

Issue Date: 10/16/2014

# DISCLOSURE OF HOMELAND SECURITY INFORMATION

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## I. Purpose

This directive implements Title 6, United States Code (U.S.C.), Section 482, and serves as the principal reference for the Department for sharing homeland security information, as defined herein, with other federal agencies and appropriate state and local personnel.

## II. Scope

This directive applies throughout the Department, and applies only to the sharing of homeland security information, as defined herein. The President may make, or may authorize another officer of the United States to make, exceptions to this directive. Nothing in this directive is intended to require or should be interpreted as requiring violation of the Constitution or other existing law, executive order, presidential or other directive, regulation, international obligation, or national or departmental policy.

Nothing in this directive affects or diminishes the authorities and responsibilities of (1) the Commandant of the Coast Guard in the conduct of the non-Homeland Security missions of the Coast Guard as defined in Title 6, U.S.C., Section 468, "Preserving Coast Guard Mission Performance," or (2) the Chief Security Officer to safeguard or otherwise protect classified or unclassified information.

## III. Authorities

- A. Title 6, U.S.C., Section 482, "Facilitating Homeland Security Information Sharing Procedures."
- B. Title 6, U.S.C., Section 485, "Information Sharing."
- C. Executive Order (E.O.) 13,311, "Homeland Security Information Sharing," July 29, 2003.
- D. E.O. 13,526, "Classified National Security Information," December 29, 2009.

- E. DHS Delegation 08503, "Delegation to the Under Secretary for Intelligence and Analysis/Chief Intelligence Officer," August 10, 2012.

## IV. Definitions

- A. **Classified Information** or **Classified National Security Information**: Information that has been determined pursuant to E.O.13,526 or any predecessor executive order to require protection against unauthorized disclosure and is marked to indicate its classified status when in documentary form.
- B. **Homeland Security Information**: Any information possessed by a federal, state, or local agency that (1) relates to the threat of terrorist activity; (2) relates to the ability to prevent, interdict, or disrupt terrorist activity; (3) would improve the identification or investigation of a suspected terrorist or terrorist organization; or (4) would improve the response to a terrorist act.
- C. **Information Sharing Environment (ISE)**: A national approach that facilitates the sharing of terrorism information and homeland security information.
- D. **Intelligence Community**: Certain designated federal government agencies, services, bureaus, or other organizations that play a role in the gathering or use of national intelligence, as defined at Title 50, U.S.C., Section 3003(4), "Definitions," and E.O.12,333, "United States Intelligence Activities," Section 3.5(h), as amended.
- E. **Sensitive But Unclassified Information**: Information that is not classified information, but is sensitive in nature, and the unauthorized disclosure of which could adversely impact a person's privacy or welfare, the conduct of federal programs, or other programs or operations essential to the national interest.
- F. **State**: The term "State" includes the District of Columbia and any commonwealth, territory, or possession of the United States
- G. **State and local personnel**: Any of the following persons involved in prevention, preparation, or response for terrorist attack: (1) state governors, mayors, and other locally elected officials; (2) state and local law enforcement personnel and firefighters; (3) public health and medical professionals; (4) regional, state, and local emergency management agency personnel, including state adjutant generals; (5) other appropriate emergency response agency personnel; and (6) employees of private-sector entities that affect critical infrastructure, cyber, economic, or public health or security, as designated by the heads of Components.

- H. **Suspected Terrorist or Terrorist Organization**: An individual or organization that is reasonably suspected to be, or has been engaged in conduct constituting, in preparation for, in aid of, or related to terrorism or terrorist activity based on articulable and reasonable suspicion.
- I. **Terrorism or Terrorist Activity**: Any activity that (1) involves an act that (a) is dangerous to human life or potentially destructive of critical infrastructure or key resources and (b) is a violation of the criminal laws of the United States or of any state or other subdivision of the United States; and (2) appears to be intended (a) to intimidate or coerce a civilian population, (b) to influence the policy of a government by intimidation or coercion, or (c) to affect the conduct of a government by mass destruction, assassination, or kidnapping.
- J. **Terrorism Information**: All information, whether collected, produced, or distributed by intelligence, law enforcement, military, homeland security, or other activities relating to (1) the existence, organization, capabilities, plans, intentions, vulnerabilities, means of finance or material support, or activities of foreign or international terrorist groups or individuals, or of domestic groups or individuals involved in transnational terrorism; (2) threats posed by such groups or individuals to the United States, United States persons, or United States interests, or to those of other nations; (3) communications of or by such groups or individuals; or (4) groups or individuals reasonably believed to be assisting or associated with such groups or individuals. The term includes weapons of mass destruction information.

