

REVIEW OF UNOFFICIAL PUBLICATIONS CONTAINING DHS INFORMATION

I. Purpose

This Directive establishes Department of Homeland Security (DHS) policy requiring prepublication review and clearance before DHS personnel, in a personal capacity or other than for official DHS business, may release DHS information for external publication. Prepublication review and clearance is required to safeguard national security and to safeguard DHS information that is restricted from disclosure by law, regulation, or policy.

II. Scope

A. This Directive applies to all DHS personnel who, in their personal capacities or other than for official DHS business, seek to release or disclose DHS information for external publication.

B. This Directive does not apply to external publication of DHS information that occurs as part of DHS official business. External publication of DHS information that occurs as part of DHS official business complies with other applicable DHS disclosure policies and procedures.

III. Authorities

A. Title 6, United States Code (U.S.C.), Section 142, "Privacy Officer"

B. Section 208 of the E-Government Act of 2002, Public Law 107-347

C. Executive Order 13526, "Classified National Security Information"

D. DHS Delegation 02001, "Delegation to the Assistant Secretary for Public Affairs"

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

F. DHS Delegation 00002, "Delegation to the Under Secretary for Management"

G. Non-Disclosure Agreements by DHS Personnel. Examples include, but are not limited to, Standard Form 312, Standard Form 4414, [DHS Form 11000-6](#), "DHS Special Access Program Non-Disclosure Agreement"

H. DHS Management Directive 11042.1, "Safeguarding Sensitive But Unclassified (For Official Use Only) Information"

IV. Responsibilities

A. The **Assistant Secretary for the Office of Public Affairs (OPA)**:

1. Provides the oversight of all external communications, including visual imagery, statements, websites, social media, brochures, blog postings, still images, videos, audio files, and interviews concerning official DHS business, except those of the Office of Inspector General;
2. Implements and manages the DHS prepublication review program;
3. Reviews and makes clearance determinations for external publication submitted by DHS personnel in accordance with this Directive.

B. The **Chief Security Officer (CSO)** and the **Under Secretary, Office for Intelligence and Analysis (I&A)** provide advice and assistance to OPA to identify information that is classified or is otherwise harmful to national security.

C. The **Chief Procurement Officer (CPO)** provides advice and assistance to OPA on contract terms and conditions and contractor non-disclosure agreements that may restrict disclosure of information.

D. The **Chief Privacy Officer** provides advice and assistance to OPA to identify information that is restricted from disclosure pursuant to the Freedom of Information Act and the Privacy Act.

E. The **General Counsel, Office of the General Counsel (OGC)** provides advice to OPA on laws, rules, and regulations governing the disclosure of information.

F. **Component Heads**:

1. Appoint Component officials to provide advice and assistance to OPA on Component subject matter expertise;

2. Ensure an effective, efficient, and coordinated Departmental publishing program.

G. **DHS personnel** comply with the requirements of this Directive and any additional guidance issued by OPA.

V. Policy and Requirements

A. DHS information may not be released for external publication by current or former DHS personnel, in their personal capacities or other than for official DHS business, without prepublication review and clearance by OPA.

B. In order for DHS personnel to obtain review and clearance by OPA to release DHS information for external publication in their personal capacities or other than for official DHS business, they submit the proposed material to OPA as follows:

1. Material may be submitted to OPA either by paper or by email.

a. Paper submissions are submitted to OPA at:

Office of Public Affairs
Mail Stop 0470
Department of Homeland Security
2707 Martin Luther King Jr Ave, SE
Washington, DC 20528-0470

b. Electronic submissions are submitted by e-mail to prepubreview@hq.dhs.gov.

2. For any oral external publication including but not limited to speeches, lectures, and interviews, DHS personnel submits the text of the proposed oral material to OPA at least 10 working days before the date a clearance determination is needed.

3. For any articles, internet publications, or similar written materials, DHS personnel submit the proposed material to OPA at least 10 working days before the date a clearance determination is needed.

4. For any essays, theses, dissertations, or similar written materials, DHS personnel submit the proposed material to OPA at least 15 working days before the date a clearance determination is needed.

