

INFORMATION SECURITY OVERSIGHT OFFICE
NATIONAL ARCHIVES *and* RECORDS ADMINISTRATION
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CUI Notice 2018-03: Implementation and Compliance Reporting and Delays

March 13, 2018

Purpose

This notice provides agencies with additional implementation guidance on what constitutes compliance, reporting requirements, and delays.

Authorities

Executive Order 13556, Controlled Unclassified Information (November 4, 2010); and
32 CFR 2002, Controlled Unclassified Information (September 14, 2016).

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 Government-wide policy. The Director of the Information Security Oversight Office (ISOO), exercises Executive Agent (EA) responsibilities for the CUI Program. The CUI federal regulation at 32 CFR 2002, effective date, November 14, 2016, implements the Order and establishes CUI Program requirements for safeguarding, disseminating, marking, decontrolling, and disposing of CUI.

In consultation with the Office of Management and Budget, on September 14, 2016, ISOO issued CUI Notice 2016-01, Implementation Guidance for the Controlled Unclassified Information Program. CUI Notice 2016-01 identified the core elements of a CUI Program, identified the sequence of agency implementation activities, and established implementation deadlines. No later than November 1, 2017, agencies were required to report on the status of their implementation efforts, their projected completion of the elements outlined in CUI Notice 2016-01, and the issues and challenges that had impacted their ability to implement according to the deadlines established in the notice.

The CUI EA's annual report to the President will identify agencies that fail to comply with CUI implementation or reporting requirements, including but not limited to failing to name a CUI Senior Agency Official or Program Manager, to submit information in an annual report (including status of implementation or delays), or to demonstrate reasonable progress or plans to implement the CUI Program.

Implementation and Compliance

Agencies are in compliance with initial minimum CUI Program phased implementation requirements if:

- They meet the phased implementation elements and deadlines established in CUI Notice 2016-01 and annual reporting requirements; or
- They do not meet the phased implementation steps by the deadlines established in CUI Notice 2016-01, but they comply with the requirements set out in the Delays in Implementation and Compliance section of this notice. In this context, agencies demonstrating reasonable progress or plans to implement the CUI Program are compliant.

Delays in Implementation and Compliance

An agency may experience significant delays in implementing the CUI Program based on its size, mission, the volume or type of CUI it handles, and allocated resources. In such cases, these agencies must include with their annual report:

- A projection of when they expect to implement the delayed program element (for example: issue policy, complete training, assess systems); and
- A narrative describing the process or issue giving rise to the delay sufficiently for the CUI EA to assess the situation (e.g. assess the cause of the problem, whether it is similar to situations other agencies are experiencing, whether there are Program-wide actions that might aid in resolving the situation, and similar analyses).

Agencies are not required to submit detailed implementation plans to the CUI EA.

Agencies are encouraged to contact CUI staff at ISOO with any questions at: cui@nara.gov.



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Director