## V. Responsibilities

- A. The **Under Secretary for Intelligence and Analysis** prescribes and implements procedures under which Components (1) share relevant and appropriate homeland security information with other federal departments and agencies, and appropriate state and local personnel; (2) identify and safeguard homeland security information that is sensitive but unclassified; and (3) to the extent such information is in classified form, determine whether, how, and to what extent to remove classified information. The Under Secretary for Intelligence and Analysis is responsible for the implementation of this directive, and for ensuring that this directive is consistent with all federal laws, regulations, and policies related to the sharing of homeland security information.
- B. The **Component Heads** implement and execute all applicable policies and procedures set forth in this directive and any implementing instructions or other policy guidance to the extent permitted by and consistent with those Component heads' authorities and any restrictions

imposed by the Constitution, statute, executive order, regulation, presidential or other directive, or national or departmental policy.

## VI. Policy and Requirements

### A. Policy:

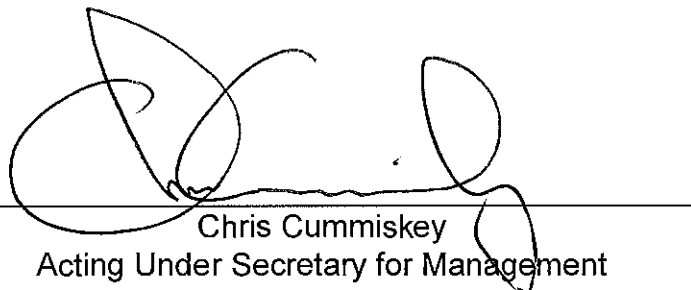
1. The Federal government is required by the Constitution to provide for the common defense, which includes deterring, preventing, and preempting a terrorist attack, and it relies on state and local personnel to assist in protecting against a terrorist attack. State and local personnel have capabilities and opportunities to gather information on suspicious activities and terrorist threats not possessed by federal agencies, and the federal government and state and local governments and agencies in other jurisdictions may benefit from such information. The needs of state and local personnel to have access to relevant homeland security information to combat terrorism is reconciled with the need to preserve the protected status of such information and to protect the sources and methods used to acquire such information. Federal, state, and local governments and intelligence, law enforcement, and other emergency preparation and response agencies must act in partnership to maximize the benefits of information gathering and analysis to prevent and respond to terrorist attacks. Information sharing systems have been established for rapid sharing of classified and sensitive but unclassified information among federal, state, and local entities. These systems include, but are not limited to, the International Justice and Public Safety Network, the National Terrorism Advisory System, the Homeland Security Information Network, and the Homeland Secure Data Network.
2. The Department shares homeland security information through information sharing systems, including homeland security information that is classified or otherwise sensitive but unclassified, together with assessments of the credibility of such information with other federal departments and agencies as well as appropriate state and local personnel in accordance with the policies, procedures, guidelines, rules, and standards that govern the content and usage of the ISE.
3. Under 6 U.S.C. § 482(e), homeland security information obtained by a state or local government from the Department under this directive remains under the control of the Department, and a state or local law authorizing or requiring such a government to disclose information does not apply to such information.

B. **Requirements:**

1. The heads of Components ensure that information sharing systems used by their Components, or any elements thereof, to share homeland security information possess the following capabilities: (a) the capability to transmit unclassified or classified information, even if the procedures for each capability differ; (b) the capability to restrict delivery of information to specified subgroups by geographic location, type of organization, position of a recipient within an organization, or a recipient's need to know such information; (c) a configuration that allows for the efficient and effective sharing of information; and, (d) accessibility to appropriate state and local personnel.
2. The heads of Components ensure that information sharing systems used by their Components, or any element thereof, to share homeland security information, to the extent reasonably practicable and consistent with section VI.A of this directive (a) limit the re-dissemination of homeland security information to ensure that such information is not used for an unauthorized purpose; (b) ensure the security and confidentiality of such information; (c) protect the constitutional and statutory rights of any individuals who are subjects of the homeland security information; and (d) provide data integrity through the timely removal and destruction of obsolete or erroneous names and information.
3. Components share homeland security information consistent with all laws, regulations, and policies related to the sharing and safeguarding of classified information and sensitive but unclassified information, and to the protection of intelligence sources and methods.

## VII. Questions

Address any questions or concerns regarding this Directive to the DHS, Office of Intelligence and Analysis.

  
Chris Cumiskey  
Acting Under Secretary for Management

10/16/14  
Date