

Controlled Unclassified Information

Shared • Standardized • Transparent

Program Update: May 15, 2017

Information Security Oversight Office (ISOO)

The seal of the National Archives and Records Administration is visible in the background, featuring an eagle with wings spread, holding an olive branch and arrows, with a shield on its chest. Above the eagle is a scroll with the Latin motto "LITTEA SCRIPTA MANET". The seal is partially obscured by the text "Information Security Oversight Office (ISOO)".

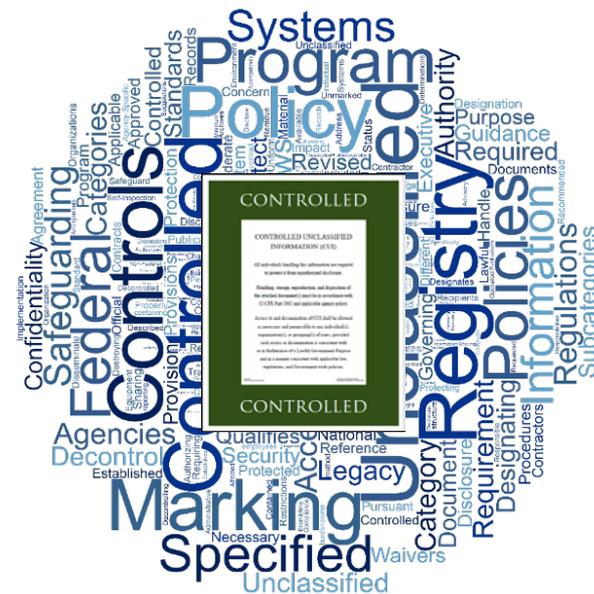
Controlled Unclassified Information Program

- CUI Program Short Overview
- Implementation Status
- Resources available from the CUI Website
- Federal Acquisition Regulation Update
- Q&A



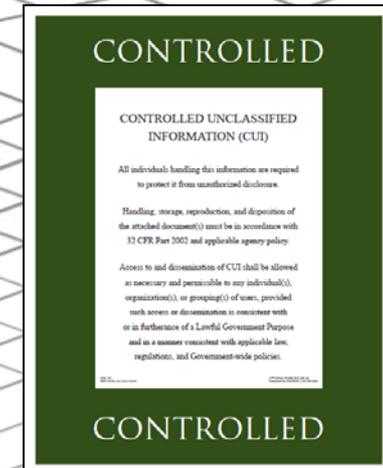
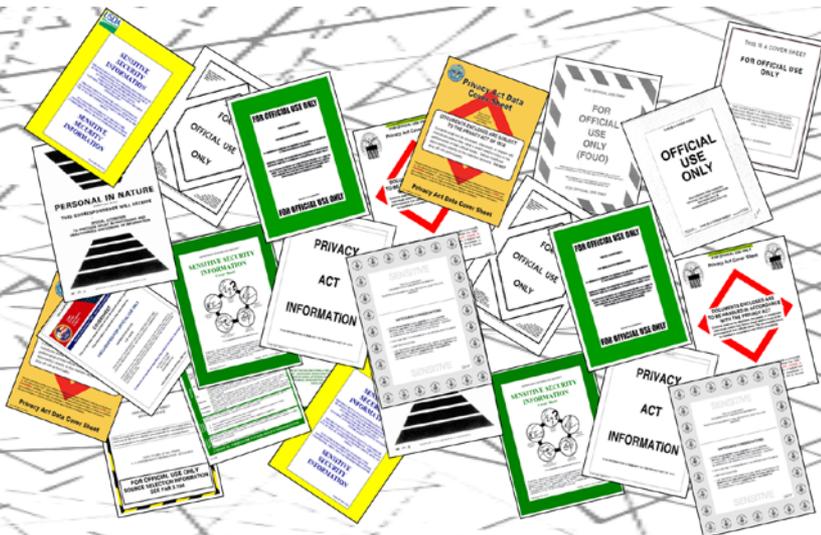
 **CONTROLLED UNCLASSIFIED INFORMATION**

THE NATIONAL ARCHIVES
BLOG OF THE CONTROLLED UNCLASSIFIED INFORMATION PROGRAM



Information Security Reform

- Clarifies and limits what to protect
- Defines safeguarding
- Promotes authorized information sharing
- Reinforces existing legislation and regulations



Protection is defined under the CUI Program

www.archives.gov/cui

Controlled Unclassified Information (CUI)

Home > CUI

Established by Executive Order 13526, the Controlled Unclassified Information (CUI) program standardizes the way the Executive branch handles unclassified information that requires safeguarding or dissemination controls pursuant to and consistent with law, regulations, and Government-wide policies. [Learn About CUI](#)

Registry

The CUI Registry is the authoritative source for guidance regarding CUI policies and practices.

