INTELLIGENCE COMMUNITY POLICY GUIDANCE

NUMBER 704.2

PERSONNEL SECURITY ADJUDICATIVE GUIDELINES FOR DETERMINING ELIGIBILITY FOR ACCESS TO SENSITIVE COMPARTMENTED INFORMATION AND OTHER CONTROLLED ACCESS PROGRAM INFORMATION

(EFFECTIVE: 02 OCTOBER 2008)

A. AUTHORITY: The National Security Act of 1947, as amended; the Counterintelligence Enhancement Act of 2002, as amended; Executive Order (EO) 12333, as amended; EO 13355; EO 12968, and other applicable provisions of law.

B. APPLICABILITY: This directive applies to the Intelligence Community (IC), as defined by the National Security Act of 1947, as amended; and other departments or agencies that may be designated by the President, or designated jointly by the Director of National Intelligence (DNI) and the Head of the Department or Agency concerned, as an Element of the IC or those government entities designated to determine eligibility for access to Sensitive Compartmented Information (SCI) and other controlled access program information.

C. ADJUDICATIVE PARAMETERS

1. Annex A to this document is the Adjudicative Guidelines for Determining Eligibility for Access to Classified Information, as promulgated under an Office of Management and Budget memorandum dated 29 December 2005, from the Assistant for National Security Affairs.

2. Eligibility for access to SCI and other controlled access program information shall be determined through the evaluation of all information bearing on a subject's loyalty, reliability, and trustworthiness developed through a background investigation conducted by authorized investigative personnel. Authorized adjudicative personnel shall conduct such evaluations under the cognizance of the Head of the IC Element concerned.

3. Subjects who have had access to SCI and other controlled access program information within the last two (2) years and who possess a security determination that is otherwise current, shall have their accesses reinstated at the granting agency or, pursuant to reciprocity, elsewhere in the IC. An updated personal history questionnaire may be reviewed only if a break in access of greater than 60 days has occurred or if a polygraph interview is necessary. A reinvestigation

shall not be required unless the review indicates the person no longer satisfies the criteria set forth in Intelligence Community Policy Guidance (ICPG) 704.1, Personnel Security Investigative Standards and Procedures Governing Eligibility for Access to Sensitive Compartmented Information and other Controlled Access Program Information, and EO 12968.

4. Adjudications conducted within five (5) years of the date of the last investigation that meet the investigative protocols set forth in EO 12968 and are further documented in ICPG 704.1 shall serve as the basis for granting continued access except where new information indicates the subject may not satisfy the adjudicative requirements contained therein or the original adjudication was recorded with an exception. If previous investigations do not meet the standards set forth in ICPG 704.1, a reinvestigation shall be conducted. The scope of the reinvestigation shall be limited to only that coverage necessary to update the subject's background investigation and make it consistent with current adjudicative standards. Updated adjudications will require a review of all applicable records and submittal of a Standard Form 86, Questionnaire for National Security Positions. A reinvestigation shall be required when it is determined that the individual no longer satisfies standards for access under this directive. Should unfavorable information be developed, inquiries shall be expanded to the extent necessary to render a new access determination.

5. IC organizations that grant personnel security clearances shall establish procedures consistent with their operating environments and mission requirements that further the adjudication of "issue-free" (no adverse information) personnel security cases within 10 days of receipt of such a case by the adjudicative authority.

6. The department or agency with adjudicative authority remains responsible for the final determination.

D. EFFECTIVE DATE: This ICPG is effective on the date of signature.

David R. Shedd

Deputy Director of National Intelligence for
Policy, Plans and Requirements

October 2, 2008

Date

APPENDIX A – ACRONYMS

ICPG 704.2 – Personnel Security Adjudicative Guidelines for Determining Eligibility for Access to Sensitive Compartmented Information and other Controlled Access Program Information

DNI	Director of National Intelligence
EO	Executive Order
IC	Intelligence Community
ICPG	Intelligence Community Policy Guidance
SCI	Sensitive Compartmented Information

ANNEX A

ADJUDICATIVE GUIDELINES

Following are the Adjudicative Guidelines for Determining Eligibility for Access to Sensitive Compartmented Information.

