

Unlocking the Archive: The U.S. Defense Department's Analysis & Implementation of its Authority to Publicly Release Audiovisual Records

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Abstract

Defense Media Activity (DMA) is the Department of Defense's (DoD) direct line of communication for news and information to U.S. military forces worldwide. The agency informs DoD audiences, entertains DoD audience overseas, trains Public Affairs and Visual Information professionals, and manages the DoD's visual information or audiovisual records.

The central audiovisual archive of the Department of Defense (DoD) holds imagery - still and motion media - dating to the 1890s, with millions of images ranging from World War I to current operations in the Middle East. The Defense Imagery Management Operations Center (DIMOC) of the Defense Media Activity centrally collects, processes, disseminates and archives these audiovisual records documenting the many activities of the Department of Defense (DoD) and U.S. military around the globe. In an effort to make the entire DoD collection publicly available online, and as a cascading effect of the DMA digitization and storage contract initiated in 2013, DIMOC has developed and implemented a process to address a large portion of the collection that has not been reviewed for public release.

This paper is a follow-on to the 2016 IS&T: Archiving Conference paper titled "Unlocking the Archive: The Defense Department's Plan to Make Unreleased Audiovisual Records Public," which explored the historical context for the mixed DoD collection and the innovative solutions implemented by DIMOC to overcome barriers to clearing this content for public access. Specifically, this paper will focus on the implementation and standard operating procedures (SOPs) and processes implemented into DIMOC's workflow. The paper will also discuss the DoD's risk assessment for each review area: Freedom of Information Act (FOIA), Operational Security (OPSEC), Sensitive Subject (SS) and Public Affairs Guidance (PAG), and a Presidential Executive Order (EO) that established a mandatory 25-year review for declassification. Tied closely to DIMOC's contracted asset management system, the use of (metadata) automation and workflow process reengineering are results of the imagery collection's analysis conducted for this new public release responsibility.

Review of the Policy Establishment: Archival Framework for the Review of Non-Current Visual Information Records for Release

DIMOC's award of a mass digitization, storage and accessibility contract in 2013 permitted greater autonomy over its collection. The digitization of nearly 300,000 analog media items

or visual information (VI) in the DoD, to date, forced the acknowledgment of an unforeseen problem at the time of the contract award: most of the analog media was not designated with proper release for public dissemination, totaling nearly 1.2 million media items. The ability to publicly release information is held to the specific career field in the Department of Defense: Public Affairs (PA). However, DIMOC did not have this delegated authority from its higher-level organization, Defense Media Activity.

In February 2016, Defense Visual Information (DVI), the proponent parent organization to DIMOC achieved a policy success for DIMOC's authority to release non-current imagery that was created by other components, specifically the U.S. military (e.g. Army, Navy, Air Force, Marine Corps and Coast Guard). The title of this policy and subsequent authority is now known as the DVI Archival Framework Review of Non-Current Imagery for Public Release [1]. Given the archiving and records center mission of DIMOC, the ability to release these legacy media records was viewed as a necessary expansion of DIMOC's mission objectives. This expanded duty to release archived records was - and still is - viewed as innovative within the immediate agency of DMA, while fairly traditional of a public-sector archive responsibility.

This policy document provided a high-level framework and process map of how the review of these records would occur. The purpose of this framework is to consider media records within the criteria of each review area, resulting in a release decision for the asset. The four review areas described in this policy document: Operational Security (OPSEC), Freedom of Information Act (FOIA), Sensitive Subject & Public Affairs Guidance (SS/PAG), and finally the Collection Standards review area. These review areas considered DoD policy and U.S. law centered around public affairs, security reviews (to avoid classified information disclosure), and other prohibited information disclosures such as the U.S. Privacy Act and Health Insurance Portability & Accountability Act (HIPAA) protecting people's medical information, for example.

Active Release Status

These four review areas are dedicated to correcting the original creator's lack of review, or more likely lack of marking the asset's release status. The original creators, the U.S. Military Services, are required to send their visual records to the DIMOC, which serves as the records center prior to the records' consideration for permanent transfer to the U.S. National Archives and Records Administration (NARA).

The result of the framework's review areas is an active release status that could be one of the following: Released, For Official Use Only (FOUO), or Not Released. The previous passive release

status marking was one of the following, and applied inconsistently: Not Reviewed, Not Released, no marking, or in the new DoD Digital VI Archive system null values were recorded as “unknown.” Active release status decisions are now a required data value within the metadata for all assets since the implementation of the Archival Framework.

