Controlled Unclassified Information

CUI MARKING 101

Shared • Standardized • Transparent

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What is the CUI Program?
The CUI Program is an information security reform that standardizes the way the executive branch handles information that requires protection.

What is CUI?
Controlled Unclassified Information (CUI) is information that requires safeguarding or dissemination controls pursuant to and consistent with applicable laws, regulations, and government-wide policies.

Policy and Guidance
- Executive Order 13556
- CUI Marking Handbook
- CUI Notices
- CUI Notice 2020-01 (CUI Implementation Deadlines)
- CUI Notice 2020-02 (Alternative Marking Methods)
- NIST Publications
- OMB Circular No. A-11
- CUI Advisory Council

www.archives.gov/cui

https://isoo.blogs.archives.gov/
We will address:

▪ Purpose of markings, some of the basic elements of marking, specific markings focusing on paper markings, electronic items and miscellaneous marking

▪ How to mark (emails, spreadsheets, databases, etc.), how to portion mark and supplemental administrative markings
Why Mark CUI?

- We mark to inform users or recipients that information is CUI and to alert them of any dissemination or safeguarding requirements.
Laws, Regulations, or Government-wide policies **DO NOT** require specific protections.

Laws, Regulations, or Government-wide policies require specific protections. For example:
- Unique markings
- Enhanced physical safeguards
- Limits on who can access the information
CUI includes, but is not limited to:

- Privacy (including Health)
- Tax
- Law Enforcement
- Critical Infrastructure
- Export Control
- Financial
- Intelligence
- Privilege
- Unclassified Nuclear
- Procurement and Acquisition
Legacy Information and Markings

All legacy information is not automatically CUI. Agencies must determine what legacy information qualifies as CUI.
Waivers For Legacy Information

- It is information marked **prior** to the CUI program
- Many agencies are pursuing a Legacy information waiver
- Waiver states: you do not have to remark the information unless you reuse or transmit it outside of the agency
  - Consult your Agency policy
- When transmitting or transferring legacy information, the marking/identification requirement can be satisfied by using a cover sheet/transmittal document or an indicator in an email
Alternative Markings

- When it is impractical for an agency to individually mark CUI due to quantity or nature of the information, or when an agency has issued a limited CUI marking waiver, authorized holders must make recipients aware of the information's CUI status using an alternate marking method that is readily apparent (for example, through user access agreements, a computer system digital splash screen (e.g., alerts that flash up when accessing the system), or signs in storage areas or on containers)

- Marking in the physical environments (boxes, inventories)
Agencies may authorize or require the use of alternate CUI indicators on IT systems, websites, browsers, or databases through agency CUI policy. These may be used to alert users of the presence of CUI where use of markings has been waived by the agency head.
All documents containing CUI MUST (hard requirement) indicate the agency of designation - This may come in several forms, including a letterhead, signature block, or “controlled by line”

A best practice is also to include the contact information of the designating agency, and identify a point of contact or division within the organization

On an email it would be: @nara.gov
CUI Banner Marking Breakdown

CUI Control Marking

CUI Category Marking (if required)

Limited Dissemination Control Marking

CUI OR CONTROLLED//CATEGORY//DISSEMINATION

MANDATORY:
CUI Banner Markings must appear on the top portion of the page

Optional Best Practice: Control marking at the bottom of the page

The Banner Marking should be easily distinguishable and readily apparent (bold, capitalized and centered when feasible)
MANDATORY:
CUI Banner Markings must appear on the top portion of the page

You have the choice of using CUI or the word CONTROLLED

All that is required for CUI Basic

The Banner Marking should be easily distinguishable and readily apparent (bold, capitalized and centered when feasible)
The CUI Category Marking is separated from the Control Marking by double forward slash. When including multiple Category Markings they should be separated by a single forward slash.
CUI Registry

https://www.archives.gov/cui/registry/category-marking-list
CUI Category: Federal Taxpayer Information

