

SECURITY

**ACQUISITION
AND STORAGE
OF
INFORMATION
CONCERNING
NON-AFFILIATED
PERSONS AND
ORGANIZATIONS**

Headquarters
Department of the Army
Washington, DC
30 September 1974

UNCLASSIFIED

SUMMARY of CHANGE

AR 380-13

ACQUISITION AND STORAGE OF INFORMATION CONCERNING NON-AFFILIATED PERSONS AND ORGANIZATIONS

Not applicable.

o

o

SECURITY

ACQUISITION AND STORAGE OF INFORMATION CONCERNING NON-AFFILIATED
PERSONS AND ORGANIZATIONS

By Order of the Secretary of the Army:

FRED C. WEYAND
General, United States Army
Vice Chief of Staff

Official:

VERNE L. BOWERS
Major General, United States Army
The Adjutant General

History. This publication has been reorganized to make it compatible with the Army electronic publishing database. No content has been changed.

Summary. This is a new Army regulation which supersedes letter AG-DA-A-M, 1 June 1971, subject: Acquisition of Information Concerning Persons and Organizations not Affiliated with the Department of Defense. It provides direction concerning the acquisition, reporting, processing, and storage of information on persons or organizations not affiliated with the Department of Defense.

Applicability. See paragraph 3.

Proponent and exception authority. The proponent agency of this regulation is the Office of the Assistant Chief of Staff for Intelligence.

Army management control process. Not applicable.

Supplementation. Local supplementation of this regulation is prohibited except

upon approval of the Assistant Chief of Staff for Intelligence.

Suggested improvements. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) direct to HODA (DAMI-DO) WASH DC 20310.

Distribution. To be distributed in accordance with DA Form 12-9A requirements for AR, Security.

Active Army: A (Qty Rqr Block No. 326)
ARNG: D (Qty Rqr Block No. 329)
USAR: D (Qty Rqr Block No. 329)

Contents (Listed by paragraph and page number)

Purpose. • 1, page 1

Policy. • 2, page 1

Applicability and scope. • 3, page 1

Explanation of terms. • 4, page 1

General. • 5, page 1

Operations related to protection of Army personnel, functions and property. • 6, page 2

Operations related to civil disturbances. • 7, page 3

Storage. • 8, page 3

Prohibited activities related to persons and organizations not affiliated with the Department of Defense. • 9, page 5

Relations with other agencies. • 10, page 5

Dissemination of policy. • 11, page 6

Verification, inspections, and reports. • 12, page 6

Appendixes

A. GLOSSARY OF TERMS, page 7

B. SPECIAL INVESTIGATION/OPERATION REQUEST FORMAT, page 8

C. VERIFICATION CONTROL, page 8

Figure List

Figure C-1: DA FORM 4312-R, page 9

1. Purpose.

This regulation implements DOD Directive 5200.27 and establishes policy and procedures governing the acquisition, reporting, processing and storage of information on persons or organizations not affiliated with the Department of Defense.

2. Policy.

a. Department of the Army policy prohibits acquiring, reporting, processing or storing of information on persons or organizations not affiliated with the Department of Defense, except under those circumstances authorized in paragraphs 6 and 7 below when such information is essential to accomplish Department of Army missions.

b. All information-gathering activities are subject to overall civilian control and general supervision by the Secretary or Under Secretary of the Army.

c. Where acquisition activities are authorized by this regulation to meet an essential requirement for information, maximum reliance will be placed on liaison with domestic civilian investigative agencies, Federal, state and local.

3. Applicability and scope.

a. This regulation is applicable to the following:

(1) All Department of the Army civilian and military personnel, major Army commands, installations, activities, agencies, and organizations within the 50 states, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, the Panama Canal Zone, Guam, American Samoa and the Guano Islands.

(2) In addition to its applicability in the geographic areas cited directly above, the provisions of this regulation shall apply to the acquisition, reporting, processing and storage of information concerning non-DOD-affiliated US citizens anywhere in the world.

(3) All resources of the Department of the Army including but not limited to counterintelligence units, staffs and personnel, as well as any other unit, staff or personnel who request, acquire, process, store, evaluate or report information covered by the policies and procedures of this regulation.

(4) Investigative/counterintelligence activities undertaken to:

(a) Safeguard defense information.

(b) Protect Army personnel against subversion.

(c) Protect Army functions and property, including facilities having classified defense contracts or those officially designated key defense facilities.

(d) Conduct counterintelligence surveys, services and inspection.

(e) Conduct investigative activities authorized in connection with civil disturbance responsibilities as outlined in paragraph 7 below.