Search the Registry:

Access Registry by

- Category-Subcategory
- Executive Order 13526
- 32 CFR Part 2002 (Implementing Regulation)
- CUI Notices
- Additional Information
- CUI Glossary

Training

Learn about training developed by the Executive Agent for CUI users

- CUI Training Modules

Oversight

Learn about CUI oversight requirements and tools

- CUI Reports

Under Development - Registry

- Marking Handbook
- Markings
- Limited Dissemination
- Decentral

News and Notices

- September 14, 2016 - 32 CFR Part 2002 has been published.
- September 14, 2016 - CUI Notice 2016-01: Implementation Guidance has been issued.

CUI Registry

NIST Special Publication 800-171
Revision 1

Protecting Controlled Unclassified Information in Nonfederal Systems and Organizations

63340 Federal Register / Vol. 81, No. 178 / Wednesday, September 14, 2016 / Rules and Regulations

(12) Establishes a mechanism by which authorized holders (both inside and outside the agency) can request a designated agency representative for CUI.

(b) Agencies may use only those categories or subcategories approved by the CUI EA and published in the CUI Registry to designate information as CUI.

Specified standards and may apply limited dissemination controls listed in the CUI Registry to ensure they treat the information in accord with the CUI

RON ROSS
KELLEY DEMPSEY
Computer Security Division
National Institute of Standards and Technology

PATRICK VISCUDO
MARK RIDDLE
Information Security Oversight Office
Department of Defense

GARY GUSSANE
Assistant for Defense Activities
using the Department of Defense

Available free of charge from:
<http://nvlpubs.nist.gov/nistpubs/SpecialPublications/NIST.SP.800-171r1.pdf>

December 2016

Department of Commerce
Kenney Fritzsche, Secretary

National Archives and Records Administration
Information Security Oversight Office
32 CFR Part 2002
Controlled Unclassified Information; Final Rule

FEDERAL REGISTER

Vol. 81 Wednesday,
No. 178 September 14, 2016

Part IV

National Archives and Records Administration

Information Security Oversight Office
32 CFR Part 2002
Controlled Unclassified Information; Final Rule

63330 Federal Register

List of Subjects in: Administrative procedures, Archives, Controlled Unclassified Information, Freedom of information, the Statistic Act, reference, national security, National Open government.

For the month of September, NARA is Chapter XX by and as follows:

PART 2002—CONTROLLED UNCLASSIFIED INFORMATION

Subpart A—General

2002.1 Purpose and scope
2002.2 Definitions
2002.6 CUI Elements
2002.8 Rules and regulations

Subpart B—Key Elements

2002.10 The CUI Program
2002.12 CUI categories
2002.14 Subcategories
2002.16 Accounting
2002.18 Determination
2002.20 Marking
2002.22 Limited dissemination
2002.24 Agency use

Subpart C—CUI Program

2002.30 Information
2002.32 CUI owner
2002.34 Transmittal
2002.36 Legacy systems
2002.38 Whistleblowers
2002.44 CUI and declassification
2002.46 CUI and the President Act
2002.48 CUI and the President Act
2002.50 Challenges
2002.52 Dispute resolution
2002.54 Misuse of CUI
2002.56 Sanctions

Appendix A to Part 2002—Authority: E.O. 13526 and Comp. sup. 801

Subpart A—General

§ 2002.1 Purpose and scope This part does not apply to Controlled Unclassified Information (CUI) Program and such information that is designated, handled, or disseminated by the agency.

(b) The CUI Program is the mechanism by which information that requires protection under laws, regulations, or Government-wide policies, but that does not qualify as classified under Executive Order 13526, is designated as CUI.

