

NSTISSP No. 8
13 February 1997



NATIONAL POLICY
GOVERNING THE RELEASE OF
INFORMATION SYSTEMS SECURITY
(INFOSEC) PRODUCTS OR ASSOCIATED
INFOSEC INFORMATION TO FOREIGN
GOVERNMENTS

**THIS DOCUMENT PROVIDES MINIMUM STANDARDS. FURTHER
IMPLEMENTATION MAY BE REQUIRED BY YOUR DEPARTMENT OR AGENCY**

Approved for Release by NSA on 09-25-2024, FOIA Case # 51573

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CHAIRMAN

FOREWORD

1. National Security Telecommunications and Information Systems Security Policy (NSTISSP) No. 8, *National Policy Governing the Release of Information Systems Security (INFOSEC) Products or Associated INFOSEC Information to Foreign Governments*, reflects the INFOSEC responsibilities addressed by National Security Directive (NSD) 42, *National Policy for the Security of National Security Telecommunications and Information Systems*, dated 5 July 1990.

2. The policy and procedures contained herein supersede NCSC-6, *National Policy Governing the Disclosure or Release of Communications Security Information to Foreign Governments and International Organizations*, dated 16 January 1981, and *Advisory Memorandum on Protection of Communications Security Information Released to Foreign Governments and International Organizations*, NACAM-83/1, dated 10 June 1983.

3. Additional copies of this instruction may be obtained from:

NSTISSC SECRETARIAT
ATTN: [] STE 6716
NATIONAL SECURITY AGENCY
FORT GEORGE G. MEADE, MD 20755-6716

[(b) (6)]

[
Emmett Paige, JR.
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[(b) (3) -P.L. 86-36]

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**NATIONAL POLICY
GOVERNING THE RELEASE OF INFORMATION
SYSTEMS SECURITY PRODUCTS OR ASSOCIATED INFOSEC INFORMATION
TO FOREIGN GOVERNMENTS**

SECTION I - POLICY

1. (U) This policy derives from authorities assigned to the National Security Telecommunications and Systems Security Committee (NSTISSC) under terms of National Security Directive No. 42, Subject: National Policy for the Security of National Security Telecommunications and Information Systems (U), dated 5 July 1990.

2. (FOUO) [Redacted]

a. [Redacted]

b. [Redacted]

SECTION II - DEFINITIONS

3. (U) The terms and language used throughout this document reflect nationally recognized uses of INFOSEC terminology as defined and documented in the current edition of National Security Telecommunications and Information Systems Security Instruction (NSTISSI) No. 4009, the National INFOSEC Glossary. For purposes of this policy, the following additional definitions apply:

a. (U) *Release*: A deliberative review and decision process undertaken by the NSTISSC and National Manager to share, either on a temporary or permanent basis, USG INFOSEC products or associated INFOSEC information with foreign governments or international organizations in satisfaction of USG foreign policy and military or economic objectives.

b. (U) *Transfer*: To provide, by means of sale, lease, loan, or other means, INFOSEC products or associated INFOSEC information to a foreign government or international organization.

c. (U) *National Security Systems*: Any telecommunications or information system operated by the USG, the function, operation, or use of which:

- (1) Involves intelligence activities;
- (2) Involves cryptologic activities related to national security;
- (3) Involves the command and control of military forces;
- (4) Involves equipment that is an integral part of a weapon or weapons system; or
- (5) Is critical to the direct fulfillment of military or intelligence missions, but not including routine administrative and business information such as payroll, finance, logistics, and personnel management information.

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d. (U) ~~National Security Information~~ Information that has been determined, pursuant to Executive Order 12958 or any predecessor order, to require protection against unauthorized disclosure.

e. (U) *Associated INFOSEC Information*: INFOSEC techniques and services used to provide confidentiality, authentication, integrity, non-repudiation, and reliable delivery of information contained in national security systems, or to protect national security information. It includes, but is not limited to: cryptographic algorithms, technology, keying material, as well as cryptologic systems and techniques embodied in hardware, software, or firmware.

SECTION III - CRITERIA

4. (U) The NSTISSC shall consider requests to release INFOSEC products or associated INFOSEC information to a foreign government or an international organization in satisfaction of requirements which have been identified by member departments and agencies to:

a. (U) Protect USG national security information which is provided to, or exchanged with a foreign government or international organization.

b. (U) Enhance the objectives and effectiveness of mutual USG defense arrangements or coalition operations by providing a means for achieving secure communications interoperability when exchanging military planning information, or conducting combined or coalition combat operations which involve USG military forces and the military forces of a foreign government(s) or international organization.

c. ~~(FOUO)~~



5. (U) Requests for release of USG INFOSEC products or associated INFOSEC information must:

a. (U) Be consistent with USG foreign policy and military or economic objectives;

b. ~~(FOUO)~~



c. (U) Not impact adversely on the overall INFOSEC posture of the USG.

6. (U) In those cases where the terms of an NSTISSC release authorization must be documented in a formal Memorandum of Understanding (MOU), the NSTISSC may provide negotiating guidelines for the sponsoring department or agency. Prior to signing, the MOU must be reviewed and approved by the Director, National Security Agency, acting in his capacity as the National Manager for National Security Telecommunications and Information Systems Security (hereinafter referred to as the National Manager) to ensure compliance with NSTISSC release guidelines.

