

## **APPENDIX N DISTRIBUTION STATEMENTS GUIDANCE**

### **Purpose**

Distribution Statements indicate how broadly a document should be distributed based on defined criteria.

Most NAVFAC Environmental Restoration reports, studies, plans, etc. will be assigned Distribution Statement 'A', approved for public release; distribution is unlimited. Many installations have no sensitive areas. It is estimated that approximately 1% of Environmental cleanup work impacts installation identified sensitive areas.

Distribution Statements B, C, D are assigned in rare circumstances where documents contain information or visuals which are considered sensitive by the installation or when the document has information protected under a FOIA Exemption. If a more restrictive Statement E or F is needed for a document, consult an environmental attorney.

Documents with Distribution Statements B, C, D, and E are managed as For Official Use Only (FOUO) documents. FOUO information can be disseminated "within DoD Components and between officials of DoD components and DoD contractors, consultants, and grantees to conduct official business for the DoD."

DoD policy regarding release of documents outside of DoD is to make records publicly available, unless the record qualifies for exemption under one or more of the 9 FOIA Exemptions.

The Installation Environmental Program Director (IEPD) or Installation Environmental Program Manager (IEPM) will notify the Navy Project Manager about installation areas of concern (sensitive) which may be impacted by a Restoration clean up. Many installations have Information Assurance Offices which can assist with identifying installation sensitive areas.

The Navy Project Manager is responsible for communicating information about sensitive areas to contractors performing cleanup work and creating reports, studies, plans documenting the cleanup.

The Navy Project Manager and the document creator/contractor are responsible for reviewing document contents to identify sensitive information protected by one of the 9 FOIA Exemptions.

During document development, all documents, including preliminary and working drafts, regardless of medium, physical form, or characteristics, can, at the discretion of the Project Manager, be assigned a Distribution Statement to ensure that the documents are protected from being distributed to unauthorized personnel.

A Distribution Statement assigned to a document can be changed based on the contents of the draft, draft final, and final version(s) of a document and the audience for which each version of the document is intended.

Using a Distribution Statement clarifies the status of a document, its purpose, content, and restrictions on further dissemination. Statements call attention to FOIA exemptions if there is a FOIA request which requires documents to be reviewed before release.

Documents sent to federal or state regulators or local governments are not considered FOIA releases, but the forwarding correspondence should clearly state how the document can be distributed.

- The document is being forwarded to the entity for an official, stated reason
- The document is being provided but remains the property of NAVFAC
- The document contains sensitive information which should be appropriately safeguarded
- Direction, that if there is a request for the document, it should be sent to NAVFAC for action and notification sent to the requester

### **Appropriate Personnel to Assign a Statement**

Navy Program Managers and document creators/contractors, in collaboration, will assign appropriate Distribution Statements, based on document contents and the 9 FOIA Exemptions, to documents generated within their cleanup programs.

Navy Program Managers and document creators/contractors must be familiar with the document contents.

Navy Program Managers and document creators/contractors must be familiar with the 9 FOIA Exemptions.

Navy Program Managers and document creators/contractors must be aware of installation sensitive areas adjacent or nearby installation cleanup sites. Consult installation personnel who know the sensitive sites.

Throughout document development, document creators, contractors and/or Project Managers monitor document contents to ensure that each version of the document has the appropriate Distribution Statement based on the content of the document and the audience for which the document is intended.

### **Document Creator/Contractor Responsibilities**

- Document creators/contractors are responsible for submitting, as the document status changes, proposed Distribution Statements to the Navy Project Manager for review, comment and approval
- Document creators/contractors are responsible for adding the appropriate and approved Distribution Statements to preliminary or working draft documents and final versions of documents before distribution

- Document creator/contractors are responsible for adding the approved Distribution Statement to the document creator/contractor generated cover pages so it is readily recognized by recipients
- Document creator/contractors are responsible for adding approved Distribution Statements to the Document Data Sheet which accompanies documents submitted for inclusion in NIRIS

### **Navy Project Manager Responsibilities**

- The Navy Project Manager is responsible for review and approval of the proposed Distribution Statements, as the document status changes and for the Distribution Statement on documents submitted for inclusion in NIRIS
- The Navy Project Manager is responsible for ensuring the approved Distribution Statement is added to the Document Data Sheet which accompanies documents submitted for inclusion in NIRIS
- If the Navy Project Manager is the document creator, review the document creator/contractor responsibilities
- A Navy Project Manager signature is recommend, however, the signature requirement varies. Contact the Command Environmental Restoration Records Manager to ensure that the correct signature requirement is followed.