(f) Conduct personnel security investigative leads as requested by the Defense Investigative Service.

b. This regulation does not apply to—

(1) Pre-trial investigations required by the Uniform Code of Military Justice.

(2) Activities involving cryptography.

(3) Utilization by public information officers of relevant information from published sources solely for the purpose of preparing responses to public inquiries. However, such information is not to be retained for the purpose of providing an Army element with background information about the activities, associations and beliefs of individuals unless its retention is authorized elsewhere in this regulation.

(4) Foreign intelligence information including the acquisition reporting, processing and storing of such information.

(5) Activities conducted on the Pentagon Reservation in accordance with the provisions of DOD Directive 5100.49, "Pentagon Counterintelligence Program."

(6) Authorized criminal investigation and law enforcement information gathering activities (i.e., those activities not "counterintelligence related") which are the responsibility of military police and the US Army Criminal Investigation Command. Such activities will continue to be conducted in accordance with applicable regulations.

c. This regulation does not abrogate any provisions of the Delimitations Agreement of 1949, as amended, between the Federal Bureau of Investigation and the Departments of the Army, Navy, and Air Force (AR 381-115).

4. Explanation of terms.

This terminology as used in the glossary, appendix A, is applicable for the purpose of this regulation.

5. General.

a. This regulation is the sole and exclusive Department of the Army authority for acquiring, reporting, processing and storing of investigative information on persons and organizations not affiliated with the Department of Defense. No other Department of the Army or subordinate command regulation, policy letter, circular or other form of authority, classified or unclassified, will be used to justify activities prohibited by this regulation.

b. Apparent violations of policies set forth in this regulation will be reported by Army personnel to their superior

and to the Inspector General. Commanders will expeditiously report such apparent violations through channels to HQDA (DAMI-DOI) WASH DC 20310.

c. Army components of unified commands receiving instructions which they believe violate the provisions of this regulation will immediately report such instructions to HQDA (DAMI-DOI).

d. Unsolicited sources.

(1) Walk-in sources volunteering information not authorized for acquisition by this regulation will be referred to the appropriate Federal, state or local law enforcement agency. If the source refuses such referral, the information will be obtained and immediately furnished to the proper civilian law enforcement office; if source so requests, his identity will be protected.

(2) Information received from anonymous telephone callers, written messages or from any other means will be referred or processed as indicated in paragraph 5d(1) above.

e. Although this regulation imposes certain restrictions on the conduct of counterintelligence and investigative activities, it is not intended to, nor does it, prohibit the Army from protecting its personnel, functions and property from the threats described in paragraph 6. Action authorized by this regulation will be undertaken to identify and counter such threats.

6. Operations related to protection of Army personnel, functions and property.

a. Information on persons and organizations not affiliated with the Department of Defense may be acquired, reported, processed, and stored under the authority, required, processed, and stored under the authority of this paragraph only if there is a reasonable basis to believe that one or more of the following situations exists:

(1) Theft, destruction or sabotage of weapons, ammunition, equipment, facilities, or records belonging to DOD units or installations.

(2) Possible compromise of classified defense information by unauthorized disclosure or by espionage.

(3) Subversion of loyalty, discipline or morale of Department of the Army military or civilian personnel by actively encouraging violation of laws, disobedience of lawful orders and regulations, or disruption of military activities.

(4) Demonstrations on active or reserve Army installations or demonstrations immediately adjacent to them which are of such a size or character that they are likely to interfere with the conduct of military activities. Armed Forces Induction Centers, US Army Recruiting Stations located off-post and facilities of federalized National Guard Units are considered to be active DOD installations. For the purpose of this subparagraph, ROTC installations on campuses are not considered to be active or reserve Army installations and coverage (if demonstration's at or adjacent to such installations is not, authorized.

(5) Direct threats to DOD military or civilian personnel regarding their official duties or to other persons authorized protection by DOD resources.

(6) Activities or demonstrations endangering classified defense contract facilities or key defense facilities, including the Panama Canal and those related operational facilities of the Panama Canal approved by HQDA as key to the defense and operation of the Panama Canal.

b. Effective liaison with local law enforcement Agencies will be conducted on a regular basis to determine if actual or potential situations described in paragraphs 6a(1), (2), (3) and (6) exist. Counterintelligence surveys and inspections (AR 381-130) will be conducted for the same purpose. If, based on information received, the commander of a major Army command or an Army installation commander has reason to believe that inquiries involving persons and organizations not affiliated with DOD must be made to determine whether or not an actual threat situation exists, the counterintelligence unit having liaison responsibility will request the appropriate civil law enforcement authorities to provide the information required by the commander. However, under no circumstances will the law enforcement authorities be requested to furnish information the acquisition of which is prohibited by the regulation. If the civil law enforcement authorities cannot or will not provide the needed information, the facts of the situation and a request for authorization to utilize Army investigators in a specific manner to conduct a special investigation/operation will be forwarded by the counterintelligence unit having liaison responsibility to HQDA (DAMI-DOI). This request will be submitted in the format in appendix B.

c. The criteria to be used in submitting a request to conduct a special investigation/operation involving persons or organizations not affiliated with DOD are as follows:

(1) The target group must represent a significant and demonstrable threat to the security/effectiveness of Army functions and property.

