QUICK START GUIDE

FOR INDUSTRY

Version 3.0

WHY THIS GUIDE?

Safeguarding Controlled Unclassified Information (CUI) is a Department of Defense (DOD) requirement and a key tool for the safeguarding of sensitive, unclassified information. This guide provides basic facts for industry, answers frequently asked questions, and provides sources of more detailed information and tools.

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CUI OVERVIEW

WHAT IS THE CUI PROGRAM?

The CUI Program is a safeguarding system for the protection of unclassified information. Although this information is not considered "Classified National Security Information" it is still sensitive and important, and requires protection. The CUI Program standardizes the way the Executive Branch handles unclassified information that does not meet the criteria required for classification under E.O. 13526, "Classified National Security Information," December 29, 2009, or the Atomic Energy Act. However, law, regulation, or government-wide policy still mandates protection for this unclassified information. That protection involves safeguards employed while CUI is being stored or handled by the Executive branch departments or agencies as well as the controls involving how the information is disseminated.

CUI is information that is created or owned by, or on behalf of, the government. CUI is not a classification and should not be referred to as "classified as CUI." A better way to phrase it is "designated as CUI." CUI is not corporate intellectual property, unless created for or included in requirements related to a government contract. Contractors should consult with their Government Contracting Activity (GCA) to make this determination. In some cases, CUI designations replace For Official Use Only (FOUO) and Sensitive but Unclassified (SBU) designations.

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CUI IMPLEMENTATION TIMELINES

CUI is a government-wide requirement mandated by Executive Order 13556 and impacts more than 100 departments and agencies within the Executive branch. As each department and agency is in process of developing their CUI program and updating their contracts to include CUI requirements, Industry may receive new contractual CUI requirements at different times. Industry is encouraged to work with its Government Contracting Activities to further understand CUI requirements and implementation timelines.

The DOD CUI Program, pursuant to EO 13556, was implemented by DoDI 5200.48 on March 6, 2020. As such, Industry partners with DOD contracts should be familiar with CUI requirements found in this document when applied by contract and have a plan to address them.

