

APPENDIX EE

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

Condition	Action
1. Military Assistance Program	1. User Agency has Responsibility
2. Foreign Military Sales	2. User Agency has Responsibility
3. U. S. Classified Contract is Awarded to a Foreign Company	3. User Agency has Responsibility
4. Foreign Classified Contract is Awarded to a U. S. Company	4. DSS Establishes Transmission Procedures (Go to Step 2)

Step 2: Determine Origin of Classified Material

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

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

<ul style="list-style-type: none"> • 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
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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)*

Method of Transmission	Action
1. In Person	1. Give Material to Foreign Government Representative Have Recipient Sign Receipt
2. Mail	2. Mail Material to Foreign Embassy Enclose Receipt in Package
3. Ship	3. Follow Transportation Plan Enclose Receipt with Shipment

Step 8: Process Export License (DSP Form 85)

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