(2) The information to be gained must relate to the situations outlined in paragraph 6a of this regulation.

(3) The information cannot or will not be provided by Federal, state and local law enforcement agencies and coordination with the Federal Bureau of Investigation (AR 381-115) has been completed.

d. Upon termination of an authorized investigation/operation, will be forwarded to HQDA (DAMI-DOI). If an authorized investigation/operation is subsequently expected to extend beyond 12 months, a request for revalidation with justification must be submitted to HQDA as outlined above.

e. Observation by Army investigators of demonstration as described in paragraph 6a(4) above is authorized.

f. Upon receipt of information concerning threats described in paragraph 6a(5) above, appropriate personnel will be

informed and all pertinent information furnished expeditiously to the local office of the Federal Bureau of Investigation to the local and state police and to HQDA (DAMI-DO).

g. Characterizations.

(1) For the purpose of this regulation, "characterizations" will only contain threat information as described in paragraph 6a above.

(2) When the commander of a major Army command or an Army installation commander identifies a need for a characterization concerning a specific person, group or organization, he will request one from HQDA (DAMI-DOA) WASH, DC 20314, citing justification. Such characterizations will not be prepared locally.

(3) HQDA (DAMI-DOA) will disseminate such characterizations to Army commands, when required, for their use in protecting Army personnel, functions and property.

7. Operations related to civil disturbances.

a. General The Attorney General of the United States is the chief civilian officer in charge of coordinating all Federal Government activities relating to civil disturbances. The Secretary of the Army, as Executive Agent for the Department of Justice at the national level to furnish civil disturbance threat information required to support planning throughout the Department of Defense for military civil disturbance needs, and early warning of civil disturbance situations which may exceed the capabilities for control by local and state authorities. Military forces may be used to restore law and order when the president has determined in accordance with Chapter 15, Title 10, United States Code that the situation is beyond the capability of civilian agencies to control effectively.

b. Reports on deployment of National Guard under state control and police units in the event of actual civil disturbance. Active Army commanders may report that National Guard units under state Control and police units are currently employed as a control force to deal with actual civil disturbances occurring within their geographical area of responsibility. Such reports will not contain information identifying individuals and organizations not affiliated with the Department of Defense and will only be based upon information acquired overtly from local, state, Federal officials or from the news media.

c. Limitations: Except as authorized in paragraphs d and e below, Army resources may only acquire, report, process or store civil disturbance information concerning nonaffiliated persons and organizations upon receipt of specific prior authorization from the Secretary or the Under Secretary of the Army. Such authorization will only be granted when there is a distinct threat of a civil disturbance exceeding the law enforcement capability of state and local authorities. The authorization issued by the Secretary or the Under Secretary will set forth the procedures and the limitations on the acquisition, reporting, processing and storing of civil disturbance information.

d. Planning. As an exception to the above limitation, overt acquisition and current maintenance of the following information by field Commanders is authorized:

(1) Listing of local, state and Federal officials whose duties include direct responsibilities related to the control of civil disturbances.

(2) Data on vital public and commercial installations/facilities and private facilities believed to be appropriate targets for individuals or organizations engaged in civil disorders.

e. Acquiring, evaluating and analyzing civil disturbance information within HQDA. The US Army Military Support Agency (USAMSA), Office of the Deputy Chief of Staff for Operations and Plans, DA and the Office of the Assistant Chief of Staff for Intelligence (OACSI), DA will be provided threat and early warning information by the Department of Justice. OACSI is the only agency authorized and responsible for processing this information. Any subsequent field collection and reporting of civil disturbance information have the prior approval of the Secretary or Under Secretary of the Army.

f. Dissemination.

(1) Analyzed reports prepared by OACSI in accordance with subparagraph e above will be furnished appropriate field commanders only when specifically directed by the Secretary or Under Secretary of the Army. The dissemination of analyzed reports to the field does not authorize field commanders to acquire or process civil disturbance information. Analyzed reports provided by OACSI will be used for planning purposes. They will be retained by OACSI and by field commanders no longer than 60 days after the termination of the situation to which they pertain.

