Controlled Unclassified Information

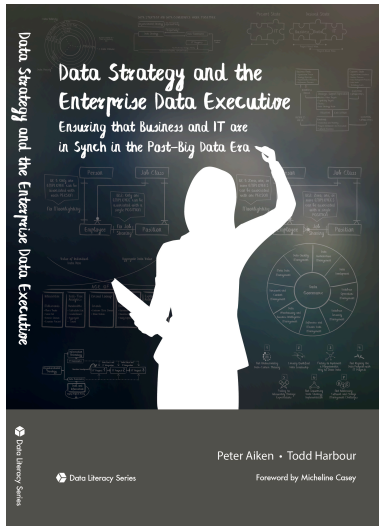
Todd Harbour, MSc, MScM, PgMP, PMP, CDMP, DGSP

WELCOME MESSAGE

Todd was the Chief Data Officer (CDO) for New York State and data leader for the U.S. Federal Government, where he orchestrated data management and analytic activities for his organization.

Todd's work included developing a data governance strategy, framework, and roadmap, defining a unified information architecture, realizing master data, coordinating data sharing, and establish a community-wide data analytics community of practice.

Todd



BACKGROUND

- Federal government has instituted a new information and security reform.
- Implemented under a new Federal regulation.
- Federal entities are currently marking and tagging their data holdings.
- Affects foreign governments, states, local, tribal, academia, and businesses.
- Agencies may receive data with new markings and protection requirements as as early as *now* depending on their sharing relationships.

WHY PROTECT CUI?

Loss or improper safeguarding of CUI could have a serious adverse effect on organizational operations, organizational assets, individuals, or national security.

Mission

Causes significant degradation in mission capability to an extent and duration that the organization is able to perform its primary functions, but the effectiveness of the functions is significantly reduced.

Finances

Causes financial loss and damage suffered by a person such as can be seen only on a balance sheet.

Organizational Assets

Causes significant damage to items of economic value owned by an organization, especially that which could be converted into money.

Injury

Causes significant harm to individuals that does not involve loss of life or serious life threatening injuries.

BENEFITS OF CUI SECURITY REFORM

- Clarifies and limits what to protect.
- Defines safeguarding.
- Promotes authorized information sharing.
- Reinforces existing legislation and regulations.

DAMAGE, LOSS, LIABILITY, AND LASTING IMPACT

4.2 Million Employees

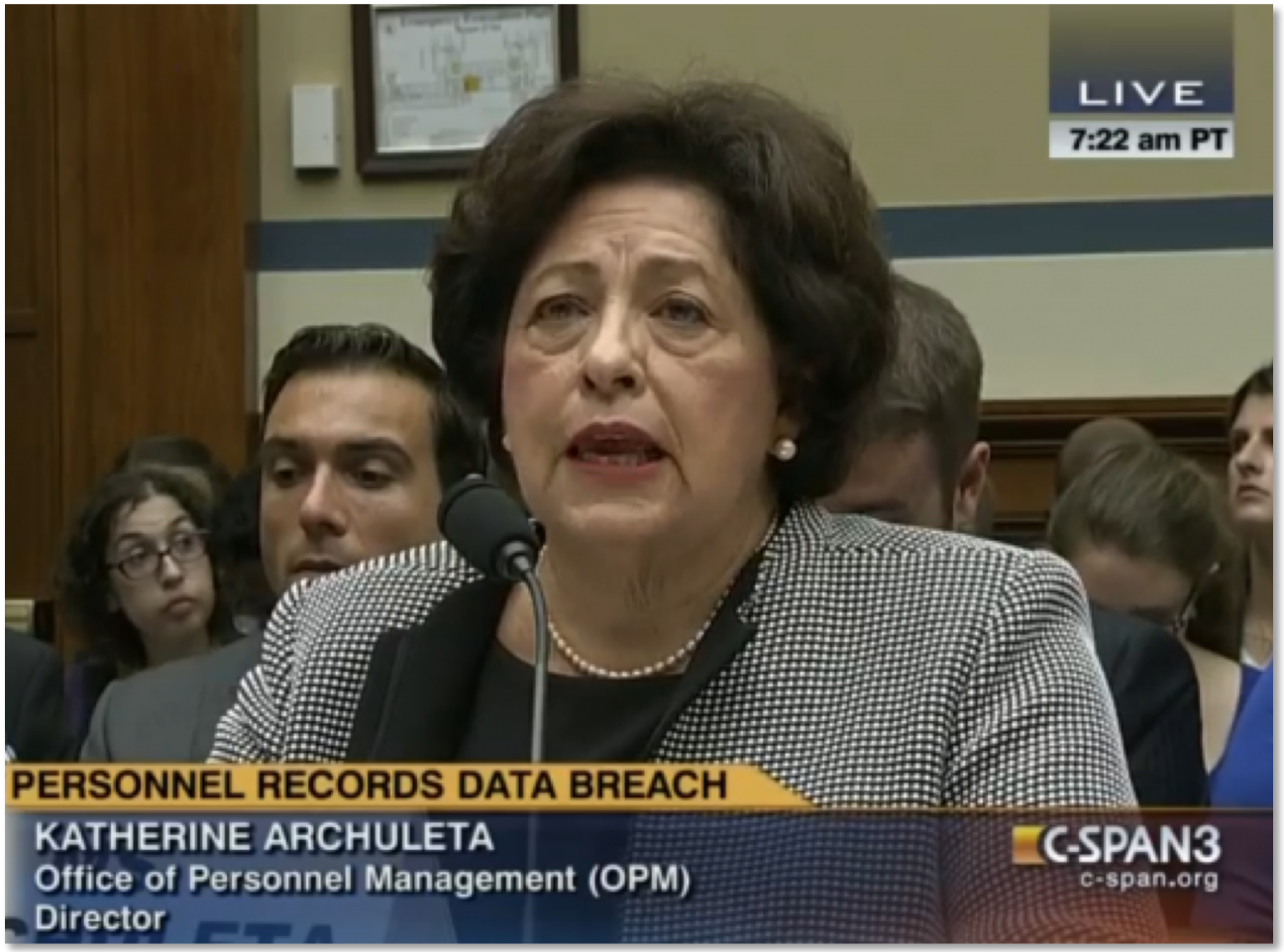
Personnel files of former and current government employees.

