



Report of the State Comptroller of Israel | May 2024

The Defense System

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**Classified**  
**Information – Its**  
**Security in Archives**  
**and Prevention of**  
**Publication –**  
**Follow-up Audit**





# Classified Information – Its Security in Archives and Prevention of Publication – Follow-up Audit

## Background

The State of Israel, like many other countries, possesses information that must remain confidential to safeguard national interests. This is due to the risk of hostile entities misusing the information, jeopardizing national security, foreign relations, and other critical areas. At the same time, archival materials are meant to be accessible to the public under the conditions specified in the Archives Law, 1955, and the Archives Regulations (Access to Archived Materials Held in the Archives), 2010.

Materials from state institutions that are no longer in use, including those containing classified information, are deposited in the Israel State Archives (the State Archives), headed by the State Archivist. The State Archives operates under the Archives Law and its regulations. Classified materials are also deposited in archives within the defense establishment organizations, recognized by the State Archivist as branches of the State Archives. Such as the IDF and Defense System Archives (IDF Archives), the Mossad Archives, and the Israeli Security Agency (ISA) Archives. In addition, classified materials are held in specific archives, public archives, and by private owners.

In August 2020, the State Comptroller published an audit report about "Classified Information – Its Security in Archives and Prevention of Publication"<sup>1</sup> following an audit conducted on this topic from July 2018 to March 2019 (the previous audit). The previous audit raised that the State Archives, specific other archives, and public and private archives contain classified archival materials. Many of these materials are either not subject to national information security arrangements or their compliance with them is questionable. Furthermore, there were deficiencies and delays in making archival materials accessible to the public, even though the limitation period on their disclosure had ended.

<sup>1</sup> According to Section 17 of the State Comptroller Law, 1958 [Consolidated Version], and to protect national security, the Subcommittee of the Knesset State Audit Committee decided not to present data from the previous report to the Knesset or the public.



## Key Figures

**about  
3 million  
files**

with about 500 million pages of paper, as of September 2023, deposited in the State Archives

**about NIS  
65 million**

the State Archives budget in 2022

**79,533  
files**

not disclosed to the public as of December 2022, are in the State Archives, even though their disclosure limitation has ended

**about  
3 years**

have passed since the "Ghostwriters Team"<sup>2</sup> recommended regarding retired employees in the legal and administrative fields. Nevertheless, the issue of unauthorized access to classified material has yet to be resolved

**about  
18 million  
classified  
items,**

are in the IDF Archives as of July 2023

**about  
1.1 million  
files**

not disclosed to the public are held in the IDF Archives as of December 2022, even though their disclosure limitation has ended

**1,101  
files (about  
0.1%) only**

disclosed in 2022 in the IDF Archives, from all files whose disclosure limitation period has ended

**public  
archives  
exist<sup>3</sup>**


either owned or managed by a non-profit entity approved by the government, in a notice published in the state's records, as a public archive

2 In December 2015 the Attorney General decided to establish a team to consider forming a directive regarding the discourse of former senior officials in the Defense system with Ghostwriters or journalists.

3 As defined by the Archives Law.




## Audit Actions

 From February to August 2023, the State Comptroller's Office examined whether and how the previous audit's deficiencies were rectified (the follow-up audit) in the following areas: applicability of the Law for the Regulation of Security in Public Bodies, 1998 (the Security Regulation Law), on specific archives; aspects relating to the disclosure of restricted archival material for security reasons after the end of the limitation period; supervision of archives, both public and private; aspects related to classified materials held in public and private archives; and disclosure of classified information to unauthorized parties in the process of writing books by former elected officials and civil servants. The audit was conducted at the State Archives, the Ministry of Defense – including the IDF Archives and the Director of Security of the Defense Establishment (MALMAB), the Ministry of Justice, the Israel Security Agency (ISA), the IDF Intelligence Directorate – in the Censorship Unit for Press and Communication (Censorship) and the Information Security Department, and the National Security Council (MALAL).

The Knesset State Audit Committee Subcommittee decided not to submit to the Knesset nor publish parts of this audit to safeguard national security under Section 17 of the State Comptroller Law, 1958 [Consolidated Version].

## Key Findings



 **Applicability of the Law for the Regulation of Security in Public Bodies, 1998 to Certain Archives** – the previous audit raised that specific archives containing classified materials are not included in the Prime Minister's Office units and are not explicitly mentioned in the amendment to the Security Regulation Law. The audited bodies have different opinions on whether the Security Regulation Law applies to them. **The follow-up audit found that this deficiency had not been rectified.** Although over three years have passed since the previous audit was published, the information security in these archives has not been settled. In addition, as of the end of the follow-up audit in August 2023, an authorized officer does not directly guide these archives, nor approved the appointment of their security supervisor.

