DEPARTMENT OF THE ARMY
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Memorandum
Number 604-1

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Personnel Security
DEPARTMENT OF THE ARMY PERSONNEL SECURITY PROGRAM

1. **PURPOSE**. This memorandum prescribes responsibilities and procedures for:

a. Designating sensitive positions for civilian employees

b. Obtaining security clearances for designated military and civilian personnel.

c Processing requests for investigations

d. Execution of the Classified Information Nondisclosure Agreement, Standard Form (SF) 312.

e. Suspending access to Classified Information; denying or revoking security clearances.

2 **REFERENCES**.

a. AR 600-31, Suspension of Favorable Personnel Actions for Military Personnel in National Security Cases and Other Investigations or Proceedings.

b. AR 380-67, Personnel Security Program.

c. DA Cir 380-93-1, DA Implementing Instructions for the Classified Information Nondisclosure Agreement (NDA) SF 312.

3. **POLICY**.

a. It is the responsibility of the staff office chiefs to determine those individuals within their offices who require access to classified information and to initiate requests for personnel security clearance actions. These requests will be submitted in writing to the Personnel Security Office, Directorate of Personnel, ATTN: MCCS-P, for processing.

b. Access to classified information will not be granted to personnel until the staff office chief has been advised by the Personnel Security Technician that the individual has a valid security clearance, the individual has been properly briefed, and execution of the SF 312, NDA, has been accomplished.

c. Staff office chiefs, security managers, and supervisors, subsequent to the granting of a security clearance, are responsible for close supervision and observation of the activities and behavior of personnel who have access to classified information. Whenever valid reasons exist for believing that the conduct, activities, or attitude of a cleared person may jeopardize security, prompt action will be taken to suspend access and effect immediate denial of access to classified information pending further investigative action.

4. RESPONSIBILITIES. Staff office chiefs will:

a. Identify civilian positions that are sensitive as defined in AR 380-67, (Appendix K).

b. Notify the Personnel Security Office, Directorate of Personnel immediately, in writing, when an individual who has been granted access to classified information is being transferred or reassigned.

c. Immediately cancel those requests for security clearances or actions which are no longer required.

5. ACCEPTANCE OR ISSUANCE OF CLEARANCE CERTIFICATES (DA Form 873).

a. Acceptance of previously granted security clearance.

(1) Certificates issued by other clearance authorities will be accepted upon completion of a favorable personnel records check including verification of an existing security clearance pending a favorable local files check by the Personnel Security Office, Directorate of Personnel. Access to classified information will not be granted to individuals until notification has been received from the Personnel Security Office, Directorate of Personnel, that the security clearance of the individual has been accepted, and the individual has received the prescribed security briefing. The requesting staff office will be advised of this acceptance by written notification from the Personnel Security Office, Directorate of Personnel.

(2) Regardless of the date of the last investigation or the validity of the DA Form 873, Certificate of clearance and/or Security Determination, a local files check must be conducted on all personnel, military and civilian, who require access to classified information. Within the AMEDDC&S, the checks required by regulation will be initiated and conducted by the Personnel Security Office, Directorate of Personnel.

b. Issuance of clearance certificates.

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(1) Issue. A security clearance certificate will be issued where a valid request has been received from a staff office that an individual requires access to classified information in the performance of his/her daily duties, and necessary investigations have been favorably completed. Upon favorable completion of administrative and investigative requirements, the Commander, U.S. Army Central Personnel Security Clearance Facility (CCF) issues the DA Form 873, certifying the degree of final clearance. Final clearance certificates, once granted, remain in effect unless revoked.

(2) Notification. The Personnel Security Office, Directorate of Personnel will notify staff offices of the results of personnel security actions.

(3) Interim clearance. An interim clearance will not be granted until all the administrative and investigative requirements have been initiated. Interim clearances may be granted when immediate access is essential to mission accomplishment. Requests for interim clearances may be made by submitting a memorandum. These requests will be kept to the absolute minimum necessary for mission accomplishment. Requests for interim clearances will be signed by the staff office chief and will include the following statements:

(a) Access to classified information (indicate degree) is essential for the individual to carry out his/her assigned duties.