21.5 Million People

Security clearance background investigation information.

$350 Million

Government expenses to notify and protect those impacted.



BENEFITS OF THE CUI SECURITY REFORM

LIMITS
Clarifies and limits what information organizations need to protect.

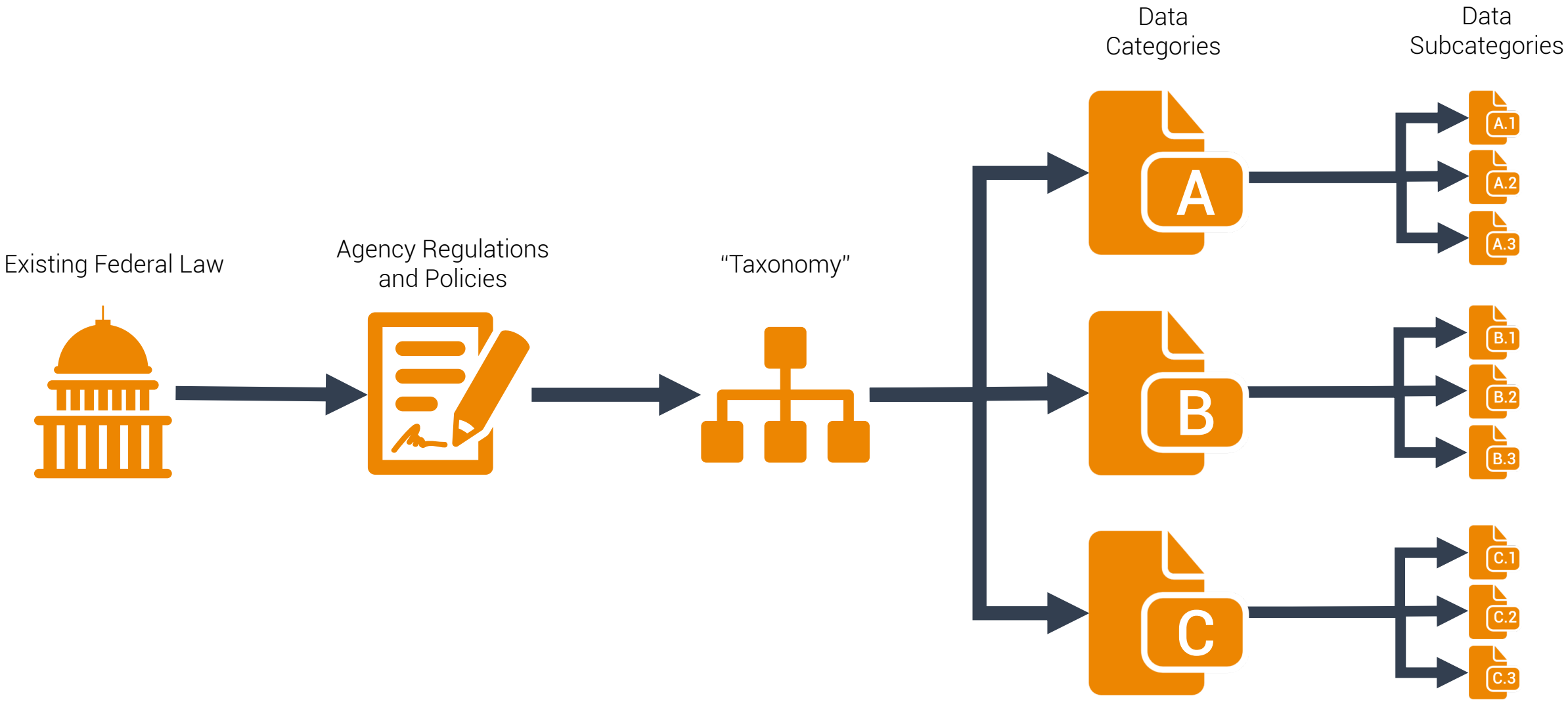
SHARING
Promotes authorized information sharing according to repeatable processes.