Consequently, the employees' positions in these archives have not been assigned a security classification, which could expose classified materials to unauthorized parties. Furthermore, the follow-up audit raised concerns, that the State Archives, the Prime Minister's Office, the ISA, and the Ministry of Justice, in coordination with the bodies in charge of security of the various archives and classified materials in them, did not



implement the previous audit recommendation, and failed to conduct systematic work. The issue was not brought to the attention of the Attorney General to decide whether the Security Regulation Law applies to the archives above.

**📌 Disclosure of Documents After Expiration of the Limitation Period** – the previous audit raised that many files containing classified materials in the State Archives and IDF Archives, for which the disclosure limitation period had expired, had not been disclosed. This was particularly evident in the IDF archives. **The follow-up audit found that this deficiency had not been rectified.** The number of files that had not been disclosed in the State Archive as of the end of 2022 was 79,353. In 2020–2022, the disclosure rate in the archive decreased from 29% to 16% (a decrease of 45% in the disclosure rate). In addition, it was noted in the follow-up audit that the disclosure rate in the State Archive is low, averaging 21% in 2020–2022. According to the disclosure rate of 2022 (16%), the disclosure period for files that have completed the limitation period is about seven years. In addition, the follow-up audit found that the disclosure rate of materials stored in the IDF archive was less than one-tenth of a percent in 2022, averaging 0.11% in 2020–2022, thereby undermining the public's right to access this material. As of September 2023, about 1.1 million files in the IDF archive were subject to disclosure delays.

**📌 Confidentiality After Expiration of the Limitation Period Without Approval of the Ministerial Committee** – the previous audit found that in thousands of cases where confidentiality was imposed on archival materials after the expiration of the limitation period, without the approval of the ministerial committee<sup>4</sup> as required by the Archives Law, partly due to difficulty in convening the committee. **The follow-up audit found that this deficiency had not been rectified.** It was found that from the end of the previous audit in December 2019 until the end of the follow-up audit in August 2023, the State Archives prepared a bill for a new Archives Law, which includes an alternative mechanism to the aforementioned ministerial committee. In addition, the Ministry of Justice prepared two opinions to examine the issue. As of August 2023, the end date of the follow-up audit, and as noted in the previous audit, the normative situation has not changed. According to the Archives Law, the ministerial committee is authorized to approve the State Archivist's designation of archival material as classified due to harm to national security or foreign relations and to impose special restrictions on access to this material. However, this committee did not convene during the period reviewed in the audit. Thus, files whose disclosure limitation period has ended are not made public, even though the Ministerial Committee has not designated the materials in these files as classified for reasons of harm to national security or foreign relations.

<sup>4</sup> The Archives Law stipulates that the State Archivist, with the approval of a committee of three ministers appointed by the government (the ministerial committee), may designate archival material as confidential due to harm to national security or foreign relations and impose special restrictions on access to this material.



- Classified Archival Material Held in Public and Private Archives** – the previous audit noted that, according to MALMAB documents, classified archival materials are held in public and private archives. It was recommended that the ISA lead a staff work on classified archival materials, including those of state institutions, in public and private archives and determine a course of action to address this problem. **The follow-up audit found that the deficiency was slightly rectified.** Since the end of the previous audit in December 2019, there has been no significant change in the handling of classified archival materials held in public and private archives. The audited bodies have not regulated this situation, nor at least designated authorized entities to supervise information security in these archives and handle the matter. The follow-up audit also found that as of the audit's conclusion in August 2023, except for the MALMAB team operating in public archives under the authorization of the State Archivist, no progress has been made in addressing the handling of classified archival materials in public archives. The issue remains unresolved, and classified materials stay in public and private archives.
- Authority of MALMAB to Operate in Public and Private Archives** – the previous audit found that MALMAB's activity in public and private archives (to prevent disclosure of information that could harm national security) is carried out under authorization from former State Archivists and with the consent of archive managers, but is not regulated by legislation. **The follow-up audit found that this deficiency had not been rectified.** There has been no change in the regulation of MALMAB's (Director of Security of the Defense Establishment) responsibility for handling all classified materials in public and private archives at all classification levels. In addition, MALMAB's authority in this context has not been defined, except for the authorization from the State Archivist, which serves as a temporary solution to the lack of legal regulation. Without such regulation, the security of classified information held in public archives could be compromised.
- Disclosure of Classified Information to Unauthorized Parties in the Process of Writing Books by Current or Former Public Officials** – the previous audit found that during the production of books involving 'ghostwriters' who lack security clearance expose them to classified information. **The follow-up audit found that this deficiency had not been rectified.** Although the Ghostwriters Team published a report in September 2020 on "Ghostwriters," which included recommendations in the legal field (including the creation of a legal document that consolidates various legal provisions regarding the protection of defense information, and updating the Attorney General's guidelines on "Declaration of Classified Information under Section 113(d) of the Penal Code"); in the administrative field (including creating and assimilating a training process for elected officials whose roles require exposure to classified information, and reviewing the communication protocols of various bodies with the media); and regarding retired employees (creating guidelines on aspects of maintaining information security and handling of classified information after retirement, holding a specific discussion with all defense bodies and the Prime Minister's Office regarding those who retired following a trans-organizational career path, and formulating a guidelines document for these senior