(c) NARA incorporation criteria material by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a)

§ 2002.4 Definitions As used in this part: (a) Agency is the Federal agency, executive agency, executive branch

Implementation Projection

- 2-3 Years for full implementation
 - Resource dependent
 - **Policy**, Training, Physical Safeguarding, Systems, Contracts
- **CUI practices and Legacy practices will exist at the same time.**
 - Legacy practices will be phased out as agencies implement
- ISOO is assessing parent agencies



Our Website: www.archives.gov/cui

CUI Registry

The CUI Registry is the Government-wide online repository for Federal-level guidance regarding CUI policy and practice. However, agency personnel and contractors should first consult their agency's CUI implementing policies and program management for guidance.

Search the Registry:

Categories, Markings and Controls:

- [Category-Subcategory List](#)
- [Category-Subcategory Markings](#)
- [Limited Dissemination Controls](#)
- [Decontrol](#)
- [Registry Change Log](#)

Policy and Guidance

- [Executive Order 13556](#)
- [32 CFR Part 2002](#) [\(Implementing Directive\)](#)
- [CUI Marking Handbook](#) [\(PDF\)](#)
- [CUI Notices](#)

CUI Glossary



[Use the CUI Logo](#)

[Contact Us](#)

News and Notices

- [January 24, 2018 - New Policy and Guidance documents have been posted](#)
- [October 23, 2017 - The CUI Blog has been launched](#)
- [September 12, 2017 - New Training Tools have been posted](#)
- [September 12, 2017 - Destruction Labels have been posted](#)



Training Tools

Learn about training tools developed by the Executive Agent for CUI users.



Additional Tools

Learn about additional tools for handling CUI.

- [CUI Coversheets](#)
- [CUI Marking Trifold Brochure](#)
- [Audio/Photo/Video Markings Brochure](#)



Oversight

Learn about CUI oversight requirements and tools.

Our Website: CUI Policy and Guidance

- **CUI Executive Order**
- **CUI Implementing Regulation**
- **CUI Notices and Executive Agent Guidance**
- **NIST Publications**
 - The following National Institute of Standards and Technology (NIST) publications have been incorporated by reference into the CUI Implementing Directive, 32 CFR Part 2002, and should be consulted for guidance on implementing specific measures to safeguard CUI:
- **CUI Advisory Council**
 - The CUI EA established the CUI Advisory Council to carry out consultative functions directed by Executive Order 13556.
- **Additional Resources**
 - The CUI EA has developed recommendations to assist departments and agencies in development of their CUI programs and submission of information to the EA.

Our Website: Some Key CUI Notices

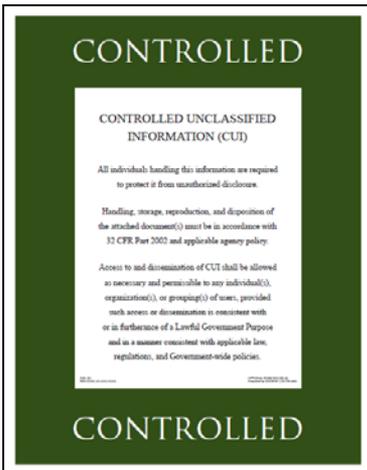
INFORMATION SECURITY OVERSIGHT OFFICE
NATIONAL ARCHIVES *and* RECORDS ADMINISTRATION
700 PENNSYLVANIA AVENUE, NW, ROOM 100 WASHINGTON, DC 20408-0001
www.archives.gov/isoo



CUI Notice 2017-02: Controlled Unclassified Information (CUI) and Multi-Step Destruction

- **Recommendations for CUI Basic Training, 2018-02**
- **Guidance for Drafting Agreements with Non-Executive Branch Entities involving CUI, 2018-01**
- **CUI and Multi-Step Destruction Process, 2017-02**
- **Implementation Recommendations for the CUI Program, 2017-01**
- **Implementation Guidance for the CUI Program, 2016-01**
- **Revised Guidance regarding CUI and the FOIA, 2014**
- **Provisional Approval of Proposed CUI Categories and Subcategories, 2013-01**
- **Appointments of Senior Agency Official (SAO) and Program Manager (PM) for CUI Program Implementation, 2013**

Our Website: CUI: Additional Tools



Controlled
Unclassified
Information (CUI)
Audio, Photography,
and Video Markings




700 Pennsylvania Ave, N.W., Room 100
Washington, DC 20408-0001
Phone: (202) 357-6870
E-mail: cui@nara.gov

Marking
CONTROLLED
UNCLASSIFIED
INFORMATION

(Banner and Portion Markings)




August 2016




This equipment has been approved for the destruction of *Controlled Unclassified Information (CUI)*.

