



INTELLIGENCE
COMMUNITY
DIRECTIVE

119
Technical
Amendment

Media Contacts

A. PURPOSE:

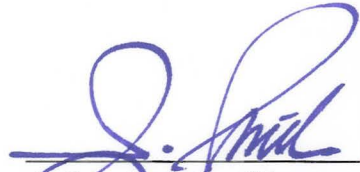
1. Pursuant to Intelligence Community Directive (ICD) 101, Section G.1.b.(3), a technical amendment is hereby made to ICD 119, *Media Contacts*.

2. The amendment to ICD 119 incorporates the legislative provision in Division N., Section 308, of the *Consolidated Appropriations Act, 2017* (P.L. 115-31) for the DNI to issue guidance that requires:

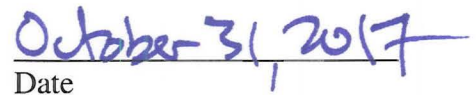
a. Intelligence Community (IC) element heads or their designees to provide prior approval for IC element engagements with entertainment industry entities; and

b. An unclassified annual report to the congressional intelligence committees regarding such engagements.

B. EFFECTIVE DATE: This technical amendment becomes effective on the date of signature.



Acting Assistant Director of National
Intelligence for Policy and Strategy



Date



INTELLIGENCE COMMUNITY DIRECTIVE

119

Media Contacts

A. AUTHORITY: The National Security Act of 1947, as amended; Consolidated Appropriations Act, 2017, Division N, Section 308 (P.L. 115-31); Executive Order (EO) 12333, as amended; EO 13526; EO 13462; Presidential Policy Directive-19 (PPD-19); and other applicable provisions of law.

B. PURPOSE: This Directive establishes Intelligence Community (IC) policy on contact with the media, in order to ensure a consistent approach for addressing such engagements across the IC and to mitigate risks of unauthorized disclosures of intelligence-related matters that may result from such contacts.

C. APPLICABILITY:

1. This Directive applies to the IC, as defined by the National Security Act of 1947, as amended, and to such elements of any other department or agency as may be designated an element of the IC by the President, or jointly by the Director of National Intelligence (DNI) and the head of the department or agency concerned.

2. This Directive is limited to contact with the media about intelligence-related information, including intelligence sources, methods, activities, and judgments (hereafter, “covered matters”).

3. This Directive does not apply to contact with the media in connection with civil, criminal, or administrative proceedings.

4. For purposes of this Directive, media is any person, organization, or entity (other than Federal, State, local, tribal and territorial governments):

a. Primarily engaged in the collection, production, or dissemination to the public of information in any form, including print, broadcast, film, recordings, performances, and Internet; or

b. Otherwise engaged in the collection, production, or dissemination to the public of information in any form related to topics of national security, including print, broadcast, film, recordings, performances, and Internet.

5. This Directive does not apply to official contact with the media required to fulfill statutory requirements under the Freedom of Information Act, public and private information sharing activities authorized by law, or any other applicable provisions of law.

6. For IC elements within departments, this Directive complements departmental policies on contact with the media. Departmental policies shall have primacy except when contact with the media addresses covered matters.

D. POLICY:

1. The IC is committed to sharing information responsibly with the public via the media to further government openness and transparency and to build public understanding of the IC and its programs, consistent with the protection of intelligence sources and methods. Appropriate IC element engagement with the media is encouraged.

2. The IC also is committed to protecting intelligence information from unauthorized disclosure. It is the responsibility of each individual IC employee not to disclose covered matters.

3. Contact by IC employees with the media on covered matters must be authorized by their IC element.

a. Within the IC, only the head or deputy head of an IC element, the designated public affairs official, and other persons designated in agency policy or authorized by that public affairs official are authorized to have contact with the media on covered matters, except as provided below.

b. IC employees, as defined in EO 12333, Section 3.5(d), not designated in accordance with Section D.3.a, must obtain authorization for contacts with the media on covered matters through the office responsible for public affairs for their IC element, and must also report to that office unplanned or unintentional contact with the media on covered matters.

4. No substantive information should be provided to the media regarding covered matters in the case of unplanned or unintentional contacts. Authorization for a particular contact on covered matters does not constitute authorization for additional media engagement.

5. Contacts with the media that involve support to projects such as books, television programs, documentaries, motion pictures, and similar works related to covered matters require consultation with the DNI on the arrangements for such support when support for such projects is substantive or could reasonably be construed as IC element endorsement (hereafter "significant support"). Consultation is not required on internal Departmental or Agency projects. If it is unclear whether consultation with the DNI is appropriate, IC elements shall consult with the Office of the DNI Public Affairs Officer (ODNI/PAO), or designee.

6. Engagements that involve significant interaction between an IC element and an entertainment industry entity for the purposes of contributing to an entertainment product intended to be experienced by the public require prior approval by the head of the element, or a designee of such head, and consultation with the DNI. Such engagements shall be annually reported through the ODNI/PAO to the congressional intelligence committees, in accordance with Section E.1.b and E.2.i of this Directive.

7. IC employees speaking at unclassified public events should refer to their element's guidance for review of information for public release.