(2) Analyzed reports will be promptly disseminated within the Army Staff and Army secretariat to those officials responsible for civil disturbance operations.

8. Storage.

a. Prohibition. No Army element will retain in its files any information the acquisition of which is prohibited by this regulation.

b. Period of retention.

(1) *General.* Information acquired in accordance with this regulation will not be retained longer than the period set forth below unless its retention for a greater period is specifically required by law.

(2) *Information related to the protection of Army personnel, functions, and property.* Threat information falling within the categories listed in paragraph 6a above may be retained in the files subject to annual review and verification.

At the time of the annual review, continued retention of information on individuals or organizations not affiliated with the Department of Defense is authorized only if—

(a) It is determined that tile information was acquired properly under the provisions of paragraph 6a above and that the individual or organization falls into one of the following categories

1. The individual or organization has been connected with an actual example(s) of violence or criminal hostility directed against an Army activity/installation/facility within the previous year.

2. The individual or organization has been connected with an explicit threat to Army personnel, functions or property within the previous year.

3. The individual's or organization's continuing hostile nature in the vicinity of Army installations continues to provide at the time of the annual review a significant potential source of harm to or disruption of the installation or its functions.

4. The individual or organization has, within the previous year, counseled or published information actively encouraging Army personnel to violate the law, disrupt military activities or disobey lawful regulations or orders.

(b) When, on the date of the annual review described above, authorized investigation under paragraph 6a is in progress, information may be retained for a period of 1 year or until the investigation is completed, whichever occurs sooner. Any further retention must be authorized in accordance with this paragraph.

(3) *Civil disturbance information.*

(a) Civil disturbance information developed or acquired during an authorized period of field acquisition, reporting or processing activities must be destroyed within 60 days after the termination of the civil disturbance.

(b) After action reports and historical summaries of civil disturbance activities conducted by the US Army may be retained permanently but will avoid references to non-affiliated persons or organizations to the greatest extent possible.

(c) Planning information, as described in paragraph 7d, may be retained while the information is correct and current.

(4) *Published documents.* Library and reference material generally available to the general public may be retained without limitation. This material will not be maintained or inserted in subject or name files unless the information is retainable under other criteria authorized by this regulation.

(5) *Characterizations.* Only characterizations provided by HQDA will be maintained on file. A characterization so provided may be retained until the threat is locally determined to be non-existent or until notification is received from HQDA (DAMI-DOA) that it is rescinded or superseded, whichever is sooner. DAMI-DOA is responsible for conducting in annual review pursuant to paragraph 8b(2) above, of all characterizations on hand to verify their currency and validity, and for notifying all recipients when a characterization is rescinded or superseded.

(6) *Special Investigations/operations.* Information acquired in the course of an approved special investigation./operation (paragraph 6c above) may be retained permanently by the US Army Investigative Records Repository. This includes information properly acquired prior to the conduct of the special investigation/operation and that acquired from any source during the course of the investigation/operation. However, once the special investigation/operation terminates, any new information properly acquired relating to non-affiliated subjects of the prior special investigation/operation is subject to normal retention criteria, including annual verification procedures.

(7) *Formerly affiliated person.* Investigative files of persons who were formerly affiliated with the Department of Defense may be retained for 15 years except that files which resulted in adverse action against the individual will be retained permanently. However, once the affiliation is terminated, acquiring and adding material to the file is prohibited unless and until the affiliation is renewed or the material is otherwise retainable under this paragraph. In the latter instance, any new material is subject to Annual verification procedures.

(8) *Universities conducting Department of Defense research.* Possession of a facility clearance by a university does not make the university affiliated for purposes of this regulation. Individual clearance holders at universities are affiliated with the Department of Defense and their investigative files are subject to the same standards for acquisition and retention as are those of other affiliated persons. Any Department of the Army facilities or property at universities may be included under the provision of paragraph 6a(1).

(9) *Filing of retainable information.* Inclusion or retainable information in a file relating to a particular Department of Defense installation of facility (rather than in dossiers on a non-affiliated group or person) does not exempt the file from the requirement for annual review and validation. Historical files, after action report and other similar non-investigative documents to the maximum extent will avoid inclusion of specific names of non-affiliated persons and organizations that have engaged in activities information about which may be required, reported, processed, and retained under this regulation.

(10) *Other categories.* As specified below, retention of information concerning certain non-affiliated persons or organizations whose activities involve them with the Department of Defense is authorized.

(a) Activities involving a one-time request for admission to installations (e.g., speakers, bands, drill teams). Retention is authorized for 1 year after the event.

