

For Training Purposes Only  
DINFOS

# **DINFOS**

## **Consolidated**

### **Guidelines For**

#### **Release**

**(As of November 2008)**

**Note: This document is to be used for training purposes only while at DINFOS. It is a compilation of DOD and Service Regulations and may differ from specific Service Regulations. Please refer to your specific Services regulations for actual release guidelines.**

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The following document, *Consolidated Guidelines for Release*, is a compilation of Service and DOD regulations that address what information may or may not be released. While consolidated from the regulations provided below, it may differ from individual service regulations and is provided FOR TRAINING ONLY while at DINFOS. Its purpose is to provide a baseline for training and consistency in grading students' work. These documents include:

- **Army Regulation 360-1 (2000) The Army Public Affairs Program**
- **Air Force Instruction 35-101 (2005) Public Affairs Policies and Procedures**
- **SECNAV Instruction 5720.44B (2005) Public Affairs Policy and Regulations**
- **DOD 5400.7-R (1998) Freedom of Information Act (FOIA)**
- **DOD 5400.11-R (2007) DOD Privacy Program**
- **HHS Summary of the HIPAA Privacy Rule (2003)**

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Situation	Releasable	Not Releasable	Notes	Messages
<p><b>Accident/ Incident</b></p>	<ul style="list-style-type: none"> <li>-- Type of accident</li> <li>-- Location and time</li> <li>-- Number of people involved</li> <li>-- Base, station, post or organization of assignment</li> <li>-- Departure, destination sites (if unclassified)</li> <li>-- Type of equipment, weapon system involved (if unclassified)</li> </ul>	<ul style="list-style-type: none"> <li>-- Names of dead before NOK notified</li> <li>-- Names of MIA or POW before NOK notified and SAR ops terminated</li> <li>-- Classified info</li> <li>-- Speculation on cause</li> <li>-- Visual info that would adversely affect families, friends or unit morale such as recognizable photos of wounded, injured or dead</li> </ul>	<ul style="list-style-type: none"> <li>-- Release within one hour notified</li> <li>-- Release information to internal audience ASAP</li> <li>-- Coordinate information with operations, SMEs, commander</li> <li>-- Use instead of casualty:               <ul style="list-style-type: none"> <li>Dead</li> <li>Wounded</li> <li>Injured</li> </ul> </li> <li>-- Consult with civil authorities to warn public about danger as a result of accident</li> <li>-- If accident occurs off DOD property and civil authorities identify military victims, request media withhold identity of victims until after NOK notification.</li> <li>-- If no classified material exposed, may permit reporters, photography on site under military control. Otherwise, ask for media's cooperation or declare an NDA.</li> </ul>	<p>What organization is currently doing:</p> <ul style="list-style-type: none"> <li>-- Response</li> <li>-- Sympathy</li> <li>-- Condolences</li> <li>-- Investigation</li> <li>-- Cooperation with other services, civilian authorities, agencies</li> </ul> <p>Emphasize:</p> <ul style="list-style-type: none"> <li>-- Heroic efforts</li> <li>-- Damage control</li> <li>-- Training</li> <li>-- Risks</li> <li>-- Safety (if appropriate)</li> </ul>

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Situation	Releasable	Not Releasable	Notes	Messages
<p><b>Accused people</b></p>	<p>Charges made:            -- Name            -- Rank, Grade            -- Charge and specifications</p> <p>Guilty:            -- Sentence            -- Type of discharge            -- Confinement location and duration            -- Previous convictions</p> <p>Acquitted, Exonerated:            -- Emphasis placed on previously released published accusations.</p>	<p>-- Info that would violate security, privacy (but consider privacy balancing test and whether the accused has publicly discussed case. In cases made public by the accused, seek staff/command JAG guidance on releasing details of case and for Privacy Act waiver policy)</p> <p>-- Potentially influential or compromising information on an investigation in progress.</p> <p>-- No video/photo coverage of accused persons before accused is advised of rights; then choice is accused's.</p> <p>-- Information pertaining to NJP or other administrative proceedings unless particularly newsworthy (e.g., senior official or major issue)</p> <p>-- Civil criminal investigatory matters</p>	<p>-- Consult staff/command JAG, trial and defense counsels            -- Refer requests for interviews with accused to defense counsel            -- In general, news media reps may attend open sessions of C-Ms. Seek JAG guidance on cameras in court rooms (service specific policy/guidance applies)</p> <p>-- Potential for national or international media interest will be submitted through chain of command to ASD/PA</p> <p>-- Avoid editorial words prejudicial to accused such as word "criminal."</p>	<p>-- Concern for rights            -- Swift justice            -- Sympathy for victims            -- Proper procedures            -- Consistent policy            -- Insistence on conforming with standards, policies, regulations            -- Cooperation with other services, civilian authorities, agencies            -- Similarities between military and civilian justice systems: both based on principle of innocent until proven guilty</p>