8. IC elements should ensure their records on media contacts are sufficient to support executive and legislative branch oversight requirements.

9. The IC has multiple avenues for its employees to report activities perceived to be unlawful or contrary to any Executive Order or Presidential Directive on waste, fraud, and abuse.

a. EO 13462, *President's Intelligence Advisory Board and Intelligence Oversight Board*, provides that the Intelligence Oversight Board (IOB) shall inform the President of intelligence activities that the IOB believes may be unlawful or contrary to any Executive Order or Presidential Directive and are not being adequately addressed by the Attorney General, the DNI, or by the head of the department that contains the IC element in question (the "department concerned") or the Director, CIA (D/CIA). The DNI is to receive reports of such activities that have been submitted to the IOB and forward to the Attorney General information in such reports relating to such intelligence activities to the extent that such activities involve possible violations of Federal criminal laws or implicate the authority of the Attorney General unless the DNI or the head of the department concerned or the D/CIA, as appropriate, has previously provided such information to the Attorney General. It is IC policy that any IC employee who becomes aware of intelligence activities that appear to meet the criteria for reporting is responsible for informing the department head concerned or the D/CIA, as appropriate, or their designee, of such information.

b. PPD-19, *Protecting Whistleblowers with Access to Classified Information*, ensures IC employees can effectively report waste, fraud, and abuse without fear of retaliation and while still protecting classified national security information. The protections and review processes available under PPD-19 are described in ICD 120, *Intelligence Community Whistleblower Protection*.

10. IC employees who are found to be in violation of this IC policy may be subject to administrative actions that may include revocation of security clearance or termination of employment. If failure to comply with this policy results in an unauthorized disclosure of classified information, referral to the Department of Justice for prosecution may occur in accordance with ICD 701, *Security Policy for Unauthorized Disclosures of Classified Information*. At a minimum, violation of this IC policy will be handled in the same manner as a security violation.

11. Annual awareness training on contact with the media is required for all IC employees and will include the following: procedures for having and reporting contact with the media; reporting requirements related to media contact; and the consequences of unauthorized contacts and unauthorized disclosures to the media.

E. ROLES AND RESPONSIBILITIES:

1. The DNI will review arrangements for proposed IC element significant support to projects related to covered matters such as books, television programs, documentaries, motion pictures, and similar works.

a. The ODNI/PAO shall report to the DNI, at least semi-annually, as described in Section E.2.h of this Directive.

b. The ODNI/PAO shall annually prepare an unclassified, consolidated report for submission to the congressional intelligence committees, as described in Section E.2.i of this Directive.

2. Heads of IC elements shall:

a. Designate, in writing, positions that are authorized to speak with the media in accordance with Section D.3.a of this Directive;

b. Designate in writing, or by agency policy, those responsible for public affairs within the IC element who may authorize contacts on covered matters by personnel not designated in accordance with Section D.3.a of this Directive;

c. Consult with the DNI on arrangements for significant support to projects on covered matters such as books, television programs, documentaries, motion pictures, and similar works;

d. Provide prior approval and consult with the DNI on engagements that involve significant interaction between the IC element and an entertainment industry entity.

e. Ensure procedures for having and reporting contact with the media are consistent with this Directive, and establish procedures if none currently exist;

f. Establish procedures for determining if employees are in violation of this policy and for directing appropriate administrative actions in accordance with Section D.9 of this Directive;

g. Develop, conduct, and certify to the DNI annual awareness training consistent with Section D.10 by the end of the calendar year; and

h. Semi-annually, report to the ODNI/PAO:

(1) The names or positions of the IC element employees who were designated in writing to have contact with the media pursuant to Section D.3.a of this Directive;

(2) The names or positions of the IC element employees who were authorized to have contact with the media pursuant to Section D.3.b of this Directive, and the covered matters on which they were authorized to have such contact; and

(3) Substantive contacts with the media on covered matters that were unintentional or unplanned, and the topic of the discussion.

i. Annually, report to the ODNI/PAO the following information for congressional intelligence committees on significant entertainment industry engagements:

(1) A description of the nature and duration of each engagement included in the review;

(2) The cost incurred by the United States Government for each such engagement;

(3) A description of the benefits to the United States Government for each such engagement;

(4) A determination of whether any information was declassified, and whether any classified information was improperly disclosed, for each such engagement; and

(5) A description of the work produced through each such engagement.

3. IC employees who have not been designated in accordance with Section D.3.a to have contact with the media shall:

a. Seek prior authorization from those designated in Section E.2.b to have contact with the media on covered matters;

b. Report contacts on covered matters with any individuals reasonably believed to be media, even if the contact was unplanned or unintentional, in accordance with procedures established by the IC elements pursuant to Section E.2.d of this Directive;

- c. Respond to all requests from any person reasonably believed to be media by:
 - (1) Stating that only the office responsible for public affairs for that IC element is authorized to have contact with the media; and
 - (2) Referring the requestor to the office responsible for public affairs, consistent with IC element policy; and
- d. Adhere to the policies and procedures of their IC element for public release of information.

F. EFFECTIVE DATE: This Directive becomes effective on the date of signature.

//SIGNED//James R. Clapper
Director of National Intelligence

20 March 2014
Date