Banner Marking: CUI//SP-TAX

| Category Description: | Related to returns and return information which are submitted, gathered or generated in conjunction with taxpayers’ responsibilities to comply with federal tax provisions in the United States Code. “Returns” includes information that is provided to the government pursuant to Title 26, including tax or information returns, declarations of estimated tax or claims for refund. “Return Information” includes a taxpayer’s identity, the nature, source or amount of income or any information received by, recorded by, prepared by or furnished to Internal Revenue Service relevant to the determination of tax liability including whether the taxpayer is the subject of investigation. This protection extends to such items as medical, financial and other personal information submitted or collection or enforcement under the Internal revenue laws. Tax data originating from IRS returns may have confidential status even when it resides with agencies other than the IRS. |

| Category Marking: | TAX |

| Banner Format and Marking Notes: | 

| CUI//:Category Marking//:Limited Dissemination Control |

| Marking Notes: | 

- The CUI Control Marking may consist of either the word “CONTROLLED” or the acronym “CUI”, depending on agency policy.
- Category marking is optional when marking Basic CUI unless required by agency policy. Example: CUI//:Limited Dissemination Control.
- Category Marking preceded by “SP-” is required when marking Specified CUI. Example: CUI//:SP-Category Marking//:Limited Dissemination Control.
- Whether CUI is Basic or Specified is determined by the applicable Safeguarding and/or Dissemination Authority for a given instance. |

https://www.archives.gov/cui/registry/category-marking-list
Notes for Safeguarding, Dissemination and Sanction Authorities:

- CUI Specified authorities include specific handling practices that differ from general CUI requirements. For Specified authorities, reference individual Safeguarding/Dissemination control citations for distinct requirements.
- Whether CUI is Basic or Specified is determined by the applicable Safeguarding and/or Dissemination Authority for that CUI.
- Each "Safeguarding and/or Dissemination Authority" citation links to the statute, regulation or government-wide policy authorizing the control of that information as CUI.
- Each "Sanctions" authority links to the statute, regulation or government-wide policy that includes penalties for CUI misuse of CUI for the associated "Safeguarding and/or Dissemination Authority" on the same line.

<table>
<thead>
<tr>
<th>Safeguarding and/or Dissemination Authority</th>
<th>Basic or Specified</th>
<th>Banner Marking</th>
<th>Sanctions</th>
</tr>
</thead>
<tbody>
<tr>
<td>26 USC 6103</td>
<td></td>
<td>CUI//SP-TAX</td>
<td>26 USC 7213 (b)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>26 USC 7213A (b)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>26 USC 7431 (a)</td>
</tr>
<tr>
<td>26 USC 6110</td>
<td>Specified</td>
<td>CUI//SP-TAX</td>
<td>26 USC 6110 (a)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>26 USC 7213 (b)</td>
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</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>26 USC 7431 (a)</td>
</tr>
<tr>
<td>42 USC 1306(a)(1)</td>
<td>Specified</td>
<td>CUI//SP-TAX</td>
<td>42 USC 1306(a)(1)</td>
</tr>
<tr>
<td>26 CFR 301.6103(i)-10(b)</td>
<td>Specified</td>
<td>CUI//SP-TAX</td>
<td>26 USC 7213 (b)</td>
</tr>
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<td></td>
<td></td>
<td></td>
<td>26 USC 7431 (a)</td>
</tr>
<tr>
<td>IRS Publication 1075</td>
<td>Specified</td>
<td>CUI//SP-TAX</td>
<td></td>
</tr>
</tbody>
</table>

Authority links are updated based on regular re-publication of the United States Code and Code of Federal Regulations, and the CUI Registry maintenance schedule.

https://www.archives.gov/cui/registry/category-marking-list
CUI Limited Dissemination Control markings follow the Category marking and are separated from the other elements by double forward slash.

- When including multiple Category Markings they should be separated by a single forward slash
- When a document contain multiple Limited Dissemination Control Markings, those Limited Dissemination Control markings MUST be alphabetized and separated from each other with a single forward slash
We learned:

- why we mark CUI
- the two kinds of CUI (Basic and Specified)
- about Legacy information
- about Waivers for Legacy information
- about System markings
- what a Designation Indicator is and why its important
- the different parts to the CUI Banner Marking
Standard Form 901: Detailed Coversheet

- Coversheets are optional, but can replace Banner Markings
- It can also include categories/dissemination controls or list/originator designation
- Download from the CUI Registry at: www.archives.gov/cui/additional-tools
Use of Coversheets while teleworking

- Reminder: when using an SF 901 (CUI Coversheet), you can be print it out Purple or black and white

- 4 Coversheets
  - 2 Purple
  - 2 Black & White
MEMORANDUM FOR THE DIRECTOR
From: John E. Doe, Chief Division 5
Subject: Examples

We support the President by ensuring that the Government protects and provides proper access to information to advance the national and public interest.