officials, as well as promoting legislation that establishes post-retirement restrictions). Despite the above, as of the conclusion of the follow-up audit in August 2023, the Ministry of Justice had not formulated a framework to implement the report's recommendations to prevent the exposure of classified material to unauthorized individuals during the writing of books by current and former elected officials and civil servants. As a result, unauthorized parties are still being exposed to classified material, as stated.







**Supervision by the Archivist over Public and Private Archives** – the previous audit raised that managers of public archives failed to submit annual reports to the State Archivist. **In the follow-up audit, it was found that the deficiency was rectified mainly.** In 2022, 10 public archive managers submitted reports as required. However, 11 public archive managers failed to submit reports as needed.

**The Need for Two Procedures (at the stage of disclosing archival materials) – Disclosure and Censorship** – the previous audit raised that archival materials were examined by two entities – disclosure teams from the archive approving the perusal of materials and censorship authorities approving their publication. **In the follow-up audit, it was found that the deficiency was fully rectified.** In December 2020, a joint work procedure was signed for the State Archive and censorship: "Procedure for the Disclosure of Sensitive Defense Material Deposited in the State Archive," and the disclosure procedure was streamlined. The procedure stipulates that the State Archive will recruit employees trained as security expositors, and censorship will be integrated into their training; thus, archival materials will be examined by one entity only.









## Key Recommendations

-  The State Comptroller's Office reiterates its recommendation that the Prime Minister's Office and the State Archives regulate the status of certain archives containing classified material with the assistance of the Ministry of Justice and the ISA. Thus providing a systemic solution for security in these archives and preventing material exposure to unauthorized parties. The latter should focus on information security aspects and security guidelines provided by an officer qualified to classify positions in archives.
-  The Archives Law states that "any person is entitled to peruse archival material deposited in the State Archives; however, this right may be restricted by regulations." The disclosure of archival material after the restriction period is essential in light of the public's right to access this material. The State Comptroller's Office recommends that the State Archivist work with the depositors<sup>5</sup> to increase the disclosure rate, considering the limitations arising from the documents' security classification, to improve public access.
-  The State Comptroller's Office recommends that the Prime Minister's Office and the State Archives, with the assistance of the Ministry of Justice, address the entire issue of disclosure in the new Archives Law proposal, as indicated in the Prime Minister's Office's response to the previous draft report from July 2019. In this context, the public's right to review archival material, as mentioned above, should be considered. The State Comptroller's Office further recommends that the Ministry of Defense, including the IDF Archives, increase the rate of disclosure in the IDF Archives while considering the limitations deriving from the documents' security classification to improve public access to such materials after the disclosure limitation period and to uphold the public's right to access archival materials, including security-related ones, within the necessary constraints.
-  The State Comptroller's Office recommends that the State Archives, with the assistance of the Ministry of Justice, complete the drafting of the proposed law, establish a timeline for finalizing the proposal, and advance it – to prevent the recurrence of extending confidentiality without the approval of the appropriate authorities. The State Comptroller's Office recommends that the Prime Minister submit a proposal to the government to appoint a ministerial committee to approve the State Archivist's recommendations to designate archival material as classified for national security or foreign relations and impose special restrictions on access to this material. This should remain in force until an alternative mechanism is legislated to replace the ministerial committee. Furthermore, until an alternative mechanism to the "ministerial committee" is legislated and after the ministerial committee as mentioned is appointed, the State Archives and IDF Archives should submit for the committee's approval, as required by the Archives Law, the materials whose disclosure limitation period has ended, and which they wish not to disclose, and obtain the

<sup>5</sup> Depositor: a state institution or local authority that has deposited archival material in the State Archives.



committee's approval to designate them as classified or secret and the restrictions that will apply to their access.