### **Records Management Responsibilities**

Provide advice and guidance on the 9 FOIA Exemptions, the Document Data Sheet and Distribution Statements.

Review and add document information provided on the Document Data Sheet to NIRIS.

### **Determine the Purpose of the Document: Questions to Ask to Determine the Appropriate Distribution Statement**

By defining the purpose of the document, numerous questions implicitly will be answered:

- 1) Is the document intended for internal use only (e.g., provides legal advice or makes recommendations to a decision maker)?
- 2) Does this document have attorney client or attorney work product information?
- 3) Does this document have personal information which must be protected?
- 4) Will the document be released to the public?
- 5) Will the document be submitted to a regulatory agency for review and comment?

- 6) Does the document have technical information or data?
- 7) Does the document have information or visual displays which show installation sensitive areas?
- 8) Does this document have proprietary information?
- 9) Does the document describe internal Command administrative procedures or operations?
- 10) Is this document restricted by a specific law or regulation under FOIA?

A "yes" to any of these questions means that you must consider restricting the document's secondary distribution to one of the audiences defined in the matrix of distribution levels or codes (see the DTIC Matrix).

If you answered "no" to all questions, the document may be approved for the release to the general public.

### **Distribution Statement**

Select only one Distribution Statement for a document.

- All DoD Distribution Statements other than "A" **must state a reason** for restricting a document to a specific audience
- Before selecting a restricted (B, C or D) Distribution Statement
  - Identify the reason(s) for restricting distribution
  - Identify the audience to which the document is restricted
  - Select a "reason(s)" from the list; the only acceptable reasons are those listed
  - More than one reason may be used for the same DoD Distribution Statement
  - Include only the reason(s); DO NOT include the explanatory reason paragraph
- Distribution statements are distinct from and in addition to security classification markings
- Add Distribution Statements to the document cover page and
- Add Distribution Statements to alternate media formats that do not have a cover or title page (such as CD-ROM(s), DVD(s), forms, and charts) in a visible location by stamping, printing, writing, or by other means in a fully visible position

### **Internal Draft Versions of Documents**

Internal draft documents do not need to be assigned a Distribution Statement.

### **Draft and Draft Final Versions of Documents**

Draft and Draft Final versions of documents distributed for comment and review can be assigned a Distribution Statement if the Project Manager foresees a need to do so. Contractor and Navy personnel, in collaboration, who review and comment on the document during the initial stages of document development will assign the Statement.

Complete the following steps when assigning a distribution statement to a draft or draft final version of a document:

- Place the Distribution Statement letter (A, B, C and D) on the front cover of the document and on CD-ROM/DVD labels

### **Final Versions of Documents**

Final documents must be assigned a Distribution Statement.

Place the Distribution Statement letter (A, B, C and D) on the front cover of the document and on CD-ROM/DVD labels.



**STATEMENT A - Approved for public release; distribution unlimited.**

This statement may be used only on unclassified technical documents that have been cleared for public release by NAVFAC in accordance with DoD Directive 5230.9.

Technical documents with this statement may be made available to the public and foreign nationals, companies, and governments, including adversary governments, and may be exported.

No Reason, Determination Date or Request for Document Information is needed on the document

**STATEMENT B - Distribute to U.S. Government Agencies Only**

This statement may be used on unclassified technical documents.

**Most Common Reasons for assigning Statement B to environmental documents:**

- **Specific Authority** - To protect information not specifically included in the above reasons and discussions but that requires protection in accordance with valid documented authority such as Executive Orders, classification guidelines, DoD or DoD Component regulatory documents. When filling in the reason, cite "Specific Authority".
- **Proprietary Information** - To protect information not owned by the U.S. Government and protected by a contractor's "limited rights" statement or received with the understanding that it not be routinely transmitted outside of the U.S. Government.
- **Premature Dissemination** - To protect information on systems or processes in the developmental or conceptual stage from premature dissemination. When filling in the reason, cite "Premature Dissemination"