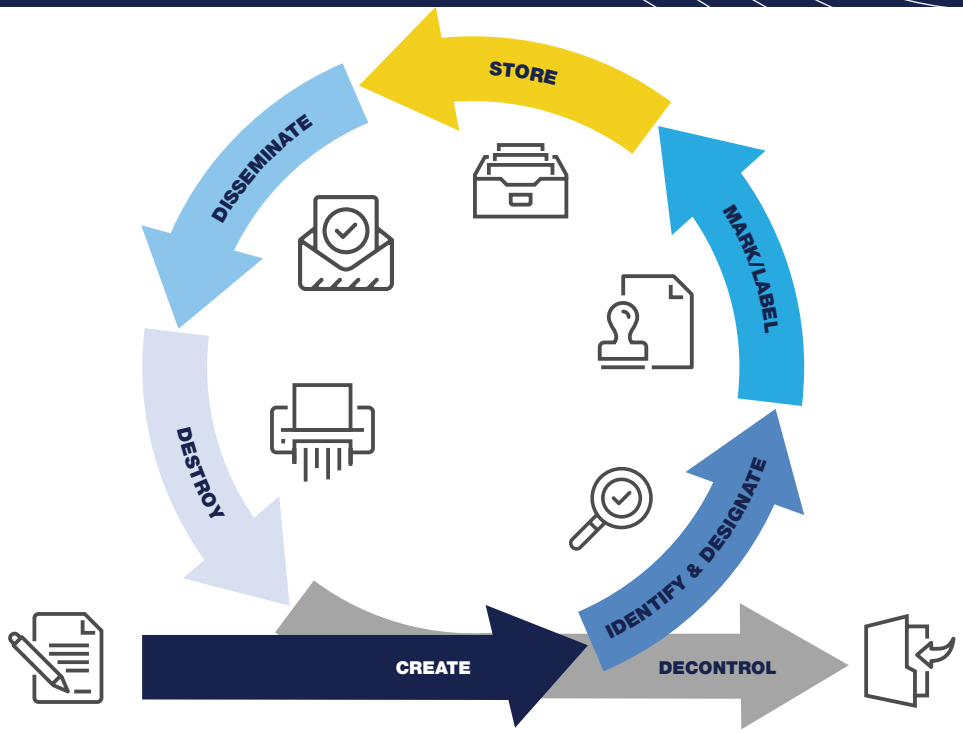
CUI AND THE CMMC FRAMEWORK

The Cybersecurity Maturity Model Certification (CMMC) is a unifying standard for the implementation of cybersecurity controls across the Defense Industrial Base (DIB). The CMMC framework includes a comprehensive and scalable third-party certification element to validate the implementation of processes and practices associated with the achievement of a cybersecurity maturity level. CMMC is designed to provide increased assurance to agencies that a Defense Industrial Base (DIB) company can adequately protect sensitive information including CUI, accounting for information flow down to subcontractors in a multi-tier supply chain.

DCSA'S ROLES AND RESPONSIBILITIES

DoD Instruction 5200.48 directed DCSA with eight responsibilities related to CUI. DCSA's Industrial Security (IS) Directorate, Enterprise Security Operations (ESO) Division is leading efforts to provide logical and efficient administration of CUI safeguards. DCSA will be executing its responsibilities in a deliberate and phased approach over multiple years and will keep industry informed on its progression.

DCSA is not currently conducting contractor assessments related to CUI. However, Industry should review existing contracts and engage with Government Contracting Activities to determine which, if any, CUI requirements are applicable to current contracts and the appropriate way forward.



CUI LIFECYCLE

CUI follows a lifecycle similar to all protected information. While the designation of certain types of information requiring safeguarding and dissemination may be new, the process should be very familiar to Industry partners.

- **Create:** CUI is created when put on paper or entered into an information system.
- **Identify & Designate:** Realize that the information is generated for or on behalf of an agency within the Executive Branch under a contract and determine if the information falls into one of the more than one hundred categories of CUI in the National and DOD CUI Registries. It is also important to realize what is not CUI.
- **Mark/Label:** At minimum, CUI markings for unclassified DOD documents will include the acronym “CUI” or “CONTROLLED” in the banner of the document. It is a best practice to include markings in both the banner and footer of the document, and it is imperative to reference the DoD 5230.24 and DoD CUI Policy Memorandums to ensure correct markings.
- **Store:** CUI can be stored in NIST 800-171 compliant information systems or controlled physical environments.
- **Disseminate:** Only authorized holders may disseminate in accordance with applicable laws, regulation, or government-wide Policy requiring specific safeguarding and dissemination controls.
- **Destroy:** Hard and soft copies of CUI should be appropriately destroyed, meaning they are rendered unreadable, indecipherable, and irrecoverable. Review clearing, purging, and destruction guidance found within DoDI 5200.48 and NIST SP 800-88: Guidelines for Media Sanitization.
- **Decontrol:** All holders must promptly decontrol CUI once the CUI owner has properly determined the information no longer requires safeguarding or dissemination controls, unless doing so conflicts with the related law, regulation, or government-wide policy in accordance with DoDI 5230.09.

CUI MARKING GUIDELINES, CATEGORIES, AND REGISTRIES

Limited Dissemination Control (LDC) markings are used to limit and/or control who can or cannot access the CUI. "CUI" replaces legacy markings in header, footer, and portion markings. Marking requirements apply to documents, emails, and forms of media that are designated as CUI. Remember, CUI can be found in many places including drawings (technical, schematic, design, etc.), Word documents, Excel files, PowerPoint presentations (plans and status documents), notebooks, and handwritten sticky notes. It exists in both hard copy and soft copy, on computers, and in removable storage.

CUI also includes unique categories that further restrict or direct its handling. There are two useful CUI Registries for DOD contractors providing government-approved CUI Categories and Organizational Index Groupings:

- **The DOD CUI Registry** is a resource which includes the indices and categories used to identify various types of DOD CUI. This is a helpful tool for Industry when they are contracting with the DOD, however, the official National CUI Registry contains all the indexes and categories for the entire Executive Branch. DOD agency personnel and contractors should first consult the DOD CUI Registry to find the Indexes and Categories used to identify the various types of DOD CUI. The DOD CUI Registry Aligns each Index and Category to DOD Issuances. The National CUI Registry contains Indexes and Categories for the entire Executive Branch and should be consulted for non-DOD contracts.

- **The National CUI Registry** is the official government-wide list of CUI indexes and categories and can be found on the National Archives and Records Administration (NARA) website.