Establishing active release status, through the normal digital workflow, metadata tracking of assets that held passive statuses is now established. These assets are the problem set the Archival Framework set out to resolve. It is a requirement of the framework that all assets receive a declared/active release status and a justification statement for the status. The overall concept of the archival framework is to release as much imagery as possible, as soon as it is possible, while minimizing risk of releasing imagery that should not be released, and therefore increasing the accessibility of these U.S. Government records.

Terminology & Definitions of the Review Areas for the Archival Framework from *Unlocking the Archive 2016 IS&T Archiving Paper*

Non-current Imagery: The classification of VI records as “non-current” is significant to DIMOC’s authority to curate VI records for public access and can be explained this way: VI records are considered current while they are within the public news and information cycle and their review for public release remains with the originating DoD Component. In general, these VI records become non-current after six months as the originating DoD component moves onto new operations and news events and DIMOC assumes custody of the record as the official DoD VI Records Center [2]. DIMOC’s authority to review records for public release is only established for non-current records, and exclusively applies to the DoD’s Digital VI Archive.

Current Imagery: Defined as those assets that are being actively used for current operational (military) needs, DoD themes and messages and/or DoD current business needs, and are at least six months or younger.

Release Status: The dissemination capability of a record, specifically marked by public affairs review and delegation of authority.

Released: A public affairs public release status marking indicating that the record (text or visual media) has been reviewed for public dissemination.

For Official Use Only (FOUO): is a public affairs release status that prohibits the public dissemination of the record (text or visual media), limiting the access to personnel of the Department of Defense only. The use of this status requires a justification related to a Freedom of Information Act (FOIA) exemption preventing the record’s public distribution. Records marked with this status are required to be reviewed regularly and do not maintain this status indefinitely.

Not Released: A release status used by DIMOC to prevent the public dissemination of a media record based upon its intellectual property rights, differing from the exemptions in FOIA preventing release. This status specifically applies to records that are production-level utilizing paid actors and/or copyrighted music. An additional use of not released applies to the physical assets managed by DIMOC. Most physical assets are released based upon

common sense, but without declarative statements on the media itself this assumption cannot be applied, and it is not possible to determine the release status of some assets until viewing/playback in their digital format and in the DoD Digital VI archive system.

Unknown: An unknown release status is used in the DoD Digital VI Archive and is the displayed value in a metadata field when the release status field has no value or entry and is considered blank or empty. Records with this data value are the primary focus of the archival framework.

Operational Security (OPSEC): This review area is broadly defined as operational security surrounding current military operations and uses the data fields “Release Status,” “Date Shot,” and “Operation Exercise Name.” In general, VI records of current and ongoing military operations are considered “current records.” As noted above, current VI records belong to the originating Component for release purposes. Only “non-current” VI records more than six-months old may be reviewed by DIMOC using the Archival Framework for release. Within the DIMOC, the Joint Combat Camera Center (JCCC) tracks all the current military operations and exercises until completion [3].

Sensitive Subject/Public Affairs Guidance (SS/PAG): This review area compares [unknown or FOUO] VI records against the most current list of DoD sensitive subjects and other restrictions established by Public Affairs (PA) Guidance (PAG). As published for military operations and other topics, PAG contains constraints and restraints established by proper authority regarding public communication activities. Sensitive subjects are usually established by either the Military Services or the DoD to specify narrow restrictions on release of certain kinds of unclassified information [4].

Some examples of constraints and sensitive subjects are arms treaty implementation, essential communication sites, and high-energy laser technologies. The data fields used for this review include “Release Status,” “Date Shot,” “Operation-Exercise Name,” “Caption/Description,” and “Keywords.” To optimize the effectiveness of this review, DIMOC may also establish keywords within the controlled vocabulary to reflect long-term restricted subjects [5].

Freedom of Information Act (FOIA): This review area examines VI records for possible exemption from public release under the Freedom of Information Act (FOIA) [primarily] uses the data fields, “Release Status,” “Date Shot,” “Caption/Description,” and “Keywords.” The FOIA review compares [unknown or FOUO] VI records against eight legally specified FOIA exemptions using the descriptive narrative contained in the caption and specified FOIA keywords established by DIMOC [6].

Collection Standards: This review either applies (1) a standard date-dependent release authorization for VI records or (2) looks for similar records that have already been released by a competent authority. To streamline the [review] process and foster public access to non-current DoD VI records, DIMOC (with few exceptions) will automatically release VI records that are greater than 25 years old.

This 25-year principle aligns the public release of unclassified VI records with the 25-year automatic declassification of national security classified information established by President Obama by Executive Order (EO) 13526 in 2009 [7]. Among other things, this EO directs that no U.S. national security information may remain classified or restricted from release forever. The standard

application of a 25-year release principle uses the data fields “Release Status” and “Date Shot,” [and] VI records released under this principle will have...annotations [sic] as to when, why, and who released them.