**Other reasons to assign Statement B that are not normally applicable to environmental documents include:**

- **Operations Security** - To protect information and technical data that may be observed by adversary intelligence systems and determining what indicators hostile intelligence systems may obtain that could be interpreted or pieced together to derive critical information in time to be useful to adversaries.
- **Vulnerability Information** - To protect information and technical data that provide insight into vulnerabilities of U.S. critical infrastructure, including DoD warfighting infrastructure, vital to National Security that are otherwise not publicly available.
- **Foreign Government Information** - To protect and limit distribution in accordance with the desires of the foreign government that furnished the technical information. Information of this type normally is classified at the CONFIDENTIAL level or higher in accordance with DoD 5200.1-R.
- **Critical Technology** - To protect information and technical data that advance current technology or describe new technology in an area of significant or potentially significant military application or that relate to a specific military deficiency of a potential adversary. Information of this type may be classified or unclassified; when unclassified, it is export-controlled and subject to the provisions of DoD Directive 5230.25.

- **Test and Evaluation** - To protect the results of testing and evaluation of commercial products or military hardware when such disclosure may cause unfair advantage or disadvantage to the manufacturer of the product.
- **Export Controlled** - To protect information subject to the provisions of DoD Directive 5230.25, Withholding of Unclassified Technical Data from Public Disclosure.
- **Contractor Performance Evaluation** - To protect information in management reviews, records of contract performance evaluation, or other advisory documents evaluating the programs of contractors.
- **Administrative or Operational Use** - To protect technical or operational data or information from automatic dissemination under the International Exchange Program or by other means. This protection covers publications required solely for official use or strictly for administrative or operational purposes. This statement may be applied to manuals, pamphlets, technical orders, technical reports, and other publications containing valuable technical or operational data.
- **Software Documentation** - Releasable only in accordance with software license.

**Distribution Statement B**

Distribution authorized to *U.S. Government Agencies only* (critical technology; proprietary information); July 31, 2001. Other requests for this document shall be referred to the Naval Facilities Engineering Command, 1322 Patterson Avenue, SE, Suite 1000, Washington Navy Yard 20374-5065.



**STATEMENT C - Distribute to U.S. Government Agencies and their Contractors**

This Statement may be used on unclassified technical documents.

**Most Common Reason for assigning Statement C to environmental documents:**

- **Specific Authority** -To protect information not specifically included in the above reasons and discussions but that requires protection in accordance with valid documented authority such as Executive Orders, classification guidelines, DoD or DoD Component regulatory documents. When filling in the reason, cite "Specific Authority".

**Other reasons to assign Statement C that are not normally applicable to environmental documents include:**

- |                                     |                                  |
|-------------------------------------|----------------------------------|
| • Foreign Government Information    | Same as Distribution Statement B |
| • Critical Technology               | Same as Distribution Statement B |
| • Software Documentation            | Same as Distribution Statement B |
| • Administrative or Operational Use | Same as Distribution Statement B |
| • Export Controlled                 | Same as distribution Statement B |
| • Vulnerability Information         | Same as distribution Statement B |

**Distribution Statement C:**

Distribution authorized to U.S. Government Agencies and their contractors. (Administrative, Operational), 25 December 2010. Other requests may be referred to the Naval Facilities Engineering Command Atlantic, Code EV, 6506 Hampton Blvd., Norfolk, VA 23508-1271.

**STATEMENT D - Distribute to DoD and DoD Contractors Only**

This Statement may be used on unclassified technical documents.

**Most Common Reason for assigning Statement D to environmental documents:**

- **Specific Authority** - To protect information not specifically included in the above reasons and discussions but that requires protection in accordance with valid documented authority such as Executive Orders, classification guidelines, DoD or DoD Component regulatory documents. When filling in the reason, cite "Specific Authority".
- **Vulnerability Information** - To protect information and technical data that provides insight into vulnerabilities of U.S. critical infrastructure, including DoD warfighting infrastructure, vital to National Security that are otherwise not publicly available.

**Other Reasons to Assign Statement D Which Are Not Normally Applicable to Environmental Documents:**

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|-------------------------------------|----------------------------------|
| • Foreign Government Information    | Same as Distribution Statement B |
| • Administrative or Operational Use | Same as Distribution Statement B |
| • Software Documentation            | Same as Distribution Statement B |
| • Critical Technology               | Same as Distribution Statement B |
| • Export Controlled                 | Same as Distribution Statement B |

**DISTRIBUTION STATEMENT D**

Distribution authorized to DoD and DoD Contractors only (Operational, Vulnerability), (4 May 2014). Other requests for this document must be referred to President, Code 261, Naval Postgraduate School, Monterey, CA 93943-5000 (or sponsor, as appropriate) via the Defense Technical Information Center, 8725 John J. Kingman Rd., STE 0944, Ft. Belvoir, VA 22060-6218.

