

## **CUI Notice 2018-06: Establishing, Eliminating, or Modifying Categories of Controlled Unclassified Information (CUI)**

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November 16, 2018

### **Purpose**

1. This notice provides agencies with guidance for when they:
  - a. Identify or discover that an existing law, regulation, or Government-wide policy (LRGWP) that requires safeguarding or dissemination controls for an information type is not reflected on the CUI Registry;
  - b. Identify or discover that an existing LRGWP has been repealed or rescinded; or
  - c. Plan to sponsor, issue, or coordinate a LRGWP that would establish, or modify a category of CUI.

### **Authorities**

1. Executive Order 13556, “Controlled Unclassified Information,” (the Order) November 10, 2010; and
2. 32 CFR Part 2002, “Controlled Unclassified Information,” (the Directive) September 14, 2016.

### **Protection of Information**

1. When an agency identifies or discovers that an existing LRGWP that requires safeguarding or dissemination controls for an information type is not reflected on the CUI Registry they must follow all marking, safeguarding, and dissemination requirements called for by the LRGWP.
2. Upon submission of the LRGWP to the CUI Executive Agent (EA), the information may be protected as CUI Basic in accordance with the agency’s CUI implementation policy, including any limited dissemination controls applied by the agency. The information may be:
  - a. **Marked** as CUI using the CUI Control Marking (e.g., CUI) in accordance with marking guidance found on the CUI Registry;
  - b. **Protected** in accordance with the Directive; and
  - c. **Disseminated** in accordance with any Limited Dissemination Control markings applied to the information. The CUI Registry lists all Limited Dissemination Control markings that can be applied to CUI.
3. If a category of CUI is removed from the CUI Registry, the information must continue to be protected as CUI until the originating agency decontrols the information.

## Submission Process

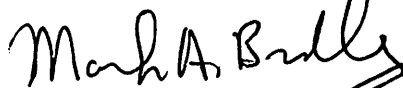
1. When an agency identifies or discovers that an existing LRGWP that requires safeguarding or dissemination controls for an information type is not reflected on the CUI Registry, the agency Senior Agency Official must submit, on agency letterhead, a letter that describes:
  - a. LRGWP that is not reflected on the CUI Registry; and
  - b. The information type that requires protection;
2. When an agency identifies or discovers that an existing LRGWP has been repealed or rescinded, the agency Senior Agency Official must submit, on agency letterhead, a letter that describes:
  - a. LRGWP that has been repealed or rescinded; and
  - b. The affected CUI Category;
3. When an agency plans to sponsor, issue, or coordinate a LRGWP that would establish, or modify a category of CUI, the agency Senior Agency Official must submit, on agency letterhead, a letter request that describes:
  - a. The information type that requires protection;
  - b. The agency's commitment to sponsor or issue a LRGWP;
  - c. The anticipated date or timeframe for the release of the proposed LRGWP related to the information; and
  - d. Any supporting authorities that help establish the need or justification for the proposed LRGWP, any drafts of the proposed authority the agency plans to develop, information on any development steps already undertaken and where the agency is in the development process for the proposed authority, and any other relevant information.
4. Upon receipt of the letter and within 30 days, the CUI EA must acknowledge receipt on agency letterhead.
5. Upon receipt of the request and within 60 days, the CUI EA must consult the CUI Advisory Council, the CUI Registry Committee, and the Office of Management and Budget (OMB).
6. When an agency plans to sponsor, issue, or coordinate a LRGWP that would establish, or modify a category of CUI, the sponsoring agency must provide quarterly updates to the CUI EA on the status of the process for developing and issuing a LRGWP.
  - a. When the LRGWP is in final form the agency must immediately notify the CUI EA.
7. Information types (from existing LRGWP that requires safeguarding or dissemination controls for an information type) must be reflected on the CUI Registry as soon as possible and no later than 60 days from the date the CUI EA received the request.
  - a. The CUI EA must update the CUI Registry with the following:

- i. The information's CUI Category name and description;
- ii. The CUI markings; and
- iii. All safeguarding measures that exceed those for CUI Basic.

### **Appeals**

1. If the CUI EA denies the request to remove or modify a category, agencies may appeal the CUI EA's decision through the Director of Office of Management and Budget to the President for resolution.

**Please direct any questions regarding this notice to: [cui@nara.gov](mailto:cui@nara.gov).**



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Director