

Chapter VII

Issuing Clearance and Granting Access

7-100 -- General

- a. The issuance of a personnel security clearance (as well as the function of determining that an individual is eligible for access to Special Access program information, or is suitable for assignment to sensitive duties or such other duties that require a trustworthiness determination) is a function distinct from that involving the granting of access to classified information. Clearance determinations are made on the merits of the individual case with respect to the subject's suitability for security clearance. Access determinations are made solely on the basis of the individual's need for access to classified information in order to perform official duties. Except for suspension of access pending final adjudication of a personnel security clearance, access may not be finally denied for cause without applying the provisions of paragraph 8-102.
- b. Only the authorities designated in Paragraph A, Appendix F are authorized to grant, deny or revoke personnel security clearances or Special Access authorizations (other than SCI). Any commander or head of an organization may suspend access for cause when there exists information raising a serious question as to the individual's ability or intent to protect classified information, provided that the procedures set forth in paragraph 8-102 of this Regulation are complied with.
- c. All commanders and heads of DoD organizations have the responsibility for determining those position functions in their jurisdiction that require access to classified information and the authority to grant access to incumbents of such positions who have been cleared under the provisions of this Regulation.

7-101 -- Issuing Clearance

- a. Authorities designated in Paragraph A, Appendix F shall record the issuance, denial, or revocation of a personnel security clearance in the DCII (see paragraph 6-103, above). A record of the clearance issued shall also be recorded in an individual's personnel/security file or official personnel folder, as appropriate.
- b. A personnel security clearance remains valid until
 - (1) the individual is separated from the Armed Forces,
 - (2) separated from DoD civilian employment,
 - (3) has no further official relationship with DoD,
 - (4) official action has been taken to deny, revoke or suspend the clearance or access, or
 - (5) regular access to the level of classified information for which the individual holds a clearance is no longer necessary in the normal course of his or her duties.

If an individual resumes the original status of (1), (2), (3), or (5) above, no single break in the individual's relationship with DoD exists greater than 24 months, and/or the need for regular access to classified information at or below the previous level recurs, the appropriate clearance shall be reissued without further investigation or adjudication provided there has been no additional investigation or development of derogatory information.

c. Personnel security clearances of DoD military personnel shall be granted, denied, or revoked only by the designated authority of the parent Military Department. Issuance, reissuance, denial, or revocation of a personnel security clearance by any DoD Component concerning personnel who have been determined to be eligible for clearance by another component is expressly prohibited. Investigations conducted on Army, Navy, and Air Force personnel by DIS will be returned only to the parent service of the subject for adjudication regardless of the source of the original request. The adjudicative authority will be responsible for expeditiously transmitting the results of the clearance determination. As an exception, the employing DoD Component may issue an interim clearance to personnel under their administrative jurisdiction pending a final eligibility determination by the individual's parent Component. Whenever an employing DoD Component issues an interim clearance to an individual from another Component, written notice of the action shall be provided to the parent Component.

d. When an SSBI (or PR) for access to SCI is initiated on a military member, who is assigned to a Defense agency (except DIA), OSD staff, or the Joint Staff, DIS will return the completed investigation to the appropriate Military Department CAF, in accordance with subsection 7-101.c., above, for issuance (or reissuance) of the SCI eligibility. The CAF shall be responsible for expeditiously transmitting the results of the SCI eligibility determination to the requesting Defense agency. For military personnel assigned to the DIA, the completed investigation will be forwarded to the DIA for the SCI eligibility determination. The DIA will expeditiously transmit the results of the SCI eligibility determination to the appropriate Military Department CAF.

e. When the Defense Industrial Security Clearance Office (DISCO) initiates an SSBI (or PR) for access to SCI on a contractor employee, DIS will return the completed investigation to the appropriate CAF with SCI cognizance. Following a favorable SCI eligibility determination, the CAF will notify DISCO of the outcome. If the SCI eligibility is denied or revoked, the CAF will complete all appropriate due process and appeal procedures before forwarding the case and all relevant additional documentation to DISCO for appropriate action, to include referral to the Defense Office of Hearings and Appeals (DOHA) for possible action under DoD Directive 5220.6 (reference (c)).

f. The interim clearance shall be recorded in the DCII (paragraph 6-103, above) by the parent DoD Component in the same manner as a final clearance.

7-102 -- Granting Access

a. Access to classified information shall be granted to persons whose official duties require such access and who have the appropriate personnel security clearance. Access determinations (other than for Special Access programs) are not an adjudicative function relating to an individual's suitability for such access. Rather they are decisions made by the commander that access is officially required.

b. In the absence of derogatory information on the individual concerned, DoD commanders and organizational managers shall accept a personnel security clearance determination, issued by any DoD authority authorized by this Regulation to issue personnel security clearance, as the basis for granting access, when access is required, without requesting additional investigation or investigative files.

c. The access level of cleared individuals will, wherever possible, be entered into the Defense Clearance and Investigations Index (DCII), along with clearance eligibility. However, completion of the DCII Access field is required effective 1 October 1993 in all instances where the adjudicator is reasonably aware of the level of classified access associated with a personnel security investigation. Agencies are encouraged to start completing this field as soon as possible.

7-103 -- Administrative Withdrawal

As set forth in paragraph 7-101.b., above, the personnel security clearance and access eligibility must be withdrawn when the events described therein occur. When regular access to a prescribed level of classified information is no longer required in the normal course of an individual's duties, the previously authorized access eligibility level must be administratively downgraded or withdrawn, as appropriate.