

CONFIDENTIAL

AUSTRALIAN COMMENTS ON
EXECUTIVE ORDER 12958 —
CLASSIFIED NATIONAL SECURITY INFORMATION

- The Australian government wishes to register its concern over the 17 April Executive Order on Classified National Security Information and the apparent omission of any explicit provision to protect foreign-sourced information or documentation from automatic declassification once it is over 25 years old.
- The Australian government understands and supports the democratic principles and commitment to open government which underpin the Executive Order. We too are improving access to government information, but are maintaining provisions to protect foreign-sourced information — including U.S. information.
- We do not agree that these principles can be applied by one foreign government to the information or documentation of another government without prior consultation and clearance. Australian-sourced information was and continues to be passed to the U.S. government on the understanding that it will be protected. We adopt precisely the same approach to information that the U.S. shares with us.
- Omission of such consultation would, in the eyes of the Australian government, not be in keeping with the 1962 U.S.-Australia General Security of Information agreement or the many other bilateral and multilateral intelligence co-operation and information sharing agreements.
- The failure to protect sensitive Australian-sourced information about, for example, our intelligence operations, could have ramifications for our relations with regional countries and compromise intelligence sources and methods (upon which the U.S. depends in part).
- Australian concerns could be addressed if provision for clearance with originators of foreign-sourced material was embodied in the Information Security Oversight Office implementation directive to U.S. agencies.
 - such an approach should not impede or delay the declassification process — Australia is not seeking this. For example, categories of sensitivity for Australia could be identified. A reasonable time limit could be put on Australian response time after which the U.S. could be free to declassify (we have a similar arrangement with the U.K.).