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<p><b>Civilian contracts</b></p>	<p><i>Request for proposal bids, before award:</i></p> <ul style="list-style-type: none"> <li>-- Anticipated work</li> <li>-- Reason/purpose</li> <li>-- Reason for contracting method</li> <li>-- Bid opening date</li> </ul> <p><i>After award:</i></p> <ul style="list-style-type: none"> <li>-- Awardee</li> <li>-- Dollar value of contract</li> <li>-- Other bidders</li> </ul>	<ul style="list-style-type: none"> <li>-- Official government estimate of cost</li> <li>-- Classified contract information</li> <li>-- Contractor's release may be constrained by specifications of contract and may require the contractor to route their proposed release through DOD (specifically to include classified info, data, performance, specifications, capabilities)</li> </ul>	<ul style="list-style-type: none"> <li>-- Consult with unit contracting officer</li> <li>-- Be cautious of statements that compromise or influence bidding/proposal process. Such statements can invite lawsuits to recover proposal costs.</li> <li>-- Affected members of Congress are notified before press, public for contracts involving federal appropriation</li> </ul>	<ul style="list-style-type: none"> <li>-- Quality</li> <li>-- Efficiency</li> <li>-- Economy</li> <li>-- Specifications</li> <li>-- Fair process</li> </ul>

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<p><b>Anti-terrorist activities</b></p>	<p>-- General anti-terrorism measures and procedures may be discussed without going into a checklist of specific details</p> <p>-- When appropriate, spokespersons can acknowledge when increased security precautions have been taken – but not specific precautions.</p>	<p>-- Threat conditions/types</p> <p>-- Associated physical security measures</p> <p>-- Specific security measures taken to respond to a specific threat</p>	<p>-- Stay within context of unit, installation, service</p> <p>-- Do not speak for other federal agencies involved (e.g., FBI, CIA, FAA)</p> <p>-- Photography, film, videotape requests will be considered by ASD/PA on a case-by-case basis.</p>	<p>-- Readiness</p> <p>-- Force Protection</p> <p>-- Safety</p> <p>-- National security</p>

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<p><b>Counter-terrorist activities</b></p>	<p>“The U.S. government has trained personnel and specialized equipment from all services to cope with terrorist incidents. Command and control elements for these forces exist and have been exercised. The elements report to the Joint Chiefs of Staff, as do other command and control elements for any military operation. We do not comment on their identity, tactics or any details concerning the circumstances under which these forces are deployed.”</p>	<p>With the exception of statement to the left, no counter-terrorist information will be released without authority from the National Command Authority</p> <p>DOD does not discuss or identify persons associated with the Counter Joint Terrorism Task Force or identify military units belonging to it. It does not comment on plans or circumstances in which any counter- terrorist force might be used.</p> <p>Local exercises cannot be identified with CJTF.</p>	<p>ASD/PA is the release authority</p>	<p>Per DOD PAG</p>

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<p><b>Counter-narcotics activities</b></p>	<ul style="list-style-type: none"> <li>-- Copies of DOD-originated speeches and printed material already in public domain</li> <li>-- Previously approved statements and associated RTQs and Q/Rs</li> </ul>	<ul style="list-style-type: none"> <li>-- Names of service members participating</li> <li>-- Sources of intelligence and intelligence-gathering procedures</li> </ul>	<ul style="list-style-type: none"> <li>-- Information requests will be forwarded to ASD/PA</li> </ul>	<p>Refer to PAG.</p> <p>Likely messages:</p> <ul style="list-style-type: none"> <li>-- Flexibility</li> <li>-- National security interests</li> <li>-- Cooperation with civilian agencies</li> <li>-- Jointness</li> </ul>



