

General Distribution

C(97)64/FINAL

Organisation de Coopération et de Développement Economiques
Organisation for Economic Co-operation and Development

OLIS : 28-Aug-1997
Dist. : 29-Aug-1997

COUNCIL

Council

COUNCIL RESOLUTION ON THE CLASSIFICATION AND DECLASSIFICATION OF INFORMATION

(adopted by the Council at its 906th session on 10 July 1997 [CES/CRC(97)16 and C/M(97)17/PROV])

This Resolution enters into force on 1 September 1997.

Guidelines for its implementation are provided in the Annex (page 4). The Appendix (page 9) contains guidelines on the presentation of documents.

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THE COUNCIL

Having regard to Article 5 of the Convention on the OECD;

DECIDES:

Scope

1. For the purposes of this Resolution, official information means documents and other material produced or disseminated by the Organisation for the consideration of Member countries, including material received from Member countries for the same purpose.

Classification

2. Official information shall be either unclassified or classified as:
 - a) *For Official Use* -- for information which should not be communicated except for official purposes; or
 - b) *Confidential* -- for information the unauthorised disclosure of which would seriously prejudice the interest of the Organisation or any of its Member countries.
3. The Secretary-General will take the necessary measures to ensure the appropriate classification of official information.
4. The Member countries and the Secretary-General will take the necessary measures to ensure the security of official information.

Declassification and Downgrading

5. *Confidential* and *For Official Use* documents and other material shall be downgraded or declassified when the information they contain ceases to meet the standards of paragraph 2 a) or b) above.
6. The Council shall be responsible for declassifying or downgrading, on a proposal by the Secretary-General or a Member country, documents and other material prepared for its consideration.
7. Committees reporting directly to Council ("main Committees") shall be responsible for declassifying or downgrading, on a proposal by the Secretary-General or a Member country, documents and other material emanating from them or their subsidiary bodies or reflecting their views or the views of their members, other than those supporting draft Acts of the Organisation to be adopted by the Council. Disagreement within main Committees in this context may be referred to the Council, by the Secretary-General or a Member country.
8. The Secretary-General may declassify or downgrade, on a recommendation to do so by a main Committee, documents and other material falling within the scope of paragraph 7.

9. The Secretary-General may declassify or downgrade on his own responsibility documents and other material prepared on his authority.

10. Unless otherwise decided by the Secretary-General, documents and other material classified as *Confidential* and which have not been declassified or downgraded under paragraphs 5, 6, 7, 8 and 9 above, will be automatically downgraded to *For Official Use* three years after the date of first distribution. Unless otherwise decided by the Secretary-General, documents and other material classified as *For Official Use*, and which have not been declassified under paragraphs 5, 6, 7, 8 and 9 above, shall be automatically declassified three years after the date of first distribution as *For Official Use* or of downgrading from *Confidential*.

11. A document or other material shall not be automatically downgraded or declassified under paragraph 10 if a Member country objects. Appropriate advance listings of documents for downgrading or declassification shall be provided by the Secretariat. Objections shall be reviewed by the Secretary-General in consultation, as appropriate, with the Member country concerned. If the objection is maintained, the material in question shall remain exempt from automatic downgrading or declassification for a further period of three years, or for such other period as the Secretary-General may determine.

Historical archives

12. Paragraph I, first sentence, of Council Resolution C(91)132/FINAL on the historical archives of the Organisation is amended to read:

“The archives of the Organisation which have potential historical interest shall be preserved and, after a period of ten years, public access to these historical archives shall be facilitated under rules to be decided by the Secretary-General.”

Final provisions

13. The Council Resolutions of 22 May 1962 concerning the classification of documents and security precautions [cf. C/M(62)11(Final), Item 109 a), b) and c)] and of 24 October 1974 concerning the procedure for derestriction and publication of documents [cf. C/M(74)24 Part 1 (Final), Item 259 a) and b); and C(74)133(Final)] are repealed.

14. This Resolution shall not apply to documents and other material issued by the IEA.

15. This Resolution shall enter into force on the first day of the second month following its adoption by the Council.

ANNEX

GUIDELINES FOR IMPLEMENTATION

1. The Resolution is based on the belief that information should be considered *Unclassified* until an active decision is taken to classify it, and that in many instances the need to maintain a security classification is time-limited. It is important to note that the classification or declassification of an official document or other material does not in itself require in any way the dissemination of the material to a wide public. Classification, or security policy, should be considered and handled quite separately from the Organisation's information and publications policy.

