APPENDIX KK

INDUSTRIAL SECURITY PROCEDURES FOR TRANSFER OF CLASSIFIED INFORMATION OUTSIDE THE UNITED STATES

A JOB AID FOR THE U.S. GOVERNMENT REPRESENTATIVE

**Step 1: Determine Conditions of Exchange**

<table>
<thead>
<tr>
<th>Condition</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Military Assistance Program</td>
<td>1. User Agency has Responsibility</td>
</tr>
<tr>
<td>2. Foreign Military Sales</td>
<td>2. User Agency has Responsibility</td>
</tr>
<tr>
<td>3. U. S. Classified Contract is Awarded to a Foreign Company</td>
<td>3. User Agency has Responsibility</td>
</tr>
<tr>
<td>4. Foreign Classified Contract is Awarded to a U. S. Company</td>
<td>4. DSS Establishes Transmission Procedures</td>
</tr>
<tr>
<td></td>
<td>(Go to Step 2)</td>
</tr>
</tbody>
</table>

**Step 2: Determine Origin of Classified Material**

<table>
<thead>
<tr>
<th>Condition</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Return of Foreign Classified Information</td>
<td>1. Export License (Department of State Form 85) usually not Required for Technical Data</td>
</tr>
<tr>
<td></td>
<td>(Go to Step 4)</td>
</tr>
<tr>
<td>2. Export of U. S. Classified Information or Defense Articles</td>
<td>2. Receive Original Export License from State Department</td>
</tr>
<tr>
<td></td>
<td>(Go to Step 3)</td>
</tr>
</tbody>
</table>

**Step 3: Examine Export License, Department of State Form 85 (DSP-85)**

- Look for Provisos and Limitations to the Export License
- Ask Contractor if material has been amended or modified
- If you have any doubt as to what the material is, ask Contractor for Certification
- If Contractor states that material to be exported requires no Export License, look for an exception in the International Traffic in Arms Regulations (ITAR), part 125.4
- Ensure that only U. S. information authorized for export is contained in the shipment

Prepared by the Industrial Security Team, Department of Defense Security Institute

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**Step 4: Examine the Classified Material**

- Inspect for the *U. S. Classification Marking* and the *Foreign Classification Marking*
- Add Classification Markings in Foreign Language, if Necessary
  (See Industrial Security Manual for Safeguarding Classified, DoD 5220.22M, Appendix B)
- Look for Downgrading and Declassification Instructions

**Step 5: Acknowledge Receipt**

- Sign Receipt Acknowledging Receipt of Classified Material from the Contractor
- Give Receipt to Contractor for Retention
- Maintain a Record of All Outgoing Classified Material Received from Contractor

**Step 6: Observe to See that Classified Material is Properly Packaged**

- Packaging will Conform to Industrial Security Manual (DoD 5220.22M, Paragraph 5-406)
- Make sure that the Inner and Outer Containers are Properly Addressed
- Note that Shipments of Hazardous Materials May Require Special Packaging and Transportation Plan Must Conform to National and International Safety Regulations

**Step 7: Transmit the Classified Material**

*Note that when Classified Material is Mailed or Shipped, documents associated with shipment will be enclosed. Examples are: Packing Slip, Airway Bill, Shippers Export Declaration (should list Number of DSP-85 and could also list name and phone number of U. S. Government Official who holds DSP-85), Invoice (if unclassified documents are shipped with classified hardware, be sure that invoice clearly indicates that the unclassified material is data, not hardware)*

<table>
<thead>
<tr>
<th>Method of Transmission</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. In Person</td>
<td>1. Give Material to Foreign Government Representative Have Recipient Sign Receipt</td>
</tr>
<tr>
<td>3. Ship</td>
<td>3. Follow Transportation Plan Enclose Receipt with Shipment</td>
</tr>
</tbody>
</table>

**Step 8: Process Export License (DSP Form 85)**

<table>
<thead>
<tr>
<th>Condition</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Shipment Incomplete</td>
<td>1. Annotate Reverse Side of DSP-85 and Retain for Future Use</td>
</tr>
<tr>
<td>(more items to be shipped later)</td>
<td></td>
</tr>
<tr>
<td>2. Shipment Complete</td>
<td>2. Return DSP-85 to DIS Headquarters for Ultimate Return to State Department</td>
</tr>
<tr>
<td>(all items listed on the DSP-85 have been shipped)</td>
<td></td>
</tr>
</tbody>
</table>