**STATEMENT E– Distribution authorized to Department of Defense (DoD) components only**

This Statement may be used on unclassified technical documents. Most environmental Restoration documents do not meet this level of security.

In the event that it is determined that information within a Restoration document is so sensitive that it can only be seen by DoD components, consult an environmental attorney to ensure that Distribution Statement E is appropriate and that its use is approved

**Most Common Reasons for assigning Statement E to Environmental Documents include:**

- **Operations Security** - To protect information and technical data that may be observed by adversary intelligence systems and determining what indicators hostile intelligence systems may obtain that could be interpreted or pieced together to derive critical information in time to be useful to adversaries.
- **Vulnerability Information** - To protect information and technical data that provides insight into vulnerabilities of U.S. critical infrastructure, including DoD warfighting infrastructure, vital to National Security that are otherwise not publicly available.

**Other Reasons to Assign Statement E Which Are Not Normally Applicable to Environmental Documents:**

- |                                     |                                  |
|-------------------------------------|----------------------------------|
| • Direct Military Support           | Same as Distribution Statement B |
| • Foreign Government Information    | Same as Distribution Statement B |
| • Proprietary Information           | Same as Distribution Statement B |
| • Premature Dissemination           | Same as Distribution Statement B |
| • Test and Evaluation               | Same as Distribution Statement B |
| • Software Documentation            | Same as Distribution Statement B |
| • Contractor Performance Evaluation | Same as Distribution Statement B |
| • Critical Technology               | Same as Distribution Statement B |
| • Administrative/Operational Use    | Same as Distribution Statement B |
| • Specific Authority                | Same as Distribution Statement B |
| • Export Controlled                 | Same as Distribution Statement B |

**DISTRIBUTION STATEMENT E**

Distribution authorized to Department of Defense (DoD) components only. (Administrative or Operational), 25 December 2010. Other requests may be referred to the Naval Air Systems Command (PMA-XXX), 47123 Buse Road, IPT Building 2272, Room 349, Patuxent River, MD 20670-1547.



Naval Installation Restoration Information Solution (NIRIS)  
Environmental Restoration Program (ERP)  
Document Data Sheet Distribution Statement Guide



**STATEMENT F – Further Dissemination Only as Directed**

This Statement is usually applicable to ONLY classified documents or under rare and exceptional circumstances when specific authority exists or when need-to-know must be verified

Restoration documents do not have sensitive information which meets the requirement to classify a document as Confidential, Secret or Top Secret.

A formal security clearance is required to handle classified documents or access classified data

Documents with this Statement cannot be added to NIRIS

**Do not use this statement on environmental documents unless directed to do so by a Navy environmental attorney.**

Further dissemination only as directed by the (sponsor, as appropriate) (date of determination) or higher DoD authority.

**DISTRIBUTION STATEMENT F**

Further Dissemination Only as Directed, Code 261, Naval Postgraduate School, Monterey, CA 93943-500, 25 December 2010 or Higher DoD Authority.

## References

**DoD Directive 5230.25**, *Withholding of Unclassified Technical Data From Public Disclosure*, November 6, 1984, Incorporating Change 1, August 18, 1995.

This Directive establishes policy, prescribes procedures, and assigns responsibilities for the dissemination and withholding of technical data.

**DoD Instruction (DoDI) 5230.24** *Distribution Statements on Technical Documents*, 23 August 2012.

This Instruction establishes a standard framework and markings for managing, sharing, safeguarding, and disseminating technical documents in accordance with policy and law.

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## Distribution Statement Definitions

### **Content Provider**

Generates and/or creates the document and has the best knowledge of its technical content.

### **DoD Controlling Office**

NAVFAC is the DoD office which either:

- Created the content of the technical document.
- Sponsored the work that generated the technical document.
- Received the technical document on behalf of DoD, where DoD is responsible for determining the distribution to protect its contents based on constraints provided to DoD.

**Primary Distribution:** NAVFAC creates the list of recipients. This is the "primary distribution" list for the document.

**Secondary Distribution:** NAVFAC determines other audiences which can and cannot receive the document without further review or release