5. For any manuscripts or books, or similar written materials, DHS personnel submit the proposed material to OPA at least 30 working days before the date a clearance determination is needed.
6. For all material to be submitted to OPA, the materials are submitted in its full and final text. Notes, drafts, outlines, briefing charts, or etc., may not be submitted as a substitute for a full and final text.
7. For any material above that is lengthy, complex or potentially controversial, and that may require extensive review by OPA, DHS personnel should submit the material to OPA sufficiently ahead of the specified deadlines to provide OPA with adequate time for review.

C. Upon receipt of a request for approval by DHS personnel to release DHS information for external publication in their personal capacities or other than for official DHS business, OPA:

1. Reviews the proposed material in order to issue a clearance determination. OPA does not review the proposed material for accuracy of the content.
2. Seeks advice and assistance from CSO, I&A, CPO, Chief Privacy Officer, OGC, the originating Component, or any other entity from whom guidance is required to issue a clearance determination.
3. Issues a clearance determination by one of the following:
 - a. Cleared for Public Release. The information may be released without restriction.
 - b. Cleared with Recommendations for Public Release. Optional corrections, deletions, or additions are included. Although OPA has no responsibility for correcting errors of fact or making editorial changes, obvious errors may be identified in the text and noted as "recommended." These corrections are not binding on the author.
 - c. Cleared as Amended for Public Release. Amendments, made in red, are binding on the author. Red brackets identify information that requires deletion. If the amendments are not adopted, then the clearance is void. When possible, alternative wording may be provided to substitute the deleted material. Wording may also be included that is added to the text before public release.

d. Not Cleared for Public Release. The information submitted for review may not be released,

For any clearance determination above, OPA may require a disclaimer to accompany the information, as follows:

The views expressed are those of the author and do not reflect the official policy or position of the Department of Homeland Security (DHS) or the U.S. Government. DHS cannot attest to the substantive or technical accuracy of the information.

D. DHS personnel may appeal a determination of either “Cleared as Amended for Public Release” or “Not Cleared for Public Release.” An appeal is submitted no later than 10 days after receipt of the determination. An appeal is submitted to prepubreview@hq.dhs.gov, and indicates with specificity why OPA’s determination should be reconsidered.

E. In addition to obtaining prepublication review of an external publication, DHS personnel ensure that their outside employment and activity are compliant with all laws and regulations, including but not limited to Government ethics standards. Government ethics standards include the Standards of Ethical Conduct for Employees of the Executive Branch, 5 Code of Federal Regulations (C.F.R.) Part 2635, and the Supplemental Standards of Conduct for Employees of DHS, 5 C.F.R. Part 4601. For example, there are requirements for DHS personnel (excluding contractors and certain interns, externs, and volunteers) to seek approval prior to engaging in outside employment and activity, with or without compensation; rules related to financial and personal conflicts of interest; and restrictions related to external teaching, speaking, and writing. DHS personnel should contact the appropriate legal office for ethics guidance and seek approval prior to engaging in outside employment and activity, including external publication.

F. This Directive is consistent with and does not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive Orders and statutory provisions are incorporated into this Directive and are controlling.

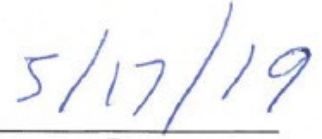
VI. Questions

Address questions or concerns regarding this Directive to DHS Office of Public Affairs.



R. D. Alles

Senior Official Performing Duties of the Deputy
Under Secretary for Management



Date

Attachment 1: Definitions

The following terms are used for purposes of this Directive.

- A. **DHS Information**: Is information that is in the custody and control of DHS or is acquired by DHS personnel as part of their official duties or status, and is (1) classified and/or (2) restricted from disclosure by law, regulation or policy.
- B. **DHS Personnel**: Are all current or former DHS employees, military members, detailees, interns, externs, volunteers, consultants, contractors, and any other individual who has been given access to DHS information.
- C. **External Publication**: Is any form of speaking, teaching or writing that is communicated to a non-DHS audience, including but not limited to speeches, lectures, interviews, articles, internet publications, essays, theses, dissertations, manuscripts and books.