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# Bridging the Gap to Understanding and Identifying Unclassified Controlled Information

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Sandia National Laboratories is a multi-program laboratory managed and operated by Sandia Corporation, a wholly owned subsidiary of Lockheed Martin Corporation, for the U.S. Department of Energy's National Nuclear Security Administration under contract DE-AC04-94AL85000.

# Introduction of Subject Matter Experts

## ***Jackie Silva, Classification (4225, 844-8690)***

- Identifying OUO, UCNI, SGI, U-NNPI, Other Government Agency Information

## ***Rusty Elliott, Legal Infrastructure Support (11100, 844-5626)***

- Identifying/Marking Sandia Proprietary, PII

## ***Debbie Kernan, Classification (4225, 284-3639)***

- Identifying FOIA Exemptions

## ***Tara Anderson (284-6676) and Kevin Kehe (844-4511), Export/Import Control***

- Identifying Export Control Information

# Introduction of Subject Matter Experts

## *Other Experts Not Presenting Today:*

### ***Nancy Aldridge, Classified Matter Protection and Control (4234-1, 844-8420)***

- Marking, Protection, Storage, and Destruction of OUO and UCN Information

### ***Winalee Carter, Security Operations (8511, 925-294-2202)***

- SNL/CA Identifying, Marking, and Protecting UCI

### ***Eric Thulin, CIO Policy and Risk Management (9011, 844-9374)***

- Information Management & Cyber Security Policy

### ***Susan Kitsch, Recorded Information Management (9532, 284-2411)***

- Unclassified Unlimited Release (UUR), Corporate R&A Process

### ***Kerry Kampschmidt, Legal Technology Transfer (11500, 284-9280)***

- Third Party Proprietary, Patent Caution

# Agenda

## 1:00p Introduction & UCI Overview

- Type of information at Sandia
- Unclassified, unclassified unlimited release (UUR) information, or unclassified controlled information (UCI)
- R&A requirements and Need to Know (NTK)
- Primary UCI designations used at Sandia
  - Other UCI designations used at Sandia
- General Penalties
- Resources and contacts

## 1:20 Q&A

## 1:30 Sandia Proprietary

- General description
- Types/Identification of Sandia Proprietary
- Resources and contacts

## Personally Identifiable Information (PII)

- General description
- Aspects of PII, marking and protection
- Resources and contacts

## 2:00 Q&A

## 2:15 U.S. Government-owned Information (OUO) and FOIA Exemptions

- Non-discretionary (codified or statutory) vs. discretionary
- Types/general description of U.S. government-owned information
- U.S. government-owned information and Freedom of Information Act (FOIA) exemptions
- Description of FOIA exemptions 1-9
- Details on FOIA exemption 7, Law Enforcement
- Resources

## 2:45 Q&A

## 3:00 Export Control Information

- Information controlled under the Atomic Energy Act (AEA)
- Information controlled under the International Traffic in Arms Regulations (ITAR)
- Information controlled under the Export Administration Regulations (EAR)

## 3:40 Q&A

## 3:55 Close and Final Q&A

## 4:00 Adjourn

# Overview

## *Questions from Members of the Workforce (MOW)*

- What's the difference between OUO and UCI?
- How do I determine what kind of unclassified information I have?
- Where do I get information about the OUO exemptions?
- What are the types of Sandia proprietary information?
- How much trouble can I get into for incorrectly identifying or marking UCI information?
- Can I just mark it as 'unclassified controlled information' or 'internal use only'?
- Can't the DCs or Classification Analysts determine what this information is?

## ***What is UCI?***

- Corporate Dictionary Definition:
  - (Unclassified Controlled Information) Information for which disclosure, loss, misuse, alternation or destruction could adversely affect the national security, Sandia National Laboratories, or our business partners. Identification and protection of this type of information is required by the code of federal regulations, public law, governmental directives, DOE Orders, contracts with business partners, or Sandia's processes to protect commercially valuable information.

