

CUI Notice 2018-07: Controlled Unclassified Information (CUI) Limited Dissemination Controls

November 16, 2018

Purpose

1. This notice provides guidance regarding the proper usage and the process for establishing Limited Dissemination Controls for 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.

Guidance

1. Agencies may place additional limits on CUI only through use of the Limited Dissemination Controls approved by the CUI Executive Agent (EA) and published in the CUI Registry. The CUI EA publishes the list of approved Limited Dissemination Controls in the CUI Registry, which can be found at <https://www.archives.gov/cui/registry/limited-dissemination>.
 - a. Using Limited Dissemination Controls to unnecessarily restrict access to CUI is contrary to the goals of the CUI Program.
 - b. Authorized holders of CUI may only apply these Limited Dissemination Controls to CUI when it furthers a lawful Government purpose and in accordance with their agency’s CUI policy.
2. Agencies may authorize the use of CUI Limited Dissemination Controls for use on both CUI Basic and CUI Specified.
3. Limited Dissemination Control markings may also be applied to CUI banner markings to amplify and supplement any dissemination controls authorized by a CUI authority (i.e., law, regulation, or Government wide policy). For example:
 - a. For the Archaeological Resources category, the federal land manager is authorized to make certain decisions regarding the appropriate dissemination of this information. It would be appropriate to apply the limited dissemination control of DL ONLY (Dissemination List Controlled), as listed in the CUI Registry, to convey this authority. The banner marking would appear as “CUI//SP-ARCHR//DL ONLY”, with an accompanying dissemination list of those individuals or entities to whom the federal land manager has authorized dissemination.


Establishing a New Limited Dissemination Control

1. When an agency determines that a new Limited Dissemination Control is needed to consistently reflect dissemination requirements to authorized recipients, it may submit a proposal to the CUI EA.
2. The agency's Senior Agency Official for CUI must submit, on agency letterhead, a written request to the CUI EA that describes:
 - a. The proposed marking and abbreviation;
 - b. Description of the control (the intended recipients, who should not receive the information, etc.); and
 - c. Any supporting laws, regulations, or Government wide polices that establish the requirement for limited dissemination.
3. Upon receipt of the request and within 30 days, the CUI EA must acknowledge receipt on agency letterhead.
4. Upon receipt of the request and within 60 days, the CUI EA must consult the CUI Advisory Council, and the CUI Registry Committee.
5. The CUI EA must render a decision, on agency letterhead, to the sponsoring agency within 90 days of receipt of the request.
6. Approved Limited Dissemination Controls must be reflected on the CUI Registry as soon as possible and no later than 30 days from the date the CUI EA approved the Limited Dissemination Control.

Appeals

1. If the CUI EA denies the request to establish a Limited Dissemination Control, 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.



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Director