We lead efforts to standardize and assess the management of classified and controlled unclassified information through oversight, policy development, guidance, education, and reporting.

- It is MANDATORY to include a banner marking at the top of the page denoting Controlled Unclassified Information
- Optional, best practice is to include on bottom as well, it MUST be identical to the top

Footer markings are optional
Marking CUI Basic

- For CUI basic the Laws, Regulations, or Government-wide policies DO NOT require specific protections.

- Category markings are optional unless required by Agency policy.
Markings per Authorities

- Certain categories of CUI require additional markings/indicators that are called for in the LRGWP

- See your Agency policy
Marking Multiple Pages

- The make up of the CUI Banner for a multi-page document is essentially the sum of all of the CUI markings in the document; include all specified category markings and any limited dissemination control markings used throughout the document in the banner.

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CUI Notice 2018-XX: Controlled Unclassified Information (CUI) Marking Sample

**Purpose**

The CUI Notice is applicable to information categorized as controlled unclassified information (CUI) that is created, stored, or disseminated by a federal agency, or by non-federal entities that are performing work on behalf of the federal government.

**Background and Authority**

CUI Directive 11-2, “Controlled Unclassified Information” August 15, 2014, adopts the CUI Program implemented by the United States government to ensure the protection of information that is not classified but is subject to federal protection regulations. The CUI Program is designed to provide a framework for the consistent handling of CUI, and to ensure that CUI is handled in accordance with its classification criteria.

**Definitions**

CUI is defined as controlled unclassified information that is defined by the U.S. government and its agencies to protect the confidentiality, integrity, and availability of information that is not classified but is subject to federal protection regulations.

**Guidance**

All CUI is either CUI-Sensitive or CUI-Sensitive. CUI-Sensitive is disseminated according to the sensitive area's dissemination controls, which may be defined in the contract or agreement. CUI-Sensitive is handled in accordance with the CUI Program.
Since CUI Specified can call for different controls and protection than CUI Basic, it is mandatory to label it in a banner (SP-)

- All categories relating to specified information MUST have SP- precede the category marking
CUI Specified Category marking

- CUI Category marking are separated by a double forward slash (//) from the CUI Control Marking
  - If there are multiple CUI Category markings in the banner they must be separated by a single forward slash (/)

Note that in the example provided:
- The mandatory CUI marking is present
- The category, critical infrastructure (CRIT), falls after two forward slashes (//)
When to use Limited Dissemination Controls

- Use them to highlight requirements found in the underlying laws, regulations, or government wide policies,

- Agency dissemination practices

- Cautionary note: The misapplication of them could negatively impact the dissemination of CUI
Limited Dissemination Controls

- Limited Dissemination Controls are not mandatory
- Limited Dissemination Controls Markings are separated from other elements of the banner by two forward slashes (//)

- When a document contains multiple Limited Dissemination Control Markings, those Limited Dissemination Control Markings separated by a single slash (/)

In this example, the specified category is indicated by SP-XXX, and the “No Foreign dissemination” control is used.
What have we learned so far

We learned:
- ✔ how and when to use a CUI Coversheet
- ✔ what a Banner Marking looks like
- ✔ about marking per authorities
- ✔ how to mark multiple pages
- ✔ what a Category Marking is and how to use it
- ✔ what CUI Specified marking is and how to use it
- ✔ what CUI Basic marking is and how to use it
- ✔ when to use Limited Dissemination Controls
When marking emails it is **mandatory** to include a Banner Marking to indicate that the email contains CUI.

- It is best practice to include an Indicator Marking in the subject line.
- If the email is forwarded, the Banner Marking **must** be carried forward.
- If sending an attachment that contains CUI, the name of the file can contain a CUI indicator.
When sending an email where the attachment is removed and the email no longer contains CUI, add the following statement below the banner marking:

- “When attachment is removed, this email is Uncontrolled Unclassified Information”

Indicators in the subject line and attachments should appear at the end.

