

CONTROLLED UNCLASSIFIED INFORMATION OFFICE

NATIONAL ARCHIVES *and* RECORDS ADMINISTRATION

700 PENNSYLVANIA AVENUE, NW, ROOM 100 WASHINGTON, DC 20408-0001

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July 27, 2012

Memorandum for: Senior Agency Officials for Executive Order 13556, “Controlled Unclassified Information.”

From:


John P. Fitzpatrick
Director

Subject: Review of Proposed Categories for CUI Registry.

As you know, Executive Order 13556, “Controlled Unclassified Information,” November 4, 2010 (the Executive Order), directs that for a category or subcategory to be included into the CUI registry, it must have a basis in law, regulation or Government-wide policy. Consistent with the Executive Order, agencies submitted proposed categories and subcategories last year, which in turn were fully analyzed. Unfortunately, since some proposals were not based on the necessary authorities, they could not be incorporated into the national registry.

Agencies have raised the issue of certain categories and subcategories of information that would reasonably require the protection of the CUI program, but nevertheless lack an enactment, and therefore cannot be listed as a category/subcategory in the registry at this time. Such gaps were not anticipated when the Executive Order was issued.

We are preparing a list of all submissions that appear worthy, but lack the statutory or other policy coverage, in order to discuss ways forward with the Office of Management and Budget (OMB). A satisfactory solution to this problem will ensure that agencies are able to plan their implementation with the fullest possible understanding of what information types fall within the CUI regime.

For this reason, it is requested that your agency prepare a list of information types that you would argue should be controlled for major business processes, but lack the necessary enactments (law, regulation, and Government-wide policies) for inclusion in the national CUI registry. I would ask that you nominate categories for which you would be willing to sponsor a federal rule if that were to be a later requirement. Please submit these to our office in the attached matrix at cui@nara.gov by August 17, 2012.

We will keep you informed of our progress and any guidance that is provided by OMB. If you have any questions, please contact Patrick Viscuso, patrick.viscuso@nara.gov, or Bryan Oklin, bryan.oklin@nara.gov, of the CUI staff.