SECTION IV - LIMITATIONS

7. (U) Provided the criteria in paragraphs 4. and 5., above are satisfied, the following limitations apply to the release of INFOSEC products or associated INFOSEC information:

a. USG INFOSEC products or associated INFOSEC information will normally not be authorized for release solely for purposes of improving the INFOSEC posture of a foreign government or international organization.

b. The inclusion of INFOSEC products or associated INFOSEC information in weapons, communications, or other major defense systems, to provide a complete package for foreign military

sales (FMS), or initiatives to promote international competition for system procurements, are not, in and by themselves, acceptable justifications for seeking release of those products or information.

c. The transfer of USG INFOSEC products or associated INFOSEC information will normally be accomplished on government-to-government basis through Foreign Military Sales (FMS) channels. Use of other than FMS channels, such as providing INFOSEC products, information, or services as part of arrangements with foreign countries for cryptologic support pursuant to 10 U.S.C. 421, will be considered and approved on a case-by-case basis by the National Manager. As necessary, training will be provided to the recipients of USG INFOSEC products or associated INFOSEC information to ensure proper operation and protection in accordance with prescribed USG standards.

8. (FOUO) [Redacted]

SECTION V - DELEGATED AUTHORITIES

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9. (U) The National Manager is hereby authorized to:

a. Release manual INFOSEC products (e.g., codes, authenticators, call sign encryption systems, etc.) used to support tactical military operations between USG military forces and the military forces of a foreign government or international organization; as well as associated INFOSEC information (e.g., keying materials and operating/maintenance instructions) for INFOSEC equipment which has previously been authorized for release.

b. Release, unless the terms of the original release approval have been significantly modified, additional INFOSEC products or associated INFOSEC information to a foreign government or international organization for purposes of satisfying requirements similar to those which served as justification for the original release authorization.

c. Exchange, in support of existing bilateral INFOSEC arrangements, INFOSEC products and associated INFOSEC information with the cryptologic authorities of the UK, Canada, Australia, and New Zealand.

d. Exchange general information on INFOSEC products and associated INFOSEC information with NATO/NATO member nations in support of international agreements to which the USG may be a signatory.

10. (U) The Chairman of the NSTISSC is authorized to approve the release of INFOSEC products or associated INFOSEC information to satisfy urgent requirements where U.S. lives may be at risk and time and circumstances do not allow for the review and approval of the full NSTISSC membership. The National Manager shall review such requirements and provide an appropriate release recommendation to the Chairman. In such cases, the INFOSEC products and/or associated INFOSEC information will be provided on a loan basis only for the length of time necessary to satisfy the stated need. The NSTISSC shall be provided a complete summary of the circumstances of the release and types of INFOSEC products and/or INFOSEC information provided.

SECTION VI - PROCEDURES

11. (U) The ANNEX documents procedures for requesting the release of INFOSEC products and associated INFOSEC information.

Encls:
ANNEX A

ANNEX A

**PROCEDURES FOR PROCESSING REQUESTS FOR
RELEASE OF INFOSEC PRODUCTS OR ASSOCIATED INFOSEC INFORMATION**

1. (U) Requests for the release of INFOSEC products or associated INFOSEC information to foreign governments and international organizations shall be processed as follows:

a. (U) Member departments or agencies desiring to release INFOSEC products or associated INFOSEC information shall make an initial determination that the proposed release satisfies the criteria of this policy.

b. (FOUO)

[Redacted]

c. (U) In those cases where a releasability decision falls within the purview of the authorities assigned by this policy, the National Manager may recommend and approve the release of an INFOSEC product or associated INFOSEC information that will satisfy the stated requirement.

d. (U) For other cases, the National Manager will provide feedback to the requesting department or agency on a recommended INFOSEC solution. Based on that feedback, the requesting department or agency shall determine resource availability and identify a proposed method of transfer (e.g., sale, lease, or loan). If resources are unavailable, the requesting department or agency will work with the National Manager to address resource shortfalls.

e. (U) Requests requiring a release determination by the full NSTISSC membership will be referred by the National Manager to the Chairman of the NSTISSC through the NSTISSC Secretariat. The National Manager shall include the following in its referral:

(1) Comments regarding the most appropriate INFOSEC solution;

(2) A recommendation regarding the most acceptable means of transfer;

(3) [Redacted] INFOSEC assessment; and

(4) A recommended NSTISSC action.

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(b) (3)-P.L. 86-36

f. (FOUO)

[Redacted]

g. (FOUO)

[Redacted]

h. (FOUO)

[Redacted]

i. (U) In implementing release decisions of the NSTISSC, the requesting department or agency will coordinate the provision of the appropriate INFOSEC products or associated INFOSEC information with the National Manager and provide details, within 30-days of date of actual transfer, regarding the quantities of materials involved and method of transfer.

2. (U) The National Manager shall maintain a record of all INFOSEC products or associated INFOSEC information released to foreign governments or international organizations and provide the NSTISSC with an annual report which summarizes all release activities during the previous 12-month period.

3. (U) Departments or agencies may appeal a NSTISSC decision regarding release directly to the Secretary of Defense. The Executive Secretary of the NSTISSC shall be advised of such appeal actions and keep the Chairman of the NSTISSC apprised of their status.

(b) (3) -18 USC 798
(b) (3) -P.L. 86-36