I. Introduction

A. The following adjudicative guidelines are established for all United States Government civilian and military personnel, consultants, contractors, employees of contractors, licensees, certificate holders or grantees and their employees, and other individuals who require access to classified information. They apply to persons being considered for initial or continued eligibility for access to classified information, to include sensitive compartmented information and special access programs, and are to be used by government departments and agencies for all final clearance determinations. Government departments and agencies may also choose to apply these guidelines to analogous situations regarding persons being considered for access to other types of protected information.

B. Decisions regarding eligibility for access to classified information take into account factors that could cause a conflict of interest and place a person in the position of having to choose between his or her commitments to the United States, including the commitment to protect classified information, and any other compelling loyalty. Access decisions also take into account a person's reliability, trustworthiness and ability to protect classified information. No coercive policing could replace the self-discipline and integrity of the person entrusted with the nation's secrets as the most effective means of protecting them. When a person's life history shows evidence of unreliability or untrustworthiness, questions arise whether the person can be relied on and trusted to exercise the responsibility necessary for working in a secret environment where protecting classified information is paramount.

II. The Adjudicative Process

A. The adjudicative process is an examination of a sufficient period of a person's life to make an affirmative determination that the person is an acceptable security risk. Eligibility for access to classified information is predicated upon the individual meeting these personnel security guidelines. The adjudication process is the careful weighing of a number of variables known as the whole-person concept. Available, reliable information about the person, past and present, favorable and unfavorable, should be considered in reaching a determination. In evaluating the relevance of an individual's conduct, the adjudicator should consider the following factors:

1. The nature, extent, and seriousness of the conduct;
2. The circumstances surrounding the conduct, to include knowledgeable participation;
3. The frequency and recency of the conduct;
4. The individual's age and maturity at the time of the conduct;
5. The extent to which participation is voluntary;
6. The presence or absence of rehabilitation and other permanent behavioral changes;

7. The motivation for the conduct;

8. The potential for pressure, coercion, exploitation, or duress; and

9. The likelihood of continuation or recurrence.

B. Each case must be judged on its own merits, and final determination remains the responsibility of the specific department or agency. Any doubt concerning personnel being considered for access to classified information will be resolved in favor of the national security.

C. The ability to develop specific thresholds for action under these guidelines is limited by the nature and complexity of human behavior. The ultimate determination of whether the granting or continuing of eligibility for a security clearance is clearly consistent with the interests of national security must be an overall common sense judgment based upon careful consideration of the following guidelines, each of which is to be evaluated in the context of the whole person:

1. Allegiance to the United States;

2. Foreign Influence;

3. Foreign Preference;

4. Sexual Behavior;

5. Personal Conduct;

6. Financial Considerations;

7. Alcohol Consumption;

8. Drug Involvement;

9. Psychological Conditions;

10. Criminal Conduct;

11. Handling Protected Information;

12. Outside Activities; and

13. Use of Information Technology Systems.

D. Although adverse information concerning a single criterion may not be sufficient for an unfavorable determination, the individual may be disqualified if available information reflects a recent or recurring pattern of questionable judgment, irresponsibility, or emotionally unstable behavior. Notwithstanding the whole-person concept, pursuit of further investigation may be terminated by an appropriate adjudicative agency in the face of reliable, significant, disqualifying, adverse information.

E. When information of security concern becomes known about an individual who is currently eligible for access to classified information, the adjudicator should consider whether the person:

1. Voluntarily reported the information;

2. Was truthful and complete in responding to questions;

3. Sought assistance and followed professional guidance, where appropriate;

4. Resolved or appears likely to favorably resolve the security concern;

5. Has demonstrated positive changes in behavior and employment; and

6. Should have his or her access temporarily suspended pending final adjudication of the information.

F. If after evaluating information of security concern, the adjudicator decides that the information is not serious enough to warrant a recommendation of disapproval or revocation of the security clearance, it may be appropriate to recommend approval with a warning that future incidents of a similar nature may result in revocation of access.

III. GUIDELINES

A. ALLEGIANCE TO THE UNITED STATES

1. The Concern. An individual must be of unquestioned allegiance to the United States. The willingness to safeguard classified information is in doubt if there is any reason to suspect an individual's allegiance to the United States.

2. Conditions that could raise a security concern and may be disqualifying include:

a. Involvement in, support of training to commit, or advocacy of any act of sabotage, espionage, treason, terrorism, or sedition against the United States;

b. Association or sympathy with persons who are attempting to commit, or who are committing, any of the above acts;

c. Association or sympathy with persons or organizations that advocate, threaten, or use force or violence, or use any other illegal or unconstitutional means in an effort to:

(1) Overthrow or influence the government of the United States or any state or local government;

(2) Prevent Federal, state, or local government personnel from performing their official duties;

(3) Gain retribution for perceived wrongs caused by the Federal, state, or local government; or

(4) Prevent others from exercising their rights under the Constitution or laws of the United States or of any state.

