



DoD Controlled Unclassified Information (CUI) Awareness

CLEARED
For Open Publication

Sep 15, 2020

Department of Defense
OFFICE OF PREPUBLICATION AND SECURITY REVIEW

SLIDES ONLY
NO SCRIPT PROVIDED



DoD INSTRUCTION 5200.48

CONTROLLED UNCLASSIFIED INFORMATION (CUI)

Originating Component: Office of the Under Secretary of Defense for Intelligence and Security

Effective: March 6, 2020

Releasability: Cleared for public release. Available on the Directives Division Website at <https://www.esd.whs.mil/DD/>.

Cancel: DoD Manual 5200.01, Volume 4, "DoD Information Security Program: Controlled Unclassified Information," February 24, 2012, as amended

Approved by: Joseph D. Kernan, Under Secretary of Defense for Intelligence and Security (USD(I&S))

Purpose: In accordance with the authority in DoD Directive (DoDD) 5143.01 and the December 22, 2010 Deputy Secretary of Defense Memorandum, this issuance:

- Establishes policy, assigns responsibilities, and prescribes procedures for CUI throughout the DoD in accordance with Executive Order (E.O.) 13526; Part 2002 of Title 32, Code of Federal Regulations (CFR); and Defense Federal Acquisition Regulation Supplement (DFARS) Sections 252.204-7008 and 252.204-7012.
- Establishes the official DoD CUI Registry.

September 2020

20-S-2093



Introduction

This presentation provides basic information on the CUI program.

More in-depth training is provided by the Defense Counterintelligence and Security Agency (DCSA) / Centers for the Development of Security Excellence (CDSE) at

<https://www.cdse.edu>

DoD's CUI policy is available at:

<https://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodi/520048p.PDF?ver=2020-03-06-100640-800>

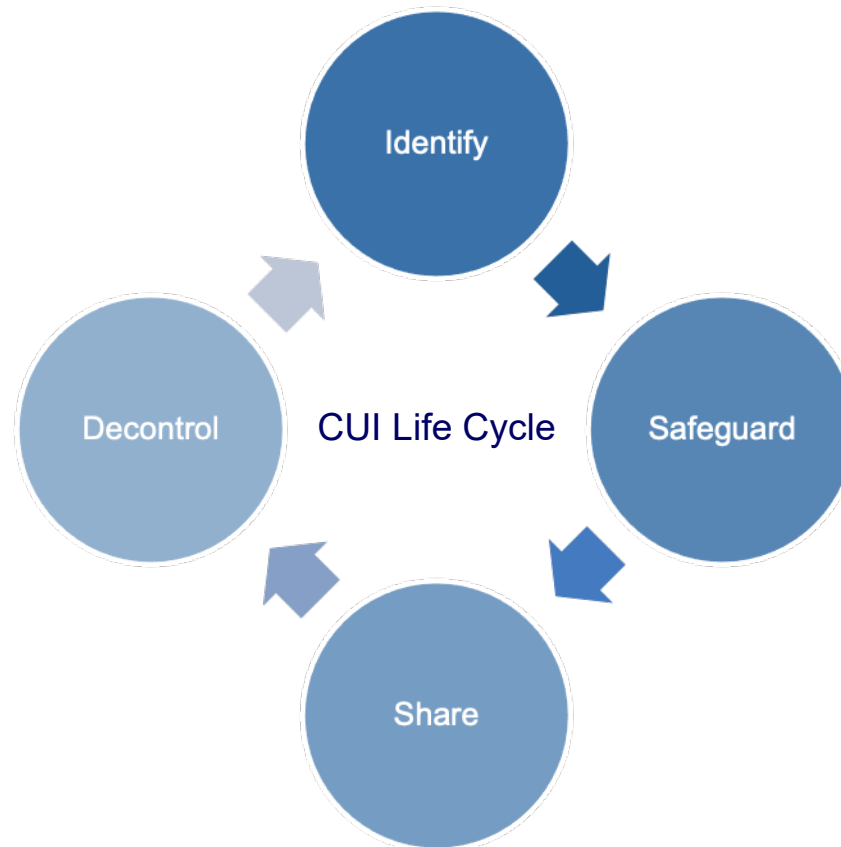
CUI Executive Agent - Information Security Oversight Office (ISOO)

DoD CUI Senior Agency Official - Under Secretary of Defense for Intelligence and Security (USD(I&S))

DoD CUI Senior Program Manager - Director for Defense Intelligence (Counterintelligence, Law Enforcement, and Security) (DDI(CL&S))



CUI Life Cycle



NOTE: Not all CUI can be decontrolled. Check with applicable laws and regulations before decontrolling.

Example: Privacy Act information has limitations on decontrol and release.



