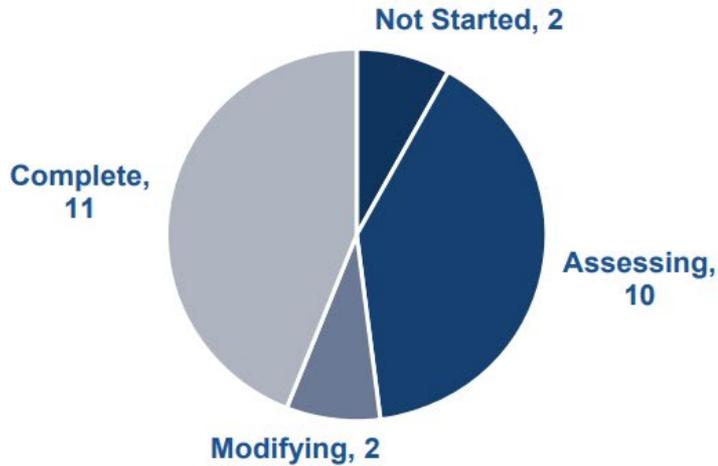


Stakeholder Q2 Agenda

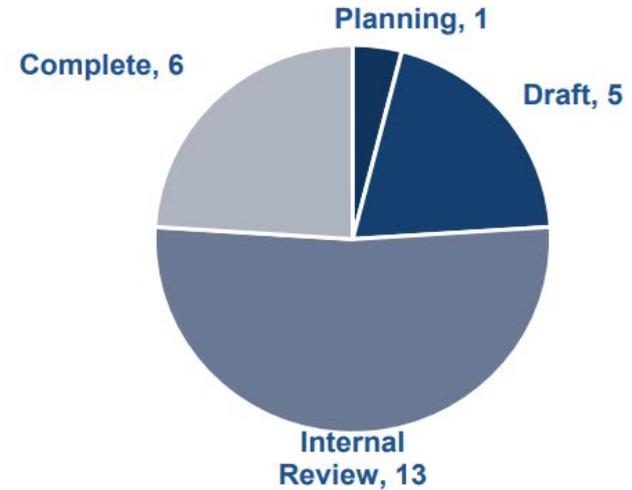
- CUI Implementation Projections: based on FY 19 Annual Report
- Update on: CUI and Metadata Plans/Discussion
- Update on: the CUI Federal Acquisition Regulation case
- Common misconceptions regarding implementation
 - Consistency in Agency Programs
 - Leveraging Existing Resources
 - CUI and Background Investigations
 - Is my Proprietary Information CUI?
 - Supply Chain and Flow Down Requirements
 - Legacy Information (FOUO, SBU, etc) and Expectations for Safeguarding
 - Assessing Compliance Related to Non-Federal Systems
- Q & A (submitted and live)

CUI Implementation Status

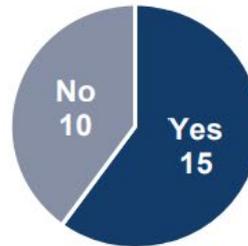
Physical Security



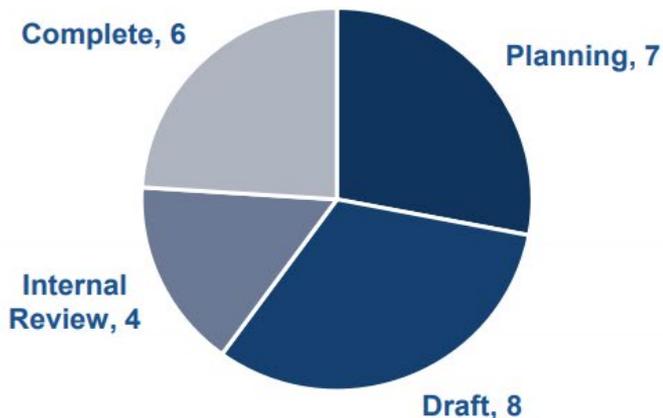
Policy



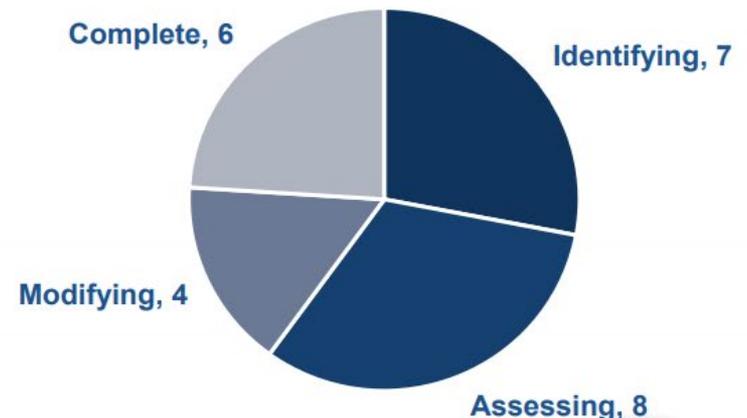
Budget



Training



Systems



Update Current Projects

CUI and a Metadata Standard + Exchange

- Established working group (Agencies, CUI office, NIEM, Stakeholders)
- Created Draft Standard (Out for comment to CUI AC and select stakeholders)
- Comments will be reviewed and draft revised