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<p><b>Hazardous Waste Accident / Incidents</b></p>	<p>Type of accident/incident</p> <p>Location and time</p> <p>Persons involved (follow NOK notification policy for deaths or injuries)</p> <p>Type of equipment involved</p> <p>Announcements in the interest of public safety</p>	<p>Specifics under investigation</p> <p>Speculation on cause of incident</p>	<p>Stay within context of own unit/installation</p> <p>Do not speak for other federal agencies or civilian authorities. Coordinate closely with state, local public information officers.</p> <p>Keep HHQ closely informed due to high probability of national interest</p>	<p>Investigation</p> <p>Regrets, concern for local public</p> <p>Stewardship</p> <p>We meet or exceed all environmental laws</p> <p>Claims process (as applicable)</p> <p>Isolated incident and safety (as applicable)</p> <p>Accept responsibility (as warranted)</p>

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<p><b>Injured Personnel</b></p>	<ul style="list-style-type: none"> <li>-- Number of injured</li> <li>-- Place of departure, destination (training missions)</li> <li>-- Medical facility</li> <li>-- Medical transportation used</li> <li>-- General medical condition (e.g., good, fair, serious, critical)</li> <li>-- Release names and other releasable data after PNOK notification or after permission is given by the injured.</li> </ul>	<p>Without permission from the injured: Gender, age</p> <p>Unless permission is granted by PNOK, the names of PNOK, and other dependents, including children and any associated personal information, including marital status and gender is also not releasable.</p> <ul style="list-style-type: none"> <li>-- Specifics on survivor benefits</li> <li>-- Prognosis Information</li> <li>-- Information on psychiatric or mental health patients</li> <li>-- Treatment involving sensitive information (e.g., victims of sexual assault, criminal activity, drug abuse)</li> <li>-- Details, descriptions or extent of specific injuries or illness .</li> </ul>	<p>Remember: Names of injured only releasable after PNOK notification is complete.</p> <p>Use past tense for describing medical conditions (e.g., “the soldier was in good condition...”)</p> <p>Use “suffered injuries” not “sustained injuries” or “received injuries”</p>	<ul style="list-style-type: none"> <li>-- Investigation</li> <li>-- Isolated incident</li> <li>-- Regrets, sympathy</li> <li>-- Medical care</li> <li>-- Privacy</li> <li>-- Family care</li> <li>-- Heroism (if appropriate)</li> </ul>

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<p><b>Nuclear Weapons Queries Incidents</b></p>	<p>-- Nothing releasable locally</p> <p>-- Policy Statement:                      “While it is U.S. policy not to deploy nuclear weapons aboard ships, aircraft or tactical submarines, we do not discuss the presence or absence of nuclear weapons about specific platforms.”</p>	<p>See Releasable and Notes</p>	<p>In interest of public safety, unit commanders in coordination with DOD, may release information to warn local authorities and the public about imminent hazards. Public safety may override any other considerations</p> <p>-- In U.S.:                      ASD/PA retains initial public affairs responsibility for nuclear weapons accidents and incidents.</p> <p>-- Overseas:                      Unified commander has initial PA responsibility</p>	<p>After coordination with ASD/PA:</p> <p>-- National Security                      -- Deterrence                      -- Safety and precautions (as applicable)                      -- Regrets, condolences                      -- Investigation                      -- Thank, praise local authorities for cooperation</p>

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<p><b>Operations and Exercises</b></p>	<p>Previously approved mission statements, associated RTQ, Q/R.</p> <p>Always consult HHQ and specified unified command PA before releasing operational information. In general the following is releasable (See Appendix A, Guidelines for Discussion with the Media, Doctrine for Public Affairs in Joint Operations, Joint Pub 3-61 for complete list and specifics):</p> <ul style="list-style-type: none"> <li>-- Approx force strength</li> <li>-- Previous conventional missions</li> <li>-- General number of aircraft missions flown with generic descriptions of origin of air operations, such as "land" or "carrier-based"</li> <li>-- Weather, climate conditions</li> <li>-- Unclassified code names</li> <li>-- Names, hometowns and installations of deployed U.S. personnel (see service specific guidance for variations)</li> </ul>	<p>Specific locations and times until or unless released by HHQ</p> <p>Information usually not releasable (See Appendix A, Guidelines for Discussion with the Media, Doctrine for Public Affairs in Joint Operations, Joint Pub 3-61 for specifics):</p> <ul style="list-style-type: none"> <li>-- Specific numerical troop strength, including aircraft, weapon systems, supplies for combat units</li> <li>-- Any information that reveals details of future plans, operations, including postponed or canceled operations</li> <li>-- ROE</li> <li>-- Intelligence activities, sources and methods</li> <li>-- Specific locations of military forces.</li> <li>-- Datelines showing specific countries when those countries have not acknowledged participation in operation</li> <li>-- Cover, deception techniques</li> <li>-- SAR operations</li> <li>-- SOF information without approval</li> </ul>	<p>Follow guidance from ASD/PA and specified unified commander before releasing operational information</p>	<p>Approved PAG messages</p> <ul style="list-style-type: none"> <li>-- Readiness</li> <li>-- Training</li> <li>-- Stress</li> </ul> <p>OPSEC limits on release are essential for the security and safety of U.S. personnel.</p>