Inspected and Approved by: _____ Date: _____ Serial Number: _____
Make/Model: _____

Note: Only equipment which produces particles that are 1 mm x 1 mm (or less) in size (or smaller) may be approved. Please direct any questions to:




This equipment has been approved for the destruction of *Controlled Unclassified Information (CUI)*.

Inspected and Approved by: _____ Date: _____ Serial Number: _____
Make/Model: _____

Note: Only equipment which produces particles that are 1 mm x 1 mm (or less) in size (or smaller) may be approved. Please direct any questions to:

Our Website: Training Videos

- Controlled Environments
- Decontrolling
- Destruction
- Lawful Government Purpose
- Intro to Marking
- Marking (non-traditional)
- Unauthorized Disclosures
- **CUI Overview**

Select the respective title for PowerPoint presentation or the video link to learn about a specific element of the CUI Program:

<p>Controlled Environments describes the requirements for storing CUI in physical and electronic environments.</p>  <p>Transcript Download mp4 video</p>	<p>Decontrolling describes the requirements for decontrolling CUI.</p>  <p>Transcript Download mp4 video</p>
<p>Destruction describes the requirements for destroying CUI.</p>  <p>Transcript Download mp4 video</p>	<p>Lawful Government Purpose describes concept of Lawful Government Purpose and the sharing requirements related to CUI.</p>  <p>Transcript Download mp4 video</p>
<p>Introduction to Marking provides an introduction and addresses the requirements for marking CUI.</p>  <p>Transcript Download mp4 video</p>	<p>Marking: Non-Traditional addresses the various ways to mark or identify CUI.</p>  <p>Transcript Download mp4 video</p>

Training Tools Downloads Include:

- Video File(mp4)
- Transcript (pdf)
- PowerPoint w/ talking points (pdf)

Federal Acquisition Regulation (FY19)

“This FAR rule is necessary to ensure uniform implementation of the requirements of the CUI program in contracts across the government, thereby avoiding potentially inconsistent agency-level action.” –Unified Agenda

Public Comment

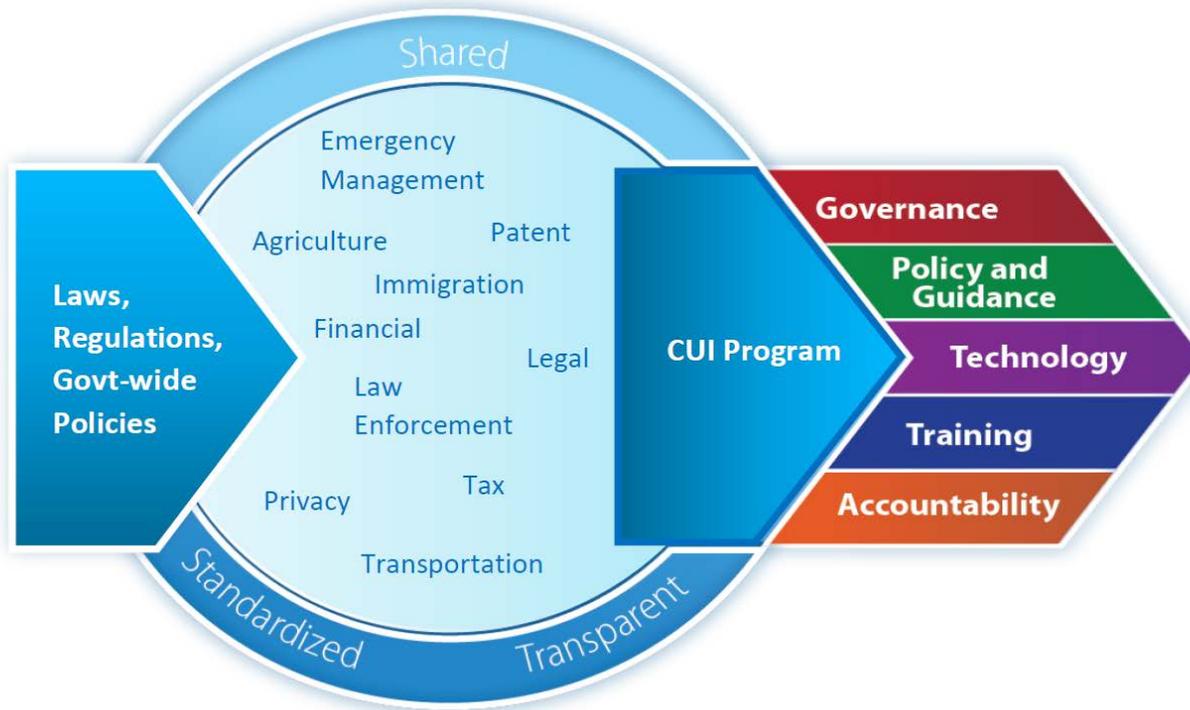
Open: December 2018 (Est.)