(b) Activities involving a request that Army personnel attend or officiate at civilian sponsored meetings of ceremonies as representatives of the Army or DOD. Retention is authorized for 1 year after the event.

(c) Information resulting from activities involving requests from members of the public for photos or signatures of

commanders, copies of unit insignia, or similar unit data. Retention is authorized subject to annual review for pertinency.

(d) Information resulting from activities involving an unsubstantiated report from members of the public alleging imminent invasions, terrorist plots and similar events of it delusional nature and assorted “crank” files may be retained in excess of 1 year subject to annual review for pertinency.

9. Prohibited activities related to persons and organizations not affiliated with the Department of Defense.

a. No information will be acquired about a person or organization solely because of lawful advocacy of measures in opposition to ITS Government policy, or because of activity in support of racial and civil rights interests.

b. There will be no electronic surveillance of Federal, State or local officials or of candidates for such offices. There will be no physical surveillance of such persons except as indicated in paragraph 9f below.

c. There will be no electronic surveillance of any individual or organization except as authorized by law and regulation.

d. There will be no covert or otherwise deceptive surveillance of penetration of civilian organizations unless specifically authorized by the Secretary of the Under Secretary of the Army and, in the case of such activities conducted in the geographic areas set forth in paragraph 3a(1), after approval by the Chairman of the Defense Investigative Review Council.

e. No Army personnel, military or civilian, will be assigned to attend public or private meetings, demonstrations, or other similar activities held off-post to acquire information authorized by this regulation without specific approval by the Secretary or the Under Secretary of the Army. This prohibition includes any attempt to encourage or request the unofficial attendance of any persons at such events, whether or not such personnel have official counterintelligence or investigative responsibilities. An exception to the policy set forth in this paragraph is authorized a local commander when, in his judgment, the threat is direct and immediate and time precludes obtaining prior approval. In such cases a report will be made immediately to HQDA (DAMI-DOI).

f. The physical presence of a non-DOD affiliated person on an Army post or installation, in the absence of a threat as outlined in paragraph 6a above, does not warrant acquisition, reporting processing, or storing of information on the individual. However, an installation commander may have any person or group of persons escorted while on post by uniformed personnel or their activities monitored by non-technical and non-deceptive methods, if considered necessary for post security. Military investigators may be directed to attend any meetings or demonstrations held on post.

g. No computerized data bank will be maintained containing information on civil disturbances or on persons and organizations not affiliated with the Department or Defense unless authorize by the Secretary or Under Secretary of the Army after approval by the Chairman of the Defense Investigative Review Council.

h. Investigative checks way be made on relatives or associates of the affiliated subject of an authorized investigation if required by the scope of the authorized investigation. However, it is prohibited to make these associates, or relative, the subject of an investigation or to cross-reference their names in files to be retained. Information on any non-DOD affiliated subject, or in the case of investigations of other subjects conducted under the provisions of paragraph 6a of this regulation may be retained in the subject's file. This information may be cross-reference only if it falls within the criteria established in paragraph 6a of this regulation.

10. Relations with other agencies.

a. Nothing in this regulation prohibits either the prompt reporting to law enforcement agencies of any information indicating either the existence of a threat to life or property, or violation of law, or prohibits keeping a record of such a report. Any threat to a person authorized protection by the US Secret Service should be treated expeditiously and reported to the nearest office of the Secret Service.

b. This regulation does not prohibits the receipt of information from all agencies in the course of liaison authorized by this regulation provided—

(1) such information is promptly screened; and

(2) information not authorized for the retention by this regulation is immediately destroyed.

c. The conduct of bilateral operations against foreign intelligence agencies in cases where a non-DOD agency has control is authorized. However, if the operation requires the penetration or the covert or otherwise deceptive surveillance of a domestic civilian organization by Army personnel, specific advance approval by the Secretary or Under Secretary of the Army and, in the case of such activities conducted in the geographic areas set forth in paragraph 3a(1), by the Chairman of the Defense Investigative Review Council is required.

d. A request from another agency for information does not provide authority for actions which would violate the provisions of this regulation.

e. The provisions of this regulation apply to Department of the Army personnel under the operational control of DOD. DA personnel under the operational control of another agency, or detailed, loaned or otherwise not under the operational control of DOD are exempt from the provisions of this regulation.

f. Access to information obtained under the provisions of this regulation will be restricted to any executive agency

of the Federal Government, State or local agency having a legitimate need to know in connection with a matter of official business and processing appropriate clearance. In doubtful cases, the question of whether access should be provided to a particular agency should be referred to HQDA (DAMI-DO) for resolution.