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<b>Personnel</b>	<p><b>Military</b></p> <ul style="list-style-type: none"> <li>-- Name</li> <li>-- Rank</li> <li>-- Duty title, unit</li> <li>-- DOR</li> <li>-- Base Pay</li> <li>-- Past, present &amp; future assignments if officially established</li> <li>-- Office, duty phone</li> <li>-- Source of commission</li> <li>-- Awards, decorations</li> <li>-- Military schools</li> <li>-- Duty status (e.g., "active", "reserve on active duty")</li> </ul> <p><b>Civilian</b></p> <ul style="list-style-type: none"> <li>-- Name</li> <li>-- Present, past grades</li> <li>-- Position titles and duty stations</li> <li>-- Official bios, photos</li> </ul>	<p>Personal information beyond that specified under "releasable" except when public interest overrides privacy considerations based on balancing test.</p> <p>Information not releasable without permission from the service member or civilian:</p> <ul style="list-style-type: none"> <li>-- Age, DOB, SSN</li> <li>-- Race</li> <li>-- Marital status</li> <li>-- Number and gender of dependents</li> <li>-- Civil education degrees, dates</li> <li>-- Civilian awards</li> </ul>	<p>Making decisions on the release of information of a personal nature about individuals is a difficult task. Such decisions are rarely black and white situations. Generally, the higher the rank or grade of an individual, the less consideration is given to privacy concerns; however, even in those situations it is not always clear as to what information can or should be released. In all situations, the public's right to know must be weighed against the individual's right to privacy. This balancing test will result in the need to make a subjective decision on what information to release. Consult local legal advisor, and your FOIA and Privacy Act representatives for guidance.</p> <p>Release of basic information may be more restrictive on personnel assigned to special ops units, routinely deployed or overseas units.</p>	<p>As appropriate:</p> <ul style="list-style-type: none"> <li>-- National security</li> <li>-- Concern for personal privacy</li> <li>-- Force protection</li> </ul>

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### **Security, Accuracy, Policy, and Propriety (SAPP)**

SAPP is an internal acronym used by PAOs.

A. Security: This is the need to safeguard classified and operationally sensitive information. It refers to information that is formally classified or information that falls under operational security (OPSEC). One other consideration is Essential Elements of Friendly Information (EEFI), which, prescribed by Joint Pub 1-02, are key questions likely to be asked by adversary officials and intelligence systems about specific friendly intentions, capabilities, and activities so they can obtain answers critical to their operational effectiveness.

B. Accuracy: This limitation demands that public affairs sources provide only factual information, not speculation. What does this mean? Don't answer a question or release information unless you are sure you have accurate information. Don't be pressured into providing an inaccurate release, just for the sake of releasing something rather than nothing. That "something" could land you in hot water.

C. Propriety: Out of respect for service members and their families and based on DOD and Service regulations, public affairs personnel will not assist with the gathering or publishing of inappropriate descriptions or images. You must ensure all your releases are in good taste. For example, don't release grotesque accident photographs or statements that may cause family members distress. An obvious example is a photograph of a dead or injured service member. Propriety (and often policy) also pertains to advertising of commercial products (which is inappropriate if used in such a way in any type of release of information that gives the perception of DOD endorsing any product or any information released that places organizations in an unnecessary negative light or any information released that shows bias toward commercial products or agencies, etc).

