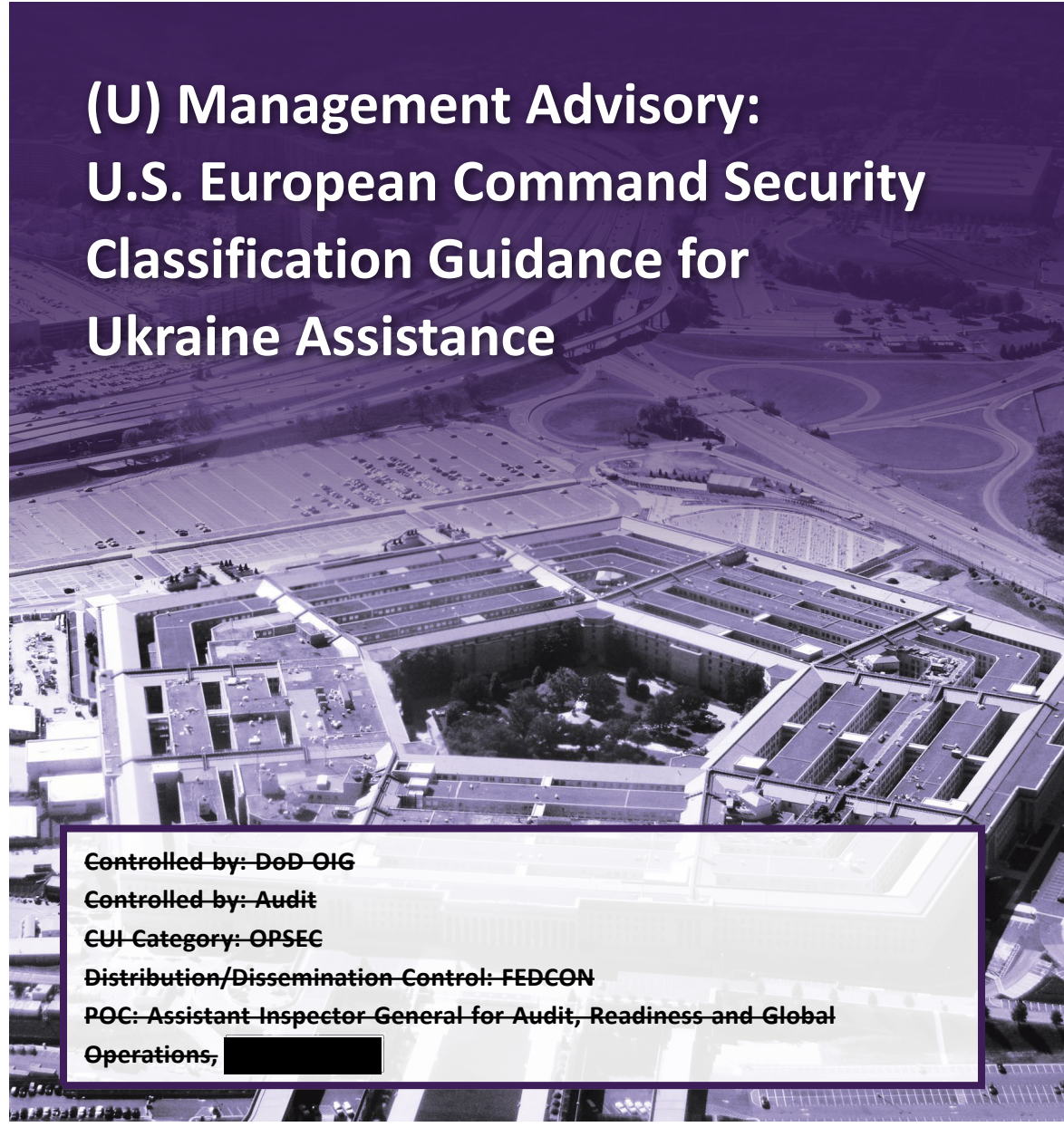


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INSPECTOR GENERAL

U.S. Department of Defense

AUGUST 11, 2023



(U) Management Advisory: U.S. European Command Security Classification Guidance for Ukraine Assistance

