

CUI Notice 2016-01: Implementation Guidance for the Controlled Unclassified Information Program

September 14, 2016

Purpose

The purpose of this notice is to provide implementation guidance for the Controlled Unclassified Information (CUI) Program based on 32 CFR part 2002.

Background

On November 4, 2010, the President signed Executive Order 13556, “Controlled Unclassified Information” (the Order). The Order established a program to standardize the way the executive branch handles unclassified information that requires protection in accordance with law, regulation, and/or Government-wide policy. The Order designated the National Archives and Records Administration (NARA) as the CUI Executive Agent to implement that program. NARA designated the Director of the Information Security Oversight Office, a NARA component, to exercise these responsibilities on its behalf.

The Order requires the CUI Executive Agent, in consultation with affected agencies, to develop and issue such directives as are necessary to implement the CUI Program.

Phased Implementation Deadlines

The Order requires that the CUI Executive Agent, in consultation with affected agencies and the Office of Management and Budget (OMB), develop “deadlines for phased implementation by agencies” (5b). Attachment A summarizes the following implementation activities and deadlines for agencies.

Policy

Within 180 days of the effective date of 32 CFR part 2002, parent agencies must develop and publish an implementing policy for the CUI Program. Parent agencies must take steps to ensure that components align their policies to the CUI Program. If applicable, all subordinate components must develop and publish implementing policies and/or modify or rescind all affected policies within 180 days of the issuance of the parent agency’s policies. At a minimum, agency CUI policies must:

- Identify the office or organization designated to fulfill the responsibilities associated with the CUI Program;
- Identify by position and/or title the CUI Senior Agency Official;
- Identify by position and/or title the CUI Program Manager;
- Establish a system for reporting incidents involving CUI;
- Establish an agency self inspection program;
- Establish training requirements for CUI basic and specified categories; and

- Address safeguarding (e.g., marking, physical safeguarding, dissemination standards, document markings, destruction, decontrol, etc).

If applicable and necessary to ensure the proper safeguarding of a Category or Subcategory of CUI, agency CUI policies may also identify all CUI routinely handled by agency personnel, including any safeguarding or handling requirements identified in laws, regulations, and/or Government wide policies.

Training

Within 180 days of the effective date of agency policy, each agency must develop and deploy CUI training to all affected agency employees. All agency employees must receive CUI training within 180 days of the release of the agency's CUI training course(s). At a minimum, CUI training must:

- Convey individual responsibilities related to protecting CUI;
- Identify the categories or subcategories routinely handled by agency personnel and any special handling requirements (i.e., for CUI Specified);
- Describe the CUI Registry, its purpose, structure, and location (i.e., <http://www.archives.gov/cui/>);
- Describe the differences between CUI Basic and CUI Specified;
- Identify the offices or organizations with oversight responsibilities for the CUI Program;
- Address CUI marking requirements, as described by agency policy;
- Address the required physical safeguards and methods for protecting CUI, as described by agency policy;
- Address the destruction requirements and methods, as described by agency policy;
- Address the incident reporting procedures, as described by agency policy;
- Address the methods and practices for properly sharing or disseminating CUI within the agency and with external entities inside and outside of the Executive branch; and
- Address the methods and practices for properly decontrolling CUI, as described by agency policy.

To assist these efforts, the CUI Executive Agent will publish a series of CUI training tools within 180 days of the effective date of 32 CFR part 2002.

Physical Safeguarding

Within 180 days of the effective date of agency policy, each agency must implement and/or verify that all physical safeguarding requirements, as described in 32 CFR part 2002 and agency policy, are in place.

Information Systems

Within 180 days of the effective date of 32 CFR part 2002, agencies must take steps to assess the current configuration of information systems under their purview and plan for the transition to the standard identified in the regulation. Within one year of the effective date of 32 CFR part

2002, agencies must develop a strategy or plan to modify all systems that contain or that are used to process CUI to the standard identified in 32 CFR part 2002.

Agency Self-inspection Programs

Within two years of the effective date of 32 CFR part 2002, each agency must develop and begin internal oversight efforts to measure and monitor implementation efforts.

To assist these efforts, the CUI Executive Agent will publish an assessment tool within 180 days of the effective date of 32 CFR part 2002.

Reporting to CUI Executive Agent

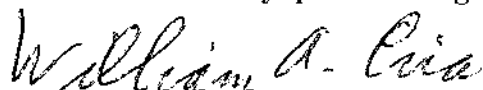
Consistent with the Order and 32 CFR part 2002, the CUI Executive Agent exercises oversight responsibilities for the CUI Program. These responsibilities include evaluating and assessing agency actions and activities related to implementing and sustaining the CUI Program.

Senior Agency Officials must submit an annual report to the CUI Executive Agent on the status of agency implementation. The Executive Agent may also request interim reports. The annual report will span the October 1 – September 30 fiscal year and should include, but is not limited to:

- Implementation activities,
- Training statistics,
- Incident management,
- Implementation and sustainment costs, and
- Self-inspection activities.

Agencies will submit their annual reports to the Executive Agent no later than November 1 following the end of the fiscal year. The first annual report will be due November 1, 2017, and will cover the period from the date of this notice until September 30, 2017. Agencies must also report any inability to meet an established deadline, as well as provide an explanation for the delay and any related information or documentation.

Please direct any questions regarding this notice to: cui@nara.gov



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Acting Director

Implementation of the CUI Program