(b) The delay caused by awaiting final clearance action will interfere with the mission accomplishment.

(c) No adverse information concerning the subject as outlined in AR 380-67 (Chapter 3-400) is known to exist.

6. **EXECUTION OF SF 312, CLASSIFIED INFORMATION NONDISCLOSURE AGREEMENT (NDA).**

a. Execution of the NDA is mandatory for all military and civilian personnel as a condition for access to classified information. Access will not be granted by the Personnel Security Office, Directorate of Personnel until either:

(1) Verification of execution of the NDA has been obtained.

(2) If verification of a previously executed agreement cannot be obtained, the NDA will be promptly executed.

b. Persons who refuse to sign the NDA will be advised that access to classified information will be suspended for a 30-day "cooling off" period, to allow the person time to reconsider signing the NDA, and that an attorney may be consulted, at their own expense, if desired. At the conclusion of the 30-day period, the individual will again be asked to sign the NDA. If the person declines to sign the form, the Commander, CCF, will be notified for security clearance revocation/denial action as appropriate. (See paragraph 8 for revocation process.)

7 SUSPENSION OF SECURITY CLEARANCES

a. Staff office chiefs and/or security managers will take immediate action to withhold access to classified information from an individual whenever credible derogatory information is received. This immediate action will include notifying the Personnel Security Office, Directorate of Personnel by the most expeditious means available and denial of access to any classified material pending formal suspension of access. Following initial notification, a follow-up memorandum will be submitted to the Personnel Security Office stating the reasons disciplinary action or administrative action is contemplated or in progress. The Personnel Security Office, Directorate of Personnel will notify the Commander, CCF of the suspension of the security clearance. In cases involving officers, the Personnel Security Office will:

(1) Inform the Chief of Staff of all requests initiated for suspension of access to classified information of warrant or commissioned officers in this headquarters.

(2) Upon completion of necessary investigation, forward the completed file to the Commander, CCF for adjudication. After the results of the adjudication are received, the Chief of Staff, AMEDDC&S will be informed and necessary administrative action will be initiated as required by pertinent regulations.

b. If it is determined that suspension of access to classified information is warranted, the Personnel Security Office, Directorate of Personnel will notify the staff office chief. Upon receipt of notification of suspension from the Personnel Security Office, the following actions will be accomplished immediately:

(1) Continue to deny access to all classified information

(2) Inventory all classified documents to which the individual had access.

(3) Immediately change combinations to all classified containers to which the individual has access.

(4) Delete the individual from the access roster on file in the staff office.

c. Staff office chiefs will advise the Personnel Security Office, Directorate of Personnel, in writing, as soon as the above actions have been accomplished.

d. In all cases in which credible, derogatory information within the scope of AR 380-67 is received, the Personnel Security Office, Directorate of Personnel will immediately initiate any investigative requirements deemed necessary to revoke or restore the security clearance. In cases in which suspension is based on pending criminal charges or investigations, personnel security investigations will not be initiated until completion of criminal proceedings.

8. REVOCATION OF SECURITY CLEARANCES

a. Upon completion of the necessary investigation, the reports will be forwarded to Commander, CCF for adjudication.

b. If the tentative decision by Commander, CCF is to revoke the clearance, the individual will be advised of the proposed revocation in writing so the individual will have an opportunity to refute or explain the derogatory information. The final decision of whether or not to revoke the clearance will be made by CCF.

c. Upon revocation or denial of a security clearance for a warrant or commissioned officer, the Personnel Security Office, Directorate of Personnel will:

(1) Advise COMPACT, HQ, Fort Sam Houston, to remove DA Form 873 and annotate records.

(2) When a security clearance has been revoked, the Personnel Security Office, Directorate of Personnel will debrief the individual using DA Form 2962, Security Termination Statement and Debriefing Certificate.

9. SENSITIVE POSITIONS

a. To identify civilian positions that are sensitive within this command, each staff office chief will notify the Personnel Security Office, Directorate of Personnel, ATTN: MCCS-P, of all new designations or changes in previous designations of sensitive positions for which he/she is responsible. These positions should be identified and reported in writing as follows:

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Position title.

Grade (GS).

