Introduction

This presentation provides basic information on the CUI program.

Mandatory CUI 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 and a link to the CDSE-provided training are available at https://www.dodcui.mil

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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 (Law Enforcement, Counterintelligence, and Security) (DDI(CL&S))
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 (FAQ)

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
• 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.

What is the CUI Registry?

• Provides an official list of the categories used to identify the various types of CUI.
• The DoD CUI Registry is available at https://www.dodcui.mil
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
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.

<table>
<thead>
<tr>
<th>CNSI</th>
<th>CUI</th>
</tr>
</thead>
<tbody>
<tr>
<td>E.O. 13526</td>
<td>E.O. 13556</td>
</tr>
</tbody>
</table>
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
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 as long it remains under DoD control or is accessed online and downloaded for use within the DoD. However, if that same information is put in a new document or is shared outside the Department, 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)
## Comparing Previous Markings and CUI

<table>
<thead>
<tr>
<th>Legacy Policy</th>
<th>CUI Policy</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Marking system and reasoning unique to DoD, DoS, etc.</td>
<td>• Executive branch-wide policy</td>
</tr>
<tr>
<td>• Based on FOIA exemptions</td>
<td>• Based on laws, regulations, and Government-wide policies</td>
</tr>
<tr>
<td>• No underlying FOIA category or originator information required</td>
<td>• Requirement to document category and originator</td>
</tr>
<tr>
<td>• Encouraged, but did not require or define “secure communications”</td>
<td>• Defines configuration standards for Federal and non-Federal systems and requires encryption in transit</td>
</tr>
</tbody>
</table>

Many cover sheets ➔ a single cover sheet
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).

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.

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 to ensure there is a signed disclosure agreement or arrangement in place.

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.
CUI Training and Reference Material

Available on CUI web page at https://www.dodcui.mil
How do I determine if information is CUI?

START

Does the information meet the standards for classification in accordance with DoDM 5200.01 Volume 1?

YES

STOP

Go to DoDM 5200.01 Volume 1 for guidance on processing classified information.

NO

Does the information fall within a law, regulation, or government-wide policy?

NO

STOP

This information cannot be marked as CUI.

YES

Identify the category(ies) the information falls within.

DoD CUI Registry
https://www.dodcui.mil

Identify the category(ies) the information falls within.

Example

The CUI category is annotated on the document in the CUI Designation Indicator block.

Controlled by: OUSD(I&S)
Controlled by: CL&S INFOSEC
CUI Category(ies): PRVCC
Limited Dissemination Control: FEDCON
POC: John Brown, 703-555-0123
## CUI Identification and Marking

### CUI Registry

<table>
<thead>
<tr>
<th>Organizational Index Grouping</th>
<th>CUI Categories</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(hyperlinked to 1500 descriptions and authority sources)</td>
</tr>
<tr>
<td><strong>Critical Infrastructure</strong></td>
<td>Ammonium Nitrate</td>
</tr>
<tr>
<td></td>
<td>Chemical-terrorism Vulnerability Information</td>
</tr>
<tr>
<td></td>
<td>Critical Energy Infrastructure Information</td>
</tr>
<tr>
<td></td>
<td>Emergency Management</td>
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<tr>
<td></td>
<td>General Critical Infrastructure Information</td>
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<tr>
<td></td>
<td>Information Systems Vulnerability Information</td>
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<tr>
<td></td>
<td>Physical Security (PHYSEC)</td>
</tr>
<tr>
<td></td>
<td>Protected Critical Infrastructure Information</td>
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<tr>
<td></td>
<td>SAFETY Act Information</td>
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<tr>
<td></td>
<td>Toxic Substances</td>
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<tr>
<td></td>
<td>Water Assessments</td>
</tr>
<tr>
<td><strong>Defense</strong></td>
<td>Controlled Technical Information (CTI)</td>
</tr>
<tr>
<td></td>
<td>DoD Critical Infrastructure Security Information</td>
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<tr>
<td></td>
<td>Naval Nuclear Propulsion Information</td>
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<tr>
<td></td>
<td>Unclassified Controlled Nuclear Information - Defense (USNI)</td>
</tr>
<tr>
<td><strong>Export Control</strong></td>
<td>Export Controlled</td>
</tr>
<tr>
<td></td>
<td>Export Controlled Research</td>
</tr>
</tbody>
</table>
CUI Identification and Marking

How do we mark CUI?

Mandatory markings include:

- “CUI” at the top and bottom of the page
- CUI designation indicator block

Line 1. The name of the DoD Component. If this is identified in the letterhead or other standard indicator, this line may be omitted.

Line 2. The identity of the office creating the document.

