Security Clearances

Brief

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BRIEF

Policy Summary

Lawrence Berkeley National Laboratory (Berkeley Lab) provides an open and collaborative research framework with visitors, affiliates, contractors, and employees from all over the world. As a U.S. Department of Energy (DOE) National Laboratory, Berkeley Lab operates within a variety of DOE Safeguards and Security requirements, including those found in DOE Order 472.2, Personnel Security. DOE O 472.2 outlines requirements enabling the Department of Energy (DOE) to operate a successful, efficient, and cost-effective personnel security program that will provide accurate, timely, and equitable determinations of individuals' eligibility for access to classified information. Though Berkeley Lab is an unclassified non-possessing facility, a limited number of Berkeley Lab staff require DOE security clearances and access authorizations in order to facilitate their work in support of Contract 31. Security clearances are not granted unless directly required to support Contract 31.

Who Should Read This Policy

Laboratory employees with a need for a DOE security clearance to support implementation of Contract 31.

To Read the Full Policy, Go To:

The POLICY tab on this wiki page

Contact Information

Facilities Division, Protective Services

Policy

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POLICY

A. Purpose

This policy defines the requirements for application for, maintenance of, and termination of DOE security clearances associated with Lawrence Berkeley National Laboratory (Berkeley Lab).

B. Persons Affected

This policy applies to all Laboratory employees who are seeking or hold a DOE security clearance maintained by Berkeley Lab.

C. Exceptions

This policy does not apply to security clearances held by other departments or other DOE entities, though employees and affiliates at Berkeley Lab who hold a clearance at another entity are required to inform the Protective Services Department.

D. Policy Statement
1. General

a. The objective of the Personnel Security Program is to provide support to employees in obtaining a DOE security clearance and to ensure that clearances are maintained to the strict standards outlined in this policy and in applicable requirements documents. The Personnel Security Program is managed by the Protective Services Department.
b. Per the Berkeley Lab Facility Clearance, and as outlined in the Controlled and Prohibited Information Categories policy, Berkeley Lab and its employees, affiliates, contractors, and visitors are not permitted to create, access, or store classified information at the Laboratory. However, certain Berkeley Lab personnel, through performance of the duties of their position, may need access to classified information to inform their actions at Berkeley Lab in direct support of Contract 31.

2. Requesting DOE Security Clearance

a. A security clearance request will be submitted to DOE only after Berkeley Lab determines that the security clearance is essential for the individual to perform tasks or services stipulated in Contract 31 (i.e., for threat awareness to effect role responsibilities in support of the contract). A security clearance needed to support the work of another entity (including other areas of the DOE), in any way, must be held by that entity.
b. DOE security clearances managed by Berkeley Lab are only provided under strict circumstances and require Laboratory Director and DOE Berkeley Site Office concurrence before authorizing documentation will be signed. To begin this process, Berkeley Lab employees should submit a request to ps@lbl.gov. Protective Services will send the applicant a form requiring a detailed justification and demonstration of line management and senior management concurrence. Once complete, the form must be returned to the Safeguards & Security Program Manager who will seek Laboratory Director and Berkeley Site Office approval. These approvals are required before further action can be taken.
c. A security clearance must not be requested to:
   i. Avoid the use of access controls or physical barriers to distinguish perimeters among security areas or between security and open areas, or to alleviate responsibilities for escorting persons without security clearances within a controlled area;
   ii. Alleviate individual or management responsibilities for properly protecting classified information or controlling dissemination of classified information on a need-to-know basis;
   iii. Determine an individual's fitness for employment with the contractor;
   iv. Establish a pool of contractor employees with pre-existing security clearances;
   v. Accommodate an individual's personal convenience, expenditure, gain or advantage; or
   vi. Anticipate unspecified classified work.
d. Once initial approvals have been acquired, Protective Services will coordinate completion of additional requirements and transfer of the forms for further processing and review.
e. Security clearances average more than a year in approval time. Access to classified information will not be permitted until notification is received from the DOE that the security clearance has been granted.

3. Basic Requirements

a. Personnel requesting a DOE security clearance through Berkeley Lab are subject to requirements during the request phase and throughout the duration of the assigned clearance. Requesting a clearance through Berkeley Lab signifies that the assignee recognizes these requirements and agrees to comply with them explicitly. These requirements include, but are not limited to:
   i. Truthfully provide all information requested for personnel security purposes to the DOE, including verification of U.S. citizenship.
   ii. Submit to a background check.
   iii. Submit to initial and randomized drug testing.
   iv. Submit to credit and financial reporting.
   v. Notify Protective Services of all foreign travel (business and personal).
   vi. Sign a non-disclosure agreement.
   vii. Complete initial, annual, and travel-based security briefings as required by Protective Services.
   viii. Accept criminal liability for disclosure of any classified information in accordance with applicable laws.
b. Note: Information provided or obtained in connection with a request for a security clearance could potentially result in employment impacts.