Reminder: When sending an email that contains CUI, it must be encrypted.
How do you mark or identify CUI in spreadsheets

- If you are working in the spreadsheet you need to modify the header and/or footer

- Here are some ways:
  - Header
  - Filename indicator (ex: contains CUI)
  - Coversheet (after printing)
Here are some ways:
– Apply banner marking
– Filename indicator (ex: contains CUI)
– Coversheet
How do you mark or identify CUI in databases or application

Here are some ways:
- Apply banner marking to outputs when printing
- Filename indicator (ex: contains CUI)
- Coversheet (upon printing)
- Splash screen (upon log in or initial access to system)
- Individual pages can carry a banner marking to indicate CUI is present
Marking Forms

- Forms that, when filled in, contain CUI, **must** be marked accordingly.
- You may use a coversheet if there is not room at the top of the form.
If a transmittal document accompanies CUI, it must indicate that CUI is attached and include:

- “When enclosure is removed, this document is Uncontrolled Unclassified Information” or
- “When enclosure is removed, this document is (CUI Category); upon removal, this document does not contain CUI”
Shipping and Mailing

- CUI may be shipped
  - Best practice is to track the package

DO NOT Place Markings on Packages/Envelopes
Portion Markings

- Though not required, portion marking is a highly encouraged practice
- CUI Portion Markings are placed at the beginning of the portion to which they apply and must be used throughout the entire document
- When marking CUI, if a portion of the document does not contain CUI it can be denoted as Uncontrolled (U)
Supplemental Administrative Marking

- Supplemental Agency Markings can be used to denote non-final status of a document
- Cannot be used to control CUI and cannot be commingled into the CUI Banner Marking

MEMORANDUM FOR THE DIRECTOR

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Subject: Examples

We support the President by ensuring that the Government protects and provides proper access to information to advance the national and public interest.

We lead efforts to standardize and assess the management of classified and controlled unclassified information through oversight, policy development, guidance, education, and reporting.
What are the 2 kinds of CUI?

A. Sensitive and Unsensitive
B. Basic and Specified
C. Classified and Unclassified
CUI Basic and CUI Specified

**CUI Specified**
(Requires unique markings)

Laws, Regulations, or Government-wide policies require specific protections. For example:
- Unique markings
- Enhanced physical safeguards
- Limits on who can access the information

**CUI Basic**

Laws, Regulations, or Government-wide policies **DO NOT** require specific protections
True or False:

Your Agency does **NOT** have to alert the user of the presence of CUI when logging into IT systems, websites, browsers, or databases.
Agencies may authorize or require the use of alternate CUI indicators on IT systems, websites, browsers, or databases through agency CUI policy. These may be used to alert users of the presence of CUI where use of markings has been waived by the agency head.
True or False:

It is **MANDATORY** to include a banner marking at the top of the page to alert the user that CUI is present?
ANSWER: TRUE

CUI Banner Marking

CUI Control Marking

CUI Category Marking (if required)

Limited Dissemination Control Marking

CUI OR CONTROLLED//CATEGORY//DISSEMINATION

MANDATORY:
CUI Banner Markings must appear on the top portion of the page
TRUE OR FALSE:

When sending an email that contains CUI you must include an indicator marking in the subject line.
When marking emails it is **mandatory** to include a Banner Marking to indicate that the email contains CUI.

It is best practice to include an Indicator Marking in the subject line.

If the email is forwarded, the Banner Marking **must** be carried forward.

If sending an attachment that contains CUI, the name of the file can contain a CUI indicator.
True or False:
You can ONLY use FedEx or UPS to mail CUI
Answer: FALSE  Shipping and Mailing

- CUI may be shipped
  - Best practice is to track the package

DO NOT  Place Markings on Packages/Envelopes

CONTROLLED

CONTROLLED
QUESTION #6

True or False:

Below is an accurate example of how to use Supplemental Administrative Markings:

CUI//SP-DRAFT
MEMORANDUM FOR THE DIRECTOR

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Supplemental Agency Markings can be used to denote non-final status of a document

Cannot be used to control CUI and cannot be commingled into the CUI Banner Marking
Yes or No:

Can you use the CUI Coversheet in lieu of marking a document?
Coversheets are optional, and can replace Banner Markings
- It can also include categories/dissemination controls or list/originator designation
- Download from the CUI Registry at: www.archives.gov/cui/additional-tools