

# Controlled Unclassified Information (CUI) Awareness

*29 Aug 2022*



CONTROLLED  
UNCLASSIFIED  
INFORMATION

# Purpose



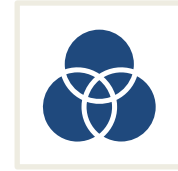
Define CUI



Understand  
Policies and  
Safeguarding CUI



Examples of Types  
of CUI



CUI Markings and  
Dissemination  
Controls/Markings



CUI Handling



DOD Transition to  
CUI

# Controlled Unclassified Information

## What is CUI?

- CUI is information the Government creates or possesses, or that an entity creates or possesses for or on behalf of the Government, that a law, regulation, or Government-wide policy requires or permits an agency to handle using safeguarding or dissemination controls. However, CUI does not include classified information or information a non-executive branch entity possesses and maintains in its own systems that did not come from, or was not created or possessed by or for, an executive branch agency or an entity acting for an agency.
- CUI is not classified information
- It is not corporate intellectual property unless created for or included in requirements related to a government contract

## Why is it important?

- Because there are fewer controls over CUI as compared to classified information, CUI is the path of least resistance for adversaries. Loss of aggregated CUI is the one of the most significant risks to national security, directly affecting lethality of our warfighters.

# Controlled Unclassified Information Policies

## What is the CUI Program?

- **Executive Order 13556, November 4, 2010, established the program for managing CUI across the Executive branch and designates National Archives and Records Administration (NARA) as the Executive Agent to implement the Order and oversee agency actions to ensure compliance**
  - **The Archivist of the United States delegated these responsibilities to the Information Security Oversight Office (ISOO)**
- **32 CFR Part 2002 "Controlled Unclassified Information" issued by ISOO to establish policy for agencies on the CUI program and the federal CUI Registry**
- **DODI 5200.48, March 6, 2020, Controlled Unclassified Information, establishes policies, responsibilities, and procedures for controlled unclassified information (CUI) and a DOD CUI Registry**

## Kepler CUI Policies

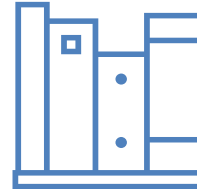
- **Kepler IT-009, CUI Access and Storage Handling and Transmission**
- **Kepler IT-010, CUI Safeguarding at Alternative Work Sites or Telecommuting**
- **Kepler IT-017, CUI Flow Control and Enforcement**

# DODI 5200.48, Controlled Unclassified Information



## Applicability

Arrangements, agreements, contracts, and other transaction authority actions requiring access to CUI according to terms and conditions of such documents, as defined in Clause 2.101 of the Federal Acquisition Regulation and Section 2002.4 of Title 32, CFR, including, but not limited to, grants, licenses, certificates, memoranda of agreement/arrangement or understanding, and information-sharing agreements or arrangements



## DOD Policy

The designation, handling, and decontrolling of CUI will be conducted in accordance with this issuance and DFARS 252.204-7008 and -7012 when applied by a contract to non-DoD systems.

All CUI must be authorized for public release in accordance with DoD Instructions

In accordance with the DoD phased CUI Program implementation, all documents containing CUI must carry CUI markings in accordance with this issuance

# Kepler General CUI Policy



**All CUI will remain on MDA systems and network**

Comply with all MDA CUI **Policy** and Procedures

Use MDA provided systems with VPN

Contact Kepler Information Security Officer (ISO) if you think you have a need to transmit CUI on Kepler system

CUI must be encrypted



**CUI will not be transmitted to anyone without an official lawful Government purpose**



**Kepler complies with DFARS 252.204-7012 safeguarding CUI and incident reporting requirements**

# Kepler CUI Policies

Kepler IT-009, CUI  
Access and Storage  
Handling and  
Transmission

Provides guidance on who can access CUI, how to store it, how it should be handled, and how to transmit it

Kepler IT-010, CUI  
Safeguarding at  
Alternative Work Sites  
or Telecommuting

Establishes basic rules for handling CUI at alternative work site including telecommuting sites

Kepler IT-017, CUI  
Flow Control and  
Enforcement

Establishes the basis for controlling the flow of CUI into and out of the Kepler domain

# Examples of Types of CUI

## General Procurement and Acquisition

Material and information relating to, or associated with, the acquisition and procurement of goods and services, including but not limited to, cost or pricing data, contract information, indirect costs and direct labor rates

## Small Business Research and Technology

Relating to certain "Small Business Innovation Research Program" and "Small Business Technology Transfer Program" information in a government database, as referenced in 15 USC 638(k)(2)