(3) Sensitivity (noncritical sensitive or critical sensitive)

TDA paragraph/line number.

(5) Short narrative statement pertaining to the degree of access to classified information required or type of position such as those outlined below.

(6) Basis of the determination or an explanation as to the manner by which the incumbent could exercise an adverse effect on national security. A record of all designations will be maintained by each staff office so that future changes in the sensitivity of these positions, the establishment of additional sensitive positions, or the elimination of sensitive positions can be promptly reported to the Personnel Security Office, Directorate of Personnel, ATTN: MCCS-P.

b. It is the responsibility of each staff office chief to ascertain the sensitivity of civilian positions within his/her staff office and ensure that only civilian personnel with the appropriate level of security clearance are allowed to serve in those positions. These positions will reflect the degree of access on the AMEDDC&S TDA.

c. Certain civilian positions within the Department of Defense (DOD) entail duties of such a sensitive nature, including access to classified information, that the misconduct, malfeasance, or nonfeasance of an incumbent in any such position could result in an unacceptably adverse impact upon the national security. These positions are referred to as sensitive positions. It is vital to national security that great care be exercised in the selection of individuals to fill such positions. Similarly, it is important that only positions which truly meet the criteria be designated as sensitive. A sensitive position will not be downgraded or reclassified as nonsensitive solely to aid the recruitment of personnel. The criteria to be applied in designating a position as sensitive are:

Critical-sensitive:

(a) Access to TOP SECRET information.

(b) Development or approval of plans, policies, or programs that affect the overall operations of DOD or of a DOD agency.

(c) Development or approval of war plans, plans or particulars of future major or special operations of war, or critical and extremely important items of war.

(d) Investigative and certain investigative support duties, the issuance of personnel security clearances or access authorizations, or the making of personnel security determinations.

(e) Fiduciary, public contact, or other duties demanding the highest degree of public trust.

Duties falling under special access programs

Category I automated data program positions

(h) Any other position so designated by the head of the component or designee.

(2) Noncritical-sensitive:

Access to SECRET or CONFIDENTIAL information

(b) Security police or provost marshal duties involving the enforcement of law, and security duties involving the protection and safeguarding of DOD personnel and property.

(c) Category II automated data program positions.

(d) Duties involving education and orientation of DOD personnel

(e) Duties involving the design, operation, or maintenance of intrusion detection systems deployed to safeguard DOD personnel and property.

(f) Any other position so designated by the Secretary of the Army.

d. The following policy exists with regard for appointees to civilian positions:

(1) A security investigation is required for appointees to civilian positions. Incumbent employees who are being considered for reassignment to positions of a higher degree of sensitivity, or requiring a higher degree of access, may be subject to additional investigative requirements. Proper evaluation of position sensitivity and the required degree of access to classified material is essential because investigative requirements differ.

(2) Position sensitivity affects investigative criteria as follows:

(a) A National Agency Check and written inquiries (NACI) with satisfactory results must be completed before an individual may be employed in a noncritical-sensitive position. In a legitimate emergency, however, such a position may be filled for a limited period by an individual for whom a request for a NACI has been initiated. In addition, it must be clearly demonstrated that a delay in appointment or assignment pending completion of the investigation would be harmful to our national interest.

(b) Background investigations with satisfactory results must have been completed before an individual may be employed in a critical-sensitive position. However, in a legitimate emergency, such a position may be filled for a limited period of time by an individual from whom a NACI has been completed with satisfactory results and a request for a background investigation has been initiated. It must be clearly demonstrated that the delay of appointment pending completion of the investigation would be harmful to the national interest.

e. Staff office officials requesting personnel actions such as recruitment will indicate on the SF 52, Request for Personnel Action, the sensitivity of the position such as nonsensitive position; noncritical-sensitive position; or critical-sensitive position, as applicable.

f. Should a staff office chief conclude that an emergency exists, a delay in appointment pending completion of the mandatory investigative requirements would be harmful to the national interest, and it is practical to use the individual but deny access to classified information, the staff office chief will provide written notification to the Personnel Security Office, Directorate of Personnel. Such notification will contain adequate justification to support the calculated risk inherent in such an appointment.

(MCCS-P)

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