3. Conditions that could mitigate security concerns include:

a. The individual was unaware of the unlawful aims of the individual or organization and severed ties upon learning of these;

b. The individual's involvement was only with the lawful or humanitarian aspects of such an organization;

c. Involvement in the above activities occurred for only a short period of time and was attributable to curiosity or academic interest;

d. The involvement or association with such activities occurred under such unusual circumstances, or so much time has elapsed, that it is unlikely to recur and does not cast doubt on the individual's current reliability, trustworthiness, or loyalty.

B. FOREIGN INFLUENCE

1. The Concern. Foreign contacts and interests may be a security concern if the individual has divided loyalties or foreign financial interests, may be manipulated or induced to help a foreign person, group, organization, or government in a way that is not in U.S. interests, or is vulnerable to pressure or coercion by any foreign interest. Adjudication under this Guideline can and should consider the identity of the foreign country in which the foreign contact or financial interest is located, including, but not limited to, such considerations as whether the foreign country is known to target U.S. citizens to obtain protected information and/or is associated with a risk of terrorism.

2. Conditions that could raise a security concern and may be disqualifying include:

a. Contact with a foreign family member, business or professional associate, friend, or other person who is a citizen of or resident in a foreign country if that contact creates a heightened risk of foreign exploitation, inducement, manipulation, pressure or coercion;

b. Connections to a foreign person, group, government, or country that create a potential conflict of interest between the individual's obligation to protect sensitive information or technology and the individual's desire to help a foreign person, group, or country by providing that information;

c. Counterintelligence information, that may be classified, indicates that the individual's access to protected information may involve unacceptable risk to national security;

d. Sharing living quarters with a person or persons, regardless of citizenship status, if that relationship creates a heightened risk of foreign inducement, manipulation, pressure, or coercion;

e. A substantial business, financial or property interest in a foreign country, or in any foreign-owned or foreign-operated business, which could subject the individual to heightened risk of foreign influence or exploitation;

f. Failure to report, when required, association with a foreign national;

g. Unauthorized association with a suspected or known agent, associate, or employee of a foreign intelligence service;

h. Indications that representatives or nationals from a foreign country are acting to increase the vulnerability of the individual to possible future exploitation, inducement, manipulation, pressure, or coercion;

i. Conduct, especially while traveling outside the United States, which may make the individual vulnerable to exploitation, pressure, or coercion by a foreign person, group, government, or country.

3. Conditions that could mitigate security concerns include:

a. The nature of the relationships with foreign persons, the country in which these persons are located, or the positions or activities of those persons in that country are such that it is unlikely the individual will be placed in a position of having to choose between the interests of a foreign individual, group, organization, or government and the interests of the United States;

b. There is no conflict of interest, either because the individual's sense of loyalty or obligation to the foreign person, group, government or country is so minimal, or the individual has such deep and longstanding relationships and loyalties in the United States, that the individual can be expected to resolve any conflict of interest in favor of the U.S. interest;

c. Contact or communication with foreign citizens is so casual and infrequent that there is little likelihood that it could create a risk for foreign influence or exploitation;

d. The foreign contacts and activities are on U.S. Government business or are approved by the cognizant security authority;

e. The individual has promptly complied with existing agency requirements regarding the reporting of contacts, requests, or threats from persons, groups, or organizations, from a foreign country;

f. The value or routine nature of the foreign business, financial, or property interests is such that they are unlikely to result in a conflict and could not be used effectively to influence, manipulate, or pressure the individual.

C. FOREIGN PREFERENCE

1. The Concern. When an individual acts in such a way as to establish a preference for a foreign country over the United States, he or she may provide information or make decisions that are harmful to the interests of the United States. The principal goal of the Foreign Preference assessment is to determine the risk based on foreign associations that information may be compromised if access is approved; it is not a measurement of how loyal a subject is to the United States. Therefore, a finding that there is a preference must be established by adequate evidence of heightened risks related to national security.