In consultation with [DIMOC’s higher authorities it was] determined [that] the level of risk for releasing VI records older than 25 years was so slight that it did not justify the program cost of additional review mechanisms. In practice, this release rule has greatly sped up the process of releasing legacy VI records and saved hundreds of man-hours of unnecessary work.

For records less than 25 years old that touch on sensitive subjects or are addressed within the PAG, DIMOC specialists will search for similar VI records in the same collection that have already been released by a competent authority. In this case, the existence of a sensitive topic in the metadata of VI records does not necessarily mean the visual depiction actually violates the associated restriction. For example, photos of the Deputy Secretary of Defense touring a nuclear storage facility that were released by the Air Force could be cited in releasing very similar photos of a former Secretary of Defense touring that same facility in previous years. VI records released using the “release decision extrapolation” principle will be annotated as such [sic]. The data fields used for this review include “Release Status,” “Date Shot,” “Operation-Exercise Name,” “Caption/Description,” “Notes,” and “Keywords” [8].

Executive Order 13526: Classified National Security Information Influence on the Framework Process

During the research for the framework’s policy, Executive Order 13526: Classified National Security Information was considered a primary resource, and the foundation of the review areas [9]. However, upon implementation of the review areas’ connected policy and laws, an observation was made that created two primary review areas instead of four.

Executive Order 13526 states that “...a uniform system for classifying, safeguarding, and declassifying national security information,” should be established [10]. The archival framework is an established and repeatable process and includes the specific information required per review area. This information includes a list of subject matter from the EO that matched the Sensitive Subject and the FOIA review areas. This means that by applying the same term list for the EO, the Sensitive Subject and FOIA reviews are completed as well.

However, the EO justification for release can only be applied to records 25-years or older (1991 at the time of policy approval, 1992 at the time of this writing), per the statement that “automatic declassification” of records would occur at the 25-year mark, unless the record meets one of the listed subject matter [XO 13526 sec.3.3]. Classification, such as ‘Secret’ or ‘Top Secret’ is a security control, while ‘Released’ or ‘FOUO’ are within the lesser dissemination controls structure. Given that classified records would be considered for automatic declassification unless within one of the listed subject matters of the EO, the same can be applied down the hierarchy to the dissemination controls of public affairs release status, below the classification/security controls.

The same terminology used to prevent automatic declassification within the 25-year review is the same set of terms for the sensitive subject list, encompassing terminology for Operational Security (OPSEC) and FOIA exemptions, both of

which pose a risk of existing within DIMOC’s VI collection when they should not. This identical list of terms means that one search of the list results, after filtering on the date shot of the media (to exclude records newer than 25 years old), is the completion of three review areas: Sensitive Subject, FOIA and Collection Standards. Assets that are newer than 25 years would only be considered for FOIA exemption criteria preventing these assets’ release with a status of FOUO.

Records Management Process Insertion

The primary records within the problem set were those that DIMOC had digitized from original analog formats – most falling within the 25-years or older eligibility for consideration within the Executive Order. For this reason, the 25-year review became the recommended starting point for the framework process, filtering the assets by their date shot or date of creation.

It is important to make a distinction of DIMOC’s records center and archive functionality, and in particular with consideration to non-current records. The EO states the determination of the record material being automatically declassified, or released, in DIMOC’s application, is contingent upon the record being of “historical value” or of permanent records management disposition, and not matching the sensitive subjects. Therefore, DIMOC cannot apply the EO unless the content is first over 25 years old, and second of permanent historical value destined for transfer to NARA [11].

For this reason, it became necessary to insert the records management disposition decisions prior to processing imagery through the 25-year review area. It is not efficient to process assets through the archival framework (or any other DIMOC workflow) unless the content or subject matter is of permanent historical value. Or in certain triage instances, where playback is not permissible in analog format the media record is assumed to be historical and permanent until the final decision can be made later in the digital workflow.

Results of the Executive Order’s Searches

If the results of the Executive Order’s searches were false (equating to no matches on the subject matter or related terminology), the asset/record could be released using the following justification statement to be entered in the Release Instructions metadata field: Released; Three-point Review [12]. The “three-point review” is in reference to the three review areas of the framework that are encompassed within this one search of the terms. If an asset failed to pass the Executive Order’s criteria, in other words a match on a subject matter term, then the asset would receive the FOIA criteria exemption statement preventing the record from release, resulting in its status as FOUO.