STANDARDS
Establishes standardized markings that are easily recognized by users.

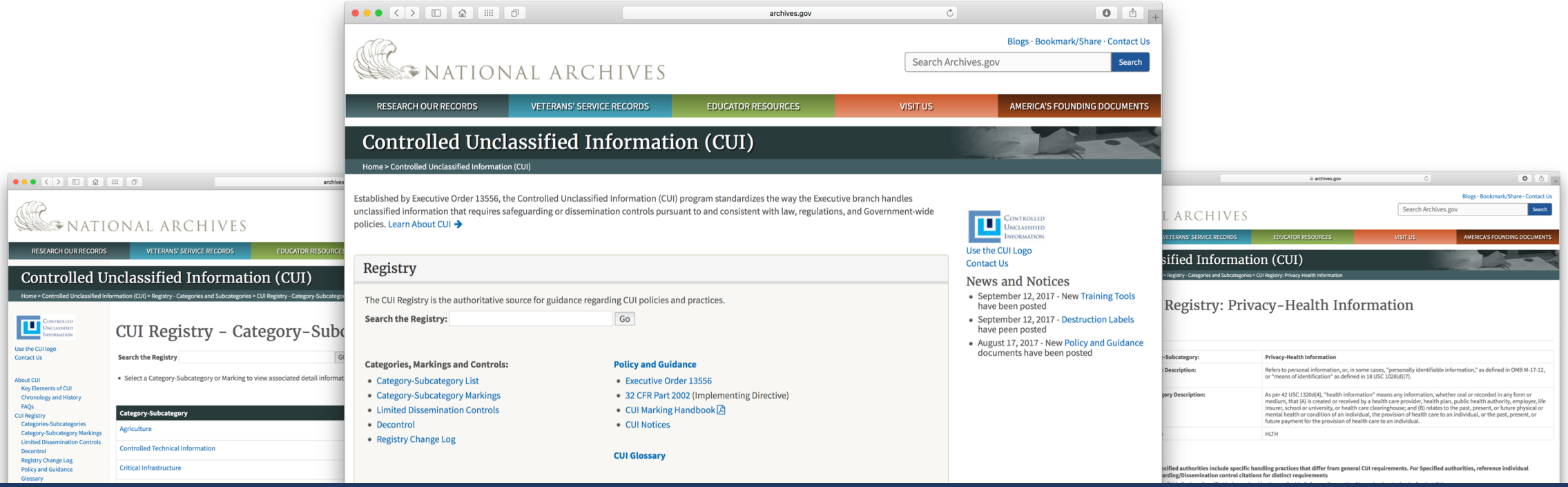
SAFEGUARDS
Defines safeguarding technologies and procedures are required to protect CUI data.

REINFORCEMENT
Reinforces existing legislation and regulations at the operational level within organizations.

WHAT MAKES CUI DIFFERENT



CUI REGISTRY



AUTHORITATIVE SOURCE

The CUI Registry is the authoritative source for guidance regarding CUI policies and practices.

CONTROLLED INFORMATION

The CUI Program is founded on the prerequisite that only information requiring protection based in a law, Federal regulation, or government-wide policy can qualify as CUI.

AVAILABLE TRAINING

The Controlled Unclassified Information (CUI) office develops training tools for CUI, designed for a widespread audience at multiple levels within the government and beyond.