Furthermore, the fact that a U.S. citizen is or has become a citizen of another country does not establish a preference for a foreign country. Being a U.S. citizen and a citizen of another country is not prohibited or disqualifying absent a showing of heightened risks related to national security. The same is true for the exercise of any right, privilege or obligation of foreign citizenship or action to acquire or obtain recognition of a foreign citizenship by a U.S. citizen.

2. Conditions that could raise a security concern and may be disqualifying include:

a. Failure to disclose to an appropriate security official the known possession of citizenship in any other country;

b. Failure to disclose to an appropriate security official the acquisition of citizenship in any other country;

c. Failure to report to an appropriate security official the possession of a passport issued by any other country;

d. Failure to use a U.S. passport while entering or exiting the United States;

e. Performing or attempting to perform duties, or otherwise acting, so as to serve the interests of a foreign person, group, organization, or government in conflict with U.S. national security interests;

f. Intentional act of expatriation from the United States such as declaration of intent to renounce United States citizenship or renunciation of U.S. citizenship, with the exception of routine oaths associated with citizenship in another country;

g. Seeking or holding political office in a foreign country; or,

h. Military service or a willingness to bear arms for a foreign country.

3. Conditions that could mitigate security concerns include:

a. Any of the potentially disqualifying activities noted in paragraph two above occurred before the initial request for a security clearance granting access to SCI;

b. Any of the potentially disqualifying activities noted in paragraph two above that occurred after the initial request for a security clearance granting access to SCI were sanctioned by a cognizant security authority.

c. The perceived foreign preference involves a foreign country, entity, or association that poses a low security risk.

D. SEXUAL BEHAVIOR

1. The Concern. Sexual behavior that involves a criminal offense, indicates a personality or emotional disorder, reflects lack of judgment or discretion, or which may subject the individual to undue influence or coercion, exploitation, or duress can raise questions about an individual's reliability, trustworthiness and ability to protect classified information. No adverse inference concerning the standards in this Guideline may be raised solely on the basis of the sexual orientation of the individual.

2. Conditions that could raise a security concern and may be disqualifying include:

a. Sexual behavior of a criminal nature, whether or not the individual has been prosecuted;

b. A pattern of compulsive, self-destructive, or high-risk sexual behavior that the person is unable to stop or that may be symptomatic of a personality disorder;

c. Sexual behavior that causes an individual to be vulnerable to coercion, exploitation, or duress; and

d. Sexual behavior of a public nature and/or that reflects lack of discretion or judgment.

3. Conditions that could mitigate security concerns include:

a. The behavior occurred prior to or during adolescence and there is no evidence of subsequent conduct of a similar nature;

b. The sexual behavior happened so long ago, so infrequently, or under such unusual circumstances, that it is unlikely to recur and does not cast doubt on the individual's current reliability, trustworthiness, or good judgment;

c. The behavior no longer serves as a basis for coercion, exploitation, or duress;

d. The sexual behavior is strictly private, consensual, and discreet.

E. PERSONAL CONDUCT

1. The Concern. Conduct involving questionable judgment, lack of candor, dishonesty, or unwillingness to comply with rules and regulations can raise questions about an individual's reliability, trustworthiness and ability to protect classified information. Of special interest is any failure to provide truthful and candid answers during the security clearance process or any other failure to cooperate with the security clearance process. The following will normally result in an unfavorable clearance action or administrative termination of further processing for clearance eligibility.

a. Refusal, or failure without reasonable cause, to undergo or cooperate with security processing, including but not limited to meeting with a security investigator for subject interview, completing security forms or releases, and cooperation with medical or psychological evaluation;

b. Refusal to provide full, frank and truthful answers to lawful questions of investigators, security officials, or other official representatives in connection with a personnel security or trustworthiness determination.

2. Conditions that could raise a security concern and may be disqualifying include:

a. Deliberate omission, concealment, or falsification of relevant facts from any personnel security questionnaire, personal history statement, or similar form used to conduct investigations, determine employment qualifications, award benefits or status, determine security clearance eligibility or trustworthiness, or award fiduciary responsibilities;

b. Deliberately providing false or misleading information concerning relevant facts to an employer, investigator, security official, competent medical authority, or other official government representative;

c. Credible adverse information in several adjudicative issue areas that is not sufficient for an adverse determination under any other single guideline, but which, when considered as a whole, supports a whole-person assessment of questionable judgment, untrustworthiness, unreliability, lack of candor, unwillingness to comply with rules and regulations, or other characteristics indicating that the person may not properly safeguard protected information;

d. Credible adverse information that is not explicitly covered under any other guideline and may not be sufficient by itself for an adverse determination, but which, when combined with all available information supports a whole-person assessment of questionable judgment, untrustworthiness, unreliability, lack of candor, unwillingness to comply with rules and regulations, or other characteristics indicating that the person may not properly safeguard protected information. This includes but is not limited to consideration of:

(1) Untrustworthy or unreliable behavior to include breach of client confidentiality, release of proprietary information, unauthorized release of sensitive corporate or other government protected information;

(2) Disruptive, violent, or other inappropriate behavior in the workplace;

(3) A pattern of dishonesty or rule violations;

(4) Evidence of significant misuse of Government or other employer's time or resources;

e. Personal conduct, or concealment of information about one's conduct, that creates a vulnerability to exploitation, manipulation, or duress, such as (1) engaging in activities which, if known, may affect the person's personal, professional, or community standing, or (2) while in another country, engaging in any activity that is illegal in that country or that is legal in that country but illegal in the United States and may serve as a basis for exploitation or pressure by the foreign security or intelligence service or other group;

f. Violation of a written or recorded commitment made by the individual to the employer as a condition of employment; and

g. Association with persons involved in criminal activity.

3. Conditions that could mitigate security concerns include:

a. The individual made prompt, good-faith efforts to correct the omission, concealment, or falsification before being confronted with the facts;

b. The refusal or failure to cooperate, omission, or concealment was caused or significantly contributed to by improper or inadequate advice of authorized personnel or legal counsel advising or instructing the individual specifically concerning the security clearance process. Upon being made aware of the requirement to cooperate or provide the information, the individual cooperated fully and truthfully;

c. The offense is so minor or so much time has passed, or the behavior is so infrequent, or it happened under such unique circumstances that it is unlikely to recur and does not cast doubt an the individual's reliability, trustworthiness, or good judgment;

d. The individual has acknowledged the behavior and obtained counseling to change the behavior or taken other positive steps to alleviate the stressors, circumstances, or factors that caused untrustworthy, unreliable, or other inappropriate behavior, and such behavior is unlikely to recur;

e. The individual has taken positive steps to reduce or eliminate vulnerability to exploitation, manipulation, or duress;

f. The information was unsubstantiated or from a source of questionable reliability;

g. Association with persons involved in criminal activity has ceased or occurs under circumstances that do not cast doubt upon the individual's reliability, trustworthiness, judgment, or willingness to comply with rules and regulations.

F. FINANCIAL CONSIDERATIONS

1. The Concern. Failure or inability to live within one's means, satisfy debts, and meet financial obligations may indicate poor self-control, lack of judgment, or unwillingness to abide by rules and regulations, all of which can raise questions about an individual's reliability, trustworthiness and ability to protect classified information. An individual who is financially overextended is at risk of having to engage in illegal acts to generate funds. Compulsive gambling is a concern as it may lead to financial crimes including espionage. Affluence that cannot be explained by known sources of income is also a security concern. It may indicate proceeds from financially profitable criminal acts.

2. Conditions that could raise a security concern and may be disqualifying include:

a. Inability or unwillingness to satisfy debts;

b. Indebtedness caused by frivolous or irresponsible spending and the absence of any evidence of willingness or intent to pay the debt or establish a realistic plan to pay the debt;

c. A history of not meeting financial obligations;

d. Deceptive or illegal financial practices such as embezzlement, employee theft, check fraud, income tax evasion, expense account fraud, filing deceptive loan statements, and other intentional financial breaches of trust;

e. Consistent spending beyond one's means, which may be indicated by excessive indebtedness, significant negative cash flow, high debt-to-income ratio, and/or other financial analysis;

f. Financial problems that are linked to drug abuse, alcoholism, gambling problems, or other issues of security concern;

g. Failure to file annual federal, state, or local income tax returns as required or the fraudulent filing of the same;

h. Unexplained affluence, as shown by a lifestyle or standard of living, increase in net worth, or money transfers that cannot be explained by subject's known legal sources of income; and

i. Compulsive or addictive gambling as indicated by an unsuccessful attempt to stop gambling, "chasing losses" (i.e. increasing the bets or returning another day in an effort to get even), concealment of gambling losses, borrowing money to fund gambling or pay gambling debts, family conflict or other problems caused by gambling.

