



U.S. DEPARTMENT OF
ENERGY



Department of Energy (DOE) Order (O) 471.X Controlled Unclassified Information (CUI) Overview

04.19.2021

CUI Status Update

Agenda



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Overview of CUI



Overview:

- CUI defines requirements for standardized marking and management of unclassified information requiring safeguarding or dissemination controls across the federal government and meets the following Executive Branch requirements:
 - Executive Order (EO) 13556 Controlled Unclassified Information
 - Implementing Regulation 32 Code of Federal Regulations (CFR) Part 2002
- The CUI Program will replace the Official Use Only (OUO) Program, rescinding DOE Order (O) 471.3, *Identifying and Protecting Official Use Only Information*.

Key Stakeholders:

Stakeholder	Role Description
Senior Agency Official (SAO) for CUI	The Chief Information Officer (CIO) is the SAO for CUI and responsible for CUI Program implementation
Departmental Element Designated CUI Officials	Oversee implementation of CUI Order requirements within their Departmental Element.
National Training Center (NTC)	Responsible for developing and providing the CUI training to Departmental personnel.

Timeline



Milestones	Date
IPT Kick Off Meeting	03/05/2020
Initial Directives Review Board (DRB) Updates Briefing	04/15/2020
DRB Updates Briefing #2	08/19/2020
DOE-wide Review and Comment (RevCom) Period	09/30/2020 – 11/13/2020
IPT Co-chair Response Submission	02/02/2021
DRB RevCom Period	03/04/2021 – 04/01/2021
IPT Co-chair Response Submission	04/16/2021
CUI Order Published	Expected April 2021 (Pending DRB Approval)
CUI Program Manager Onboarding	April 2021 (In Progress)
CUI Training Curriculum Developed	Expected December 2021
Implement Physical and Electronic Safeguarding Requirements	Expected December 2021
Implement CUI Documents and Materials Marking Requirements	Expected December 2021

OUO and CUI Requirements Comparison

(1 of 2)



Sections	DOE OUO	DOE CUI
Identification	Unclassified information that has the potential to damage governmental, commercial, or private interests if disseminated to persons who do not need to know the information to perform their jobs or other DOE-authorized activities.	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 (LRGWP) requires or permits an agency to handle using safeguarding or dissemination.
Basis of Determination	DOE-issued guidance or individual evaluation.	From the approved Category list in the CUI Registry based on an existing LRGWP.
Access	Only to those who need to know the information to perform their jobs or other DOE-authorized activities.	Only to those persons who have a need to know in accordance with a Lawful Government Purpose (LGP) and are eligible for access under applicable LRGWP.
Marking	(1) Page marking that states 'Official Use Only'; (2) Front marking which includes name / org. of who made determination (3) FOIA exemption number and category, date, and guidance, if used. Legacy materials do not have to be marked.	(1) Banner marking that states 'CUI', any Specified CUI, and any limited dissemination control markings; (2) designation indicator which includes name and org. of who makes the determination; (3) decontrolling indicators (date / event) if feasible. Legacy materials do not have to be marked.
Storage	Unlocked receptacles such as file cabinets, desks, or bookcases when Government or Government-contractor internal building security is provided during non-duty hours. When such internal building security is not provided, comparable measures should be taken.	Establish controlled environments to protect from unauthorized access or disclosure, where an authorized holder deems to have adequate physical or procedural controls. Ensure unauthorized individuals cannot access or observe CUI, or overhear conversations discussing CUI.
Reproduction	May be reproduced without the permission of the originator to the minimum extent necessary to carry out official activities.	May be reproduced in furtherance of LGP, as long as reproduction machine does not retain data or is sanitized.
Physical Safeguarding	N/A	Protected from unauthorized access or observation when outside a controlled environment with at least one physical barrier. (e.g., sealed envelopes, areas equipped with electronic locks, locked doors, overhead bins, drawers, and field cabinets).

OUO and CUI Requirements Comparison

Continued (2 of 2)



Sections	DOE OUO	DOE CUI
Electronic Safeguarding	An automated information system (AIS) must provide methods to prevent access to OUO information stored on the system by persons who do not require the information to perform their jobs or other DOE-authorized activities.	Employ encryption for transmission of CUI, including email transmission, fax transmission, printing, copying, and storage on shared drives, and with collaboration tools such as text messaging, video conferencing, and other productivity tools.
Physical Mail Transmissions	Can be shipped through U.S. mail methods or through any commercial carriers.	Can be shipped through interagency mail systems, United States Postal Service (USPS), or other commercial delivery services.
Telephonic Transmissions	Employ encryption of phone calls. For fax, If unencrypted, must precede transmission with phone call to recipient.	N/A
Markings Removal / Decontrolling	Markings may be removed by the employee who initially applied the marking, the supervisor of the employee who initially applied the marking, or a FOIA authorizing official who approves the release of the document.	Must be decontrolled or removed prior to public release or when feasible, transferred to NARA or NARA approved facilities.
Destruction	Strip-cut shredder with strips no more than 1/4" wide, or comparable methods, including those approved for classified.	For Specified CUI, any method required by LRGWP. For Basic CUI, cross-cut shredders that produce 1 mm x 5 mm (0.04 in. x 0.2 in.) particles or smaller; or disintegrator devices equipped with a 3/32 in. (2.4 mm) security screen that pulverizes / disintegrates paper.
Challenges	N/A	A process within each Departmental Element to accept and manage challenges to CUI status.
Misuse	N/A	Processes and criteria for reporting and investigating misuse of CUI.
Training	N/A	All employees who have access to CUI must be trained on appropriate handling procedures and requirements upon initial employment and once every two years thereafter.
Self-Inspections	N/A	An annual self-inspection of the DOE CUI Program through the selection of a group of Departmental Elements to serve as a representative sample of the entire Department.