32 CFR 2002

Federal Regulation

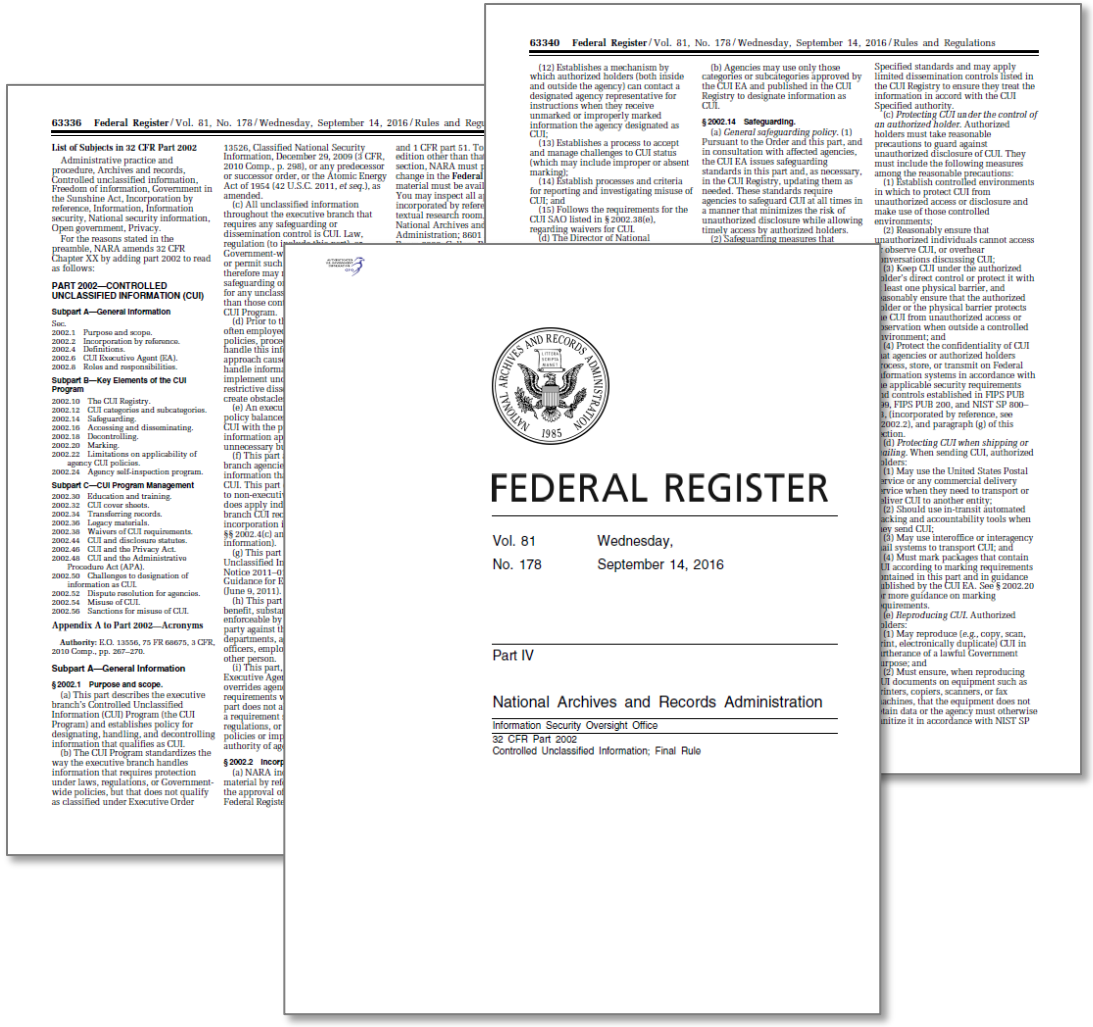
Established policy for designating, handling, and decontrolling qualified CUI information on November 14, 2016.

Minimum Protections

Describes, defines, and provides guidance on the minimum protections.

Legal Foundation

Emphasizes unique protections in law, regulation, and/or Government-wide policies.



63336 Federal Register / Vol. 81, No. 178 / Wednesday, September 14, 2016 / Rules and Regu

List of Subjects in 32 CFR Part 2002

PART 2002—CONTROLLED UNCLASSIFIED INFORMATION (CUI)

Subpart A—General Information

Subpart B—Key Elements of the CUI Program

Subpart C—CUI Program Management

Appendix A to Part 2002—Acronyms

Subpart A—General Information

§ 2002.1 Purpose and scope.

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§ 2002.14 Safeguarding.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION 1985

FEDERAL REGISTER

Vol. 81 Wednesday,
No. 178 September 14, 2016

Part IV

National Archives and Records Administration

Information Security Oversight Office
32 CFR Part 2002
Controlled Unclassified Information; Final Rule

NEW FEDERAL ACQUISITION REGULATIONS

GOVERNMENT

National Archives (NARA) plans to sponsor a new Federal Acquisition Regulation (FAR).

INDUSTRY

Will uniformly apply the requirements contained in the 32 CFR Part 2002 and NIST SP 800-171 to industry.

UNDERSTANDING THE CUI PROGRAM

1 TYPES

Is information the Government or an entity creates or possesses for the Government, that requires an agency to handle using safeguarding or dissemination controls.

2 POLICIES

NARA approves agency policies pertaining to CUI and prohibits agencies from levying additional requirements on entities outside that agency.

3 SYSTEMS

Agencies must use NIST SP 800-171 when establishing security requirements to protect CUI's confidentiality on non-Federal information systems.

4 ENVIRONMENTS

Physical barriers must reasonably protect the CUI from unauthorized access or observation.

