassification provisions of section 3.3 of the Order when the information is 25 years old.

(h) *Foreign government information.* The declassifying agency is the agency that initially received or classified the information. When foreign government information appears to be subject to automatic declassification, the declassifying agency shall determine whether the information is subject to a treaty or international agreement that would prevent its declassification at that time. The declassifying agency shall also determine if another exemption under section 3.3(b) of the Order, such as the exemption that pertains to United States foreign relations, may apply to the information. If the declassifying agency believes such an exemption may apply, it should consult with any other concerned agencies in making its declassification determination. The declassifying agency or the Department of State, as appropriate, should consult with the foreign government prior to declassification.

(i) *Assistance to the Archivist of the United States.* Agencies shall consult with NARA before establishing automatic declassification programs. Agencies shall cooperate with NARA in developing schedules for the declassification of records in the National Archives of the United States and the presidential libraries to ensure that declassification is accomplished in a timely manner. NARA will provide information about the records proposed for automatic declassification. Agencies shall consult with NARA before reviewing records in their holdings to ensure that appropriate procedures are established for maintaining the integrity of the records and that NARA receives accurate information about agency declassification actions when records are accessioned into NARA. NARA will provide guidance to the agencies about the requirements for notification of declassification actions on accessioned

records, box labeling, and identifying exempt information in the records.

(j) *Use of approved declassification guides.* Approved declassification guides are a basis for the exemption from automatic declassification of specific information as provided in section 3.3(d) of the Order. These guides must include additional pertinent detail relating to the exemptions described in section 3.3(b) of the Order, and follow the format required of declassification guides for systematic review as described in § 2001.32 of this part. In order for such guides to be used in place of the identification of specific information within individual documents, the information to be exempted must be narrowly defined, with sufficient specificity to allow the user to identify the information with precision. Exemptions for general categories of information will not be acceptable. The actual items to be exempted are specific documents. All such declassification guides used in conjunction with section 3.3(d) of the Order must be submitted to the Director of ISOO, serving as Executive Secretary of the Interagency Security Classification Appeals Panel, for approval by the Panel.

(k) *Automatic declassification date.* No later than December 31, 2006, all classified records that are more than 25 years old and have been determined to have permanent historical value will be automatically declassified whether or not the records have been reviewed.

(l) *Exemption from Automatic Declassification.* Agencies may propose to exempt from automatic declassification specific information, either by reference to information in specific records or in the form of a classification or declassification guide, within five years of, but not later than 180 days before the information is subject to automatic declassification. The agency head or senior agency official, within the specified timeframe, shall notify the Director of ISOO, serving as the Executive Secretary of the Interagency Security Classification Appeals Panel, of the specific information being proposed for exemption from automatic declassification.

(m) *Delays in the onset of automatic declassification.* (1) Microforms, motion pictures, audiotapes, videotapes, or comparable media. An agency head or senior agency official, either through its agency's declassification plan, or within 90 days of the decision, must notify the Director of the Information Security Oversight Office of a decision to delay the onset of automatic declassification for classified information contained in

this type of media. Agencies may delay the date for automatic declassification for up to five additional years for these types of special media. Information contained in special media that has been referred shall be automatically declassified five years from the date of notification or 30 years from the date of origination of the special media, whichever is longer, unless the information has been properly exempted by the equity holding agency under section 3.3(d) of the Order.

(2) *Referred or Transferred Records.* An agency head or senior agency official, either through the agency's declassification plan or within 90 days of the decision, must notify the Director of the Information Security Oversight Office of a decision to delay the onset of automatic declassification for records that have been referred or transferred to that agency. Agencies that have records subject to automatic declassification must identify all equities and refer them to the appropriate agency prior to the date of automatic declassification or, if the information has been properly exempted by the referring agency, prior to the specific date or event for declassification under section 3.3(d) of the Order. Information contained in records that have been referred shall be automatically declassified three years from the date of notification or 28 years from the date of origination of the records, whichever is longer, unless the information has been properly exempted by another equity holding agency under section 3.3(d) of the Order. Agencies receiving a notification of a referral must immediately acknowledge receipt of it. Notifying agencies must follow-up if an acknowledgment is not received within 60 days.

(3) *Newly Discovered Records.* An agency head or senior agency official must notify the Director of the Information Security Oversight Office of any decision to delay automatic declassification no later than 90 days, from discovery of the records. The notification should identify the records and the anticipated date for declassification. An agency has up to three years from the date of discovery to make a declassification, exemption or referral determination. If other agencies' interests or equities are identified in the newly discovered records, those agencies will have three years from the date of notification to complete their review and make a declassification or exemption determination.

(n) *Redaction standard.* Agencies are encouraged but are not required to redact documents that contain information that is exempt from