

THE ROLE AND IMPORTANCE OF DISTRIBUTION STATEMENTS ON TECHNICAL DATA

Distribution Statements are markings that appear on technical data to indicate the scope of distribution, release and disclosure that the technical data can be subjected to. Distribution Statements comprise a set of codes “A” through “F”, and “X”, each of which affords to the technical data that is marked with it, a different level of protection from distribution.

The requirements to affix proper Distribution Statements to technical data produced by or for the Department of Defense are not new but have been around for a long time. They are contained in DoD Directive 5230.24. The low profile of this Directive in the general landscape of Government business in the past is understandable. Prior to the advent and wide use of the Internet, documents did not travel with such alarming ease and at such a hair-raising speed as they do now. However, because of the recent boom in electronic commerce and the Department of Defense’s increasing participation therein, among other reasons, the need for marking technical data with proper Distribution Statement codes has become more acute than ever. A proper Distribution Statement code affixed to technical data controls the release of the data. An example of DoD’s participation in electronic commerce is using the web to issue solicitations and the technical data, if available, that is associated with the acquisition. To ensure adequate level of protection for the data, web solicitation normally can release only technical data that is marked with Distribution Statement code “A” which is authorization for unlimited distribution. Another reason to ensure tightened enforcement of the requirements of DoDD 5230.24 is increased Foreign Military Sales and international partnerships.

When technical data is initially produced by or for the Department of Defense, the controlling DoD office has the responsibility to determine the proper Distribution Statement code for that technical data before it releases the data to any recipient (i.e. primary distribution). Any secondary distribution (i.e. release of technical documents

made after primary distribution by other than the originator or controlling office) of the technical data must be within the purview of the Distribution Statement code appearing on that data. Any distribution outside this purview requires additional approvals or authorizations from the controlling DoD office.

The controlling DoD office is defined as the DoD activity that sponsored the work that generated the technical data in question or received the technical data on behalf of the Department of Defense. The controlling DoD office is deemed to be in the best position to determine the proper Distribution Statement code since it manages the technical programs that generated the technical data and has best notion regarding how freely the data may be distributed. The Distribution Statement codes that are determined to be appropriate by the controlling DoD office remain in effect until changed or removed by the same controlling DoD office. The determination or cancellation of an appropriate Distribution Statement code from technical data is not the responsibility of the document repository where the technical data may be stored or the responsibility of the office handling the Freedom of Information Act requests.

The controlling DoD office takes several factors into consideration in determining which Distribution Statement code is the most appropriate for a given technical document. These factors include: 1. Is the document classified? 2. Does it include contractor's limited rights data? 3. Does it contain export-controlled technical data? 4. Does it contain foreign government information? 5. Does it contain information on potentially patentable inventions? The Distribution Statement thusly assigned determines the extent of secondary distribution that can be made by the initial recipients. Any further distribution beyond the authorized secondary distribution cannot be made without additional approvals. Only the controlling DoD office, if it deems appropriate, may grant such additional approvals or authorizations.

Recently at the Army Aviation and Missile Command, a committee made up of representatives of various organizations that deal with technical documents produced a policy and standard practice to emphasize the importance of marking technical documents

with proper Distribution Statement codes and to assist personnel in the on-going implementation of DoDD 5230.24.

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