4. Reporting Requirements

a. All personnel who hold a security clearance through Berkeley Lab must report to Protective Services any of the following situations within 24 hours of occurrence. Personnel must report when they engage in such situations, as well as when they learn of such situations for anyone they know to possess a DOE security clearance or to be in the process of obtaining a DOE security clearance. Failure to report these circumstances may result in suspension or termination of the security clearance. These situations are:
   i. Legal action effected for a name change;
   ii. Change in citizenship or application for change;
   iii. Application for, possession, or use of a foreign passport or identity card for travel;
   iv. Any use of an illegal drug, or use of a legal drug in a manner that deviates from approved medical direction;
   v. Any arrests, criminal charges (including charges that are dismissed), citations, tickets, summons or detentions by federal, state, or other law enforcement authorities for violations of law within or outside of the U.S. Traffic violations for which a fine of up to $300 was imposed need not be reported. Note: If the violation was alcohol- or drug-related, it must be reported;
   vi. An immediate family member assuming residence in a sensitive country;
   vii. Immediate family members include an individual's spouse, father, mother, children, siblings, grandchildren, spousal family members (parents, siblings), or the spouses of an individual's children or siblings;
   viii. Hospitalization for mental health reasons or treatment for drug or alcohol abuse;
   ix. Employment by, representation of, or other business-related association with a foreign or foreign-owned interest or non-U.S. citizen or other individual who is both a U.S. citizen and a citizen of a foreign country;
   x. Approach by any individual seeking unauthorized access to classified information or Special Nuclear Material (SNM), or who experience any other potentially counterintelligence-related incidents;
   xi. Unexpected foreign travel (business-related or personal);
   xii. Personal or business-related filing for bankruptcy, or
b. Clearances holders must provide Protective Services a completed DOE F 5631.34, Data Report on Spouse/Cohabitant, within forty-five (45) calendar days of marriage or cohabitation. Note: A cohabitant is a person who lives with the individual in a spouse-like relationship or with a similar bond of affection or obligation but is not the individual's legal spouse, child, or other relative (in-laws, mother, father, brother, sister, etc.).

c. Clearance holders must submit an itinerary to Protective Services and receive approval from Protective Services prior to foreign travel (excluding U.S. territories) whether the travel is official or unofficial. Deviations from the itinerary must be reported within five business days of return. Protective Services will provide a defensive security awareness briefing prior to any foreign travel. This approval requirement is in addition to routine approvals required by the DOE for foreign travel.

d. Clearance holders must report the following foreign contacts:
   i. Contact with a known or suspected foreign intelligence agency.
   ii. Following initial reporting of the contacts, updates regarding continuing unofficial association shall occur only for significant changes in the nature of the contact.
   iii. Continuing association with known foreign nationals that involve bonds of affection, personal obligation, or intimate contact; or any contact that involves the exchange of personal information. This requirement applies regardless of where or how the contact was made (personal contact, Internet, etc.).
   iv. Individuals are still responsible for reporting suspicious interactions, activity, or unexpected events when traveling or meeting foreign nationals for official business.

e. Note: Foreign intelligence services often operate in countries other than their own, including those that are friendly to the United States. You do not have to travel to an adversarial country to be targeted by foreign intelligence services.

f. Individuals (cleared or uncleared) shall alert Protective Services should they become aware of the following activities that may be of potential security, insider threat, or counterintelligence concern of other covered individuals:
   i. An unwillingness to comply with rules, regulations, or security requirements.
   ii. Unexplained affluence or excessive indebtedness.
   iii. Alcohol abuse.
   iv. Illegal use or misuse of drugs or drug activity.
   v. Apparent or suspected mental health issues where there is reason to believe it may impact the individual's ability to protect classified information or other information prohibited by law from disclosure.
   vi. Criminal conduct.
   vii. Any activity that raises doubts as to whether the individual's continued national security eligibility is clearly consistent with national security interests.
   viii. Misuse of U.S. government property or information systems.
   ix. Attempted elicitation, exploitation, blackmail, coercion, or enticement to obtain classified or other "protected" information.
   x. Media contacts, other than for official purposes, where the media seeks access to classified or otherwise "protected" information, whether or not the contact results in an unauthorized disclosure.
   xi. Arrests.
   xii. Bankruptcy or over 120 days delinquency in any debt.
   xiii. Alcohol or drug-related treatment.

x. Foreign activities:
   1. Direct involvement in foreign business.
   2. Foreign bank accounts.
   3. Ownership of foreign property.
   4. Foreign citizenship.
   5. Application for and receipt of foreign citizenship.
   6. Application for, possession, or use of a foreign passport or identity card for travel.
   8. Adoption of non-U.S. citizen children.

x. Financial anomalies.

x. Foreign national roommate(s).

