Controlled Unclassified Information:
What do RAs need to know?
“This order establishes an open and uniform program for managing information that requires safeguarding or dissemination controls”

Controlled Unclassified Information (CUI)

Federal information that the U.S. Government creates or possesses, or that a non-federal entity receives, possesses, or creates for or on behalf of the U.S. Government, that requires certain information security controls to safeguard or disseminate.

Only information that requires safeguarding or dissemination controls pursuant to and consistent with law, regulations, and government-wide policies may be CUI.

The CUI Program excludes classified information.
https://www.archives.gov/cui
CUI Registry – Organizational Index Grouping

- Critical Infrastructure
- Export Control
- Financial
- Immigration
- Intelligence
- International Agreements
- Law Enforcement
- Legal
- Natural and Cultural Resources
- North Atlantic Treaty Organization
- Nuclear
- Patent
- Privacy
- **Procurement and Acquisition**
- Proprietary Business Information
- Statistical
- Tax
- Transportation
https://www.archives.gov/cui/registry/category-list
CUI Category: Controlled Technical Information

**Category Description (in part):** Controlled Technical Information means technical information with military or space application that is subject to controls on the access, use, reproduction, modification, performance, display, release, disclosure, or dissemination. Controlled technical information is to be marked with one of the distribution statements B through F, in accordance with Department of Defense Instruction 5230.24, "Distribution Statements of Technical Documents." The term does not include information that is lawfully publicly available without restrictions.

**Safeguarding and/or Dissemination Authority:** 48 CFR 252.204-7012 (DFARS)
Covered Defense Information (252.204-7012)

Unclassified information that –

(i)  Is –

   (A)  Provided to the contractor by or on behalf of DoD in connection with the performance of the contract; or
   (B)  Collected, developed, received, transmitted, used, stored by or on behalf of the contractor in support of the performance of the contract; and

(ii)  Falls in any of the following categories:

   (A)  Controlled technical information
   (B)  Critical information (operations security)
   (C)  Export control
   (D)  Any other information, marked or otherwise identified in the contract, that requires safeguarding or dissemination controls pursuant to and consistent with law, regulations, and Government-wide policies (e.g., privacy, proprietary business information)
CUI Challenges

- **Proposal stage**
  - Recognition of potential involvement
  - Clearly stated expectations
  - Budget considerations

- **Award stage**
  - Sponsor and UVA agreement
  - Contract terms vs. research reality
  - At-Risk PTAO Request Considerations
  - Specific identification of CUI
    - Export assessment
  - Other related award terms and conditions

- **Beyond DoD**
  - Basic Safeguarding Clause (FAR 52.204-21)
  - CUI FAR Clause invoking NIST SP 800-171 (exp. Dec ‘18)

- **CUI Environment Limitations**
  - End-point requirements (setup/administration)
  - Project-specific needs (review/approval)
  - Access Restrictions (iKey)
  - Transfer restrictions (data transfer node)
  - Training (awareness and insider threat)
  - Background check (pre-requisite)

- **Non-Funded Agreements**
  - Data Access/Use Agreements
  - Non Disclosure Agreements
  - License Agreements

- **Grants and Cooperative Agreements**
Controlled Unclassified Information

Consistent with its strategic goals, the University of Virginia is rapidly growing and diversifying its research portfolio, creating extraordinary opportunities for the University to increase its societal impact.

Going forward, many UVA researchers will pursue and undertake more applied and translational research projects in partnership with federal, industry, and foundation collaborators. A prerequisite to successfully competing for and conducting such research is UVA’s ability to demonstrate its commitment and capabilities to appropriately safeguard controlled unclassified information (CUI). This website provides a general overview of CUI and how it is safeguarded and managed at UVA.

BACKGROUND

What is the U.S. Government’s CUI Program?

What is CUI and what types of information are included in the scope of the CUI Program?
Questions?