



Office of Classification

Classification

Training

Institute





Office of Classification

This briefing provides information on the Department of Energy's Official Use Only program.

Classification Training Institute

March 2013



The Department of Energy's Official Use Only Program

OUO



Official Use Only Information

- Even if information is not classified, it may be sensitive and, therefore, be controlled within DOE
- Such information is identified and protected according to DOE directives
- Control ensures
 - The information is not shared with persons who do not have a need to know and
 - An appropriate review is conducted prior to public release



What is OOU information?

Certain unclassified information that meets the following two criteria

- Damage: In the opinion of the person making the determination, has the potential to damage Governmental, commercial, or private interests if released to persons who don't need it to do their jobs or other DOE-authorized activity

AND

- Potentially Falls under a FOIA Exemption: In the opinion of the person making the determination, may fall under at least one of the FOIA exemptions (3-9)



Why do we use Official Use Only?

- OUO identified information whose handling and protection requirements are not covered by other DOE directives (e.g., Export Controlled Information, Protected Cooperative Research and Development Information, Applied Technology, drafts, predecisional documents, proprietary documents)
- Provides consistent handling and protection throughout the complex
- Alerts employees that information must not be released through informal methods (posted on a website or sent to a person without a need to know the information)

What information is OOU?





Who has responsibility for OOU?

- The Office of Classification (HS-60) develops DOE's overall policy and guidelines for identifying and protecting OOU
- The Chief Information Officer (CIO) issues guidance regarding the protection of OOU on DOE information systems
- The Chief Privacy Officer manages the DOE Privacy Program
- The Office of Classification, in coordination with Programs, determines information in classified subject areas that is OOU
- For OOU not in classified subject areas (i.e., not in classification guidance), Program Offices determine the specific information within their purview that is OOU



When must a document be reviewed for OUO?

- “An unclassified document originated within a program element must be evaluated to determine whether it contains OUO information.”*
 - If the originator believes the document contains sensitive information, it should be reviewed prior to being finalized, released by the originator outside of the activity or office, or filed
 - Documents originated prior to April 9, 2003 (when the OUO program was established), must be reviewed if they are going to be publicly released if the possessor believes there is a potential for the document to contain sensitive information

* DOE Order 471.3, Admin Change 1, Identifying and Protecting Official Use Only Information



Who has authority to identify OOU?

- Any employee, Federal or contractor, from an office with cognizance over the information, may make OOU determinations for unclassified documents
 - originated within his/her office,
 - produced for his/her office, or
 - under the control of his/her office
- No special authority or designation is required
- Training is not required, but is highly recommended (training via PowerPoint is available from HS-61)
- Some Program Offices may have additional requirements (training, specific personnel to make determinations, etc.)



What is the criteria for information to be designated OOU?

Certain unclassified information that meets the following two criteria

- Damage: In the opinion of the person making the determination, has the potential to damage governmental, commercial, or private interests if released to persons who don't need it to do their jobs or other DOE-authorized activity

AND

- Potentially falls under a FOIA Exemption: In the opinion of the person making the determination, may fall under at least one of the FOIA exemptions (3-9)



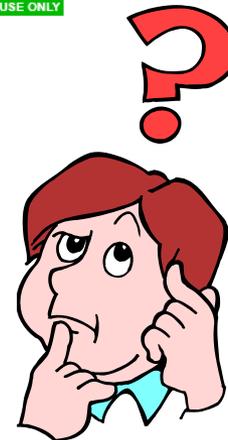
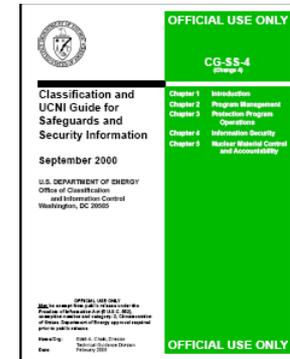
What is the basis for determining if a document contains OOU?

1. Guidance

- Approved by HS-60
- Issued by HS-60, a program office, or a DOE/NNSA contractor

2. Not based on guidance, individual determines if

- Release could cause damage
- May fall under a FOIA exemption





How do you make an OOU determination?

1

Is the information OOU by a classification guide topic?