5 MARKINGS

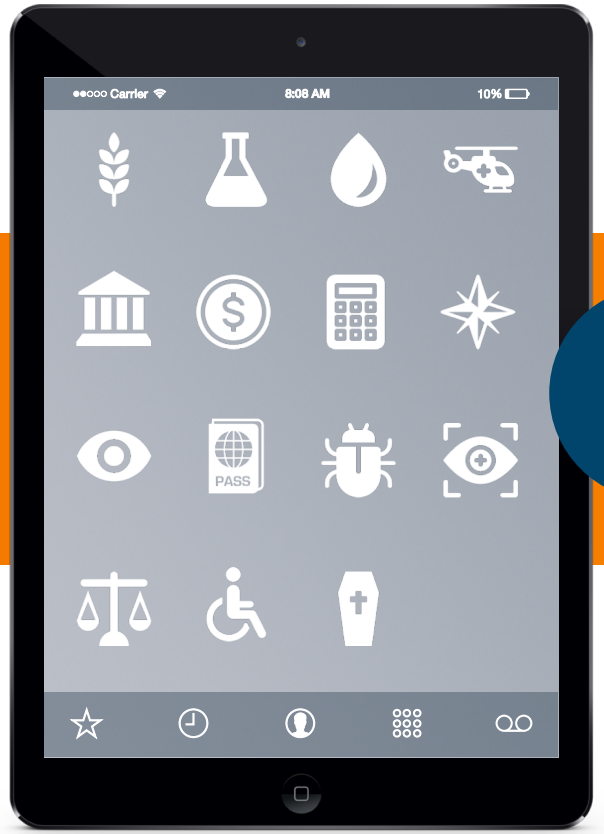
Markings listed in the CUI Registry are the only markings authorized to designate unclassified information requiring safeguarding or dissemination controls.

TWO TYPES OF INFORMATION

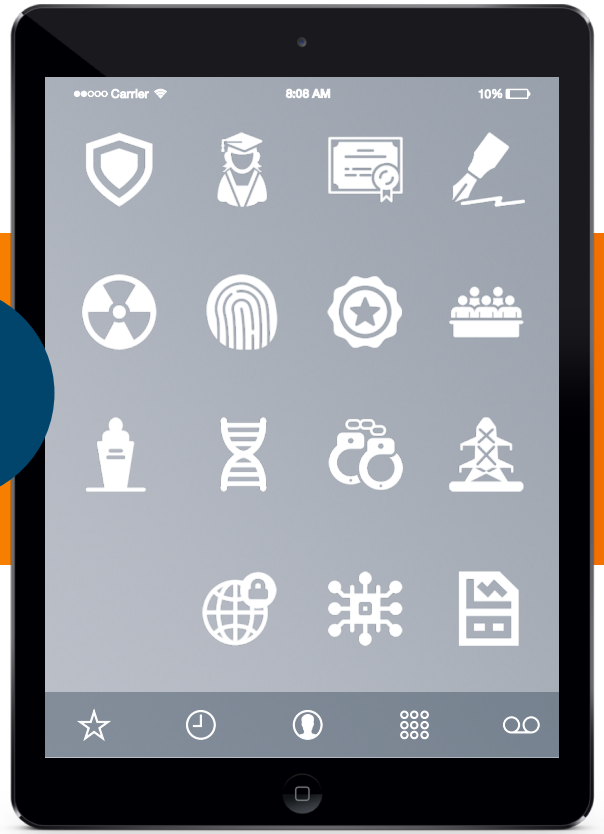
BASIC

Is the subset of CUI for which the authorizing law, regulation, or Government-wide policy does not set out specific handling or dissemination controls.

Agriculture, Ammonia Nitrate, Water Assessments, Emergency Management, Bank Secrecy, Budget, Comptroller General, Geodetic Information, Asylee Information, Visas, IT Vulnerabilities, Terrorist Screening, Legal Privilege, Victim Records, Death Records



VS



SPECIFIED

Is the subset of CUI in which the authorizing law, regulation, or Government-wide policy contains specific handling controls that it requires or permits agencies to use that differ from those for CUI Basic.

Security Information, Student Records, Patents, Source Selection, Nuclear Safeguards, Active Investigations, NATO Information, Federal Grand Jury, Witness Protection, DNA, Criminal History Records, Critical Infrastructure, Export Control, Controlled Technical Information, Financial Records

LIMITATIONS ON APPLICABILITY

- Agency policies pertaining to CUI do not apply to entities outside that agency
- NARA approves the application and publishing of changes in the CUI Registry.
- Agencies may not levy any requirements beyond those contained in the Order or the CUI Registry when entering into contracts, treaties, or other agreements with entities outside of that agency.