FOIA is established as U.S. law and is therefore of a higher authority than the DoD’s policy suggested sensitive subject list, which is not centrally managed but updated in a periodical publication serving as a guide. Therefore, FOIA exemption reasons are the only valid justification for preventing an asset’s release and marking as FOUO beyond the OPSEC time frame. OPSEC and PAG are not permanent release status justifications for records; they are simply guidance criteria that prevent dissemination during a specific time frame, such as during an ongoing operation, and a reference to the definition of current versus non-current imagery.

The sensitive subject list also equates to the FOIA exemptions preventing release for national security and OPSEC reasons. Records that are more recent than 25 years old, and therefore excluded from the EO applicability, would be searched for the same sensitive subject matter list, but would result in a release status justification of either: “Released; No FOIA Exemptions” or “FOUO; FOIA Exemption [Insert exemption number (1-9)]” [11].

Implementation Plan: Easy to Difficult, Use of Controlled Vocabulary

Terminology such as the sensitive subject list and the similar terms from the EO, among the other review areas, have been added to DIMOC’s controlled vocabulary tool, and includes as many of the related or synonym terms as possible. Searches in DIMOC’s systems using the initial list from the review areas assisted in collecting other terms similar in nature or related to the original terms’ subject matter. The overall list of terms will be used to search and review imagery with positive matches. As reviewing these media records progresses there exists a knowledge gap to close. Less obvious search strings and nuanced records that fall in between the terms in the vocabulary but still require review is an outcome of the process that is necessary to record as part of the due diligence procedures for the framework.

Maintaining a list of terms that can be routinely used for search is part of the standard procedures for the framework. This shows a documented and repeatable process. Using a controlled vocabulary application will maintain standard terminology, access and control in the form of a resource library that can be expanded and integrated within the assets’ metadata record. From this metadata forming collections or groupings of records with these terms suggests a restrictive release status, but more concretely, these records require review to confirm any positive matches.

The concept of using the controlled vocabulary is to work from the more obviously releasable content within the problem set of assets such as “training” or “homecoming” imagery, to the more complicated reviews focusing on “medical” or “nuclear storage” terms that indicate the content and descriptive metadata may not be releasable due to a FOIA exemption.

DIMOC’s Greatest Release Risk

Terms that are within the medical or healthcare realms are searches that could result in media records that have Privacy Act concerns. However, until reviewing imagery that falls into Personal Identifiable Information (PII), Health Insurance Portability and Accountability Act (HIPAA) and/or Privacy Act, all covered by exemption six, it is difficult to predict these other situations/scenarios in advance [14]. The Privacy Act and HIPAA are designed “...to balance the government’s need to maintain information about individuals with the rights of individuals to be protected” [15].

Assets revealing information of this exemption’s nature and subject matter are not known in the system until found. While searches on “medical” or “doctor,” or similarly related terms can certainly be established in the vocabulary and their searches accomplished, the review of the imagery and metadata is manual. However, simply because an asset matches a search for “doctor” does not equate to the asset’s marking as FOUO due to FOIA exemption six. Collecting all assets found within a search for a medical term and declaring them FOUO for Privacy Act reasons is

irresponsible, misleading, and not in line with the diligence required of the framework. Taking such an extreme and blind reaction to search results would be acting on false positives.

Instead, assets returned in this search need to be reviewed for their depiction of a patient’s identifiable information such as their name in the image or metadata as well as their visual identification [16]. As a result of the risk of this known unknown healthcare subject matter, the need to grow the terminology bank within the controlled vocabulary is critical [17].

The methodology for the additional terms established for FOIA exemption six was also used for other indicative terms that originated out of the EO and sensitive subject list. FOIA exemption six, primarily designed to protect individuals’ rights to privacy, has entire law and legislation related to its being. Analysis of this exemption and its connected resources quickly fostered the growth of a term bank for this FOIA review process. Similarly, terms such as “nuclear storage facility” appearing in the EO and sensitive subject list have their own synonyms and related subject matter that is related within the construction and organization of a customized controlled vocabulary specifically for the archival framework’s review process, and generated out of these sensitive subject lists. Figure 2 depicts a portion of the interconnected relationships including synonyms, parent-child and related terms within the controlled vocabulary for the archival framework.

In direct correlation to the vocabulary’s evolution is the need to collect the current documentation established by the public affairs personnel in the U.S. Military Services, in DoD policy and in additional law. Understanding these documents, their purposes and applicability is fundamental to the understanding of the release process, all new processes that need to be established in DIMOC’s archive mission. Moreover, these documents will also include terms that can be added to the archival framework’s controlled vocabulary, assisting in lowering the risk for a bad release decision via the framework’s review areas’ searches.

