

DoD 5200.2-R

**Personnel Security Program Regulation
Includes Change 3**

23 February 1996

Foreword

This "*Personnel Security Program Regulation*" is reissued under the authority of DoD Directive 5200.2, "*DoD Personnel Security Program*," December 20, 1979. It contains expanded direction and procedures for implementing those references cited in Chapter 1 and in Appendix A of this Regulation that pertain to acceptance and retention of DoD military, civilian, consultant and contractor personnel and of granting such persons access to classified information or assignment to a sensitive position. It also implements such recommendations from the Defense Security Review Commission Report as pertains to personnel security and approved by the Secretary of Defense.

DoD 5200.2-R, "*Department of Defense Personnel Security Program*," December 1979, is hereby canceled as of December 31, 1986. The effective date of this Regulation is January 1, 1987.

The provisions of this Regulation apply to the Office of the Secretary of Defense (OSD) and activities supported administratively by OSD, the Military Departments, the Organization of the Joint Chiefs of Staff (OJCS), the Unified and specified Commands, and the Defense Agencies.

This Regulation is mandatory for use by all DoD Components. Heads of DoD Components may issue supplementary instructions when necessary to provide for internal administration of this Regulation within their respective components.

Forward communications, including recommended changes, regarding this Regulation and copies of supplemental instructions issued, through appropriate channels to: Deputy Under Secretary of Defense for Policy, Attention: Director Counter-intelligence and Investigative Programs, Room 3C-267, The Pentagon, Washington, D.C. 203301-2200.

This Regulation is being published in Title 32, Code of Federal Regulations (CFR). DoD Components may obtain copies of this Regulation through their own publications channels. Federal Agencies and the public may obtain copies from the US. Department of Commerce, National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161.

\Signed\
Craig Alderman, Jr.
Deputy

Chapter I

General Provisions

Section 1 -- References

1-100 -- References

- (a) DoD 5200.2-R, "*DoD Personnel Security Regulation*," December 20, 1979 (Superseded), authorized by DoD Directive 5200.2, December 20, 1979
- (b) DoD 5220.22-R, "*Industrial Security Regulation*," December 1985, authorized by DoD Directive 5220.22, December 8, 1980
- (c) DoD Directive 5220.6, "*Defense Industrial Personnel Security Clearance Review Program*", August 12, 1985
- (d) Through (oo), See Appendix A

Section 2 -- Purpose and Applicability

1-200 -- Purpose

- a. To establish policies and procedures to ensure that acceptance and retention of personnel in the Armed Forces, acceptance and retention of Civilian employees in the Department of Defense (DoD), and granting members of the Armed Forces, DoD civilian employees, DoD contractors, and other affiliated persons access to classified information are clearly consistent with the interests of national security.
- b. This Regulation:
 - (1) Establishes DoD personnel security policies and procedures;
 - (2) Sets forth the standards, criteria and guidelines upon which personnel security determinations shall be based;
 - (3) Prescribes the kinds and scopes of personnel security investigations required;
 - (4) Details the evaluation and adverse action procedures by which personnel security determinations shall be made; and
 - (5) Assigns overall program management responsibilities.

1-201 -- Applicability

- a. This Regulation implements the Department of Defense Personnel Security Program and takes precedence over all other departmental issuances affecting that program.
- b. All provisions of the Regulation apply to DoD civilian personnel, members of the Armed Forces, excluding the Coast Guard in peacetime, contractor personnel and other personnel who are affiliated with the Department of Defense except that the unfavorable administrative action procedures pertaining to contractor personnel requiring access to classified information are contained in DoD 5220.22-R (reference (b) and in DoD Directive 5220.6 (reference (c)).
- c. The policies and procedures which govern the National Security Agency are prescribed by Public Laws 88-290 and 86-36, Executive Orders 10450 and 12333, DoD Directive 5210.45, Director of Central Intelligence Directive (DCID) 1/14 (references (e), (f), (g), (h), (i), and (1) respectively), and regulations of the National Security Agency.
- d. Under combat conditions or other military exigencies an authority in paragraph A, Appendix F, may waive such provisions of this regulation as the circumstances warrant.

