

SECURITY CLEARANCE OVERVIEW

All agencies within the CyberCorps program require interns/employees to have security clearances because their job requires them to have access to classified documents. There are three common types of classified material. Confidential material is information that, if improperly disclosed, could be reasonably expected to cause some measurable damage to national security. Secret material is information that, if improperly disclosed, could cause serious damage to national security. Top Secret material is information that, if improperly disclosed, could cause extreme damage to national security and personnel (like disclosing the identities of personnel working covertly in a foreign country).

TYPES OF CLEARANCES

There are three types of clearances: Confidential, Secret, and Top Secret. Top Secret clearances also have several categories.

A Confidential clearance is the easiest to obtain; but not many agencies in CyberCorps have these. The process for Confidential clearances differs from Secret and Top Secret in that the agencies themselves, (FBI, DoE, State) may do them themselves without involving OPM.

Secret clearances are for those positions where information is classified, but it is not of the highest sensitivity. Whereas Top Secret can be Sensitive Compartmentalized Information (where you have to be granted access to very specific information), Secret clearances are for broader protected information.

A Top Secret is most likely for those doing an internship or going to work for the NSA, DoD, CIA, or law enforcement agencies. Top Secret clearances are required to work in Special Access Programs (SAP). These are highly compartmentalized programs. Some SAPs are referred to as “black” programs, where the very existence of the program can be classified. A primary difference between a Top Secret clearance and others is how extensive the background check is. This also depends on the type to Top Secret clearance that is needed. There are two types of background investigations: Sensitive Compartmentalized Information (SCI), and Single Scope Background Investigation (SSBI). For SCI/SSBI classifications the background investigation process as well as the continual monitoring is extremely intensive. Further, there are different types of polygraphs that will be used for different types of SSBIs. They are a SSBI without polygraph (very rare), SSBI with a counterintelligence scope polygraph (most common), and a SSBI with full scope polygraph (for the most sensitive SAP programs)

SECURITY CLEARANCE PROCESS

There are three general phases to receiving a security clearance.

The first phase is the application process. This involves verification of U.S. citizenship, fingerprinting, and completion of the Personnel Security Questionnaire (SF-86) or e-QIP

(Electronic Questionnaire for Investigations Processing). E-QIP is an Office of Personnel Management (OPM) web-based computer program where an applicant enters the same information as required on the SF86.

The second phase involves the actual investigation of your background. Most of the background check is conducted by the Office of Personnel Management; but some agencies may conduct their own, or it may be conducted through agencies such as the Defense Security Service. Polygraph examinations are conducted as a supplement to, not as a substitute for, other forms of investigation. The purpose of a polygraph is to assist in determining whether or not an applicant can be trusted with sensitive information. Polygraphs are always given for Special Access Programs. One or both of two types of polygraphs may be administered. A Counterintelligence Polygraph is the most common type of polygraph exam. A Counterintelligence Polygraph asks applicants questions necessary to determine whether they had any involvement with or knowledge of espionage, sabotage, terrorist activities, deliberate damage of U.S. government computer systems, intentional compromise of classified information, or contact with a foreign national or representative. A Lifestyle Polygraph asks applicants questions concerning their personal life and conduct, and can involve all aspects of present and past behavior. Questions asked might concern drug and alcohol use, sexual misconduct, mental health, family relationships, and others. Specific information that is likely to be covered includes involvement in a serious crime, involvement with illegal drugs during the last seven years, and deliberate falsification of the security forms. A Lifestyle Polygraph can also attempt to look for issues in applicants private life for which they might be susceptible to blackmail or coercion. A Full Scope Polygraph exam is a combination of both the Counterintelligence and Lifestyle polygraphs.

The final phase is the adjudication phase. Here, the results from the investigative phase are reviewed. The information that has been gathered is evaluated based the *Adjudicative Guidelines*. The *Adjudicative Guidelines* can be found at <https://www.state.gov/m/ds/clearances/60321.htm>. There are thirteen guidelines covering such things as alcohol consumption, drug involvement, financial considerations, criminal conduct, etc. Each provides examples of potential disqualifying conditions and mitigating conditions. The mitigating circumstances should be read carefully for anything that might prompt a negative outcome of the investigation. These will give information about how your behavior matches with derogatory findings, and how you can explain your behavior. Before beginning the application process, look at the *Adjudicative Guidelines* for information about any potentially problematic issues. A clearance is granted or denied following this evaluation process.

THE APPLICATION PROCESS

Below are tips and information needed about the application process. Start your SF 86 as soon as you get into the program, and follow these suggestions below.

1. Check your credit. Many clearance are denied for substantial and sustained credit problems). You can check your credit for free. Go to <https://www.consumer.ftc.gov/articles/0155-free-credit-reports> and follow the links to check your credit and to fix any erroneous items in your credit history.