Archival Framework Workflow Process

Figure 1 is a simplistic and high-level perspective for the archival framework process. This figure does not depict the processes within each activity. In particular, records that are violations of a specific review area(s) have multiple required steps subsequent to their status of FOUO to make these records inaccessible, and in some instances removed from the digital archive.

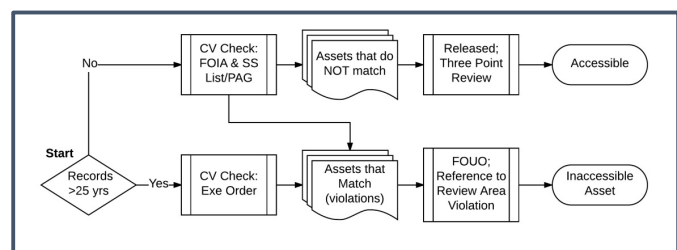


Figure 1. Archival Framework Process Map (High-Level)

The framework’s review process is not exclusive to the digital management. The preparation for physical analog records to enter the digitization workflow permits an archival framework review opportunity. Records that are of obvious released content as suggested above, such as military service personnel homecomings

or training, can proceed as released from their physical status into their digital form, with the release status added into the metadata file to be ingested with the digitized image into the digital archive. In situations where it is best to wait for the full digital review, assets are ingested with an “unknown” release status – a marking indicating the necessity for the record to be processed through the archival framework.

Archival Framework Review Areas

Other FOIA Exemptions’ Analysis

Seven of the nine FOIA exemptions are of little to no risk of occurring within DIMOC’s collection. These seven exemption areas cover subject matter that is prohibited from DIMOC’s collection and records management domain, most crossing the lines into classified content, above the release status dissemination controls. The framework’s focus is only on unclassified imagery however, the subject matter within these FOIA exemptions should be searched, as part of due diligence procedures. Should content be found matching these subjects, the records will be immediately quarantined limiting access, with other procedures conducted to remove the imagery from the system thereafter. Due to the minimal risk of this content, the searches are to be conducted on a periodic basis, annually at most.

OPSEC Analysis

The OPSEC risk in the DoD Digital VI Archive is minimal to begin with, and where risk does exist it lies within the assets from a born-digital stream into the DoD Digital VI Archive. A process change in April 2016 adjusted the hourly flow of assets to a 30-day transfer. While this 30-day process change was largely required to eliminate duplication of assets during metadata curation workflow processes, it did assist with some OPSEC considerations. Most content that is submitted into this born-digital stream is for immediate – within two weeks – use for military operational reasons. This 30-day delay before these records appeared in the Digital Archive permitted the operational components to review these images catching anything that is an OPSEC violation. Operational personnel engaged and aware of these concerns and risks would correct improperly released imagery.

This 30-day delay from the “operational” system to the Digital Archive does not align to policy and the definitions of current and non-current imagery. DIMOC’s delegation of authority to conduct release reviews, using the archival framework, is contingent upon the records being in a non-current status or six months or older and therefore outside of the OPSEC timeline, with a few exceptions.

Without the systems properly configured to this date range or age of the images/records, DIMOC’s archival framework processes are sensitive to the date of the records under review [18]. The rule in the operational system to migrate records to the Digital Archive based upon the date of the image, will occur in the spring of 2017, and will properly align policy and process.

Sensitive Subject/Public Affairs Guidance Analysis

This review area offers little real risk, as it is largely encompassed in the OPSEC review. However, perspective and overreaction to initial and unconfirmed search results, such as false positives in the DoD Digital VI Archive system will impact the

risk and risk management processes. With the framework’s start at the 25-year review – a legacy date range of assets - means there is little risk. Risk does exist among the sensitive subjects when a new subject area is declared, however this is not in advance of the content creation but often happening simultaneously for operational security reasons, and therefore handled within the OPSEC mission requirements of DIMOC in the operational system.

Inherent risk ensues because the list of terms from the sensitive subject list and PAG is not centralized and maintained. However, the terms from the 25-year review are identical to the sensitive subject terminology list, and any remaining risk is left for the marginal subjects that should be covered within the PAG. In theory, the PAG should fill in this gap however, there is also no central collection point for PAG throughout the DoD. DIMOC’s risk increases due to this lack of a structured and organized approach to its management.

DIMOC operational personnel, who work exclusively in the operational system, request all PAG from the Combatant Commands (CCMD), the leading command for operational missions, as well as subordinate units and organizations adding to the resource library for the archival framework, correlating to controlled vocabulary and additional context for administering the archival framework [19].