CUI TRANSMITTAL

CUI materials in paper or media format can be sent via first class mail, parcel post, or bulk shipments. CUI may also be transmitted by e-mail via approved encrypted communications systems, or systems using other contractual safeguarding measures in accordance with Law, Regulation, or Government-wide Policy. Please see the DoD Controlled Unclassified Information Markings for details on how to mark e-mails and mail.

FREQUENTLY ASKED QUESTIONS

How will Industry know if their contracts require CUI protection, protocol, and oversight?

DOD will determine CUI requirements for each Request for Proposal (RFP) and contract to include classified and unclassified efforts. In the future, DD 254s will contain verbiage regarding CUI oversight and control requirements. For awarded contracts, Industry should review carefully and engage with their GCA to determine which, if any, CUI requirements are applicable to current contracts and the appropriate way forward. For RFPs, follow guidance provided and ask questions to ensure submissions are compliant.

What is a prime contractor's responsibility for CUI compliance with its sub-contractors?

As with most compliance matters, a prime contractor is responsible for ensuring that all teammates, including sub-contractors and suppliers meet applicable security requirements. Prime contractors should refer to 32 CFR Part 117 and DFARS Clause 252.204-7012 to understand their contractual obligations and options.

What should Industry do with legacy information and materials?

Unclassified information that was identified for control (i.e., FOUO) which meets the standard for protection under current standards for CUI is considered legacy information. When new documents are derived from legacy documents, they must follow current CUI marking standards.

What should Industry do if it has questions or concerns about the requirements and implementation of CUI for its existing contracts?

When contract-specific questions or concerns arise, Industry is encouraged to work with its DOD Contracting Office Representative (COR) and follow guidance issued by DOD Contracting Authority and DFARS 252.204-7012. As with all security requirements, Facility Security Officers (FSOs) should ensure their organizations appropriately implement CUI requirements. Industry is encouraged to work with DCSA Industrial Security Representatives (ISRs) as appropriate.

Are FSOs expected to be experts on on CUI protection requirements?

No, FSOs should work with their IT partners and other company subject matter experts to ensure their organizations appropriately implement CUI requirements. Their priority is to ensure company compliance with Contractual CUI safeguarding requirements.

WHERE TO LEARN MORE

GOVERNING DOCUMENTS

The following policies are important for understanding and managing CUI.

1. **DoDI Instruction 5200.48** Controlled Unclassified Information (CUI). This Instruction establishes policy, assigns responsibilities, and prescribes procedures for CUI throughout the DOD and establishes the official DOD CUI Registry.
2. **32 CFR Part 2002** "Controlled Unclassified Information." Part 2002 establishes the CUI Program throughout the Federal Government and describes the roles, responsibilities, and key elements of the program.
3. **E.O. 13556 Vol 75, No 216** "Controlled Unclassified Information." The Order establishes a uniform program for managing information that requires safeguarding or dissemination controls across the Federal Government.
4. **NIST Special Publication 800-171** "Protecting Controlled Unclassified Information in Nonfederal Systems and Organizations." This publication identifies the baseline CUI system security requirements for Industry established by DFARS 252.204-7012.

CUI TRAINING

Training is required when levied by the GCA for contracts with CUI. **DOD contractors are required to take training annually** per the DoDI 5200.48.

The Center for Development of Security Excellence (CDSE) has CUI training available. While this training fulfills CUI training requirements, contractors have the option of developing their own training as long as it contains the mandatory 11 topics covered in DoDI 5200.48.

OTHER RESOURCES

DOD and others in the Federal Government provide several resources and tools for Industry to better understand CUI requirements and will update them as appropriate. In addition to the policies referenced earlier, the following tools will also provide helpful information:

1. **Resources on the DCSA website:**
   - CUI Quick Reference Guide
   - DCSA CUI 101
2. **Resources on the DOD CUI website:**
   - DOD CUI Registry
   - CUI Awareness and Marking Presentation
   - CUI Limited Dissemination Controls
   - DOD CUI Marking Aid
3. **Resources on the NARA website:**
   - National CUI Registry
   - CUI Audio, Photography, and Video Markings
   - CUI Destruction Label
   - CUI Email Marking
   - CUI Executive Agent (EA) Training Modules