11. Dissemination of policy.

a. Copies of this regulation will be maintained in all offices where duties include the acquisition, reporting, processing, or storing of information covered by this regulation. All personnel in these offices are required to familiarize themselves thoroughly with the provisions of this regulation. Appropriate units/agencies/offices will maintain a copy of this regulation in a policy book reflecting that all assigned personnel have thoroughly read, familiarized themselves, understood, and will comply with the provisions thereof.

b. All commands and agencies will take immediate action to revise existing policy letters, regulations, or other guidance to insure consistency with this regulation. In case of conflict, this regulation will apply. Copies of major Army command regulations implementing this regulation will be furnished HQDA (DAMI-DOI-C).

c. Requests for exception or additions to the policies contained herein should be addressed through command channels to HQDA (DAMI-DO).

12. Verification, inspections, and reports.

a. Verification. The person in charge of any headquarters or office in which files are maintained, which contain information the retention of which is subject to this regulation will—

(1) Comply with the verification control procedures set forth in appendix C, this regulation.

(2) Verify and report to his immediate superior on an annual basis that all such information on file is authorized for retention. In doubtful cases, the person in charge will seek the guidance of his immediate superior if he is unable to determine whether or not retention is authorized.

b. Inspections. As a minimum, annual inspections at both operating and staff levels will be conducted to insure compliance with the provisions of this regulation.

c. Reports. Each major Army command, agency or activity subject to the requirements of this regulation, paragraph 3a above, will submit a letter report covering the preceding fiscal year to HQDA (DAMI-DO) WASH DC 20310, not later than 7 August annually. This report will reflect that an annual inspection of headquarters and subordinate elements was conducted to insure compliance with the provisions of this regulation and, if appropriate, corrective actions taken. The report will also contain a specific verification that the file holdings of the reporting command, agency or activity, and those of subordinate elements contain no information the retention of which is prohibited by this regulation. The Report Control Symbol for this report is DD-A(A) 1118.

Appendix A GLOSSARY OF TERMS

Affiliation with Department of Defense.

A person, group of persons, or organization is considered to be affiliated with the Department of Defense if the persons involved are—

- a. Employed by or contracting with the DOD or any activity under the jurisdiction of DOD, whether on a full-time, part-time, or consultative basis;
- b. Members of the Armed Forces on active duty, National Guard members, those in a reserve status or in a retired status;
- c. Residing on, having authorized official access to, or conducting or operating any business or other function at any DOD installation or facility;
- d. Having authorized access to defense information;
- e. Participating in other authorized DOD programs, including persons upon whom investigations have been initiated under AR 230-2 (Non-Appropriated Fund, and Related Activities, Personnel Policies and Procedures), AR 604-20 (Security Requirements for Personnel in Both Information and Education Activities), AR 690-1 (Civilian Applicant and Employee Security Program), and AR 930-5 (American National Red Cross Service Program and Army Utilization), DOD Regulation 5220.22-R (Industrial Security Regulation), DA Memorandum 28-1 (Acceptability of Prospective Participants in the Armed Forces Professional Entertainment Program and the Army Sports and Recreation Programs Overseas) and DA memorandum 340-3 (Program for Unofficial Historical Research in Classified Army Records);
- f. Applying for or being considered for any status described in a through e above, including individuals such as applicants for military service, pre-inductees and prospective contractors.

Characterization. A biographical sketch of a person or a statement of the nature and intent of an organization or group.

Civil Disturbance. Group acts of violence and disorders prejudicial to public law and order within the geographic areas listed in paragraph 3a(1) of this regulation. The term civil disturbance includes all domestic conditions requiring or likely to require the use of Federal armed forces pursuant to the provisions of Chapter 15 of Title 10 United States Code.

Civil Disturbance Information. All information on persons and organizations not affiliated with the Department of Defense and their activities, gathered to discharge the Army's civil disturbance responsibilities outlined in paragraph 7 of this regulation. Information on actual and potential civil disturbances is included in this definition.

Collection. The acquisition of information in any manner, including, direct observation, liaison or solicitation from official, unofficial or public services.

Covert or otherwise deceptive surveillance. An activity designed to gather information which is planned and executed to conceal the identity of or permit plausible denial by the sponsor of the activity or when it is planned and executed so that it is reasonable to believe that the personnel involved are not associated with any military investigative agency.

Espionage. Overt, covert, or clandestine activity designed to obtain information relating to the national defense with intent or reason to believe that it will be used to the injury of the United States or to the advantage of a foreign government. For espionage crimes, see Chapter 37 of Title 18, United States Code.