Analysis of the DIMOC Visual Information (VI) - Imagery - Collection

As of October 2016, there were 2,074,105 images within the DoD Digital VI Archive, of these 10,819 were marked FOUO, for a 0.005 percentage of the overall collection. Of the 2 million images, 193,441, or approximately 0.09 percent, have an unknown release status. The unknown records without a declared or active release status are the primary problem set and focus for the framework’s process.

Upon further analysis of records listed as unknown, 162,842 are the initial problem set for the framework and are all physical to digitized assets. In other words, the archival framework’s risk management and review areas’ processes are dedicated to the analog to digital assets with minimum information by comparison to the born-digital images collected from the operational system.

The removal of 30,000 assets from the initial 193,441 unknowns was due to an automation error discovered during this analysis. The resolution of this error, occurring in the born-digital ingestion stream from the operational system, resulted in these 30,000 assets being released in the system. The remaining 162,842 assets, or 0.078 percent of the collection, is still well below the 10 percent anticipated for the framework’s processing [20].

FOUO Records Study & Archival Framework’s First Release

The 10,819 images/records marked FOUO in the DoD Digital VI Archive, were given this release status prior to the framework policy and procedures, and needed to be re-assessed using the approved processes.

It was theorized at the time of the system’s analysis that these FOUO assets could be used as a control group, in order to establish a baseline of FOUO records extrapolating the analysis to the collection of 2.1 million records. Analyzing the declared FOUO

assets was also necessary to validate the framework's stated review areas and processes. Further scrutiny of this subset would provide greater understanding of the overall collection's potential FOUO records, leading to other possible ways to search, process, and ultimately declare an accurate release status.

This theory and desire to study the control group of FOUO assets failed. Upon further examination and research, 9,918 records were already released, having been published in a book, therefore these records were not considered a satisfactory sample size. The remaining records were not considered a satisfactory sample size. The methodology and data for FOUO records will need to be gathered as the framework process progresses. As of this writing, only 234 records, of approximately 104,000 reviewed have been found to be FOUO. These 234 records equate to 0.00225 percent of the approximate 104,000 reviewed and released. This first review confirmed nearly all of the archival framework's processes, established baseline searches, assisted in gathering new vocabulary terms, and generated additional policy questions. While this review did focus on the obvious and even "common sense" records for release as the starting point, the overwhelming success, simply in the data, that two out of every one thousand records has a restriction, suggest the overarching concept DIMOC used to write the policy holds accuracy: that more of DIMOC's archive records can and should be released than less [21].

UPDATE

Instead of revising the process due to a failure in the review areas, the successful first measurement of the archival framework provided an opportunity to present the results to a larger group of individuals higher in the organizational structure. A conversation with the DoD FOIA office illustrated the distinctive logic of the archival framework and, potentially, the unprecedented nature throughout the federal government for this process, calling it a "proactive disclosure."

The characterization of the framework as a "proactive disclosure" is indicative of the review occurring before a request for the record(s) or a FOIA occurs. The DoD FOIA office suggested that DIMOC's authority to review records based upon the expiration of their operational mission sensitivity (non-current status), and their legal possession and management by DIMOC as an archive, as opposed to the originating component (military service branch), permitted a model entirely situated within records management and archiving theory. This validation solidifies DIMOC's standing as a government archive.

DIMOC's unique mission as the central visual information archive for the entire Department of Defense's visual information records (prior to their transfer to NARA), includes the authority for DIMOC to review the originating component's release intentions. As the central custodian, DIMOC has a special mandate to reconsider the sensitivity of non-current records against the public interest in viewing the history of the Department of Defense. The popularity of military visual records at NARA brings the understanding that visual records of government activities are inherently public facing over time. In particular, the public's interest is facilitated by DIMOC's organizational placement within the Department's lone public affairs field agency, the Defense Media Activity (DMA). With regard to visual archiving, DMA's mission includes a mandate to "provide, throughout the Department of Defense and to the American public, high quality visual information products...depicting U.S. military activities and

operations" [22]. This organizational structure helps to leverage the role of public affairs in providing imagery of U.S. military activities by directing DIMOC to apply the archival framework and, where appropriate, even change another component's original public affairs release status as an outcome of a structured careful and documented review.

Can DIMOC Release Its Entire Collection?

A more pragmatic justification of DIMOC's authority and validation to use the archival framework occurred during the discussion on individual records within DIMOC's DoD Digital VI Archive. During a review of the 234 records marked FOUO the DoD FOIA office suggested that DIMOC has no authority to mark records as Privacy Act violations unless its Digital VI Archive system has a SORN. A SORN or System of Records Notice requires "any agency-maintained information technology system [*sic*] or paper file system that contains information on individuals and retrieves the information by a personal identifier" [23]. Any system falling into this criterion is publicly published by the Office of Personnel Management (OPM) in the Federal Register [24].