Close: February 2019 (Est.)



<https://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201804&RIN=9000-AN56>

Questions & Answers



- When working different contracts requiring several different locations to be covered under CUI, how do you do the following:
 - Determine which contract is MOST important to handle first?

*They are all important and the information requires protection. The standards of protection are generally the same with only minor differences for CUI Specified or for any Limited Dissemination (or Access) controls. **Priority can be given based on volume, type, and the mission related to the information. Also, contract requirements can play a role.** The CUI Program will be implemented in phases so not all contracts will have the “CUI requirements” pushed to them. Agencies may elect to let a contract/agreement ride out under existing terms.*

- When working different contracts requiring several different locations to be covered under CUI, how do you do the following:
 - Determine what is considered CUI according to the contract?

Upon the implementation of the CUI program within an agency, CUI will be marked or identified in the contract and upon transfer to the contractor.

- Ensure that the individuals handling this information get the proper training at each site?

Training records. Track who needs to be trained and on what (CUI Specified may require special training).

3.13.11 Employ FIPS-validated cryptography when used to protect the confidentiality of CUI.

- Great resource:
<https://dodprocurementtoolbox.com/faqs/cybersecurity>
- Q35: Do all the 171 requirements for cryptography have to be Federal Information Processing Standards (FIPS)-validated, and if so, what does that mean? If the algorithm is FIPS approved, is that sufficient?

A35: Yes, the requirement is to use FIPS-validated cryptography, which means the cryptographic module has to have been tested and validated to meet FIPS 140-1 or-2 requirements. Simply using an approved algorithm is not sufficient – the module (software and/or hardware) used to implement the algorithm must be separately validated under FIPS 140. More information is available at <http://csrc.nist.gov/groups/STM/cmvp/> and <http://csrc.nist.gov/groups/STM/cmvp/validation.html>.

Q5: When and how should DFARS clause 252.204-7012 flow down to subcontractors?

A5: DFARS clause 252.204-7012 flows down to subcontractors without alteration, except to identify the parties, when performance will involve operationally critical support or CDI. The contractor should consult with the contracting officer to determine if the information required for subcontractor performance is covered defense information and if it retains its identity as covered defense information which would require flow-down of the clause.

Flow-down is a requirement of the terms of the contract with the Government, which should be enforced by the prime contractor as a result of compliance with these terms. If a subcontractor does not agree to comply with the terms of clause 252.204-7012 then CDI should not be on that subcontractor's information system.

<https://dodprocurementtoolbox.com/faqs/cybersecurity>

- How are companies to control personal phone devices in areas with CUI? Nowadays they are more powerful than most computers (i.e. You can track company phones with software)

Mobile devices are a concern but cannot be controlled like in the CNSI environment. There should be some control placed on phones (transmission devices). Within certain areas where CUI is handled and processed (like where health claims are processed), electronic devices are not allowed. Agencies use signage and reporting to enforce this requirement. Depending on the type of CUI, volume, and risk, organizations can impose additional safeguards surrounding the use of Mobile devices where CUI is handled, stored, or discussed.