Scope

2. The Resolution applies only to documents and other material produced or disseminated by the Organisation for Member countries' consideration, including material and correspondence for this purpose received from Member countries. Such material may be, for example, text, data bases, tables, graphs, and be produced in document, book, periodical, diskette, electronic tape, CD-ROM form, or electronically "on-line" or by other means.

3. Other correspondence transmitted by Member countries will be handled in the appropriate way and as requested by the Delegation concerned. Material internal to the Secretariat is not covered by the Resolution, but will continue to be protected appropriately under the requirements of discretion governing the Secretariat, in particular Regulation 4 a) of the Staff Regulations, Rules and Instructions, which states "*Officials shall observe complete discretion with regard to all matters relating to the activities of the Organisation*".

Classification

4. The decision to classify lies in practice with the Directorates preparing the material, and the Secretariat should consider carefully the nature of the material in question before applying one of the two security classifications, and especially before classifying a document *Confidential*.

Confidential

5. The *Confidential* marking is reserved for material "*the unauthorised disclosure of which would seriously prejudice the interest of the Organisation or any of its Member countries*". By definition, this marking should be exceptional, and used as sparingly as possible. Its use must be authorised at A5 level or above.

6. It is not possible to define precisely the material that would require a *Confidential* classification, which remains a matter of judgement in individual cases. The following general areas suggest themselves: on-going international negotiations carried out under the aegis of the OECD; discussion of the Organisation's or Member countries' relations with non-Member economies; market-sensitive material;

and commercially sensitive material. However, it should always be borne in mind that not all material falling in these areas requires a *Confidential* classification, and that the need for confidentiality, if applicable, may frequently be short-lived.

For Official Use

7. The classification *For Official Use*, which broadly covers the previous *Restricted* classification, conveys the need for care in the handling of material and for the privacy of discussion. It is likely to be appropriate for most of the Organisation's analyses and discussions of Member countries' policies. This classification is designed to facilitate, where this is necessary and appropriate, the official consultation thereon with academics, NGOs, industry, etc. Consultation outside government, on the basis of *For Official Use* material, might well be a matter for agreement within subsidiary bodies when planning future work. Technical and analytical material may well be appropriate for this kind of consultation. Records of discussions among Member countries, however, even when not requiring a *Confidential* classification, would not be the subject of wider consultation. This more flexible approach, which it is believed corresponds better with the objectives and needs of the Organisation and its Members today, will be reviewed in the light of experience.

Unclassified

8. The Resolution institutes an *Unclassified* category, to provide a route whereby material whose disclosure would not prejudice the interests of the Organisation or its Member countries can be communicated more widely, without requiring an additional procedure to declassify it. Documents may thus be issued under this category on their first appearance. It has no implications for the ownership and copyright of the Organisation's work, which remain unaffected. Material that might fall into this category might include practical arrangements for meetings, agendas, participants lists, technical and analytical studies based on publicly available data and methodologies, and reports by consultants.

Dissemination and publication

9. As noted above, declassification should not be confused with the dissemination or wider distribution of material. There is no obligation to distribute material, whether *Unclassified* at origin or subsequently declassified. Until now, the declassification of a document has in general automatically involved the production of a new *General Distribution* document (and its distribution on paper and electronically). This is no longer required.

10. The question of the wider dissemination of the material, whatever the form it might take (e.g. ranging from full-scale "flagship" publication, through GD document form, to availability in electronic form on public networks, e.g. the Internet) is a separate issue, to be addressed in the context of the Organisation's overall information and publications policy.

Declassification and Downgrading

Who can declassify and downgrade?

11. The authority to declassify or downgrade *For Official Use* or *Confidential* material emanating from subsidiary bodies or reflecting the views of their members is delegated by the Council to the Committees and other bodies reporting directly to it ("main Committees"), except as regards material supporting draft Acts of the Organisation submitted for Council adoption. Council remains responsible for declassifying or downgrading of such material, as well as of other documents prepared for its consideration. Provision is made for either the Secretary-General or a Member country to ask for difficult or sensitive issues which a main Committee cannot resolve, to be referred to the Council for decision.

How quickly?

12. Within this delegated authority, main Committees are expected to declassify documents and other material as rapidly as possible, for example in conjunction with, or rapidly after, the meetings at which discussion of the material is completed. Regular and systematic use of written procedure may provide the most convenient mechanism.

Secretary-General's powers?

13. As now, main Committees retain the option to ask the Secretary-General to declassify material prepared for them, in those circumstances where Member countries do not wish formally to endorse the content as reflecting their views, but agree that it should be declassified, and thus allow it, if appropriate, to be made publicly available.