2. Create your SF86. Even if you are going to use eQIP, take the time to fill out the SF 86 because it gives you the time to gather the necessary information. The SF86 is long and very detailed (it is 127 pages without any extensions for additional material). You will have to provide personal identifying data; information regarding your citizenship; historical information on residence, education, and employment history; family, friends, and others you have had contact with; foreign connections/travel; financial history; criminal records and any illegal drug involvement or alcohol incidents; mental health counseling; military service and prior clearances; and anything that could be considered a threat to national security. You will need to collect the information for typically a minimum of 5 years; and some of it could need to be collected for your lifetime. This takes time to gather – so start early. Make sure to update the contact information for any person or entity that might need to be contacted by investigators.
3. There are four sections of the clearance application (Where You Have Lived, Where You Went To School, Your Employment Activities, and People Who Know You Well) that require names and contact information for people who can be interviewed as references. Unless there is no other choice, do not list any relatives in these sections. For your residences, you should list current and former neighbors. For employment, you should list current and former supervisors. If you believe the investigator will have trouble locating a former supervisor, use the Optional Comments field and add contact information for a former coworker or other supervisor. For schools, you should list former classmates or faculty members who will remember you. For People Who Know You Well list at least one person who has known you for the past seven years and who knows who your other friends are.
4. When entering the “Name of Person Who Knew You” in the Residence Section of the SF86, try to list neighbors. This can sometimes be a problem because neighbors move just like you did. But work to determine who could verify your address and get their current information.
5. Postal Zip Codes are critical. A wrong Zip Code can result in part of your investigation being sent to the wrong investigative office, and the case could be delayed for days before the error is noticed. Get Zip Codes at <https://www.usps.com/zip4/>.
6. Provide complete and accurate information. Too often applicants fail to list short-term employment, residence, education, and other seemingly unimportant information. When an investigation turns up missing or information, it adds extra time to the investigation.
7. If you left a job under less than favorable circumstances, explain the situation in the “Optional Comments” field of section of Section 22 of your SF 86 or e-QIP, and give the name and/or position of the person who terminated you or asked you to quit.
8. If you had mental health or substance abuse counseling in the past 7 years, contact the facility where the counseling occurred and determine if they will accept standard government forms for release of medical information. If not, get a blank copy of their release and submit it with your application if possible.
9. Couch any unfavorable security and suitability information in terms directly applicable to the mitigating conditions listed in the *Adjudicative Guidelines*.

THE INTERVIEW

If you are applying for a Top Secret clearance or for a Secret clearance that requires access to a designated Special Access Program (SAP), an Enhanced Subject Interview (ESI) is a regular part

of the investigation. ESIs may also be required in an investigation for a Confidential, but this is rare. If a suitability/security issue is discovered on your clearance application, during the investigation, or during your ESI, a Special Interview (SPIN) may be required in any investigation.

During a ESI, the investigator will cover every item on your clearance application and have you confirm the accuracy and completeness of the information. You will be asked about a few matters that are not on your application, such as the handling of protected information, susceptibility to blackmail, and sexual misconduct. You will be asked to provide details regarding any potential security/suitability issues. During a SPIN, the investigator will only cover the security/suitability issue(s) that triggered the SPIN. The purpose of the SPIN is to give you the opportunity to provide details regarding the issue(s) and to refute or explain any potential issues.

The one thing that will for sure get your clearance denied is lying. Many clearances are denied for financial problems, drugs, alcohol, criminal conduct, and providing false information during the clearance process. There are often mitigating circumstances for lots of other things. Often the act of providing false information is more serious than the issues people try to hide. Passage of time is a major mitigating factor for all issues involving misconduct. Willfully providing false information on a clearance application or during a ESI is a serious criminal offense and is very difficult to mitigate because of the recency of the offense.

LENGTH OF TIME TO GET A SECURITY CLEARANCE

Although it is getting faster, it can still take between six months to one year to get a clearance from the time you begin the process. After legislation in 2004 was designed to speed up the process, some clearances (especially Secret clearances) can be processed in 90 days. Occasionally, if everything comes together properly and there are no issues with the application, even a Top Secret clearance can be obtained in that length of time. But plan for a year and you will be less anxious for it taking so long.

Most of the delays in getting a clearance occur in the application phase or the adjudication phase. The most common cause for delay is in the application. About 10% of all clearance applications are returned to the applicant because of errors or missing or inaccurate information (outdated contact information) on the SF86. This can result in delays of 30 to 60 days. Delays can also occur simply because investigators are swamped with other cases. More errors and problems are sometimes discovered in the investigation phase. These often involve wrong contact information or dates of contact, omitted or incorrect employment information (that summer job that you forgot to put on the SF 86), and omitted foreign travel. If potential derogatory information is discovered in the investigation, it can result in much longer delays, even if it is cleared up. This kind of discovery can require additional information and/or investigation to determine if the information is sufficient to deny a clearance.

The most common errors requiring correction on the application are:

1. Missing information on employment.
2. Missing information on references (education, employment, and/or character references)
3. Illegible Certification/Release forms

4. Incorrect Certification/Release form number
5. Certification/Release forms not meeting date requirements
6. Missing information on relatives
7. Missing Selective Service registration information
8. Incorrect date or place of birth (i.e. information on fingerprint card and SF86 do not match)
9. Missing financial information
10. Missing information on cohabitant
11. Missing information on spouse
12. Incorrect social security number

DENIED SECURITY CLEARANCE

The *Adjudicative Guidelines* discussed above list conditions that could result in clearance denial. The most common reasons for denial of a clearance are serious repeated financial problems, intentional false statements in connection with a clearance investigation, recent illegal drug involvement, repeated alcohol abuse, and a pattern of criminal conduct or rule violation. For many people these issues can be mitigated, if presented properly during a security interview or in response to a Letter of Intent to deny clearance.

When a case contains significant unmitigated derogatory information, the adjudicator issues a Letter of Intent to deny a clearance. The LOI is a preliminary, tentative decision and will contain a Statement of Reasons detailing the issues that are the basis of the decision. The Letter of Intent contains instructions on how to request a copy of the investigative file and appeal procedures. Applicants can submit a written rebuttal and request a hearing. The appeal procedures differ at this point depending on the agency attempting to hire the applicant. Most procedures either allow the agency doing the adjudication to make a decision, for the agency to send the Letter of Intent and the written rebuttal to an administrative judge, or the applicant gets a hearing where witnesses can be called and evidence presented. An applicant may appeal a clearance denial to the federal agency's three-member Personnel Security Appeals Board (PSAB). PSAB decisions are made by a majority vote. Applicants who are denied a clearance with or without an appeal are barred from applying for a security clearance for one year.