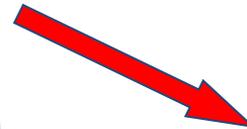
The document is OOU

YES

NO

see next slide

Mark and protect the document per OOU Directives



XXXXXX XXXXXXXXXXXX
 XXXXX XXXXXXXXXXXXXXXXXXXX XXXXXXXX

XXXXXXXX. XXX XXXXXXX XXXXXXXXXXX XXX XXXXXXXXXXX XXXX XXXXXXX
 XXXXXXXXXXX XXX XXXXXXXXXXX, XXXXXXX, XXX XXXXXXXXXXX XXXXXXX XXX
 XXX (XXX) XXXXXXXXXXX. XXXX XXXXXXXXXXX XXXXXXXXXXX
 XXXXXXXXXXX XXX XXXXXXXXXXX XXXXXXXXXXX. XXXXXXX X XXXXXXXXXXX
 XXXXXXXXXXX XXX XXXXXXXXXXX XXX XXXXXXX XXX XXXXXXXXXXX,
 XXXXXXX XX XXXXXXXXXXX XXXXXXXXXXX XXX XXXXXXXXXXX. XXX
 XXXXXXXXXXX XXXXXXXXXXX XXXXXXXXXXX (XXX), XXXXXXXXXXX X, XXXX XXXXX
 XXXXXXXXXXX XXX XXX XXXXXXX XXX XXXX/XXXXXXXX XXXXXXXXXXX
 XXXXXXXXXXX.

XXXXXXXX. XXXXXXXXXXX XXXXXXXXXXX XXXX XXXXXXX XXXXXXX XXX
 XXXXXXXXXXX XXXXXXXXXXX XXX XXXXXXXXXXX XXXXXXX XXXXXXX XXX XXX-XXXX.

OFFICIAL USE ONLY
 May be exempt from public release under the Freedom of Information Act
 (5 U.S.C. 552), exemption number and category: 3, Security
 Exemption
 Department of Energy review required before public release
 Name/Org: Chris Gonzalez, BVA/T/Parsons, Date: 4/15/03
 Guidance (if applicable): Parsons BVA/T/Parsons Technical Guide

OFFICIAL USE ONLY



What are inappropriate uses of OOU?

- OOU must not be used to
 - Conceal violations of law, inefficiency, or administrative error
 - Prevent embarrassment to an organization or agency
 - Prevent or delay the release of information that does not meet the criteria to be designated as OOU



OUO and the FOIA exemptions

The basis for OUO determinations





Does OOU mean the information is exempt from release under the FOIA?

- OOU is not a determination that information is FOIA exempt
- OOU is a determination that the information may be FOIA exempt
 - OOU markings ensure a document is not publicly released without an appropriate review
 - If an OOU document is requested under the FOIA, a FOIA Authorizing Official must determine whether the information must be released
 - Only a FOIA Official may determine that information is FOIA exempt
- The threshold for withholding information under the FOIA is higher and requires in-depth knowledge of the FOIA

OOU ≠ FOIA Exempt



OOU and the FOIA Exemptions

Exemption 1 – National Security Information

- Information classified by Executive order
- Identification and protection is governed by Executive order, regulation, and directives, so it is

NEVER OOU



OUO and the FOIA Exemptions

~~Exemption 2 – Circumvention of Statute~~

In March 2011, the Supreme Court changed the scope of Exemption 2 so that it no longer applies to information that could assist in the circumvention of a statute. Therefore,

Exemption 2 no longer applies to OUO

Under DOE Order 471.3, the only use of Exemption 2 as the basis for an OUO determination was “Circumvention of Statute.” Since that is no longer valid, Exemption 2 cannot be used as the basis for OUO determinations.

For information that was previously OUO based on Exemption 2, Circumvention of Statute, another appropriate exemption must be determined.



Policy Bulletin 4 (POL-4), Exemption 2 Guidance



U. S. Department of Energy
Office of Classification
Washington, DC 20585

June 1, 2011

POLICY BULLETIN

POL-4

SUBJECT: Exemption 2 Guidance

- I. **Purpose.** The purpose of this bulletin is to provide guidance on which Freedom of Information Act (FOIA) exemption should be used as the basis for security-related information currently protected as Official Use Only (OUO) under "Exemption 2, Circumvention of Statute," in DOE Classification Guides.
- II. **Discussion.** As a result of a recent Supreme Court ruling (*Milner v. Department of the Navy*), the scope of Exemption 2 has been significantly narrowed to apply only to that information that meets the plain meaning of "personnel rules and practices." The concept of "High-2" information, which concerned internal matters of a more substantial nature whose disclosure would significantly risk the circumvention of a legal requirement, is no longer valid. Consequently, "Exemption 2, Circumvention of Statute," may no longer be used in our classification guides as a basis for OUO determinations.

