

**Department of Defense's Information Release Guidelines for
Filings in Military Commissions**

In accordance with Chapter 19-4(b) of the Regulation for Trial by Military Commission, releasable filings, opinions and orders are those versions of such materials that contain no classified or protected information, or from which all such information has been redacted. As required by this regulation, the Department of Defense (DoD) is committed to reviewing documents relevant to Military Commission legal proceedings in a fashion that maximizes public release of information while still protecting a few general categories of information as required by federal law or consistent with security requirements. Although not an exhaustive list, examples of those categories include DoD information that must remain classified due to national security risks associated with its public release, such as:

- information about military plans or operations,
- information about law enforcement operations,
- information about intelligence sources and methods,
- other counter-terrorism information, and
- foreign government information.

Additionally, certain unclassified but sensitive information, such as investigative information, information governed by a specific statute (e.g. Privacy Act of 1974), and information a judge directs be protected in a military commission, must also be protected from release.

In most instances, U.S. government policy protects information identifying specific government employees below the grade of General/Flag Officer and Senior Executive Service. These employees, military and civilian, include law enforcement officers, agents, translators, intelligence analysts, interrogators, and some contract personnel. In certain instances, the requirement to protect information identifying personnel involved with detainee operations or military commission legal proceedings may relax, as when an employee voluntarily waives his/her privacy right and there is no overriding public interest against disclosure, or when, for example, a witness testifies in a public commission proceeding and his/her name is disclosed at that time as part of the proceeding. Regarding detainees, the identity of their family members is protected, as are other personal, private matters, such as a detainee's medical records.

Archival filings may include numbers in the boxes wherein material was redacted prior to release. These numbers were internal Department of Defense Security Classification Declassification Review Team notations only and should not be used to determine the rationale for any particular redaction. These notations are no longer included on posted filings. Redactions are based on the criteria stated above.

The guiding principle is straight-forward: protect sensitive information while providing maximum disclosure to the detainees and the public, consistent with national security and the law. On issues related to the disclosure of government information, no simple formula exists, as these issues are complex. They often require difficult decisions, implicate competing concerns, and demand a "surgical" approach so that openness is maximized while protecting information

UNCLASSIFIED//FOR PUBLIC RELEASE

that merits protection. Because of the complexity of the issue and because many dedicated public servants are involved in implementing myriad duties related to this task, inconsistencies can sometimes result. We work diligently to identify, disclose, and eliminate such inconsistencies. Questions about the basis for particular redactions of documents as posted by DoD should be directed to the OSD/JS FOIA Requester Service Center, Office of Freedom of Information, 1155 Defense Pentagon, Washington, DC 20301-1155.

UNCLASSIFIED//FOR PUBLIC RELEASE