5. Extensions and Transfers
   a. Security clearances may be extended for access to facilities and information held by other entities (e.g., Department of Defense). For the clearance to be extended for shared access, the clearance holder can request the necessary form from Protective Services (ps@lbl.gov). The requisite security federal/contractor security offices will coordinate the request.

   b. Transfers occur when a clearance holder or the security clearance will be moved to another security office (e.g., new job at another site or change of projects). Transfers will be coordinated between the federal/contractor security offices through a request to Protective Services.

6. Suspension and Termination
   a. Security clearances may be suspended or terminated for a variety of reasons including:
      i. Failure to cooperate with security requirements.
      ii. Failure to report in accordance with section 4, "Reporting Requirements."
      iii. Termination of the employee.
      iv. Determination that a clearance is no longer required.
      v. Circumstances temporarily eliminate the need to access classified material or special nuclear material for 90 days or more. Note: This may be waived in certain circumstances.

   b. At the termination of the clearance, a Security Termination Statement must be completed and the individual's HSPD-12 badge must be surrendered to Protective Services. Failure to complete these steps may lead to legal consequences.

E. Roles and Responsibilities

Managers, supervisors, and employees have the responsibility to adhere to the provisions of this policy.
<table>
<thead>
<tr>
<th>Role</th>
<th>Responsibility</th>
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<tbody>
<tr>
<td>Clearance Holder</td>
<td>Provide timely and accurate information to Protective Services regarding background, citizenship, and identity. Comply with all requirements set forth in this policy.</td>
</tr>
<tr>
<td>Security Operations Supervisor</td>
<td>Assure compliance with this policy and DOE O 472.2 is maintained at all times through application of applicable procedures and day-to-day operations. Inform the Safeguards &amp; Security Program Manager and Chief, Protective Services of any discrepancies or issues as necessary.</td>
</tr>
<tr>
<td>Safeguards &amp; Security Program Manager</td>
<td>Maintain this policy and conduct oversight activities to assure compliance with it and DOE O 472.2. Serve as the subject matter expert for the Personnel Security Program regarding DOE O 472.2 and associated requirements. Brief senior management on program compliance, updates, and issues.</td>
</tr>
<tr>
<td>Human Resources Personnel</td>
<td>Inform the Safeguards &amp; Security Program Manager of incidents/concerns involving clearance holders, required to be reported, pursuant to Section D.1.3 above.</td>
</tr>
<tr>
<td>Office of Laboratory Counsel Personnel</td>
<td>Inform the Safeguards &amp; Security Program Manager of incidents/concerns involving clearance holders, required to be reported, pursuant to Section D.1.3 above.</td>
</tr>
<tr>
<td>Associate Laboratory Director</td>
<td>Serves as the divisional point-of-contact for the security clearance.</td>
</tr>
<tr>
<td>Laboratory Director</td>
<td>Reviews, concurs, and approves all clearance requests and acts as the signature authority for all clearance justifications.</td>
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**F. Definitions/Acronyms**

<table>
<thead>
<tr>
<th>Term</th>
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<td>SNM</td>
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**G. Recordkeeping Requirements**

A personnel security file is required to be implemented and maintained for the duration of a security clearance in accordance with requirements. The personnel security file is maintained in hard copy by Protective Services.

**H. Implementing Documents**

<table>
<thead>
<tr>
<th>Document Number</th>
<th>Other Reference</th>
<th>Title</th>
<th>Type</th>
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**I. Related Policies**

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**J. Contact Information**

Safeguards & Security Program Manager

**K. Revision History**
Document Information

DOCUMENT INFORMATION

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<tr>
<td>Title: Security Clearances</td>
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<tr>
<td>Document number: 08.04.002.000</td>
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<tr>
<td>Revision number: 0.0</td>
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<tr>
<td>Next review date: 9/30/2021</td>
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<td>Policy Area: Protective Services</td>
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<tr>
<td>RPM Section (home): Facilities Management</td>
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<td>RPM Section (cross-reference): TBD</td>
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<td>Functional Division: TBD</td>
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Source Requirements Documents

- DOE Order 472.2
- Security Executive Agent Directive 3
- DEAR 952.204-2

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<td>SS-PLAN-001</td>
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