



Controlled Unclassified Information (CUI) Update Meeting

<http://www.archives.gov/cui/>

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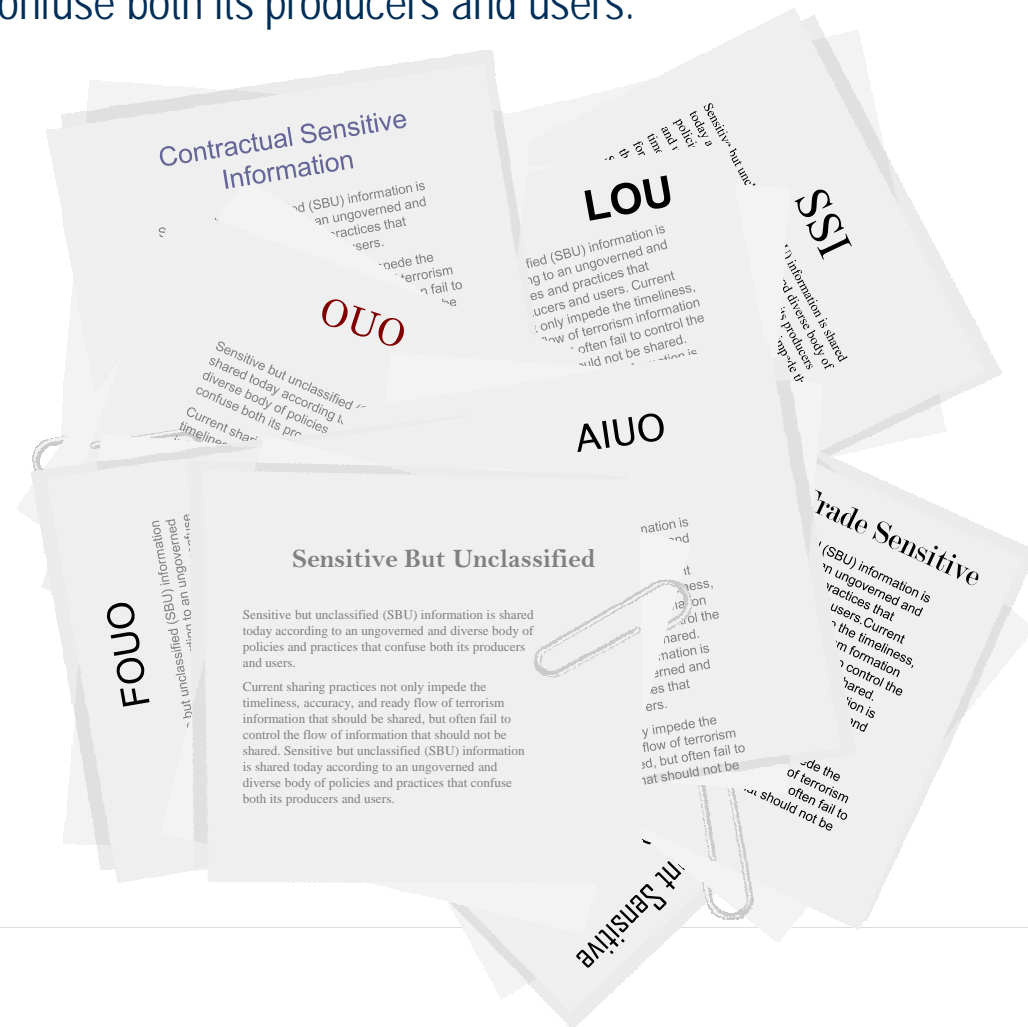


SBU information is currently shared according to an unguided body of policies and practices that confuse both its producers and users.

Inconsistency in SBU policies greatly increases the likelihood of erroneous handling and sharing of information.

Across the Federal government there are at least 107 unique markings and over 130 different labeling or handling processes and procedures for SBU information.

Current SBU sharing practices not only impede the timeliness, accuracy, and ready flow of information that should be shared, but often fail to protect information in a consistent and transparent manner.





The Presidential Memorandum on the *Designation and Sharing of Controlled Unclassified Information* was released on May 9, 2008.

This Memorandum:

- Adopts, defines, and institutes “Controlled Unclassified Information” (CUI) as the single categorical designation for all information referred to as “Sensitive But Unclassified” (SBU) in the Information Sharing Environment (ISE); and
- Establishes a corresponding new CUI Framework for designating, marking, safeguarding, and disseminating information designated as CUI; and
- Designates the **National Archives and Records Administration (NARA)** as the **Executive Agent**, to oversee and implement the new CUI Framework.

The purpose of the CUI Framework is to standardize practices and thereby improve the sharing of information.



For Immediate Release
Office of the Press Secretary
May 9, 2008

Memorandum For The Heads Of Executive Departments And Agencies

SUBJECT: Designation and Sharing of Controlled Unclassified Information (CUI)

Purpose

(1) This memorandum (a) adopts, defines, and institutes “Controlled Unclassified Information” (CUI) as the single, categorical designation hereforth throughout the executive branch for all information within the scope of that definition, which includes most information heretofore referred to as “Sensitive But Unclassified” (SBU) in the Information Sharing Environment (ISE), and (b) establishes a corresponding new CUI Framework for designating, marking, safeguarding, and disseminating information designated as CUI. The memorandum’s purpose is to standardize practices and thereby improve the sharing of information, not to classify or declassify new or additional information.

Background – The Current SBU Environment

(2) The global nature of the threats facing the United States requires that (a) our Nation’s entire network of defenders be able to share information more rapidly so those who must act have the information they need, and (b) the United States Government protect sensitive information, information privacy, and other legal rights of Americans. A uniform and more standardized governmentwide framework for what has previously been known as SBU information is essential for the ISE to succeed. Accordingly, this memorandum establishes a standardized framework, designed to facilitate and enhance the sharing of Controlled Unclassified Information.