## Source Selection

Per FAR 2.101: any of the following information that is prepared for use by an agency for the purpose of evaluating a bid or proposal to enter into an agency procurement contract, if that information has not been previously made available to the public or disclosed publicly: (FAR Items 1-10)

## General Financial Information

Related to the duties, transactions, or otherwise failing under the purview of financial institutions or United States Government fiscal functions



# CUI Markings and Dissemination Controls

- ▶ The authorized holder of a document or material is responsible for determining, at the time of creation, whether information in a document or material falls into a CUI category. If so, the authorized holder is responsible for applying CUI markings and dissemination instructions accordingly
- ▶ At minimum, CUI markings for unclassified DoD documents will include the acronym “CUI” in the banner and footer of the document
- ▶ If portion markings are selected, then all document subjects and titles, as well as individual sections, parts, paragraphs, or similar portions of a CUI document known to contain CUI, will be portion marked with “(CUI).” Use of the unclassified marking “(U)” as a portion marking for unclassified information within CUI documents or materials is required
- ▶ CUI markings in classified documents will appear in paragraphs or subparagraphs known to contain only CUI and must be portion marked with “(CUI).” “CUI” will not appear in the banner or footer

# CUI Markings and Dissemination Controls

The first page or cover of any document or material containing CUI, including a document with commingled classified information, will include a CUI designation indicator, as shown in Figure 2. Documents and materials containing CUI will require a generic “CUI” marking at the top and bottom of each page.

**Figure 2. CUI Designation Indicator for All Documents and Material**

Controlled by: [Name of DoD Component] (Only if not on letterhead)  
Controlled by: [Name of Office]  
CUI Category: (List category or categories of CUI)  
Distribution/Dissemination Control:  
POC: [Phone or email address]

# CUI Handling by DoD

- ▶ The DoD originator or authorized CUI holder must ensure a prepublication and security policy review is conducted before CUI is approved for public release, which includes publication to a publicly accessible website
- ▶ Decontrolling and releasing CUI records will be executed by the originator of the information. There are no specific timelines to decontrol CUI unless specifically required in a law, regulation, or government-wide policy. Decontrol will occur when the CUI no longer requires safeguarding and will follow DoD records management procedures
- ▶ OCAs will determine if aggregated CUI under their control should be classified
- ▶ DoD information systems processing, storing, or transmitting CUI will be categorized at the “moderate” confidentiality impact level and follow the guidance in DoDIs 8500.01 and 8510.01. Non-DoD information systems processing, storing, or transmitting CUI will provide adequate security, and the appropriate requirements must be incorporated into all contracts, grants, and other legal agreements with non-DoD entities

# DoD Transition to CUI



DoD is currently transitioning to the new CUI requirements



Will apply to all information going forward.  
There isn't a requirement to reclassify previous information to CUI, e.g., FOUO

## Backups

# Background

- ▶ At present, executive departments and agencies (agencies) employ ad hoc, agency-specific policies, procedures, and markings to safeguard and control this information, such as information that involves privacy, security, proprietary business interests, and law enforcement investigations. This inefficient, confusing patchwork has resulted in inconsistent marking and safeguarding of documents, led to unclear or unnecessarily restrictive dissemination policies, and created impediments to authorized information sharing. The fact that these agency-specific policies are often hidden from public view has only aggravated these issues
- ▶ To address these problems, this order establishes a program for managing this information, hereinafter described as Controlled Unclassified Information, that emphasizes the openness and uniformity of Government-wide practice

# CUI Markings and Dissemination Controls

## ▶ Dissemination controls

- The dissemination marking “not releasable to foreign nationals (NOFORN or NF)” is an intelligence control marking used to identify intelligence information an originator has determined meets the criteria of Intelligence Community Directive 710 and Intelligence Community Policy Guidance 403.1, which provides guidance for further dissemination control markings. It must be applied to controlled unclassified intelligence information that is properly characterized as CUI with appropriate CUI markings
  - **The application of the control marking “not releasable to foreign nationals” (NOFORN or NF) will only be applied, when warranted, to unclassified intelligence information properly categorized as CUI and reviewed by a Foreign Disclosure Officer to ensure there are no international agreements in place to prohibit its use and prohibiting sharing**
  - **The application of “Releasable to” (“REL TO”) can only be applied, when warranted and consistent with relevant law, regulation, or government-wide policy or DoD policy, to information properly categorized as CUI with an export control or licensing requirement with a foreign disclosure agreement in place**