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# Executive Order 13526 of December 29, 2009

## Classified National Security Information

[The following is the introductory portion of the titled “Executive Order” as published in the *Federal Register*, Vol. 75, No. 2, Tuesday, January 5, 2010, Title 3. The full text is available at: <http://edocket.access.gpo.gov/2010/pdf/E9-31418.pdf>]

### The President

#### Executive Order 13526 of December 29, 2009

#### Classified National Security Information

This order prescribes a uniform system for classifying, safeguarding, and declassifying national security information, including information relating to defense against transnational terrorism. Our democratic principles require that the American people be informed of the activities of their Government.

Our Nation’s progress depends on the free flow of information both within the Government and to the American people. Nevertheless, throughout our history, the national defense has required that certain information be maintained in confidence in order to protect our citizens, our democratic institutions, our homeland security, and our interactions with foreign nations.

Protecting information critical to our Nation’s security and demonstrating our commitment to open Government through accurate and accountable application of classification standards and routine, secure, and effective declassification are equally important priorities.

NOW, THEREFORE, I, BARACK OBAMA, by the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

#### **PART 1 – ORIGINAL CLASSIFICATION**

##### Section 1.1. Classification Standards.

- (a) Information may be originally classified under the terms of this order only if all of the following conditions are met:
  - (1) an original classification authority is classifying the information;
  - (2) the information is owned by, produced by or for, or is under the control of the United States Government;
  - (3) the information falls within one or more of the categories of information listed in section 1.4 of this order; and
  - (4) the original classification authority determines that the unauthorized disclosure of the information reasonably could be expected to result in damage to the national security, which includes defense against transnational terrorism, and the original classification authority is able to identify or describe the damage.
- (b) If there is significant doubt about the need to classify information, it shall not be classified. This provision does not:
  - (1) amplify or modify the substantive criteria or procedures for classification;
  - or
  - (2) create any substantive or procedural rights subject to judicial review.
- (c) Classified information shall not be declassified automatically as a result of any unauthorized disclosure of identical or similar information.

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- (d) The unauthorized disclosure of foreign government information is presumed to cause damage to the national security.

**Sec. 1.2. Classification Levels**

- (a) Information may be classified at one of the following three levels:
- (1) "Top Secret" shall be applied to information, the unauthorized disclosure of which reasonably could be expected to cause exceptionally grave damage to the national security that the original classification authority is able to identify or describe.
  - (2) "Secret" shall be applied to information, the unauthorized disclosure of which reasonably could be expected to cause serious damage to the national security that the original classification authority is able to identify or describe.
  - (3) "Confidential" shall be applied to information, the unauthorized disclosure of which reasonably could be expected to cause damage to the national security that the original classification authority is able to identify or describe.
- (b) Except as otherwise provided by statute, no other terms shall be used to identify United States classified information.
- (c) If there is significant doubt about the appropriate level of classification, it shall be classified at the lower level.