CONTROLLED ENVIRONMENTS

Managed Access

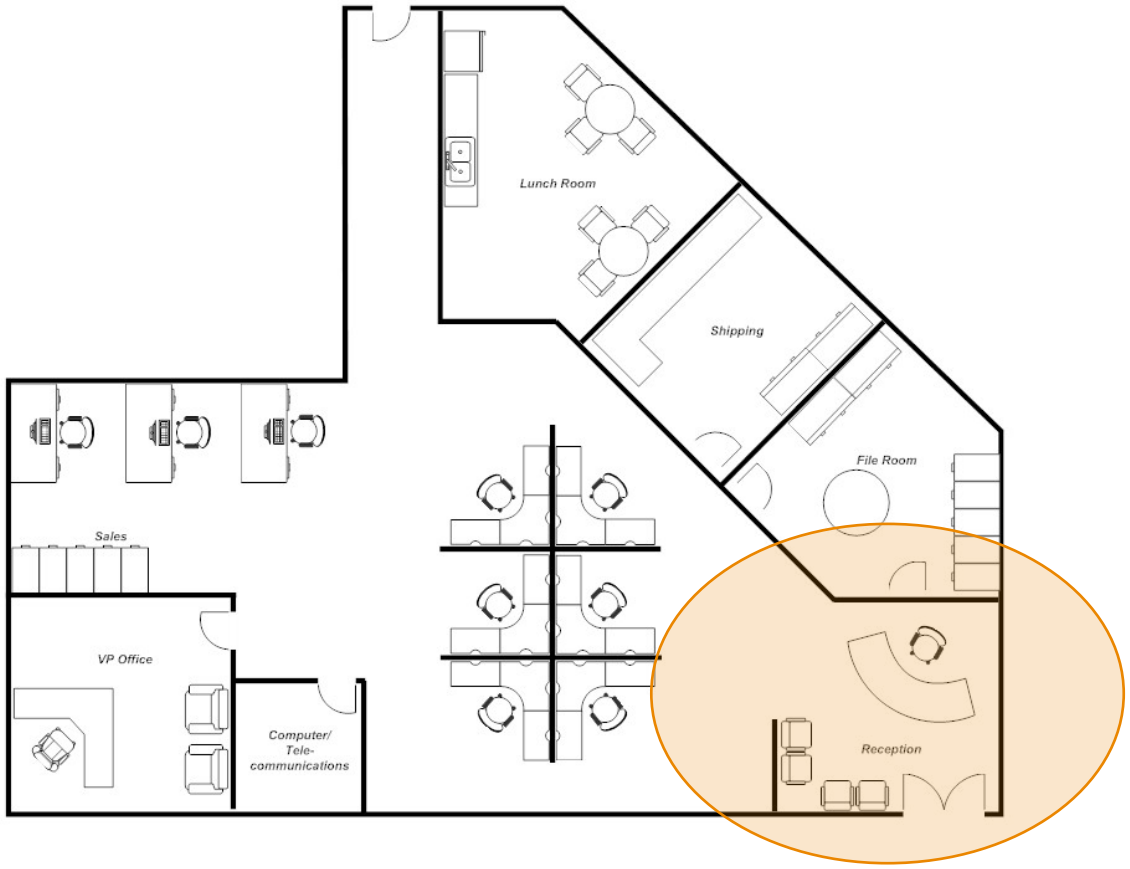
Any area that an authorized holder deems adequate for protecting CUI from unauthorized access or disclosure.

Physical Barriers

Must keep CUI under direct control or protect it with at least one physical barrier.

Reasonable Protection

Physical barriers must reasonably protect the CUI from unauthorized access or observation.



MODERATE LEVEL SYSTEM REQUIREMENTS

FIPS PUB 199 & 200

FIPS Publication 199 and 200 are Standards for Security Categorization of Federal Information and Information Systems.

NIST SP-800-53

Recommends security controls for Federal information systems and organizations and documents security controls.

Could be expected to have a serious adverse effect on organizational operations, organizational assets, or individuals.

NIST SPECIAL PUBLICATION 800-171

SYSTEMS

Agencies must use NIST SP 800-171 when establishing security requirements to protect CUI's confidentiality on non-Federal information systems.

ORGANIZATIONS

Intended for use by Federal agencies in appropriate contractual vehicles or other agreements established between those agencies and nonFederal organizations.

CLASSIFICATION

Establishes requirements for protecting CUI at the Moderate Confidentiality Impact Value.

GUIDELINES

Agencies may increase CUI Basic's confidentiality impact level above moderate only by means of agreements with agencies or non- executive branch entities.

FLEXIBILITY

NARA certifies that this rule will not have a significant adverse economic impact on a substantial number of small entities.

