

# GAO@100 Highlights

Highlights of [GAO-21-294](#), a report to the Honorable Christopher S. Murphy, U.S. Senate

## Why GAO Did This Study

Classified national security information is vital to U.S. national interests. The appropriate protection and handling of this information is a top priority for the executive branch and Congress. Based on guidance, such as Executive Order 13526, *Classified National Security Information*, authorized holders with access to classified information may submit a classification challenge if there are reasons to believe information is improperly classified. According to DOD and State officials, Members may also submit a classification challenge.

GAO was asked to review the processes for challenging the classification of national security information. This report describes (1) the processes to challenge the classification of information at DOD and State; and (2) the processes that Members of Congress can use to challenge the classification of information at DOD and State.

GAO reviewed applicable laws and regulations, and DOD, State, and other guidance related to the classification of information and classification challenge processes. GAO also interviewed DOD, State and ISOO officials.

View [GAO-21-294](#). For more information, contact Joseph W. Kirschbaum at (202) 512-9971 or [Kirschbaumj@gao.gov](mailto:Kirschbaumj@gao.gov).

April 2021

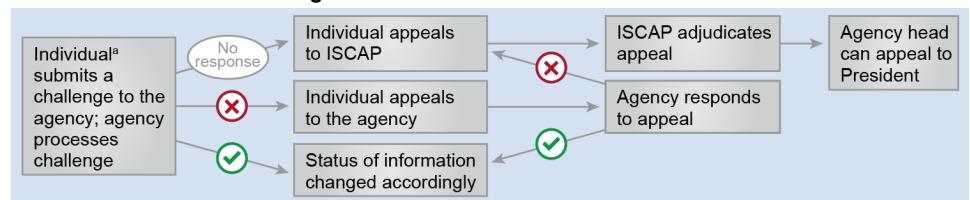
## NATIONAL SECURITY

# DOD and State Have Processes for Formal and Informal Challenges to the Classification of Information

## What GAO Found

The Department of Defense (DOD) and the Department of State (State) have similar processes for formal challenges to the classification of information. For example, if there is reason to believe that information is improperly classified, authorized holders—including executive branch agency or contractor personnel with relevant clearances—can submit a formal classification challenge in writing (see figure). Officials will then review the classification challenge and make a determination. If a formal challenge is denied, the authorized holder can then appeal to senior officials within the agency, and if the agency denies the appeal, the authorized holder can appeal directly to the Interagency Security Classification Appeals Panel (ISCAP). ISCAP, established by Executive Order, then issues a decision that is final unless the head of the agency appeals ISCAP's decision to the President.

**Processes for Formal Challenges to the Classification of Information**



✓ Agrees ✗ Denies ISCAP: Interagency Security Classification Appeals Panel

Source: GAO analysis of Department of Defense, Department of State and Information Security Oversight Office information. | [GAO-21-294](#)

<sup>a</sup>Individual refers to an authorized holder with access to classified information.

Both DOD and State encourage authorized holders to resolve classification challenges informally before pursuing a formal classification challenge. According to DOD and State officials, informal challenges can be done in person, by phone, or by email. For example, officials told GAO that authorized holders can contact the relevant information security office about whether classified documents are marked properly.

According to DOD and State officials, Members of Congress (Members) may use their existing processes to formally and informally challenge the classification of information. However, according to officials from the Information Security Oversight Office (ISOO), which provides support to ISCAP, Members cannot appeal a decision to ISCAP. Instead, Members can appeal to the Public Interest Declassification Board (PIDB), a statutory body that makes recommendations to the President in response to certain congressional requests to evaluate the proper classification of records. DOD officials stated that they do not have any knowledge of ever receiving a formal classification challenge from Members. State officials stated that they did not receive any formal classification challenges from Members in 2017 through 2020. ISOO officials also stated that the panel received its first formal classification challenge from a Member in 2020. ISCAP subsequently denied the challenge and directed the Member to the PIDB.