3. Conditions that could mitigate security concern include:

a. The behavior happened so long ago, was so infrequent, or occurred under such circumstances that it is unlikely to recur and does not cast doubt on the individual's current reliability, trustworthiness, or good judgment;

b. The conditions that resulted in the financial problem were largely beyond the person's control (e.g., loss of employment, a business downturn, unexpected medical emergency, or a death, divorce or separation), and the individual acted responsibly under the circumstances;

c. The person has received or is receiving counseling for the problem and/or there are clear indications that the problem is being resolved or is under control;

d. The individual initiated a good-faith effort to repay overdue creditors or otherwise resolve debts;

e. The individual has reasonable basis to dispute the legitimacy of the past-due debt which is the cause of the problem and provides documented proof to substantiate the basis of the dispute or provides evidence of actions to resolve the issue; and

f. The affluence resulted from a legal source of income.

G. ALCOHOL CONSUMPTION

1. The Concern. Excessive alcohol consumption often leads to the exercise of questionable judgment or the failure to control impulses, and can raise questions about an individual's reliability and trustworthiness.

2. Conditions that could raise a security concern and may be disqualifying include:

a. Alcohol-related incidents away from work, such as driving while under the influence, fighting, child or spouse abuse, disturbing the peace, or other incidents of concern, regardless of whether the individual is diagnosed as an alcohol abuser or alcohol dependent;

b. Alcohol-related incidents at work, such as reporting for work or duty in an intoxicated or impaired condition, or drinking on the job, regardless of whether the individual is diagnosed as an alcohol abuser or alcohol dependent;

c. Habitual or binge consumption of alcohol to the point of impaired judgment, regardless of whether the individual is diagnosed as an alcohol abuser or alcohol dependent;

d. Diagnosis by a duly qualified medical professional (e.g., physician, clinical psychologist, or psychiatrist) of alcohol abuse or alcohol dependence;

e. Evaluation of alcohol abuse or alcohol dependence by a licensed clinical social worker who is a staff member of a recognized alcohol treatment program;

f. Relapse after diagnosis of alcohol abuse or dependence and completion of an alcohol rehabilitation program;

g. Failure to follow any court order regarding alcohol education, evaluation, treatment, or abstinence.

3. Conditions that could mitigate security concerns include:

a. So much time has passed, or the behavior was so infrequent, or it happened under such unusual circumstances that it is unlikely to recur or does not cast doubt on the individual's current reliability, trustworthiness, or good judgment;

b. The individual acknowledges his or her alcoholism or issues of alcohol abuse, provides evidence of actions taken to overcome this problem, and has established a pattern of abstinence (if alcohol dependent) or responsible use (if an alcohol abuser);

c. The individual is a current employee who is participating in a counseling or treatment program, has no history of previous treatment and relapse, and is making satisfactory progress; and

d. The individual has successfully completed inpatient or outpatient counseling or rehabilitation along with any required aftercare, has demonstrated a clear and established pattern of modified consumption or abstinence in accordance with treatment recommendations, such as participation in meetings of Alcoholics Anonymous or a similar organization and has received a favorable prognosis by a duly qualified medical professional or a licensed clinical social worker who is a staff member of a recognized alcohol treatment program.

H. DRUG INVOLVEMENT

1. The Concern. Use of an illegal drug or misuse of a prescription drug can raise questions about an individual's reliability and trustworthiness, both because it may impair judgment and because it raises questions about a person's ability or willingness to comply with laws, rules, and regulations.

a. Drugs are defined as mood and behavior altering substances, and include:

(1) Drugs, materials, and other chemical compounds identified and listed in the Controlled Substances Act of 1970, as amended (e.g., marijuana or cannabis, depressants, narcotics, stimulants, and hallucinogens); and

(2) Inhalants and other similar substances;

b. Drug abuse is the illegal use of a drug or use of a legal drug in a manner that deviates from approved medical direction.

2. Conditions that could raise a security concern and may be disqualifying include:

a. Any drug abuse (see preceding definition);

b. Testing positive for illegal drug use;

c. Illegal drug possession, including cultivation, processing, manufacture, purchase, sale, or distribution; or possession of drug paraphernalia;

d. Diagnosis by a duly qualified medical professional (e.g., physician, clinical psychologist, or psychiatrist) of drug abuse or drug dependence;

e. Evaluation of drug abuse or drug dependence by a licensed clinical social worker who is a staff member of a recognized drug treatment program;

f. Failure to successfully complete a drug treatment program prescribed by a duly qualified medical professional;

g. Any illegal drug use after being granted a security clearance;

h. Expressed intent to continue illegal drug use, or failure to clearly and convincingly commit to discontinue drug use.