~~Controlled by: DoD-OIG~~

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OFFICE OF INSPECTOR GENERAL
DEPARTMENT OF DEFENSE
4800 MARK CENTER DRIVE
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August 11, 2023

MEMORANDUM FOR COMMANDER, U.S. EUROPEAN COMMAND

SUBJECT: (U) Management Advisory: U.S. European Command Security Classification
Guidance for Ukraine Assistance (Report No. DODIG-2023-105)

(U) The purpose of this management advisory is to inform U.S. European Command (USEUCOM) officials responsible for security classification guidance of concerns that we identified during the performance of two oversight projects. Specifically, the USEUCOM security classification guide includes generic guidance and may not include sufficient detail for making classification decisions about the DoD's Ukraine security assistance mission. Additionally, not all USEUCOM subordinate organizations have their own, command-specific security classification guides. As a result, we observed that personnel within multiple commands in the USEUCOM area of responsibility may not be marking documents with the appropriate level of classification. We conducted the work on this advisory with integrity, objectivity, and independence, as required by the Council of the Inspectors General on Integrity and Efficiency's Quality Standards for Federal Offices of Inspector General.

(U) We provided a draft of this advisory to USEUCOM officials, and requested official management comments describing actions that USEUCOM would take in response to our recommendation. The USEUCOM Security Support Office, responding for the Commander, provided an informal response, stating that USEUCOM concurred with our advisory and our recommendation as written. However, USEUCOM officials did not provide the specific actions that they would take in response to the recommendation presented in the advisory; therefore, we consider the recommendation resolved and open.

(U) As described in the Recommendation, Management Comments, and Our Response section of this advisory, we will close the recommendation when you provide us documentation showing that all agreed-upon actions to implement the recommendation are completed. Therefore, within 30 days please provide us your response concerning specific actions in process or completed on the recommendation. Send your response to either followup@dodig.mil if unclassified or rfunet@dodig.smil.mil if classified SECRET.

(U) If you have any questions, please contact me at [REDACTED]. We appreciate the cooperation and assistance received during the performance of our oversight projects, which resulted in this advisory.

FOR THE INSPECTOR GENERAL:



Richard B. Vasquez
Assistant Inspector General for Audit
Readiness and Global Operations

(U) Introduction

(U) Background

(U) Security Classification Guidance

(U) According to Presidential Executive Order 13526, (the Executive Order) original classification is the initial determination that information requires, in the interest of national security, protection against unauthorized disclosure. The Executive Order also defines original classification authority as the person authorized by the President, Vice President, or agency heads or other officials designated by the President to classify information. Furthermore, the Executive Order directs that at the time of original classification, documents shall include:

- (U) one of the three classification levels: CONFIDENTIAL, SECRET, or TOP SECRET;
- (U) the identity, by name and position, or by personal identifier, of the original classification authority;
- (U) the agency and office of origin; and
- (U) declassification instructions.

(U) Moreover, the Executive Order defines derivative classification as reproducing, extracting, or summarizing classified information, or the application of classification markings derived from source material or as directed by a classification guide. The Executive Order directs personnel using derivative classification to identify themselves by name and position, or by personal identifier, in a manner that is immediately apparent for each derivative classification action, and to observe and respect original classification decisions. Finally, the Executive Order states that agencies with original classification authority shall prepare classification guides to facilitate the proper and uniform derivative classification of information. Among other requirements, the Executive Order mandates that each guide shall be approved personally and in writing by an official who has program or supervisory responsibility over the information or is the senior agency official.

(U) U.S. European Command Security Classification Guidance

(U) The U.S. European Command (USEUCOM) security classification guide (SCG) establishes the policies for proper classification and release of information relevant to USEUCOM and it notes that other classification guides pertaining to specific systems, programs, and plans will take precedence over the generic

(U) guidance contained in the guide. The USEUCOM SCG encourages USEUCOM directorates, special staff, and subordinate commands to develop organizational and operational-specific classification guidance to augment the USEUCOM SCG.

(U) Classification Review and Marking Issues Observed During Ukraine Oversight Work

(U) Recent DoD OIG oversight work indicates that personnel within multiple commands in the USEUCOM area of responsibility may not be marking documents with the appropriate security classification. The following discussion describes four specific issues we identified and provides a recommendation to address our concerns with security classification markings and guidance.

