

## ***Secrecy News on President Bush's SBU Memorandum***

In an initiative with potentially significant implications for public access to government information, the White House has told executive branch agencies to develop standard procedures for handling of "sensitive but unclassified" information.

"To promote and enhance the effective and efficient acquisition, access, retention, production, use, management, and sharing of Sensitive But Unclassified (SBU) information, including homeland security information, law enforcement information, and terrorism information, procedures and standards for designating, marking, and handling SBU information must be standardized across the Federal Government," according to a December 16 White House memorandum.

Agencies are required to assess their procedures for handling SBU and report on them to the Director of National Intelligence within 90 days.

Within a year, the DNI, with other agency heads, is to present recommendations for the President's approval on standardized SBU procedures.

As a result of the White House initiative, the category of "sensitive but unclassified" is poised to become the government's largest single information control category.

Yet there is no generally accepted definition of "sensitive."

The President's directive does not acknowledge the reality that agencies often consider information sensitive for political or bureaucratic reasons unrelated to legitimate security or privacy concerns. Nor does the new White House memorandum consider that some kinds of admittedly sensitive information should nevertheless be publicly disclosed to promote government efficiency and accountability.

The complexity of these issues may in fact be insurmountable.

The development of uniform government-wide procedures for SBU is "far too big a task to come to fruition," a senior government official who first disclosed the interagency effort told Secrecy News (12/12/05).