The CUI FAR Case (9000-AN56)

- **PROJECTED** Notification of Public Rule Making (Beginning of Comment Period): **April 2020**
- **PROJECTED** End of Comment Period: **June 2020**

<https://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201910&RIN=9000-AN56>

Consistency in Agency Programs

CUI Implementation and Oversight

The CUI program was designed to address and standardize Federal agency policies for designating, safeguarding, disseminating, marking, decontrolling, and disposing of CUI.

The CUI FAR is intended to ensure uniform implementation of the requirements of the CUI program in contracts across Government agencies.

Leveraging Existing Resources

CUI Notice 2017-01

- Training
- Systems
- Physical Security
- MISC: Telework, Travel, Records...

CUI and Background Investigations

Does CUI have a background investigation requirement?

No....but sometimes yes?

CUI itself does not have a background investigation requirement. But many times the people working on/with CUI will be required to have a background investigation. The types (and quantities) of information an individual works with are factors in determining public trust requirements. There are many other related factors as well , such as systems access, facility access, sensitivity of mission, and more that can lead to the need for background investigations. But information qualifying as CUI, on its own, does not necessitate a background investigation.

NIST SP 800-171 3.9 Personnel Security (next slide)

SECURITY REQUIREMENT Screen individuals prior to authorizing access to organizational systems containing CUI.

ASSESSMENT OBJECTIVE Determine if individuals are screened prior to authorizing access to organizational systems containing CUI.

POTENTIAL ASSESSMENT METHODS AND OBJECTS

- Examine: [SELECT FROM: Personnel security policy; procedures addressing personnel screening; records of screened personnel; system security plan; other relevant documents or records].
- Interview: [SELECT FROM: Personnel with personnel security responsibilities; personnel with information security responsibilities].
- Test: [SELECT FROM: Organizational processes for personnel screening].

- **Is my Proprietary Information CUI?**
 - The government will protect it as CUI (and may even send it back to you as CUI) but the proprietary information you create internally and maintain ownership of is not CUI (though it may require protections pursuant to other laws or regs).
- **Supply Chain and Flow Down Requirements**
 - This will be further discussed when the CUI FAR comes out for comment. But all CUI requirements are planned to follow the CUI however far down the supply chain it goes.
- **Legacy Information (FOUO, SBU, etc) and Expectations for Safeguarding**
 - Information should always be protected in accordance with the requirements in the contract under which it was produced or received.

Assessing Compliance Related to Non-Federal Systems

- Published: CUI Notice 2019-04 Oversight of the Controlled Unclassified Information (CUI) Program within Private Sector Entities
- Planned: CUI Notice Outlining use of NIST SP 800-171a
- DOD Specific
 - DOD CMMC: <https://www.acq.osd.mil/cmmc/>
 - DOD Procurement Toolbox Cyber: <https://dodprocurementtoolbox.com/site-pages/cybersecurity-dod-acquisition-regulations>
 - DOD Training and Awareness: <https://www.cdse.edu/toolkits/cui/index.php>

Submitted Questions

- Is my company employee PII, to include contract-specific qualifications, salary, security clearance, etc. considered CUI?
- Is my company accounting data (salary, labor categories, job cost, proprietary indirect information, profit, revenue, and other such data contained in a job cost accounting ERP system) considered CUI?
- Is my subcontractor invoicing and cost reporting data considered CUI? Is their related supporting data (timesheets, travel expense reports) CUI?
- Is my invoice or cost report (consisting of MY company & subcontractors expenditure information) considered CUI? Is my related supporting data (timesheets, travel expense reports) CUI?

Submitted Questions (2)

- Is my or subcontractor EFT information (that another prime uses to pay my company or that my company use to pay its subcontractors)?
- Is financial information such as estimates-to-complete for my company's contract or for our subcontractors considered CUI? (Talking about *only* my company's estimates and estimates of our subcontractors.)
- Many Federal agencies use an Agency specific term when discussing CUI. For example, GSA talks about GSA CUI...the DoD talks about DoD CUI. Does the ISOO interpret such use of the term only in the sense that this is CUI that agency possesses as defined by the CUI registry?
- Is my company employee PII considered CUI?

- Is my company accounting data considered CUI?
- Is my subcontractor invoicing and cost reporting data considered CUI?
- Is my invoice or cost report (consisting of MY company & subcontractors expenditure information) considered CUI?
- Is my or subcontractor EFT information (that another prime uses to pay my company or that my company use to pay its subcontractors)?