(U) Issue 1: USAREUR-AF Staff Indicated That They Did Not Have Authority to Classify Documents Related to Ukraine Operations

(U) During an evaluation of accountability of defense items provided to Ukraine (accountability project), the DoD OIG team provided a discussion draft of its report to the U.S. Army Europe-Africa (USAREUR-AF) security office and requested a security review of the classification markings.¹ The team understood that USAREUR-AF was the appropriate command to conduct the security review as the team based its report on documents USAREUR-AF subordinate units created and provided. However, USAREUR-AF informed the team it could not classify information related to Ukraine assistance. Specifically, USAREUR-AF personnel explained they could not make decisions about what information in the report could be publically released without guidance from USEUCOM. However, USEUCOM information security officials disagreed with USAREUR-AF's position and stated that USAREUR-AF personnel should be able to make classification decisions about operational information for which they have direct purview using USAREUR-AF's original classification authorities.²

(U) Relatedly, according to the USAREUR-AF information security program manager, USAREUR-AF does not have an SCG. The information security program manager elaborated that USAREUR-AF is creating its first SCG and, they estimated, "[the classification guide] will probably be closer to the end of the year before it is signed and approved, likely by the fall." However, USEUCOM officials stated USAREUR-AF has the option of derivatively classifying information using relevant USEUCOM SCGs.

¹ (U) DODIG-2023-084, "Evaluation of Accountability Controls for Defense Items Transferred Via Air to Ukraine within the U.S. European Command Area of Responsibility," June 8, 2023.

² (U) According to USAREUR-AF's information security manager, three officials in USAREUR-AF have original classification authority: the Commander, the Director for Intelligence (G-2), and the Director for Operations (G-3).

(U) Ultimately, the team sent the report to USEUCOM, and asked USEUCOM to provide the security review. USEUCOM agreed and completed the security marking review.

(U) Issue 2: Discovery of Documents that Were and Remain Unmarked

~~(CUI)~~ During fieldwork for the accountability project, in November 2022, [REDACTED] personnel from the Material Aid Contribution Coordination Cell in Jasionka, Poland, briefed the team on their operations. This briefing was marked as Controlled Unclassified Information and contained operational details including aircraft tail numbers, aircraft arrival times, and inventories of arriving flights. It also detailed force protection measures at the site. Later in its visit, the team observed the offloading, staging, and transfer of five shipments of defense articles shipped to Ukraine, and observed [REDACTED] personnel conducting and documenting their inventory of the shipments. Personnel from the [REDACTED] told the team that the information was unclassified and stored this information in an unlocked room. The [REDACTED] later provided scanned copies of the inventory documentation to the team through e-mails sent over the Secret Internet Protocol Router Network (commonly known as SIPR). These e-mails included hundreds of pages that did not include security markings; therefore, the team asked for the classification level. Officials from the [REDACTED] told the team the information was classified SECRET. However, this was inconsistent with the information presented to the team during the entrance briefing and with what the team observed or was told by personnel conducting inventories of the equipment.

(U) In January 2023, to ensure proper protection of the documents, the team provided examples of the unmarked documentation to the USAREUR-AF security manager and the information security manager, and requested that they determine the classification level of the information and tell the team the results. The team followed up on this question multiple times and did not receive an answer from the USAREUR-AF security office regarding the proper classification of the documents. On April 20, 2023, the USAREUR-AF Inspector General (IG) office explained to the team that USAREUR-AF was not able to determine the classification and referred the matter to USEUCOM. As of May 10, 2023, neither USAREUR-AF nor USEUCOM had provided the team the correct classification of these documents.

(U) Issue 3: Commands Are Relying on Verbal Guidance

(U) During an audit of DoD training of Ukrainian Armed Forces (Ukraine training project), personnel from the Joint Multinational Training Group-Ukraine provided the team numerous documents in response to its requests for information.³ Joint Multinational Training Group-Ukraine personnel provided the team the documents, which were either unmarked or marked as CUI, over the unclassified network. These documents included information such as equipment provided to Ukraine, the type of instruction provided on how to operate or maintain the equipment, and dates of the training. While the information provided to the team may have been correctly marked, two 7th Army Training Command officials told the team that the 7th Army Training Command did not have an SCG, and that 7th Army Training Command personnel relied on verbal guidance from USAREUR-AF for how to classify information regarding its mission to train Ukrainian forces. Specifically, 7th Army Training Command officials told the team that as long as the documents did not reveal operational details or vulnerabilities, the information was not classified. However, we concluded that a command relying on verbal guidance increases the risk of accidental disclosure of classified information or over-classification of information.