## ***If information is not classified, it is some type of unclassified information***

- 3 types of unclassified information at Sandia

### **1. Unclassified Information**

- Is not intended for either public release or release to a controlled audience and, therefore, is not reviewed for release
- If in a classified subject area, someone in a position of authority has told you it is unclassified
- There are no other sensitivities
- No special handling required

### **2. Unclassified Unlimited Release (UUR) Information**

- Intended for public release or widespread internal distribution
  - Widespread internal distribution : Information released to an internal audience and protected by only kerberos password authentication
  - If in a classified subject area, Classified must be consulted prior to dissemination
  - See Records Management Manual, Chapter 3: Review & Approval (<http://info.sandia.gov/recordsmgmt/rmm/ReviewApproval.htm>)
- Must be approved via the Corporate Review & Approval process

***If information is not classified, it is some type of unclassified information***

- 3 types of unclassified information at Sandia (*cont'd*)

### **3. Unclassified Controlled Information (UCI)**

- Unclassified information that is sensitive enough to require some controls and protection
- **UCI is the all-encompassing category of sensitive unclassified information under which all other types of sensitive unclassified information reside**
- Sandia-owned (Sandia Proprietary) or U.S. Government-owned sensitive information



## *Examples of UCI Information*

### **U.S. Government-owned**

- Official Use Only (OUO) – requires a FOIA exemption
- Applied Technology (AT) Information
- Unclassified Controlled Nuclear Information (UCNI)
- Safeguards Information (SGI)
- Naval Nuclear Propulsion Information (U-NNPI)
- Other Government Agencies

### **Sandia-owned (Sandia Proprietary)**

## Unclassified Controlled Information (UCI)

*First, determine if your information is:*

### Sandia-owned = Sandia Proprietary

*Then, based on content, what type of proprietary information it is:*

Employment  
Related  
Records

Confidential  
Financial/  
LM Corre-  
spondence

Procure-  
ment  
Actions

Legal  
Records

Technology  
Transfer

Such as:

- IP license agreements
- Protected CRADA Information
- Certain intellectual property

### U.S. Government-owned

*Then, based on content/sponsor, what type of information it is:*

OUO

UCNI

AT

SGI

U-NNPI

Other U.S.  
Gov't Agency

Exemption 1. National Security Information

Exemption 2. Circumvention of Statute

Exemption 3. Statutory Exemption

Exemption 4. Commercial/Proprietary

Exemption 5. Privileged Information

Exemption 6. Personal Privacy

Exemption 7. Law Enforcement

Exemption 8. Financial Institutions

Exemption 9. Wells

Such as:

- Dept. of Defense
- Dept. of Homeland Security
- Dept. of Transportation

Personally Identifiable Information (PII) can apply to both U.S. government-owned and Sandia-owned information

PII

## ***Who is responsible for determining if unclassified information is UCI?***

- All MOW are responsible for making a conscious determination of the sensitivity of the information they are working with throughout its lifecycle, including
  - When it is drafted or comes into the MOW's possession
  - Each time it is modified
  - Prior to distribution or disposal

## ***MOW are also responsible for***

- Applying markings, handling, protecting as appropriate
  - “Internal Use Only” and “Unclassified Controlled Information” are **not** markings
  - Multiple markings can be applied on a document
- Ensuring UCI is only accessed by or released to persons with a need to know the information
  - ***Need to know*** = Must have a business need to know the information

## ***UCI and the Corporate Review and Approval Requirements***

- Programmatic review
  - Intended for release to a controlled audience
  - Organization or programmatic review process must be approved by a Derivative Classifier and a designated line manager
- Formal corporate review and approval
  - For information intended for public or widespread internal release
  - Information in a classified subject area or potentially classified subject areas intended for widespread internal release
    - Must be reviewed prior to:
      - 180 days after creation
      - Release to an outside organization
      - Finalizing/filing