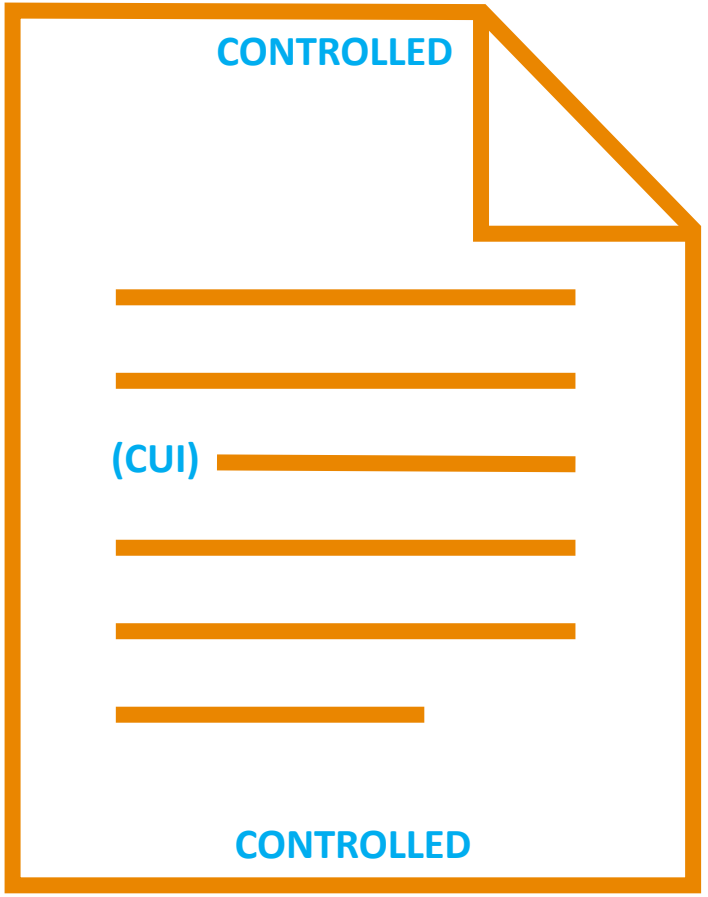
MARKING CUI

Visibility

Agencies must uniformly and conspicuously apply CUI markings to all CUI prior to disseminating it unless otherwise specifically permitted by NARA.

Positioning

The CUI banner marking must appear, at a minimum, at the top center of each page containing CUI.



UNDERSTANDING THE BANNER MARKING

Control Marking

Category and Subcategory Marking

Limited Dissemination Control Marking

CONTROLLED or CUI//CATEGORIES/SUBCATEGORIES//DISSEM

CONTROLLED DATA EXAMPLE

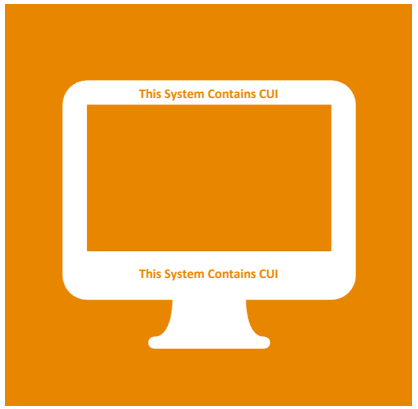
Controlled

Specific Legal Guidance
Critical Infrastructure
Critical Energy Infrastructure

Originating Classification
Authority Only

CUI//SP-CRIT/CEII//NOCON

BULK AND SYSTEM MARKINGS

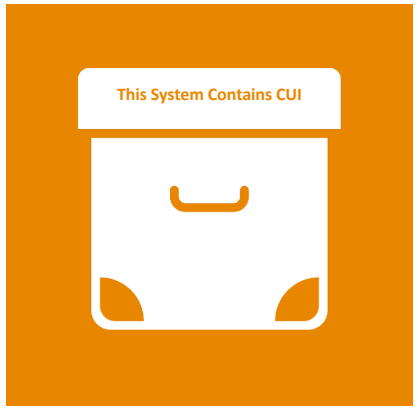


SYSTEMS

Make recipients aware of the information's CUI status using an alternate marking method that is readily apparent.

AREAS

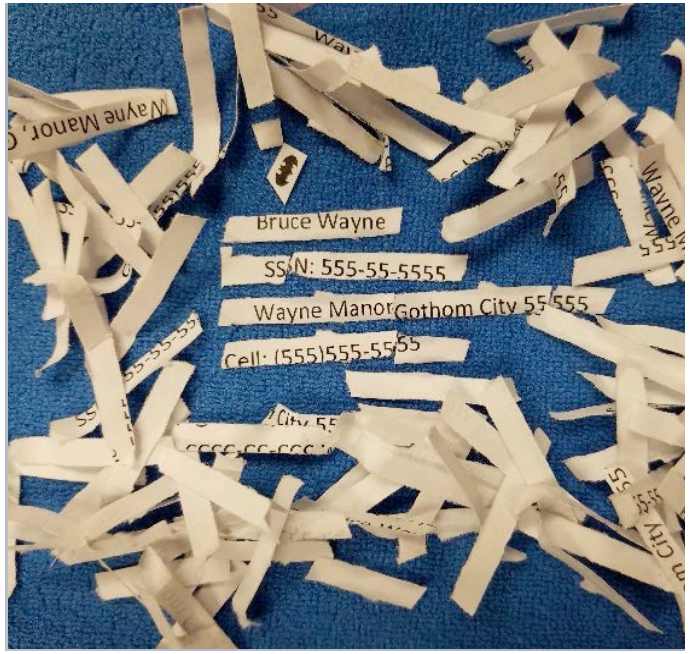
In areas containing CUI, it may be necessary to alert personnel who are not authorized to access it.



CONTAINERS

When an agency is storing CUI, authorized holders should mark the container to indicate that it contains CUI.