3. Conditions that could mitigate security concerns include:

a. The behavior happened so long ago, was so infrequent, or happened under such circumstances that it is unlikely to recur or does not cast doubt on the individual's current reliability, trustworthiness, or good judgment;

b. A demonstrated intent not to abuse any drugs in the future, such as:

(1) Disassociation from drug-using associates and contacts;

(2) Changing or avoiding the environment where drugs were used;

(3) An appropriate period of abstinence; and

(4) A signed statement of intent with automatic revocation of clearance for any violation.

c. Abuse of prescription drugs was after a severe or prolonged illness during which these drugs were prescribed, and abuse has since ended; and

d. Satisfactory completion of a prescribed drug treatment program, including but not limited to rehabilitation and aftercare requirements, without recurrence of abuse, and a favorable prognosis by a duly qualified medical professional.

I. PSYCHOLOGICAL CONDITIONS

1. The Concern. Certain emotional, mental, and personality conditions can impair judgment, reliability, or trustworthiness. A formal diagnosis of a disorder is not required for there to be a concern under this guideline. A duly qualified mental health professional (e.g., clinical psychologist or psychiatrist) employed by, or acceptable to and approved by the U.S. Government, should be consulted when evaluating potentially disqualifying and mitigating information under this guideline. No negative inference concerning the standards in this Guideline may be raised solely on the basis of seeking mental health counseling.

2. Conditions that could raise a security concern and may be disqualifying include:

a. Behavior that casts doubt on an individual's judgment, reliability, or trustworthiness that is not covered under any other guideline, including but not limited to emotionally unstable, irresponsible, dysfunctional, violent, paranoid, or bizarre behavior;

b. An opinion by a duly qualified mental health professional that the individual has a condition not covered under any other guideline that may impair judgment, reliability or trustworthiness; and

c. The individual has failed to follow treatment advice related to a diagnosed emotional, mental, or personality condition, e.g., failure to take prescribed medication.

3. Conditions that could mitigate security concerns include:

a. The identified condition is readily controllable with treatment, and the individual has demonstrated ongoing and consistent compliance with the treatment plan;

b. The individual has voluntarily entered a counseling or treatment program for a condition that is amenable to treatment, and the individual is currently receiving counseling or treatment with a favorable prognosis by a duly qualified mental health professional;

c. Recent opinion by a duly qualified mental health professional employed by, or acceptable to and approved by the U.S. Government that an individual's previous condition is under control or in remission, and has a low probability of recurrence or exacerbation; and

d. The past emotional instability was a temporary condition (e.g., one caused by death, illness, or marital breakup), the situation has been resolved, and the individual no longer shows indications of emotional instability;

e. There is no indication of a current problem.

J. CRIMINAL CONDUCT

1. The Concern. Criminal activity creates doubt about a person's judgment, reliability, and trustworthiness. By its very nature, it calls into question a person's ability or willingness to comply with laws, rules and regulations.

2. Conditions that could raise a security concern and may be disqualifying include:

a. A single serious crime or multiple lesser offenses;

b. Discharge or dismissal from the Armed Forces under dishonorable conditions;

c. Allegation or admission of criminal conduct, regardless of whether the person was formally charged, formally prosecuted or convicted;

d. Individual is currently on parole or probation;

e. Violation of parole or probation, or failure to complete a court-mandated rehabilitation program.

3. Conditions that could mitigate security concerns include:

a. So much time has elapsed since the criminal behavior happened, or it happened under such unusual circumstances that it is unlikely to recur and does not cast doubt on the individual's reliability, trustworthiness, or good judgment;

b. The person was pressured or coerced into committing the act and those pressures are no longer present in the person's life;

c. Evidence that the person did not commit the offense; and

d. There is evidence of successful rehabilitation; including but not limited to the passage of time without recurrence of criminal activity, remorse or restitution, job training or higher education, good employment record, or constructive community involvement.

K. HANDLING PROTECTED INFORMATION

1. The Concern. Deliberate or negligent failure to comply with rules and regulations for protecting classified or other sensitive information raises doubt about an individual's trustworthiness, judgment, reliability, or willingness and ability to safeguard such information, and is a serious security concern.