This means that unless DIMOC's system uses an individual's personal identifier, such as a social security number, to track, organize and manage, and access record information, the Digital Archive is not a systems of records subject to the Privacy Act. DIMOC's Digital VI Archive does not use a personal identifier, and does not collect personal information as described within the SORN requirements, which are characteristics of medical and healthcare systems. This would suggest that DIMOC needs a SORN, given the FOIA exemption six type records discovered in the archival framework process, but the discussion with the DoD FOIA office indicated that these records were not FOIA exemption six at all.

Again, due to DIMOC's status within DMA and the public affairs mission of DoD, as stated above, the intent of all records collected by DIMOC are for public release. The original intent of the imagery may have been for military operational need and use at the time of capture, but their submission to DIMOC as an archive has intent of release inherently due to the fact its purpose is to provide access to the public. When combined, the organizational placement of DIMOC within public affairs and the non-current visual information archive management to provide access, indicates that all DIMOC collected records are release-able to the public. Even imagery that has medical or healthcare situations such as a Soldier receiving annual vaccines, arrived to the DIMOC's archive with intent for public release, and is therefore not covered by FOIA exemption six.

Of course, records that have already been released should maintain their status, per FOIA review processes. For instance, if a member of the public submitted a FOIA for all images of Soldier's receiving vaccines, the FOIA office would review these visual records discovering that some have already been released. Their determination would be to release all the records to the requestor, given released status, and DIMOC's organizational placement in DMA's public affairs mission.

This changes the conversation around DIMOC's collection, and certainly shifts the specific understanding when a component sends DIMOC physical imagery. The component sending physical imagery is more often than not the individual who opened up an abandoned supply room to discover a number of boxes or more of media that no one knew existed or why, leaving all context and intent of creation to be discovered. And while DIMOC's authority to collect visual information from the Department has few

exclusions, most falling along the lines of the intelligence community's jurisdiction or weapons-systems subject matter, DIMOC needs to proceed diligently to ensure the unprecedented process of the archival framework is not sabotaged by a liberal and sweeping declaration that all DIMOC non-current records are released. DIMOC's primary customer is also to serve the Department, and the stakeholders are the military component's sending DIMOC the records. Due to the framework's unprecedented establishment, proceeding thoroughly, and even cautiously with certain collections of imagery such as those related to medical and healthcare, are in DIMOC's best strategic interests.

Maintaining a balance between the overarching concept that more of the DIMOC non-current records can be released than not is built upon risk management. A government archive requires policy and procedures and even the bureaucratic encumbrances to be in an insured status and not something created without requirements. DIMOC needs to continue the conversation with the DoD FOIA office, and to write subsequent policy and procedures as an outcome. A balancing act between policy or practice will also be considered. Risk management involves accepting risk, but strategic risk usually breeds success, and this type of risk is DIMOC's goal for the management of the framework.

What should not be overlooked is DIMOC's full standing as a legitimate operating archive, due to the archival framework. The framework's concept and practical procedures definitively give DIMOC its autonomy over the VI collection.

References

- [1] Lee E. Thomas, *Unlocking the Archive: The Defense Department's Plan to Make Unreleased Audiovisual Records Public*, in Archiving Conference, Volume 2016 (IS&T, Springfield, VA) pg. 140-145; Archival Framework for the Review of Non-Current VI Records for Release, February 2016, signed by ATSD(PA).
- [2] DoD Instruction 5040.02, "Visual Information," 27 October 2011.
- [3] Lee E. Thomas, *Unlocking the Archive*, Archiving Conference, Volume 2016, pg. 140-145.
- [4] Ibid.
- [5] Ibid.
- [6] Ibid.
- [7] Executive Order 13526, "Classified National Security Information," 29 December 2009.
- [8] Lee E. Thomas, *Unlocking the Archive*, Archiving Conference, Volume 2016, pg. 140-145.
- [9] Executive Order 13526.
- [10] Ibid.
- [11] Executive Order 13526.
- [12] Defense Visual Information Archival Framework for Review of Non-Current VI Records for Release: Analysis & Operating Procedures, 26 October 2016.
- [13] Ibid.
- [14] Privacy Act of 1974, accessed via: <https://www.justice.gov/opcl/privacy-act-1974>
- [15] Privacy Act of 1974, 5 U.S.C. 552a, Justice Information Sharing, U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, accessed via: <https://it.ojp.gov/PrivacyLiberty/authorities/statuses/1279>
- [16] Defense Visual Information Archival Framework for Review of Non-Current VI Records for Release: Analysis & Operating Procedures, 26 October 2016.
- [17] Health Insurance Portability and Accountability Act, accessed via: <https://www.hhs.gov/hipaa/for-professionals/privacy/>
- [18] Defense Visual Information Archival Framework for Review of Non-Current VI Records for Release: Analysis & Operating Procedures, 26 October 2016.
- [19] Ibid.
- [20] Ibid.
- [21] Defense Visual Information Archival Framework for Review of Non-Current VI Records for Release: Status Report Number 1, 3 January 2017.
- [22] Department of Defense Directive: 5105.74, Defense Media Activity, 18 December 2007, page 2. Accessed via: www.dtic.mil/whs/directives/corres/pdf510574p.pdf
- [23] System of Records Notice (SORN) Guide, Office of Personnel Management, Chief Information Officer, April 2010, page 1, accessed via: <https://www.opm.gov/information-management/privacy-policy/privacy-references/sornguide.pdf>
- [24] Ibid.