Frequently Asked Questions (FAQs)

What is CUI?

- UNCLASSIFIED information that allows for, or requires, safeguarding and dissemination controls in accordance with laws, regulations, or Government-wide policies.

What is the basis of CUI?

- Executive Order 13556, “Controlled Unclassified Information,” November 4, 2010
- 32 Code of Federal Regulations, part 2002, September 14, 2016
- DoDI 5200.48, “Controlled Unclassified Information (CUI)” March 6, 2020

What does DoDI 5200.48 replace/cancel?

- DoDM 5200.01, Volume 4 – the original guidance on implementation of CUI. Now referred to as legacy policy with legacy markings (e.g. FOUO).



Frequently Asked Questions (FAQs)

What information requires safeguarding controls?

- Information the Government creates or possesses that is protected by law, regulation, or government-wide policy.

Example: DoD work products and emails

- Information that an entity creates or possesses for or on behalf of the Government that is protected by law, regulation, or government-wide policy.

Example: information associated with DoD contracts

What does not qualify as CUI?

- Classified information
- Information not created by, or under the control of the U.S. Government.

Example: information from a non-executive branch journal article on counterinsurgency



Frequently Asked Questions (FAQs)

What is the difference between FOUO and CUI?

- DoD's legacy "FOUO" marking was authorized to protect UNCLASSIFIED information that "may be exempt from mandatory disclosure under the Freedom of Information Act (FOIA)."
- The CUI Program developed a common marking system across Federal Agencies and created categories to capture the many types of UNCLASSIFIED information requiring safeguarding based on existing laws, regulations, and government-wide policies.

What's new with CUI?

- Uniform system
- Indexed guidance (Registry)
- Greater specificity
- Safeguarding standards



Comparing Previous Markings and CUI

Legacy Policy		CUI Policy
<ul style="list-style-type: none"> • Marking system and reasoning unique to DoD, DoS, etc. 	➔	<ul style="list-style-type: none"> • Executive branch-wide policy
<ul style="list-style-type: none"> • Based on FOIA exemptions 	➔	<ul style="list-style-type: none"> • Based on laws, regulations, and Government-wide policies
<ul style="list-style-type: none"> • No underlying FOIA category or originator information required 	➔	<ul style="list-style-type: none"> • Requirement to document category and originator
<ul style="list-style-type: none"> • Encouraged, but did not require or define "secure communications" 	➔	<ul style="list-style-type: none"> • Defines configuration standards for Federal and non-Federal systems



Many cover sheets ➔ a single cover sheet





Frequently Asked Questions (FAQs)

Does all legacy-marked FOUO qualify as CUI?

- Not necessarily. It is not an automatic one-to-one swap. Some information previously marked as FOUO will qualify as CUI.
- Information previously marked as FOUO does not need to be re-marked. However, if that same information is put in a new document, it needs to be assessed to see if it meets the criteria for CUI and re-marked appropriately.

Examples of what may qualify as CUI:

- Defense Critical Infrastructure Information (DCRIT)
- Export Controlled information
- Information related to sensitive international agreements
- Law Enforcement information
- Legal Privilege
- Pre-decisional budget or policy information
- Privacy Act information
- Naval Nuclear Propulsion Information (NNPI)



Frequently Asked Questions (FAQs)

I am creating a new document or email and I need to include FOUO-marked information. What do I do?

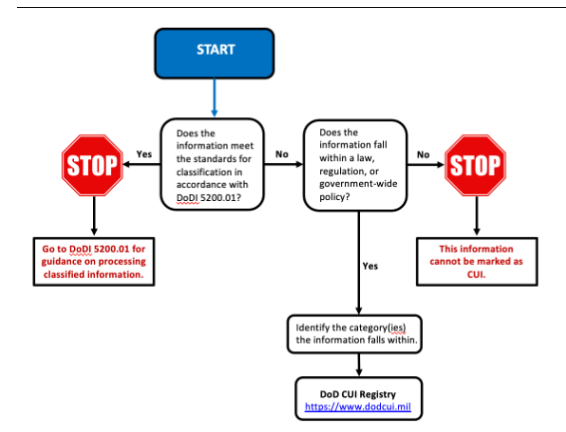
- DoDI 5200.48 instructs DoD personnel deriving legacy-marked information into new products to re-evaluate the information and determine if it qualifies as CUI. If it does not, it is not marked as either FOUO or CUI.

What is the CUI Registry?

- Provides an official list of the categories used to identify the various types of CUI.
- Mirrors the ISOO Registry but provides additional information on the relationships to DoD.

Where do I find the CUI Registry?