Definitions

(3) In this memorandum, the following terms have the meaning indicated:

a. “Controlled Unclassified Information” is a categorical designation that refers to unclassified information that does not meet the standards for National Security Classification under Executive Order 12958, as amended, but is (i) pertinent to the national interests of the United States or to the important interests of entities outside the Federal Government, and (ii) under law or policy requires protection from unauthorized disclosure, special handling safeguards, or prescribed limits on exchange or dissemination. Hereforth, the designation CUI replaces “Sensitive But Unclassified” (SBU).

b. “CUI Council” is a subcommittee of the Information Sharing Council (ISC), created by the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458) (IRTPA).

c. “CUI Framework” refers to the single set of policies and procedures governing the designation, marking, safeguarding, and dissemination of CUI terrorism-related information that originates in departments and agencies, regardless of the medium used for the display, storage, or transmittal of such information.



The Memorandum articulates what CAN and CANNOT be designated as controlled unclassified information.

Information shall be designated as CUI...

- If a statute so requires or authorizes; or
- The head of the originating department or agency, through regulations, directives, or other specific guidance to the agency, determines that the information is CUI. Such determination should be based on mission requirements, business prudence, legal privilege, the protection of personal or commercial rights, or safety or security. Such department or agency directives, regulations, or guidance shall be provided to the Executive Agent for his review.

Information shall not be designated as CUI...

- To conceal violations of law, inefficiency, or administrative error;
- To prevent embarrassment to the U.S. Government, any U.S. official, organization, or agency;
- To improperly or unlawfully interfere with competition;
- To prevent or delay the release of information that does not require such protection;
- If it is required by statute or Executive Order to be made available to the public; or
- If it has been released to the public under proper authority.



The CUI Council is assigned the following functions as directed in the May 9, 2008 Presidential Memorandum.

Roles and Responsibilities:

- Advises the Executive Agent in developing procedures, guidelines, and standards necessary to establish, implement, and maintain the CUI Framework;
- Serves as the primary advisor to the Executive Agent as unique issues arise pertaining to the CUI Framework;
- Ensures coordination among the depts. and agencies participating in the CUI Framework; and
- Advises Executive Agent in resolving complaints and disputes among departments and agencies about proper designation or marking of CUI.

Council Membership

National Archives and Records Administration (E.A. & Chair)	Federal Bureau of Investigation
Department of Justice	Department of Commerce
Department of Homeland Security	Office of Management and Budget
Office of the Director of National Intelligence	Department of Interior
Department of Energy	Department of State
Department of Defense	Joint Chiefs of Staff
Department of Health and Human Services	Department of Transportation
National Counter Intelligence Center	Department of Treasury
Central Intelligence Agency	Program Manager for the Information Sharing Environment
Environmental Protection Agency	Nuclear Regulatory Commission
Two State, Local, Tribal Representatives	Two Private Sector Representatives



Status by CUI Policy Category

Policy Category	Category Definition	Activity to Date
Safeguarding	How information is stored and protected.	Introduced to CUI Council: 09/18/08 Working Group Meetings: 3 Iterations of Policy: 3
Dissemination	How information is passed between CUI users.	Introduced to CUI Council: 10/16/08 Working Group Meetings: 2 Specified Dissemination Instruction Development meetings: 3 Iterations of Policy: 3
Dispute Resolution	Reconciles differences in CUI designation between stakeholders.	Introduced to CUI Council: 12/04/08 Iterations of Policy: 1
Marking	How information is labeled so that users are aware that they are handling CUI.	Introduced to CUI Council: 01/15/09 Working Group Meetings: 2 Iterations of Policy: 2
Designation	Types of information that will fall under the CUI Framework.	Introduced to CUI Council : 02/19/09 Working Group Meetings: 2 Iterations of Policy: 2
Life Cycle	Limits on how long information is eligible to be part of the CUI Framework	Scheduled Introduction to CUI Council: 05/21/09 Scheduled Working Group Meetings: 2
Regulatory Change	Identifies regulatory change necessary to implement the CUI Framework	Scheduled Introduction to CUI Council: 05/21/09 Scheduled Working Group Meetings: 2



Freedom of Information Act & CUI

The May 9, 2008 Presidential Memorandum states that:

"CUI markings may inform but do not control the decision of whether to disclose or release the information to the public, such as in response to a request made pursuant to the Freedom of Information Act (FOIA)."



Next Steps

General Implementation

- Develop and populate publicly accessible web-based CUI Registry
- Develop centralized CUI Training
- Oversight function served by the CUI Executive Agent
- Increased coordination with non-Federal stakeholders

Policy

- Develop detailed guidance on CUI Life Cycle
- Address Regulatory Change necessary for standardization throughout departments and agencies
- Further refinement of policies to include public comment



Guiding Principles for CUI Implementation

Protection

CUI will be appropriately protected.

Sharing

CUI will be shared as broadly as possible.

Rationalization

CUI policy will be developed with deliberate consideration to managing risk and information sharing.

Flexibility

CUI policy development will respond to changes through centralized management and distributed execution.

Inclusiveness

CUI policy will address the needs of all ISE partners, both users and producers of information, taking into account all media types.

Standardization

CUI policy will be standardized so all participants are governed by uniform definitions and practices.

Transparency

CUI policy will be developed with input by State, local, tribal, and private sector entities and comment by the public.



Challenges

- Scope
- Designation/Identification of CUI
- Life Cycle / “Decontrol”
- Safeguarding Measures
- Regulatory Change
- Accountability & Oversight
- Funding for CUI Implementation



Question & Answer Session



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