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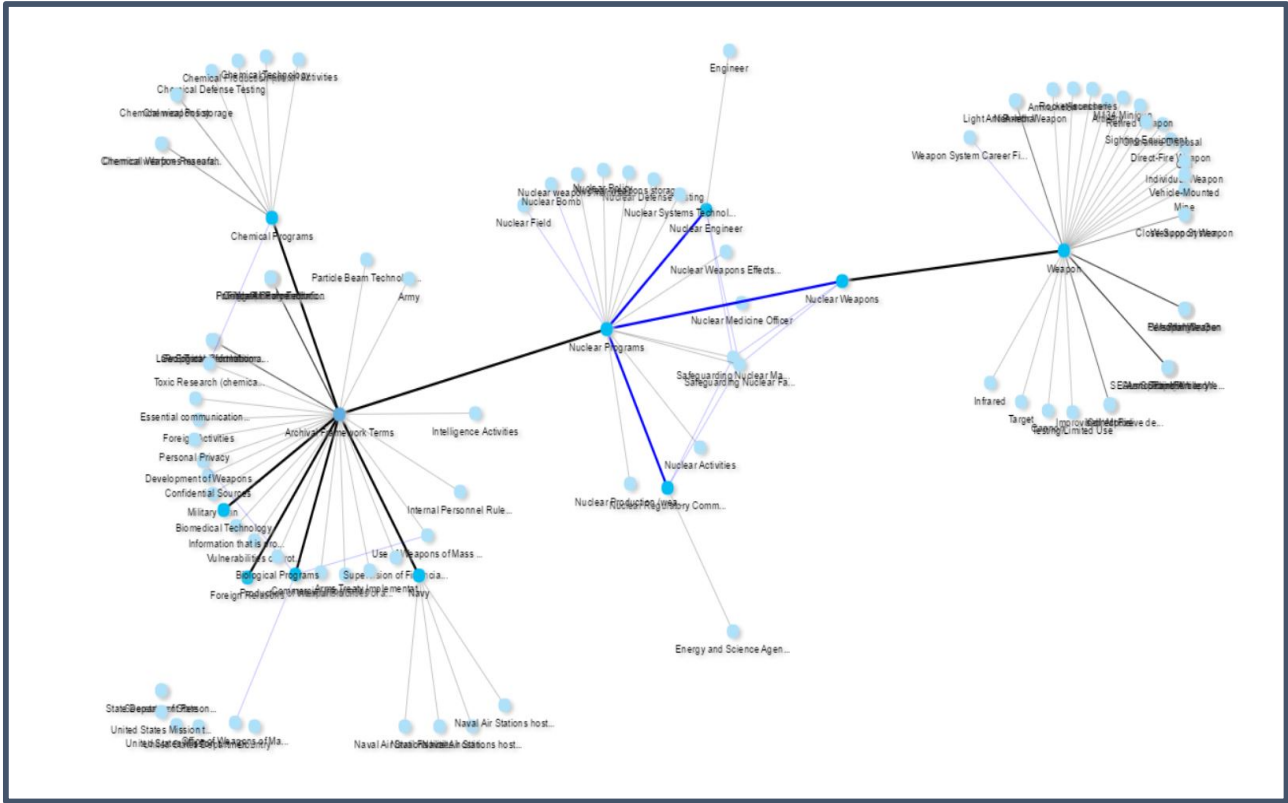


Figure 2 Image of Archival Framework Keywords' Relationships