Investigation. A duly authorized, systematized detailed examination or inquiry to uncover facts and determine the truth of a matter.

Investigative/counterintelligence activities. a. Investigative-Activities, other than counterintelligence activities as defined below, which are undertaken for one of the purposes described in paragraph 3a(4) of this regulation. Investigative activities include the collecting, processing, reporting, storing, recording, analyzing, evaluating, producing, and disseminating of information within the scope of this regulation.

b. Counterintelligence-Activities, both offensive and defensive, designed to detect, neutralize or destroy the effectiveness of foreign intelligence activities.

Investigative/counterintelligence information. Includes all data developed as a result of investigative/counterintelligence activities, such as investigations, operations, and services, and through liaison with local, State, and Federal agencies. It may also be acquired from unsolicited sources, and from public sources, such as newspapers, magazines, books, periodicals, handbills, and radio and television broadcasts. Authorities for investigations, operation, and services include AR 381-12, AR 381-141, AR 381-47, AR 381-115, AR 381-130, AR 604-5 and AR 604-10.

Key facility list (Key Defense Facilities). A list composed of selected critical industrial facilities, utilities, and Government-owned installations located within the Continental United States, which have been designated by the

Secretary of Defense. The Panama Canal and those related operational facilities approved by HQDA for the purpose of this regulation are to be treated as a key defense facility.

Local commander. Commissioned officer with a security responsibility for Army personnel, functions or property.

Overt. Conducted openly and in such a way that the sponsor is or may be known or acknowledged.

Penetration. The infiltration under Army auspices of an organization or group for the purpose of acquiring information.

Processing. The collection, evaluation and analysis of raw information to produce finished intelligence.

Reporting. Communicating information to another person or organization, whether orally, mechanically, electrically, in writing or otherwise.

Sabotage. An act, with intent to injure, interfere with, or obstruct the national defense of the United States by willfully injuring or destroying, or attempting to injure or destroy any national defense or war material, premises, or utilities, including human and natural resources. See Chapter 105, Title 18, United States Code.

Storage. The retention of data in any form, including card files, dossiers, folders, computers, microfilm, or punch cards, usually for a specified period, for the purposes of orderly retrieval and documentation.

Surveillance. The observation or monitoring of persons, places, or things by visual, aural, photographic, electronic (including COMSEC measures) or other physical means directed for the purpose of obtaining information.

Subversion of Army Personnel. Actions designed to undermine the loyalty, morale, or discipline of Army military or civilian personnel.

Appendix B SPECIAL INVESTIGATION/OPERATION REQUEST FORMAT Format.

The following format will be used in submitting a request to conduct an off-post investigation/operation involving persons or organizations not affiliated with Department of Defense.

(1) *Threat Assessment.* A brief description of the target group and identification of the threat to the Department of Defense functions and property.

(2) *Information Objectives.* A description of the essential information to be gathered and its relevance to present or future threats to the security of the Department of Defense.

(3) *Concept of the Operations.* A brief description of the operation including timing, over story, number of personnel involved, location of the target.

(4) *Risk Analysis.* A discussion of the safety of the operatives, the vulnerability of the operation to compromise, the result and impact of any compromise, and contingency plans in the event of compromise.

Appendix C VERIFICATION CONTROL

C-1.

This appendix establishes uniform procedures for processing, purging and revalidating information acquired under the provisions of this directive.

C-2. Newly acquired material.

All newly acquired material subject to this regulation shall be reviewed at the time of acquisition. If retention of the material is authorized, (Retention Control Sheet) DA Form 4312-R (Fig. C-1) will be prepared and affixed to the material. If retention is not authorized, the material will be forwarded to the appropriate civilian law enforcement agency or destroyed. When retained material is reproduced the DA Form 4312-R will be reproduced simultaneously and retained with the reproduced copies of the material. Supplies of DA Form 4312-R will be reproduced locally on 10-1/2 by 8 inch paper.

C-3. Existing file holdings.

a. US Army Investigative Records Repository (USAIRR).

(1) All dossiers on file at the USAIRR are being systematically purged. Pending completion of this purge and thereafter, whenever a USAIRR dossier is retrieved from file for any reason, it will be reviewed for retention under the criteria set forth in this regulation. Non-retainable material will be purged. If retention is authorized, a DA Form 4312-R will be completed and affixed to the dossier. A duplicate copy of the DA Form 4312-R will be maintained in a suspense file to assist in the management of the required annual review and verification procedure. If this suspense control is accomplished through data processing equipment, the duplicate suspense copy of DA Form 4312-R is not required.