Line 3. Identification of all types of CUI contained in the document. ONLY USE THE DOD-APPROVED CATEGORY ABBREVIATIONS AND ACRONYMS. DO NOT SPELL OUT THE CATEGORY.

Line 4. The distribution statement or LDC applicable to the document.

Line 5. The name and phone number or office mailbox for the originating DoD Component.
<table>
<thead>
<tr>
<th>Controlled by:</th>
<th>OUSD(I&amp;S)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Controlled by:</td>
<td>CL&amp;S INFOSEC</td>
</tr>
<tr>
<td>CUI Category(ies):</td>
<td>PRVCY, OPSEC</td>
</tr>
<tr>
<td>Limited Dissemination Control:</td>
<td>FEDCON</td>
</tr>
<tr>
<td>POC:</td>
<td>John Brown, 703-555-0123</td>
</tr>
</tbody>
</table>

**Demonstrates use of LDC**

<table>
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<tr>
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</thead>
<tbody>
<tr>
<td>Controlled by:</td>
<td>CL&amp;S INFOSEC</td>
</tr>
<tr>
<td>CUI Category(ies):</td>
<td>CTI</td>
</tr>
<tr>
<td>Distribution Statement:</td>
<td>B</td>
</tr>
<tr>
<td>POC:</td>
<td>John Brown, 703-555-0123</td>
</tr>
</tbody>
</table>

**Demonstrates use of Distribution Statement. The full distribution statement will be placed on the cover or first page of the document.**
Portion Marking

Portion marking is optional. However, if portion markings are applied, then all portions must be marked. Portions include subjects, titles, paragraphs and sub-paragraphs, bullet points and sub-bullet points, headings, pictures, graphs, charts, maps, reference list, etc. Do not apply portion marks to the designation indicator block.

When portion marking, all portions containing CUI will be portion marked with “(CUI).” Do not place “(U)/” before “(CUI).” Unclassified information will be portion marked with “(U).”
Distribution Statements

Distribution statements, in accordance with DoDI 5230.24, are authorized for use with:

- CUI export controlled technical information
- Other scientific, technical, and engineering information
- Controlled technical information

Distribution Statement A: Approved for public release. Distribution is unlimited.

Distribution Statement B:  Distribution authorized to U.S. Government agencies only [fill in reason and date of determination].

Distribution Statement C:  Distribution authorized to U.S. Government agencies and their contractors [fill in reason and date of determination]. Other requests for this document shall be referred to [insert controlling DoD office].

Distribution Statement D: Distribution authorized to Department of Defense and U.S. DoD contractors only [insert reason and date of determination]. Other requests for this document shall be referred to [insert controlling DoD office].

Distribution Statement E: Distribution authorized to DoD Components only [fill in reason and date of determination]. Other requests shall be referred to [insert controlling DoD office].

Distribution Statement F: Further dissemination only as directed by [insert controlling DoD Office and date of determination] or higher DoD authority.
Limited Dissemination Controls (LDC)

LDCs:

- Facilitate control, secondary sharing, decontrol, and release without the need to repeatedly obtain approval or authorization from the controlling DoD office.

- Identify the audience deemed to have an authorized lawful government purpose to use the CUI.

LDCs are to be placed on unclassified documents and other materials when the CUI requires access restrictions, including those required by law, regulation, or government-wide policy.

The absence of an LDC on a document means anyone with an authorized lawful government purpose is permitted access to the document. This does not imply it can be publicly released. All CUI documents must go through a public release review in accordance with DoDI 5230.09 and 5230.29.
## Limited Dissemination Controls

<table>
<thead>
<tr>
<th>Limited Dissemination Control</th>
<th>Marking</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>No Foreign Dissemination</td>
<td>NOFORN</td>
<td>Information may not be disseminated in any form to foreign governments, foreign nationals, foreign or international organizations, or non-U.S. citizens.</td>
</tr>
<tr>
<td>Federal Employees Only</td>
<td>FED ONLY</td>
<td>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.</td>
</tr>
<tr>
<td>Federal Employees and Contractors Only</td>
<td>FEDCON</td>
<td>Includes individuals or employees 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.</td>
</tr>
<tr>
<td>No Dissemination to Contractors</td>
<td>NOCON</td>
<td>Intended for use when dissemination is not permitted to federal contractors, but permits dissemination to state, local, or tribal employees.</td>
</tr>
<tr>
<td>Dissemination List Controlled</td>
<td>DL ONLY</td>
<td>Dissemination authorized only to those individuals, organizations, or entities included on an accompanying dissemination list.</td>
</tr>
<tr>
<td>Authorized for Release to Certain Foreign Nationals Only</td>
<td>REL TO USA, [LIST]</td>
<td>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.</td>
</tr>
</tbody>
</table>
## Limited Dissemination Controls