DESTRUCTION



NOT APPROVED

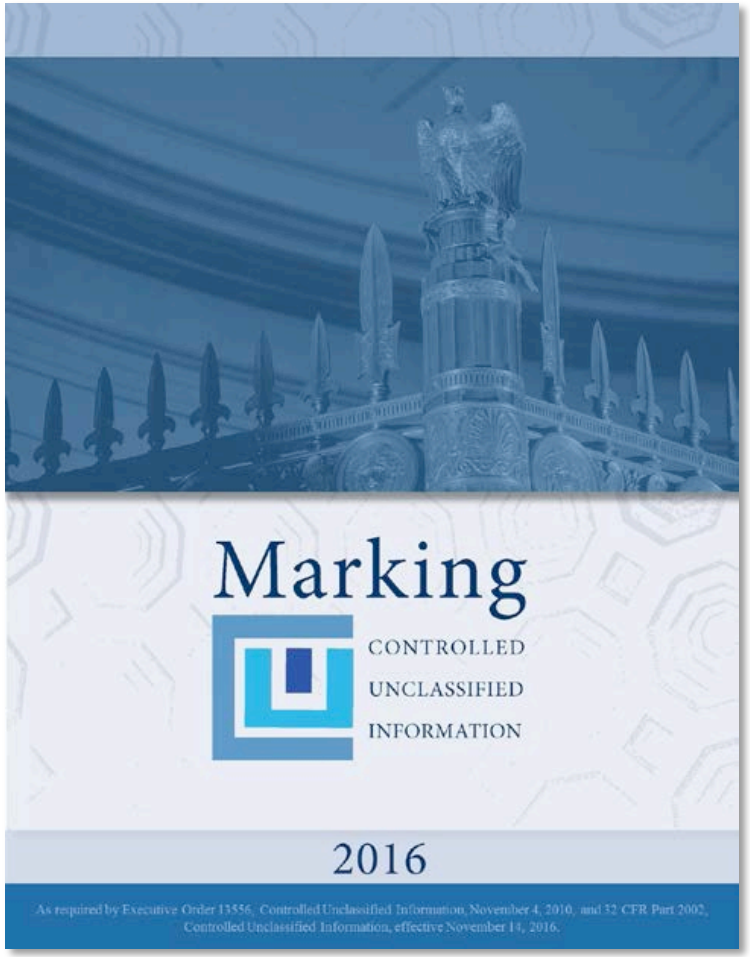
APPROVED

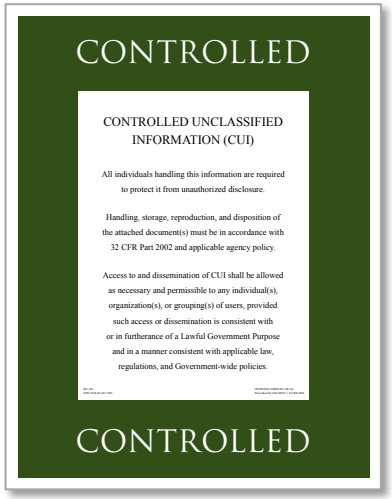
Destroy paper using cross cut shredders that produce particles that are 1mm by 5mm

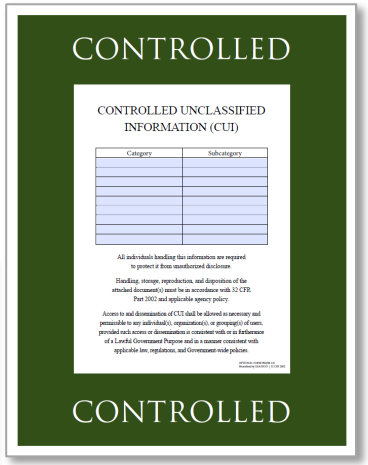
SPECIFICATIONS

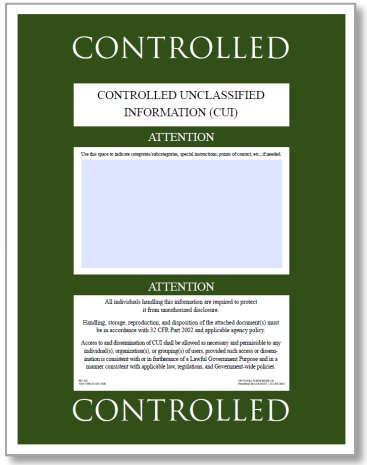
Unreadable, Indecipherable, and Irrecoverable. Uses NIST SP 800-88, Guidelines for Media Sanitization.

MARKING HANDBOOK & COVER SHEETS









EXECUTIVE BRANCH ACTIVITIES

- Designate a CUI Senior Agency Official & Program Manager
- Begin implementation activities.
- Modify or Develop:
  - Policy & Procedures, Incident Management, Training, Self-inspection, Physical Safeguarding, Contracts & Agreements, Systems
- Identify cognizant offices or dependent programs.
- Federal agencies report on implementation status and activities
  - May 2017.
  - Annually, starting November 1, 2017.

Controlled Unclassified Information

PHONE
571-276-2196 (c)

EMAIL
artfultodster@gmail.com

WEB
http://www.archives.gov/cui