-  The State Archivist should ensure to receive annual reports from all public archive managers, as stipulated in the Archives Regulations.
-  The State Comptroller's Office recommends that the Prime Minister's Office and the State Archives, with the assistance of MALMAB, the ISA, and the Ministry of Justice, conduct a thorough review of the presence of classified archival material, including those from state institutions, in public and private archives. This review should determine a course of action for addressing this issue, including identifying the authority handling the matter. Based on the findings of this review, it is necessary to regulate and oversee classified material in public (and private?) archives.
-  Alongside the critical activity carried out by MALMAB under the State Archivist's authorization, it is essential to regulate the handling of all classified material in public and private archives across all classification levels. Therefore, the State Comptroller's Office recommends that the Prime Minister's Office regulate the responsibility for handling such material in collaboration with the Ministry of Justice and the Ministry of Defense.
-  In addition, the State Comptroller's Office recommends that the Attorney General, based on the "Ghostwriters Team" recommendations, develop tools to regulate the sharing of information by retirees with assisting individuals during the writing of books or in similar events. This includes addressing the legal and administrative aspects of formulating guidelines for former elected officials and civil servants regarding information security and the protection of classified information.



**The Rectification Extent of the Key Deficiencies Noted in the Previous Audit**

The Audit Chapter	The Audited Body	The Deficiency Noted in the Previous Audit	The Rectification Extent of Deficiencies Noted in the Follow-Up Audit			
			Not Rectified	Slightly Rectified	Significantly Rectified	Fully Rectified
Applicability of the Law for the Regulation of Security in Public Bodies, 1998, to specific archives	Prime Minister's Office, Ministry of Justice, State Archives, ISA	Specific archives containing classified material are not included in the units of the Prime Minister's Office. The supervised bodies have different opinions on whether the Security Regulation Law applies to them.				
Disclosure of documents after expiration of the disclosure restriction period	State Archives, IDF Archives	The State Archives and the IDF Archives have not disclosed many files containing classified materials after the expiration of their disclosure restriction period. This was particularly evident in the IDF archives.				



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			Not Rectified	Slightly Rectified	Significantly Rectified	Fully Rectified
Confidentiality after expiration of the restriction period without approval of the ministerial committee	Prime Minister's Office, Ministry of Justice, State Archives	In the thousands of cases where confidentiality was imposed on archival materials after the expiration of the limitation period, were done without the approval of the ministerial committee <sup>6</sup> as required by the Archives Law, partly due to difficulty in convening the committee.				
Supervision of the State Archivist over public and private archives	State Archives	Managers of public archives failed to submit annual reports to the State Archivists.				
Classified archival material held in public and private archives	Prime Minister's Office, Ministry of Justice, ISA	Archival material, including classified material, is held in public and private archives.				

<sup>6</sup> The Archives Law stipulates that the State Archivist, with the approval of a committee of three ministers appointed by the government (the ministerial committee), may designate archival material as confidential due to harm to national security or foreign relations and impose special restrictions on access to this material.



The Audit Chapter	The Audited Body	The Deficiency Noted in the Previous Audit	The Rectification Extent of Deficiencies Noted in the Follow-Up Audit			
			Not Rectified	Slightly Rectified	Significantly Rectified	Fully Rectified
MALMAB's authority to operate in public and private archives	Prime Minister's Office, Ministry of Justice, Ministry of Defense, National Security Council	MALMAB's activity in public and private archives to prevent disclosure of information that could harm state security is authorized by former State Archivists and with the consent of archive managers, but is not regulated by legislation.				
The need for two procedures (at the archival material disclosure stage) – disclosure and censorship	State Archives, Censor	Archival material was reviewed by two entities – the archive's disclosure teams that approve access to the materials and officials from the Censor that approve their publication.				
Disclosure of classified information to unauthorized parties in the process of writing books by serving or former elected officials or public servants	Attorney General	In producing ghostwriters' books with the participation of individuals who lack security clearance expose them to classified information.				



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## Summary

The State Archives and its branches, primarily the IDF Archives, contain archival material of various classification levels, including classified material. The follow-up audit found that although issues central to the previous audit were handled by the relevant parties, five out of nine significant deficiencies noted in the previous audit, on which the follow-up audit was focused, remain unaddressed over three and a half years after the State Comptroller submitted the previous audit. In addition, one deficiency was only slightly rectified, one significantly rectified, and two fully rectified.

The State Comptroller's Office recommends that the Prime Minister's Office, the Ministry of Justice, the ISA, MALMAB, the State Archives, and the IDF Archives conduct a comprehensive review to find a systemic solution to the ongoing deficiencies related to the security of classified information held in the State Archives and specific other archives. This includes addressing the disclosure of classified information by current and former public officials to unauthorized individuals while writing books and the disclosure of material from the State Archives and IDF Archives after their restriction period expires. Failure to address and regulate these issues could expose classified information to the public and compromise national security.