D. Policy: Policy dictates procedures for release of information. DOD is the release authority on all DOD related issues. In many cases, that authority is delegated down to the local level. Different service policies or regulations may vary somewhat regarding what's releasable. In a joint environment, this can prove to be challenging. Plus your commander's policy matters greatly. Other examples of specific policies include the Freedom of Information Act and the Privacy Act that also give release guidance for certain types of information, which we will also cover today. In any case, PAOs should understand and be able to explain public affairs, as well as operational policies regarding the release or non-release of information.

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### **Ability, Competency, and Authority (ACA)**

DOD established standard limitations to its maximum disclosure, minimum delay policy to ensure consistency of information released by the many commands, activities and military bases that make up the DOD. ACA guidelines refer to a particular person's ability, competency and authority to release information.

A. Ability refers to actually having the information. For example, a public affairs officer or other individual dealing with the media simply may not possess any information on the subject/topic and therefore, at that point at least, will not have the ability to comment or release any information.

B. Competency refers to having the expertise on the subject. In a given situation, the PAO or other individual might, in fact, have the information, but not be qualified or have the competency to discuss it with news media. In other words, the PAO may not be the subject matter expert or SME on the topic. In these cases, a PAO can locate a subject matter expert who would have the competency to talk on the subject or refer the requester of the information to another agency's public affairs office.

C. Authority to release information comes into play in all cases. Pertaining to the limitation of authority, your echelon of command must have the authority to release the information. A good rule-of-thumb is that the release authority of a commander is the same level of authority in other military matters. For example, a base level PAO is normally authorized to speak for anything involving his or her base, but will usually not have authority to speak on behalf of information involving a higher headquarters. Notice the regular use of the terms "usually," and "normally" that is where this gray area really comes into play. Much of this ambiguity is based on what type of information is being considered for release. When you're dealing with the media at your local level, they may or may not know about specific SAPP or ACA restrictions or limitations with regard to the specific topic so, to avoid problems and promote better understanding and relations with media and other community representatives, you should always advise the media "up front" concerning any restrictions that limit the amount of information that you may provide to them.

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### Freedom of Information Act (FOIA)

The Freedom of Information Act (FOIA), Title 5 of the United States Code, section 552, generally provides that any person has the right to request access to federal agency records or information. All agencies of the U.S. Government are required to disclose records upon receiving a written request, except those records that are protected from disclosure pursuant to nine exemptions. FOIA applies only to federal agencies and does not create a right of access to records held by Congress, the courts, or by state or local government agencies. FOIA was enacted to protect the American people from the government unnecessarily withholding information from them. FOIA requests are usually handled through an office on your installation and are not a function of public affairs. Under FOIA, DOD and all services must provide information requested by anyone citing FOIA in a written request, unless the information is exempt by one of nine categories of information protected from disclosure. We should be familiar with FOIA and its exemptions because as an operating principle, we should be able to provide our publics, especially news media representatives, with any unclassified information without them having to submit a FOIA request. (*DOD 5400.7-R P.10-11*)

#### Nine FOIA Exemptions (*DOD 5400.7-R P.31-42*)

1. **National security.** Documents classified top secret, secret or confidential.
2. **Internal agency rules.** This exemption refers to those reports related solely to the internal personnel rules and practices of an agency. This provision is designed to relieve the government of the burden of maintaining for public inspection routine material that is more or less trivial, such as employee parking rules or agency criteria regulations. The agency doesn't have to release this information, but it may.
3. **Exempt by other statute.** Examples are the charter for the CIA or the Census Act, both of which protect information about the way they conduct business.
4. **Trade secrets.** This exemption is designed to protect trade secrets, such as customer lists, secret formulas and sensitive internal financial information.
5. **Inter-agency or intra-agency memoranda or letters.** Designed to protect working papers, studies, and reports within an agency or circulated among government personnel and which are not available by law to a party other than an agency involved in litigation.
6. **Personnel and medical files.** Overlaps with some of the same guidelines as the Privacy Act – that information which clearly constitutes unwarranted invasion of personal privacy
7. **Law enforcement information.** Protects on-going investigations.
8. **Bank reports.** Reports prepared by federal agencies about the condition of banks and other federally-regulated institutions.
9. **Oil and gas well data.** This exemption is designed to prohibit speculators from obtaining information about the location of oil and gas wells of private companies.

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