

gative methods; in such cases, the provisions of subsection VI-A, above, are not applicable.

C. *Cryptologic information.*—Polygraph examinations may be authorized as an aid in determining the eligibility of persons for employment or access to sensitive cryptologic information by the National Security Agency pursuant to regulations issued by the Director, NSA, with the prior approval of the Secretary of Defense, and the provisions of subsection VI-A, above, are not applicable.

VII. Conduct of examinations

A. Nothing in this directive shall preclude the conduct of a polygraph examination in conjunction with a criminal, counterintelligence, or personnel security investigation, when the individual under investigation or associated with an investigation voluntarily seeks a polygraph examination as a means of exculpation. All such voluntary requests shall be reviewed by an appropriate supervisory official to determine the propriety of the request and to assure compliance with all other requirements of this directive applicable to examinations. The conduct of such polygraph examinations also shall be subject to all the requirements of this directive for such examinations.

B. Determinations pursuant to subsection V-A and paragraph VI-A-1, above shall be made only by officials in positions selected by the Head of the DOD component concerned or his designee for this purpose. A list of positions so selected shall be maintained by the DOD component concerned. It is intended that officials selected to make determinations in paragraphs V-A and VI-A-1, shall have had broad experience in a position of considerable responsibility, and shall be limited to the minimum possible number consistent with operational necessity.

C. Heads of DOD components, the Assistant Secretary of Defense (Administration), and the Director, Office of Industrial Personnel Access Authorization Review, OASD (M), who receive investigative support (including the use of polygraph examinations) from other DOD elements are authorized to request that polygraph examinations be conducted, and in such cases to the extent applicable shall provide to the supporting DOD component:

1. In the case of examinations conducted in connection with criminal investigations, the information specified in subsection V-A., above.

2. In the case of the examinations conducted in connection with personnel security investigations, the information specified in paragraph VI-A-1, above.

D. Information obtained in the course of a polygraph examination shall be strictly controlled.

1. Polygraph examination results may be permanently maintained only in an appropriate investigative file, at a single location determined by, and subject to the control of the Assistant Secretary of Defense (Administration) or the Head of the DOD component concerned, as appropriate, or his designee for the purpose. Additional copies thereof shall be destroyed within 3 months after close of the investigation which included the relevant polygraph examination.

2. Polygraph examination results shall be available within the DOD component conducting the examination only to the chief official thereof, his immediate advisers, and officials expressly charged with responsibility for personnel security, law enforcement, or the administration of criminal justice.

3. Polygraph examination results shall not be made available outside the DOD component conducting the examination, except to:

- (a) Officials of the Office of the Secretary of Defense or another DOD component, corresponding to those enumerated in paragraph 2, above;

- (b) Other Federal officials, charged with intelligence, security, or law enforcement responsibilities with a clear need to know;

- (c) State law enforcement officials where the results indicate an alleged violation of State law, or that a serious crime is likely to be committed;

- (d) Legal counsel for the person examined, upon request therefor (subject to provisions for safeguarding classified defense information); and

- (e) Such other persons as the head of the DOD component concerned personally may determine.

E. Polygraph examinations will not be given to persons who are not in sound physical or mental condition. Should the examiner or examinee have any doubt as to the physical or mental fitness of the examinee, the matter will be referred to the supervisory official for appropriate action.