2. Conditions that could raise a security concern and may be disqualifying include:

a. Deliberate or negligent disclosure of classified or other protected information to unauthorized persons, including but not limited to personal or business contacts, to the media, or to persons present at seminars, meetings, or conferences;

b. Collecting or storing classified or other protected information in any unauthorized location;

c. Loading, drafting, editing, modifying, storing, transmitting, or otherwise handling classified reports, data, or other information on any unapproved equipment including but not limited to any typewriter, word processor, or computer hardware, software, drive, system, game board, handheld, "palm" or pocket device or other adjunct equipment;

d. Inappropriate efforts to obtain or view classified or other protected information outside one's need to know;

e. Copying classified or other protected information in a manner designed to conceal or remove classification or other document control markings;

f. Viewing or downloading information from a secure system when the information is beyond the individual's need-to-know;

g. Any failure to comply with rules for the protection of classified or other sensitive information;

h. Negligence or lax security habits that persist despite counseling by management; and

i. Failure to comply with rules or regulations that results in damage to the National Security, regardless of whether it was deliberate or negligent.

3. Conditions that could mitigate security concerns include:

a. So much time has elapsed since the behavior, or it has happened so infrequently or under such unusual circumstances, that it is unlikely to recur and does not cast doubt on the individual's current reliability, trustworthiness, or good judgment;

b. The individual responded favorably to counseling or remedial security training and now demonstrates a positive attitude toward the discharge of security responsibilities; and

c. The security violations were due to improper or inadequate training.

L. OUTSIDE ACTIVITIES

1. The Concern. Involvement in certain types of outside employment or activities is of security concern if it poses a conflict of interest with an individual's security responsibilities and could create an increased risk of unauthorized disclosure of classified information.

2. Conditions that could raise a security concern and may be disqualifying include:

a. Any employment or service, whether compensated or volunteer, with:

(1) The government of a foreign country;

(2) Any foreign national organization, or other entity;

(3) A representative of any foreign interest; and

(4) Any foreign, domestic, or international organization or person engaged in analysis, discussion, or publication of material on intelligence, defense, foreign affairs, or protected technology;

b. Failure to report or fully disclose an outside activity when this is required.

3. Conditions that could mitigate security concerns include:

a. Evaluation of the outside employment or activity by the appropriate security or counterintelligence office indicates that it does not pose a conflict with an individual's security responsibilities or with the national security interests of the United States;

b. The individual terminated the employment or discontinued the activity upon being notified that it was in conflict with his or her security responsibilities.

M. USE OF INFORMATION TECHNOLOGY SYSTEMS

1. The Concern. Noncompliance with rules, procedures, guidelines or regulations pertaining to information technology systems may raise security concerns about an individual's reliability and trustworthiness, calling into question the willingness or ability to properly protect sensitive systems, networks, and information. Information Technology Systems include all related computer hardware, software, firmware, and data used for the communication, transmission, processing, manipulation, storage, or protection of information.

2. Conditions that could raise a security concern and may be disqualifying include:

a. Illegal or unauthorized entry into any information technology system or component thereof;

b. Illegal or unauthorized modification, destruction, manipulation or denial of access to information, software, firmware, or hardware, in an information technology system;

c. Use of any information technology system to gain unauthorized access to another system or to a compartmented area within the same system;

d. Downloading, storing, or transmitting classified information on or to any unauthorized software, hardware, or information technology system;

e. Unauthorized use of a government or other information technology system;

f. Introduction, removal, or duplication of hardware, firmware, software, or media to or from any information technology system without authorization, when prohibited by rules, procedures, guidelines or regulations;

g. Negligence or lax security habits in handling information technology that persist despite counseling by management;

h. Any misuse of information technology, whether deliberate or negligent, that results in damage to the national security.

3. Conditions that could mitigate security concerns include:

a. So much time has elapsed since the behavior happened, or it happened under such unusual circumstances, that it is unlikely to recur and does not cast doubt on the individual's reliability, trustworthiness, or good judgment;

b. The misuse was minor and done only in the interest of organizational efficiency and effectiveness, such as letting another person use one's password or computer when no other timely alternative was readily available; and

c. The conduct was unintentional or inadvertent and was followed by a prompt, good-faith effort to correct the situation and by notification of supervisor.