- The DoD CUI Registry is under construction and will be available on the DoD CUI web page at <https://dodcui.dod.mil>



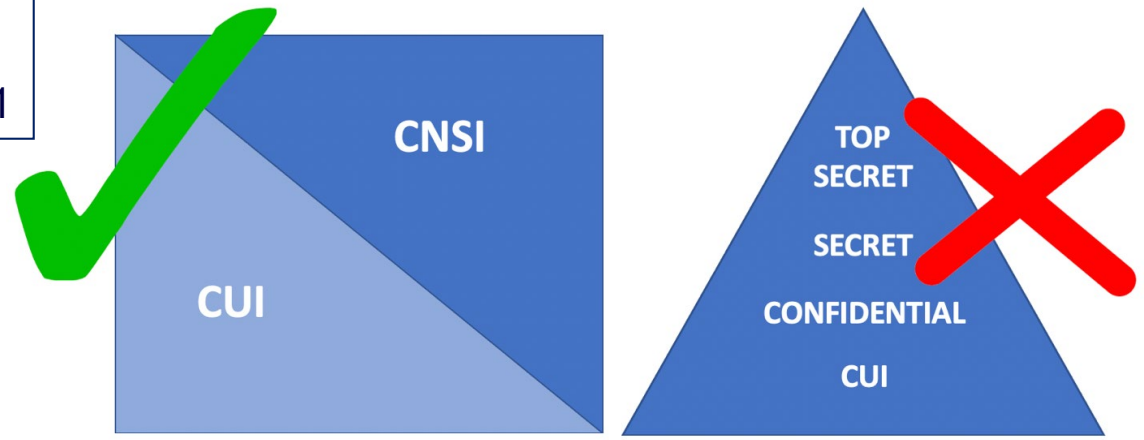


Frequently Asked Questions (FAQs)

Is CUI a classification between UNCLASSIFIED and CONFIDENTIAL?

- No. CUI is not a classification and should not be referred to as “classified as CUI.” A better way to phrase it is “controlled as CUI.”
- CUI is a safeguarding system for UNCLASSIFIED information.
- CUI and Classified National Security Information (CNSI) have separate, co-equal Executive Orders and implementing directives.

CUI E.O. 13556 32 CFR 2002	CNSI E.O. 13526 32 CFR 2001
---	--





Frequently Asked Questions (FAQs)

With whom may I share CUI?

- The standard for sharing and access to CUI is an authorized “lawful government purpose.”
- Lawful government purpose - any activity, mission, function, operation, or endeavor that the U.S. Government authorizes or recognizes as within the scope of its legal authorities or the legal authorities of non-executive branch entities (such as state and local law enforcement).



Frequently Asked Questions (FAQs)

May I share CUI with State, Local, Tribal, and Private Sector entities?

- Unless otherwise prohibited by a limited dissemination control (e.g. “FEDONLY” or “NOFORN”), and if sharing is consistent with a lawful government purpose, yes, you may; but it’s a best practice to check with your security manager, or information security policy representative.

Sharing U.S. Government information with outside entities may only occur if:

- The entity is authorized to receive the information.
- The sharer is authorized to pass the information.
- The sharing complies with U.S. laws and regulations.
- The sharing benefits the U.S. Government.

May I share CUI with foreign governments?

- Unless otherwise prohibited by a limited dissemination control (e.g. “FEDONLY” or “NOFORN”), and if sharing is consistent with a lawful government purpose, yes, you may; but you must check with your foreign disclosure office.



CUI Training and Reference Material

Will be available on CUI web page at <https://www.dodcui.mil>

SAMPLE

CUI Markings for Unclassified Documents

Minimum marking requirements. No portion markings

Marking Requirements for CUI

- Banner line:
 - All a minimum, CUI markings for unclassified documents will include the acronym "CUI" at the top of the document.
 - There is no requirement to add "UNCL" marking.
- Portion markings:
 - Portion markings are optional. However, if annotated, they must be applied to all subjects, titles, headings, paragraphs, points, etc.
 - CUI portions will be annotated "[CUI]"
 - Unclassified portions will be annotated.
- CUI designation indicator:
 - The first page or cover of any document include a CUI designation indicator.
 - Line 1: the name of the DoD Component identified in letterhead
 - Line 2: identification of the office
 - Line 3: identification of the categories contained in the document
 - Line 4: Applicable distribution statement or controls.
 - Line 5: Name and phone number or email of POC.

