

Significant or Highly Sensitive Matters

The Deputy Secretary of Defense recently signed Directive-Type Memorandum (DTM) 08-052- "DoD Guidance for Reporting Questionable Intelligence Activities and Significant or Highly Sensitive Matters" (DTM 85-052). This document contains important information on the new and increased intelligence oversight reporting requirements that you need to be aware of as senior leaders in the DIA.

In addition to previous reporting requirements for "questionable activities" to the Assistant to the Secretary of Defense (Intelligence Oversight) (ATSD[IO]), there is a new category of reporting called "Significant or Highly Sensitive Matters." These are matters "involving an intelligence activity or intelligence personnel that could impugn the reputation or integrity of the DoD Intelligence Community or otherwise call into question the propriety of an intelligence activity." As you can see, this is a very broad category of which we now need to be alert.

Here are some reporting instances the DTM cites with some hypothetical examples of the types of things we may now have to report:

- "Involving congressional inquiries or investigations," examples:

You are informed that a congressional staffer advises that his committee is conducting an inquiry as to why an analyst was relieved.

A Congressman or Senator has requested that the Director conduct an inquiry regarding current interrogation and solicitation techniques practiced by agency employees.

- "That may result in adverse media coverage," examples:

A local store owner has become aware of DIA personnel training near his business and has or intends to notify the media.

A senior DIA leader is arrested for something like shoplifting at the local mall.

- "That may impact on foreign relations or foreign partners," example:

. A defense attache or DIA foreign liaison officer will be or was relieved for cause.

While on vacation overseas and without authorization, an intelligence officer meets with a foreign ministry of defense official and begins to fashion an information sharing understanding.

- "Related to the unauthorized disclosure of classified or protected information," examples:

A DIA intelligence officer stationed overseas is removed from his assignment based on admissions that he had a close unreported relationship with a local national in a heightened security risk country.

A DIA laptop containing classified information is lost or stolen.

We still must report the traditional "questionable activity," but as you can, see these examples are broader in scope. "Questionable activity" usually requires an investigation whereas "significant or highly sensitive matters" must be reported, but often does not require an investigation.

Timely reporting is also now a bigger issue on all intelligence oversight matters. The DTM now requires that, "unless extenuating circumstances exist, the ATSD(IO) will be notified prior to briefings of any congressional committee or member of Congress" concerning these intelligence matters. Within DIA, the Office of the Inspector General (OIG) and Office of General Counsel (OGC) work closely to ensure the agency's adherence to the intelligence oversight issues and reporting. Any DIA employee who becomes aware of "questionable activity" or now "significant or highly sensitive matters" is required to report these matters to either the OIG or OGC.

It's important to note that this new reporting requirement *does not replace previous or current reporting requirements*. For example, all congressional notifications/communications must go through the Office of Congressional and Public Affairs (CP); matters that may result in adverse media coverage must be reported to CP; matters that may negatively impact on foreign relations or foreign partners must be reported to the Office of International Engagement (IE); unauthorized disclosure of classified or protected information must be reported to the Counterintelligence and Security Office (DAC).

We have incorporated this new guidance into our intelligence oversight training. Additionally, we will prepare more formal guidance for reporting "significant or highly sensitive matters" prior to a revision to DIA Regulation 60-4. In the interim, we request that you disseminate this document. [redacted]