# Other UCI Designations

## Unclassified Controlled Nuclear Information (UCNI)

- UNCI is certain unclassified information about nuclear facilities, materials, and weapons that must be controlled because its unauthorized release could have a significant adverse effect on the national security or public health and safety.
- Based in law (Atomic Energy Act of 1954, as amended [42 U.S.C. 2011 et seq.] and 10 CFR Part 1017)
- UNCI is information in at least one of the following subject areas:
  - Design of production or utilization facilities;
  - Security measures (e.g., security plans, procedures, equipment) for the physical protection of production or utilization facilities or nuclear material; or
  - The design, manufacture, or utilization of nuclear weapons or components that were once classified as Restricted Data, as defined in Section 11y. of the Atomic Energy Act.

## Identifying UCNI

- If you believe your information meets the criteria in one of the UCNI subject areas, it may contain UCNI
  - Ask an UCNI Reviewing Official (UCNI RO) about the sensitive information with which you are working; documents that may contain UCNI must be review by an UCNI RO
  - A list of UCNI ROs is available at <https://cfwebprod.sandia.gov/cfdocs/AccessListQuery/index.cfm>

# Other UCI Designations

## Unclassified Controlled Nuclear Information (UCNI) (*con'td*)

- Incidents of security concerns regarding UCNI must be reports
- Penalties
  - Criminal penalties for violations of section 148 of the Atomic Energy Act or any regulation or order of the Secretary issued thereunder

## Resources

- **Corporate Procedure:** IM100.2.5, *Identify and Protect Unclassified Information*, (<https://my.sandia.gov/authsec/portal/cps/informationManagement/policy/process/procedure?procedure=IM100.2.5&section=all>)
- *UCI Markings* (reference booklet provided with this training)
- UCNI webpage on Classification Website (<http://info.sandia.gov/security/dept/classification/ucni.html>)
- HSS Unclassified Controlled Nuclear Information website (<http://www.hss.doe.gov/classification/ucni/index.html>)
- Email Marking Assistant website (<http://info.sandia.gov/ema/index.html>)
- Entrust Encryption (<http://info.sandia.gov/spki/index.shtml>)
- UCI Protection Options for MS Office 2007 and 2010 Files (<http://info.sandia.gov/uci-protection/index.html>)
- Email Marking Assistant website (<http://info.sandia.gov/ema/>)
- Entrust Encryption (<http://info.sandia.gov/spki/email-encryption/entrust-windows.shtml>)

# Other UCI Designations

- **Applied Technology (AT)**
- **Naval Nuclear Propulsion Information (U-NNPI)**
- **Safeguards Information (SGI)**
- **Information from other U.S. government agencies**
  - Department of Defense
    - Defense Advanced Research Projects Agency (DARPA)
    - Defense Intelligence Agency (DIA)
    - Defense Threat Reduction Agency (DTRA)
  - Department of Homeland Security
    - US Customs & Border Protection
    - Transportation Security Administration
  - Department of Transportation
    - Federal Aviation Administration (FAA)
    - Federal Transit Administration (FTA)
    - Office of Inspector General (OIG)

- IM100.2.5, *Identify and Protect Unclassified Information*  
(<https://my.sandia.gov/authsec/portal/cps/informationManagement/policy/process/procedure?procedure=IM100.2.5&section=all>)
- SGI Webpage on Classification Website  
(<http://info.sandia.gov/security/dept/classification/sgi.html>)



- We are all responsible for being aware of the information we are working with—throughout its lifecycle
- We are also responsible for properly marking, handling, and protecting this information
  - Multiple markings can be applied
  - ‘UCI’ and ‘Internal Use Only’ are *not* markings
- Need-to-know principles apply
- Sandia, civil, and/or criminal penalties may apply for violations

- *Final Q&A*
- *Please complete evaluations and question cards and turn in upon departure*

***Thank you***