Portion markings included

(U) Marking Requirements for CUI

- Banner line:
 - (U) At a minimum, CUI markings for unclassified documents will include the acronym "CUI" at the top and bottom of each page.
 - (U) There is no requirement to add "UNCLASSIFIED" with the CUI marking.
- Portion markings:
 - (U) Portion markings are optional. However, if portion markings are annotated, they must be applied to all portions to include subjects, titles, headings, paragraphs, subparagraphs, bullet points, etc.
 - (U) CUI portions will be annotated "[CUI]".
 - (U) Unclassified portion will be annotated "(U)".
- CUI designation indicator:
 - (U) The first page or cover of any document containing CUI will include a CUI designation indicator.
 - (U) Line 1: the name of the DoD Component (not required if identified in letterhead)
 - (U) Line 2: identification of the office
 - (U) Line 3: identification of the categories contained in the document.
 - (U) Line 4: Applicable distribution statement or dissemination controls.
 - (U) Line 5: Name and phone number or email of POC.

Controlled by: OUSD
Controlled by: CLASS/INFORMSEC
CUI Category(ies): P
Distribution/Dissem: POC: John Brown, 709-555-0123

Reference: DoDI 5200.48, Controlled Unclassified Information (CUI), para. 3.4

3

Markings are for training purposes only

Limited Dissemination Controls

CUI executive agent-approved controls agencies may use to limit or specify CUI dissemination. CUI should be encouraged and permitted to the extent that access or determination: Abides by the laws, regulations, or Government-wide policies that established the information as CUI. Furthers a lawful government purpose. Is not restricted by an authorized limited dissemination control established by the CUI executive agent. Is not otherwise prohibited by law.

Agencies may place limits on disseminating CUI for a lawful government purpose only using the dissemination methods listed in Table 2 of DoDI 5200.48 or methods authorized by a specific law, regulation, or government-wide dissemination statements cannot unnecessarily restrict CUI access.

Control	Marking	Description
No Foreign Dissemination	NOFORN	Information may not be disseminated in any form to foreign governments, foreign nationals, foreign or international organizations, or non-U.S. citizens.
Federal Employees Only	FED ONLY	Dissemination authorized only to employees of the U.S. Government executive branch agencies or armed forces personnel of the U.S. or Active Guard and Reserve.
Federal Employees and Contractors Only	FEDCON	Includes individuals or employers who enter into a contract with the U.S. to perform a specific job, supply labor and materials, or for the sale of products and services, so long as dissemination is in furtherance of the contractual purpose.
No Dissemination to Contractors	NOCON	Intended for use when dissemination is not permitted to federal contractors, but permits dissemination to state, local, or tribal employees.
Dissemination List Controlled	DL Only	Dissemination authorized only to those individuals, organizations, or entities included on an accompanying dissemination list.
Authorized for Release to Certain Foreign Nationals Only	REL TO USA, [LIST]	Information has been predetermined by the designating agency to be releasable only to the foreign country(ies) or international organization(s) indicated, through established foreign disclosure procedures and channels.
Display Only	DISPLAY ONLY	Information is authorized for disclosure to a foreign recipient, but without providing them a physical copy for retention to the foreign country(ies) or international organization(s) indicated, through established foreign disclosure procedures and channels.
Attorney Client	ATTORNEY-CLIENT	Dissemination of information beyond the attorney, the attorney's agents, or the client is prohibited, unless the agency's executive decision maker decides to disclose the information outside the bounds of its protection.
Attorney Work Product	ATTORNEY-WP	Dissemination of information beyond the attorney, the attorney's agents, or the client is prohibited, unless specifically permitted by the overseeing attorney who originated the work product or their successor.
Deliberative Process	DELIBERATIVE	Dissemination of information beyond the department, agency, or U.S. Government decision maker who legally authorized the policy deliberation can result in the loss of the protection and is prohibited, unless the executive decision maker or the agency decide to disclose the information outside the bounds of its protection.

CUI ATTENTION

Use this space to indicate categories, limited dissemination controls, special instructions, points of contact, etc., if needed.

SAMPLE

Controlled by: Name of Office
CUI Category: List Category(ies)
LDC or Distribution Statement:
POC: 709-555-0123

ATTENTION

All individuals handling this information are required to protect it from unauthorized disclosure.

Handling, storage, reproduction, and disposition of the attached document(s) must be in accordance with 32 CFR Part 2002 and applicable agency policy.

Access to and dissemination of Controlled Unclassified Information shall be allowed as necessary and permissible to any individual(s), organization(s), or grouping(s) of users, provided such access or dissemination is consistent with or in furtherance of a Lawful Government Purpose and in a manner consistent with applicable law, regulations, and Government-wide policies.

CUI

SAMPLE



INFOSEC Staff

Michael Russo, Chief, Information Security

michael.c.russo14.civ@mail.mil

Oscar (Chip) Smith

oscar.f.smith.ctr@mail.mil

Peggy Ushman

peggy.s.ushman.ctr@mail.mil

Michael Orridge

michael.a.orridge.ctr@mail.mil