14. The Secretary-General retains the authority to declassify material prepared and remaining under his authority.

Automatic Declassification and Downgrading

When and how?

15. The Resolution institutes a procedure for automatic declassification or downgrading after a period of **three years** after initial distribution or downgrading, subject to objection by Member countries or the Secretary-General. For example, *Confidential* documents issued the day the Resolution enters into force, 1 September 1997, will be automatically downgraded to *For Official Use* on 1 September 2000, and three years later, on 1 September 2003, will be declassified; documents issued as *For Official Use* will be automatically declassified three years after initial distribution.

16. Directorates will need to adopt procedures appropriate to their main Committees in order to provide the possibility for objection before automatic downgrading or declassification takes place, e.g. the provision at regular intervals of listings of documents due for downgrading or declassification.

Material issued prior to the entry into force of the new arrangements

17. The arrangements regarding automatic declassification or downgrading set out in paragraphs 10 and 11 of the Resolution do not apply to material issued prior to its entry into force, 1 September 1997. However, the authority to declassify or downgrade delegated to main Committees under paragraph 7 of the Resolution does apply to previously issued documents. Main Committees, in conjunction with the Secretariat, are requested to take appropriate steps to declassify existing documents, taking into account the value this might have for their current work, and the resources involved.

Access

Within Delegations and national administrations

18. Access to OECD material within Delegations, in capitals and more widely in national administrations is in principle a matter for Member countries, which have a general duty to respect the agreed procedures of the Organisation and the authorised classification decisions. Delegations are encouraged to give the widest possible access to all *Unclassified* and *For Official Use* material, e.g. to all OLIS users; this will facilitate the horizontal and interdisciplinary nature of OECD's work, and avoid the costly and unnecessary duplication involved in distributing the same document under several different codes.

19. Access to *Confidential* material will necessarily be more limited. There may be instances where particularly sensitive material is made available on a personal "need to know" basis. The subsidiary body concerned, in consultation with the Secretariat, could develop appropriate special guidelines and procedures in these cases.

Within the Secretariat

20. All members of the Secretariat will have access to *Unclassified* and *For Official Use* documents: this will support and encourage horizontal work, and develop the interdisciplinary expertise of the Organisation.

21. Access to *Confidential* material is, as now, determined by the Directorate primarily responsible for its preparation, and implemented in principle on an explicit access list basis; access to horizontal work should be managed by the Directorate responsible for issuing the material. However, as now, in order to minimise the management of access rights, and in the interests of transparency and development of the multidisciplinary nature of the OECD, all staff at grade A5 and above will automatically have access to all *Confidential* documents, unless the issuing Directorate decides otherwise on a case-by-case basis.

Horizontal work

22. An increasing volume of the Organisation's work is of a horizontal nature, and therefore needs to be widely accessible both within the Secretariat and in Delegations and national administrations. It is not likely that this kind of material (e.g. work on regulatory reform, ageing populations) will require a *Confidential* classification. In view of the very wide access to *For Official Use* documents outlined in paragraphs 18 and 20 above, directorates should no longer need to resubmit documents under their usual codes, for the attention of their particular committees, which are already available on OLIS under their

original coding. Effective use of OLIS in this way will enable efficiency savings throughout the Organisation.

Historical Archives

23. Under Article 12 of the Resolution, the time period under which classified material not otherwise declassified should remain protected is reduced to ten years. The other provisions of Council Resolution C(91)132/FINAL on the historical archives of the Organisation are maintained.

RMS and OLIS

24. OPS and ITN will issue separate guidelines on the necessary modifications to RMS and OLIS.

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25. The Appendix contains guidelines on the presentation of documents.

Appendix

GUIDELINES FOR THE PRESENTATION OF DOCUMENTS

(following from the recommendations of the Task Force on the Readability of documents)

NB These guidelines should be applied flexibly, to ensure that specific cases are handled appropriately.

1. All official documents should carry on the cover page the name of a contact person and their telephone, fax and e-mail, where the reader can obtain further information if necessary.
2. The summary box of each document should contain a one-to-two sentence statement of the document's purpose, and whenever appropriate identify it with a specific item on the relevant agenda.
3. All official documents should include an executive summary. The proportion should be one page maximum for every 20 pages of text. Key words in the executive summary should be cross-referenced to the corresponding sections of the paper so that readers who are particularly interested in a specific issue can turn immediately to that section.
4. Official documents should use sub-headings throughout, as themes and ideas change, to break-up text and to serve as sign posts to the reader.