(CUI) [Redacted]

(CUI) [Redacted]

³ (U) DODIG-2023-086, "Audit of DoD Training of Ukrainian Armed Forces," June 13, 2023.

⁴ (U) Leahy vetting is the U.S. Government process to assess whether there is credible information that a specific individual or a specific security force unit has committed a gross violation of human rights.

(CUI) [Redacted text block]

(U) Conclusion

(U) Collectively, these issues indicate that personnel in USEUCOM subordinate commands may not be properly marking documents with the appropriate classification. In addition, some commands with original classification authority may be relying on the USEUCOM SCG when making classification decisions. However, the USEUCOM SCG includes generic guidance and may not include sufficient detail for making classification decisions about the DoD’s operations related to Ukraine. Furthermore, the USEUCOM SCG encourages USEUCOM directorates, special staff, and subordinate commands to develop organizational and operational-specific classification guidance to augment the USEUCOM SCG. We concluded that the increased operational tempo related to the DoD’s mission to support Ukraine security assistance significantly increased the amount of information requiring classification decisions. We are making one recommendation in this management advisory to improve the awareness and consistency of security classification guidance in the USEUCOM area of responsibility.

(U) Recommendation, Management Comments, and Our Response

(U) Recommendation

(U) We recommend that the Commander, U.S. European Command:

- a. (U) Determine whether sufficient guidance exists for all U.S. European Command staff and subordinate commands to properly mark, store, and disseminate information related to the DoD’s Ukraine security assistance mission in Europe.**

- b. (U) Depending on the results of the Commander's review, we recommend one of the following two actions:
- (U) If the Commander determines additional security classification guidance is required, then they should update the U.S. European Command security classification guide and direct subordinate commands, as applicable, to create or update security classification guides that include classification instructions for the DoD's Ukraine security assistance mission. The Commander should issue clarifying guidance to all supporting staff and commands that reinforces the need to follow the new or updated security classification guides.
 - (U) If the Commander determines existing classification guidance is sufficient, they should issue clarifying guidance to U.S. European Command staff and subordinate commands that reinforces the existence of and need to follow applicable security classification guides when marking, storing, and disseminating information related to the DoD's Ukraine security assistance mission in Europe.

(U) U.S. European Command Comments

(U) The USEUCOM Commander did not provide official comments for inclusion in this advisory, as we requested in our draft advisory. However, the USEUCOM Security Support Office, responding for the Commander, provided us informal comments stating that the "[US]EUCOM [Office of Primary Responsibility] has reviewed the draft report and has no comments to inform the draft document. [US]EUCOM concurs as written, and will support the recommendations identified therein."

(U) Our Response

(U) The USEUCOM Security Support Office's informal response stated that USEUCOM agreed with the recommendation as written; however, this response did not provide the dates or specific actions that USEUCOM would take; therefore, this recommendation is resolved but open. We will close the recommendation when the Commander, U.S. European Command, completes the following actions.

- (U) The Commander should provide us the results of their review to determine whether sufficient guidance exists for all USEUCOM staff and subordinate commands to properly mark, store, and disseminate information related to the DoD's Ukraine security assistance mission in Europe. Depending on the Commander's review, they should provide documentation showing that one of the following two actions are complete.

- (U) The Commander should provide us a copy of the updated USEUCOM security classification guide and updated security classification guides from subordinate commands, supporting staff, and supporting commands, as applicable, that include classification instructions for the DoD's Ukraine security assistance mission; or
- (U) The Commander should provide us a copy of the clarifying guidance issued to USEUCOM staff and subordinate commands that reinforces the existence of a need to follow applicable security classification guides when marking, storing, and disseminating information related to the DoD's Ukraine security assistance mission in Europe.



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