(2) Information on file at the USAIRR in the form of reels, of microfilm originated in Europe will be reviewed for retention whenever a reel is withdrawn from file for any reason. Non-retainable material will be purged. The use of DA Form 4312-R and annual verification are not required.

b. All other file holdings. All other Army elements holding files containing information authorized by this regulation will upon receipt of the regulation screen all such files for compliance with the retention criteria herein. Upon decision that retention of a file is authorized, a DA Form 4312-R will be completed and affixed. A duplicate copy of each DA Form 4312-R will be placed in a suspense file to assist in the management of the required annual review and verification procedure.

RETENTION CONTROL SHEET		DATE
For use of this form, see AR 380-13; the proponent agency is OACSI.		
SUBJECT		
INITIAL REVIEW		
DATE ACQUIRED/REVIEWED	RETENTION DECISION <input type="checkbox"/> 90 DAYS <input type="checkbox"/> 1 YEAR <input type="checkbox"/> INDEFINITE	DATE TO BE DESTROYED/REVIEWED
REVIEWER'S SIGNATURE		OFFICE SYMBOL
ANNUAL REVIEW		
DATE REVIEWED	REVIEWER'S SIGNATURE	OFFICE SYMBOL
DATE REVIEWED	REVIEWER'S SIGNATURE	OFFICE SYMBOL
RETENTION CRITERIA <i>(Check One)</i>		
<input type="checkbox"/> 1. The individual or organization has been connected with an actual example(s) of violence or criminal hostility directed against an Army activity/installation/facility within the previous year. <i>(Para 8b(2)(a)1).</i>		
<input type="checkbox"/> 2. An explicit threat to Army personnel, functions, or property within the previous year. <i>(Para 8b(2)(a)2).</i>		
<input type="checkbox"/> 3. A continuing activity of a hostile nature in the vicinity of Army installations continues to provide at the time of the annual review a significant potential source of harm to or disruption of the installation or its functions. <i>(Para 8b(2)(a)3).</i>		
<input type="checkbox"/> 4. Within the previous year, counseled or published information actively encouraging Army personnel to violate the law, disrupt military activities or disobey lawful regulations or orders. <i>(Para 8b(2)(a)4).</i>		
<input type="checkbox"/> 5. Information acquired in connection with an authorized investigation in progress on the date of the annual review. Such information may be retained for one year or until the investigation is completed, whichever is sooner. Any further retention must be in accordance with other criteria listed on this form. <i>(Para 8b(2)(b)).</i>		
<input type="checkbox"/> 6. Civil disturbance information developed or acquired during an authorized period of field acquisition, reporting and processing activities must be destroyed within 60 days after the termination of the civil disturbance. <i>(Para 8b(3)(a)).</i>		
<input type="checkbox"/> 7. After action reports and historical summaries of civil disturbance activities conducted by the US Army may be retained permanently, but will avoid references to non-affiliated persons or organizations to the greatest extent possible. <i>(Para 8b(3)(b)).</i>		
<input type="checkbox"/> 8. Planning information described in paragraph 7 may be retained while the information is correct and current. <i>(Para 8b(3)(c)).</i>		
<input type="checkbox"/> 9. Published documents such as library and reference material generally available to the general public may be retained without limitation. This material will not be maintained or inserted in subject or name files unless the information is retainable under other criteria listed on this form. <i>(Para 8b(4)).</i>		
<input type="checkbox"/> 10. Only threat characterizations provided by HQDA will be maintained on file. A characterization so provided may be retained until the threat is locally determined to be nonexistent or until notification is received from HQDA that it is rescinded or superseded, whichever is sooner. <i>(Para 8b(5)).</i>		
<input type="checkbox"/> 11. Special investigations/operations. Information acquired in the recourse of an approved special investigation/operation <i>(paragraph 6b)</i> may only be retained permanently by the US Army Investigation Records Repository. <i>(Para 8b(6)).</i>		
<input type="checkbox"/> 12. Formerly affiliated persons. Subsequent to termination of affiliation, only threat information may be added to an individual's file subject to annual verification. <i>(Para 8b(7)).</i>		

DA FORM 4312-R, 1 OCT 74

Figure C-1. DA FORM 4312-R

UNCLASSIFIED

PIN 004073-000

USAPD

ELECTRONIC PUBLISHING SYSTEM
OneCol FORMATTER WIN32 Version 226

PIN: 004073-000

DATE: 10-25-05

TIME: 13:41:57

PAGES SET: 13

DATA FILE: C:\WinComp\r380-13.fil

DOCUMENT: AR 380-13

SECURITY: UNCLASSIFIED

DOC STATUS: NEW PUBLICATION