<table>
<thead>
<tr>
<th>Limited Dissemination Control</th>
<th>Marking</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Display Only</td>
<td>DISPLAY ONLY</td>
<td>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.</td>
</tr>
<tr>
<td>Attorney Client</td>
<td>ATTORNEY-CLIENT</td>
<td>Dissemination of information beyond the attorney, the attorney’s agents, or the client is prohibited, unless the agency’s executive decision makers decide to disclose the information outside the bounds of its protection.</td>
</tr>
<tr>
<td>Attorney Work Product</td>
<td>ATTORNEY-WP</td>
<td>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.</td>
</tr>
<tr>
<td>Deliberative Process</td>
<td>DELIBERATIVE</td>
<td>Dissemination of information beyond the department, agency, or U.S. Government decision maker who is part of the policy deliberation can result in the loss of the privilege and is prohibited, unless the executive decision makers at the agency decide to disclose the information outside the bounds of its protection.</td>
</tr>
</tbody>
</table>
Warning Statements

Examples of Required Warning Statements

### GEOINT LIMDIS

Distribution authorized to DoD, IAW 10 U.S.C. §§130 & 455. Release authorized to U.S. DoD contractors IAW 48 C.F.R. §252.245-7000. Refer other requests to: Headquarters, NGA, ATTN: Disclosure and Release Office, Mail Stop S81-1A, 7500 GEOINT Drive, Springfield, VA 22150 or by email at NDRO@nga.mil. Destroy IAW DoDI 5200.48. Removal of this caveat is prohibited; the caveat must be retained regardless of classification. Sharing LIMDIS material beyond USG-authorized users requires NGA-originator approval.

### Export Control

**WARNING** - This document contains technical data whose export is restricted by the Arms Export Control Act (Title 22, U.S.C., Sec 2751, et seq.) or the Export Control Reform Act of 2018 (Title 50, U.S.C., Chapter 58, Sec. 4801-4852). Violations of these export laws are subject to severe criminal penalties. Disseminate in accordance with provisions of DoD Directive 5230.25.

### Privacy Act

**Authority**: The legal authority for collecting the information – statute, executive order, regulation.

- **Purpose**: The purpose(s) for collecting the information and how [agency] will use it.

- **Routine Uses**: To whom [agency] may disclose the information outside of the Department and for what purposes.

- **Disclosure**: *Mandatory or Voluntary*: Whether providing the information is mandatory or voluntary. [Agency] can only make collection mandatory when a Federal statute, executive order, regulation, or other lawful order specifically imposes a duty on the person to provide the information; and the person is subject to a specific penalty for failing to provide the requested information. The effects, if any, of not providing the information – for example, the loss or denial of a privilege, benefit, or entitlement sought as a consequence of not furnishing the requested information.
Marking example – PowerPoint Presentation

**Cover slide**
- “CUI” at top and bottom of slide
- CUI designation indicator block

**Interior slides**
- “CUI” at top and bottom of slide
Marking example – Excel Spreadsheet

Place “CUI” in the header and footer. This ensures it shows on all pages.

Place the CUI designation indicator block at the top of the spreadsheet. Do not put it in the header as it only needs to appear on the first page.
MEMORANDUM FOR SENIOR PENTAGON LEADERSHIP (SEE DISTRIBUTION)
DEFENSE AGENCY AND DOD FIELD ACTIVITY DIRECTORS

SUBJECT: Fiscal Year 2020 Information Security Oversight Office Annual Reporting Requirements


This year’s request from the Information Security Oversight Office (ISOO), along with its stated enclosures, is attached. Enclosure 1 includes questions regarding the impact of the COVID-19 pandemic on your organizations. Components must also verify that the Original Classification Authority (OCA) listing located in Enclosure 2 is accurate, annotate necessary changes, and provide the ISOO-requested data. Additionally, provide the number of original classification decisions made by each OCA within your Component during Fiscal Year 2020 on the spreadsheet.

Garry P. Reid
Director for Defense Intelligence
Counterintelligence, Law Enforcement,
& Security

Controlled by: DDI/CL&S
CUI Category: OPSEC
Limited Dissemination Control: FEDCON
POC: Stan Jones, 703-555-9512
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PORTION MARKING IS OPTIONAL, BUT IF USED, ALL PORTIONS MUST BE MARKED.

PORTIONS INCLUDE TITLES, SUBJECT LINES, PARAGRAPHS AND SUB-PARAGRAPHS, BULLET POINTS, GRAPHICS, ETC.

THE SIGNATURE BLOCK AND CUI DESIGNATION INDICATOR BLOCK ARE NOT PORTION MARKED.