Section 3 -- Definitions

1-300 -- Access

The ability and opportunity to obtain knowledge of classified information. An individual, in fact, may have access to classified information by being in a place where such information is kept, if the security measures that are in force do not prevent him from gaining knowledge of such information.

1-301 -- Adverse Action

A removal from employment, suspension from employment of more than 14 days, reduction in grade, reduction of pay or furlough of 30 days or less.

1-302 -- Background Investigation (BI)

A personnel security investigation consisting of both record reviews and interviews with sources of information as prescribed in paragraph 3, Appendix B, this Regulation, covering the most recent 5 years of an individual's life or since the 18th birthday, whichever is shorter, provided that at least 2 years are covered and that no investigation will be conducted prior to an individual's 16th birthday.

1-303 -- Classified Information

Official information or material that requires protection in the interests of national security and that is classified for such purpose by appropriate classifying authority in accordance with the provisions of Executive Order 12356 (reference (j)).

1-304 -- Defense Central Security Index (DCSI)

An automated sub-system of the Defense Central Index of Investigations (DCII) designed to record the issuance, denial or revocation of security clearances, access to classified information, or assignment to a sensitive position by all DoD Components for military, civilian, and contractor personnel. The DCSI will serve as the central DoD repository of security related actions in order to assist DoD security officials in making sound clearance and access determinations. The DCSI shall also serve to provide accurate and reliable statistical data for senior DoD officials, Congressional committees, the General Accounting Office and other authorized Federal requesters.

1-305 -- DoD Component

Includes the Office of the Secretary of Defense; the Military Departments; Organization of the Joint Chiefs of Staff; Directors of Defense Agencies and the Unified and Specified Commands.

1-306 -- Entrance National Agency Check (ENTNAC)

A personnel security investigation scoped and conducted in the same manner as a National Agency Check except that a technical fingerprint search of the files of the Federal Bureau of Investigation is not conducted.

1-307 -- Head of DoD Component

The Secretary of Defense; the Secretaries of the Military Departments; the Chairman, Joint Chiefs of Staff; and the Commanders of Unified and Specified Commands and the Directors of Defense Agencies.

1-308 -- Immigrant Alien

Any alien lawfully admitted into the United States under an immigration visa for permanent residence.

1-309 -- Interim Security Clearance

A security clearance based on the completion of minimum investigative requirements, which is granted on a temporary basis, pending the completion of the full investigative requirements.

1-310 -- Limited Access Authorization

Authorization for access to Confidential or Secret information granted to non-United States citizens and immigrant aliens, which is limited to only that information necessary to the successful accomplishment of their assigned duties and based on a background investigation scoped for 10 years (Paragraph 3, Appendix B).

1-311 -- Minor Derogatory Information

Information that, by itself, is not of sufficient importance or magnitude to justify an unfavorable administrative action in a personnel security determination.

1-312 -- National Agency Check (NAC)

A personnel security investigation consisting of a records review of certain national agencies as prescribed in paragraph 1, Appendix B, this Regulation, including a technical fingerprint search of the files of the Federal Bureau of Investigation (FBI).

1-313 -- National Agency Check Plus Written Inquires (NACI)

A personnel security investigation conducted by the office of Personnel Management, combining a NAC and written inquiries to law enforcement agencies, former employers and supervisors, references and schools.

1-314 -- DoD National Agency Check Plus Written Inquires (DNACI)

A personnel security investigation conducted by the Defense Investigative Service (DIS) for access to *Secret* information consisting of a NAC, credit bureau check, and written inquiries to current and former employers (see paragraph 2, Appendix B), covering a 5-year scope.

1-315 -- National Security

National security means the national defense and foreign relations of the United States.

1-316 -- Need-To-Know

A determination made by a possessor of classified information that a prospective recipient, in the interest of national security, has a requirement for access to, knowledge, or possession of the classified information in order to perform tasks or services essential to the fulfillment of an official United States Government program. Knowledge, possession of, or access to, classified information shall not be afforded to any individual solely by virtue of the individual's office, position, or security clearance.

1-317 -- Periodic Reinvestigation (PR)

An investigation conducted every five years for the purpose of updating a previously completed background or special background investigation on persons occupying positions referred to in paragraphs 3-700 through 3-710. The scope will consist of a personal interview, NAC, LACs, credit bureau checks, employment records, employment references and developed chapter references and will normally not exceed the most recent five year period.