- Is there training available for employees to learn about CUI besides the one from National Archives?

Agencies will be developing CUI training and making it available from their websites. Based on agency annual reports (received Nov 1, 2017), most agencies have some sort of awareness or training that they are currently using. Most are using the modules developed by the CUI EA as a baseline. The CUI EA training is available for viewing and download (to run from an organization's learning platform).

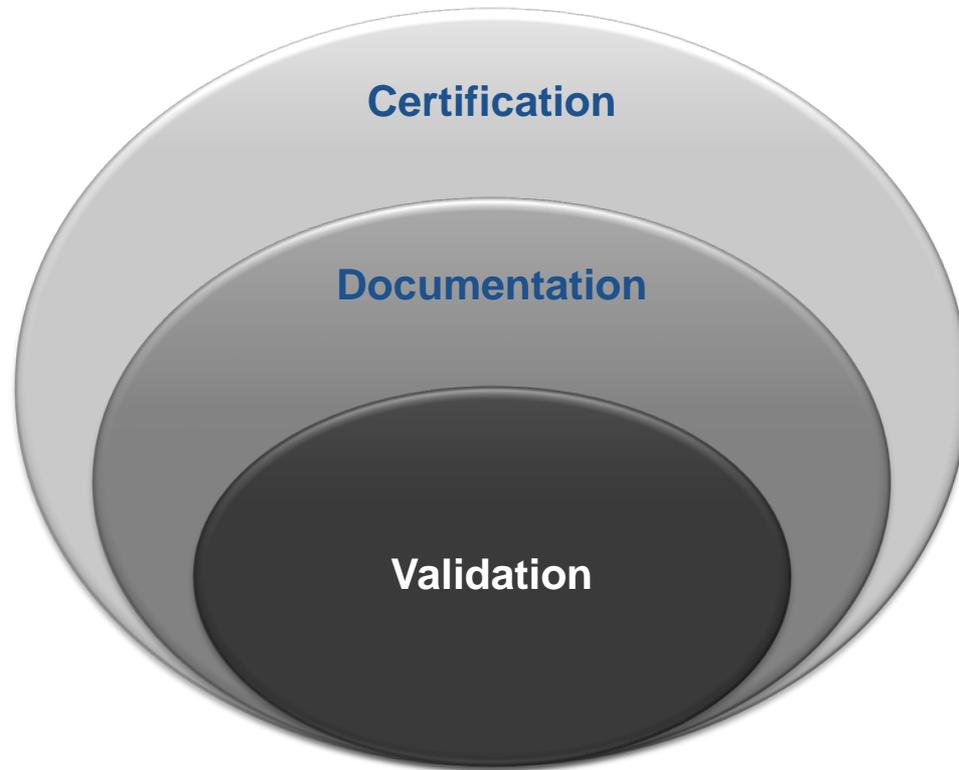
■ Who has cognizance over CUI compliance?

- *The CUI EA has oversight over agencies (parent agencies).*
- *Parent agencies over component elements.*
- *Component elements over contractors.*

*Oversight methods and frequency will depend on the Volume, type, and mission of the agency/component. Expect some form of annual **certification**, stating that you comply with the program. Depending on volume, type, or mission, **documentation** may be required (SSPs, training records, etc). Lastly, **on-site validation** might be required based on these factors.*

Oversight Approach

- Based on CUI, quantity, mission/purpose, and existing practices
- Evaluation and assessment based on CUI Program standards



CUI Blog = Updates Available



CONTROLLED
UNCLASSIFIED
INFORMATION

THE NATIONAL ARCHIVES
CUI PROGRAM BLOG

[Home](#) [About the Blog](#) [About the Bloggers](#) [Comment and Posting Policy](#) [CUI: The High Notes](#)

- FAQs
- Next Webinar:
 - ✓ August 15, 2018
 - ✓ 1-3 EDT



Follow Blog via Email
Click to follow this blog and receive notifications of new posts by email.

Upcoming Events
No upcoming events

Archives
 ▼

Topics

- Common questions
- CUI Registry
- Events & reviews
- FOIA & Privacy Act
- General updates
- Marking & examples