1-318 -- Personnel Security Investigation (PSI)

An investigation required for the purpose of determining the eligibility of DoD military and civilian personnel, contractor employees, consultants, and other persons affiliated with the Department of Defense, for access to classified information, acceptance or retention in the Armed Forces, assignment or retention in sensitive duties, or other designated duties requiring such investigation. PSIs include investigations of affiliations with subversive organizations, suitability information, or hostage situations (see paragraph 2-403) conducted for the purpose of making personnel security determinations. They also include investigations of allegations that

arise subsequent to adjudicative action and require resolution to determine an individual's current eligibility for access to classified information or assignment or retention in a sensitive position.

1-319 -- Scope

The time period to be covered and the sources of information to be contacted during the prescribed course of a PSI.

1-320 -- Security Clearance

A determination that a person is eligible under the standards of this Regulation for access to classified information.

1-321 -- Senior Officer of the Intelligence Community (SOIC)

The DoD Senior Officers of the Intelligence Community include: the Director, National Security Agency/Central Security Service; Director, Defense Intelligence Agency; Assistant Chief of Staff for Intelligence, U.S. Army; Assistant Chief of Staff for Intelligence, U.S. Air Force; and the Director of Naval Intelligence, U.S. Navy.

1-322 -- Sensitive Position

Any position so designated within the Department of Defense, the occupant of which could bring about, by virtue of the nature of the position, a materially adverse effect on the national security. All civilian positions are either critical-sensitive, noncritical-sensitive, or nonsensitive as described in paragraph 3-101.

1-323 -- Significant Derogatory Information

Information that could, in itself, justify an unfavorable administrative action, or prompt an adjudicator to seek additional investigation or clarification.

1-324 -- Special Access Program

Any program imposing "need-to-know or access controls beyond those normally provided for access to Confidential, Secret, or Top Secret information. Such a program may include, but not be limited to, special clearance, adjudication, investigative requirements, material dissemination restrictions, or special lists of persons determined to have a need-to-know.

1-325 -- Special Background Investigation (SBI)

A personnel security investigation consisting of all the components of a BI plus certain additional investigative requirements as prescribed in paragraph 4, Appendix B, this Regulation. The period of investigation for an SBI is the last 15 years or since the 18th birthday, whichever is shorter, provided that the last 2 full years are covered and that no investigation will be conducted prior to an individual's 16th birthday.

1-326 -- Special Investigative Inquiry (SII)

A supplemental personnel security investigation of limited scope conducted to prove or disprove relevant allegations that have arisen concerning a person upon whom a personnel security determination has been previously made and who, at the time of the allegation, holds a security clearance or otherwise occupies a position that requires a personnel security determination under the provisions of this Regulation.

1-327 -- Service

Honorable active duty (including attendance at the military academies), membership in ROTC Scholarship Program, Army and Air Force National Guard, Military Reserve Force (including active status and ready reserve), civilian employment in Government service, or civilian employment with a DoD contractor or as a consultant involving access under the DoD Industrial Security Program. Continuity of service is maintained with change from one status to another as long as there is no single break in service greater than 12 months.

1-328 -- Unfavorable Administrative Action

Adverse action taken as the result of personnel security determinations and unfavorable personnel security determinations as defined in this Regulation.

1-329 -- Unfavorable Personnel Security Determination

A denial or revocation of clearance for access to classified information; denial or revocation of access to classified information; denial or revocation of a Special Access authorization (including access to SCI); nonappointment to or nonselection for appointment to a sensitive position; nonappointment to or nonselection for any other position requiring a trustworthiness determination under this Regulation; reassignment to a position of lesser sensitivity or to a nonsensitive position; and nonacceptance for or discharge for the Armed Forces when any of the foregoing actions are based on derogatory information of personnel security significance.

1-330 -- United States Citizen (Native Born)

A person born in one of the 50 United States, Puerto Rico, Guam, American Samoa, Northern Mariana Islands, U.S. Virgin Islands; or Panama Canal Zone (if the father or mother (or both) was or is, a citizen of the United States).