Based on guidelines recently issued by the Department of Justice, Exemption 7 appears to be the appropriate exemption to use for Department of Energy security-related information formerly protected under Exemption 2 in our classification guides. As guides are updated, the originating Classification Office will review all OUO guide topics to ensure that the information requiring protection falls under an appropriate Exemption and revise guide topics as appropriate. Until these reviews are completed, "Exemption 7, Law Enforcement," shall be the basis for any guidance-related OUO determination that would have been based on Exemption 2.
- III. **Guidance.** Effective immediately, "Exemption 7, Law Enforcement," will be used as a basis for OUO determinations in lieu of "Exemption 2, Circumvention of Statute," for all topics in DOE classification guides that currently cite Exemption 2. It is not necessary to make pen and ink changes to every topic in guides so long as the users are aware of this policy change.
- IV. **Legacy Documents.** Existing OUO documents that cite a classification guide and use "Exemption 2, Circumventions of Statute," as the basis for the OUO determination do not have to be re-marked. If information is extracted from such

- For OUO determinations based on classification guidance use Exemption 7, Law Enforcement in place of Exemption 2
- Does not apply to decisions outside of guidance
- Does not apply to FOIA or mandatory declassification review requests
- Do not need to re-mark legacy documents



OUO and FOIA Exemptions

Exemption 3 – Statutory Exemption

- Disclosure of information is prohibited by statute
- Not OUO if information is otherwise classified or controlled (e.g., RD, FRD, TFNI, UCNI)

NOTE: The determination must be based on statute, but the statute does not have to be identified on the front marking.



OOU and FOIA Exemptions

Exemption 3 Examples

- Federal Technology Transfer Act – Protected CRADA information
- Procurement Integrity Act – Source selection information
- Internal Revenue Code – Taxpayer identification numbers
- Patent Act – Applications for patents
- Arms Export Control Act – Certain information concerning export license applications
- Export Administration Act – information pertaining to license applications under the Act
- National Security Act of 1947 – Intelligence sources and methods
- Espionage Act – Information pertaining to communication intelligence and cryptographic devices



OOU and the FOIA Exemptions

Exemption 4 – Commercial/Proprietary

- Trade secrets
- Commercial or financial information whose release would
 - Impair the Government's ability to obtain information in the future,
 - Cause competitive harm, or
 - Affect program effectiveness





OOU Based on Exemption 4

Exemption 4 Examples

- Trade secret information (e.g., Coca Cola formula)
- Financial information, such as income, profits, losses, costs
- Contract proposal, solicited or unsolicited
- Customer/supplier lists
- Government credit card numbers
- Security measures for commercial entities performing work for the Government



OOU and the FOIA Exemptions

Exemption 5 – Privileged Information

- Three primary privileges
 - Deliberative process (a.k.a. “predecisional”)
 - Attorney-Work Product
 - Attorney-Client



OOU Based on Exemption 5

Exemption 5 – Privileged Information

- Why deliberative process information is not released
 - To encourage open, frank discussions on matters of policy between subordinates and superiors
 - To protect against premature disclosure of proposed policies before they are adopted
 - To protect against public confusion that might result from disclosure of reasons and rationales that were not the grounds for an agency's action
- Not just any deliberative process document; must have the potential for damage based on one of the above reasons



OUO Based on Exemption 5

Exemption 5 Examples

- Documents concerning budget cuts
- Documents concerning cancellation of a program
- Documents concerning DOE property purchases



OOU and the FOIA Exemptions

Exemption 6 – Personal Privacy

- Constitutes a “clearly unwarranted invasion of personal privacy”

Personal information that might cause distress or embarrassment or risk identity theft





OUO Based on Exemption 6

Personally Identifiable Information (PII)
is OUO

- Examples (when associated with an individual)
 - Social Security Number (even when not associated with an individual)
 - Place of birth, date of birth
 - Mother's maiden name
 - Medical history
 - Financial data



Not OOU Based on Exemption 6

Information usually not OOU under Exemption 6

- Federal employee's name, title, grade, position description, and duty station

Note: May be OOU if release of information would pose a risk to person's safety or interfere with intelligence or law enforcement programs





OOU and the FOIA Exemptions

Exemption 7 – Law Enforcement

- Includes (but is not limited to)
 - Release could reasonably be expected to endanger the life or physical safety of any individual or
 - Information would disclose techniques and procedures for law enforcement investigations or prosecutions





Exemption 7

- Compiled for law enforcement purposes
 - Compiled =
 - Created for law enforcement purposes or
 - If not originally intended for law enforcement purposes, may be assembled later for law enforcement purposes
 - Law = civil, administrative, or criminal
 - Enforcement = may be used for “preventive law enforcement and security”
- Does not have to be “solely” for law enforcement – law enforcement a “significant” purpose



OUO Based on Exemption 7

Exemption 7 – Examples

- Investigative information
 - Civil, criminal investigations
 - Personnel investigations
 - National security/terrorism investigations
- Security measures to protect Federal officials
- Security measures for Federal buildings
- Security manuals
- Classification guides



Covers much information previously determined to be
OUO under Exemption 2



OUO and the FOIA Exemptions

Exemption 8 – Financial Institutions

- Evaluations of a financial institution's stability prepared by, on behalf of, or for use of an agency responsible for regulation of financial institutions (FDIC, etc.)

NOT DOE Information



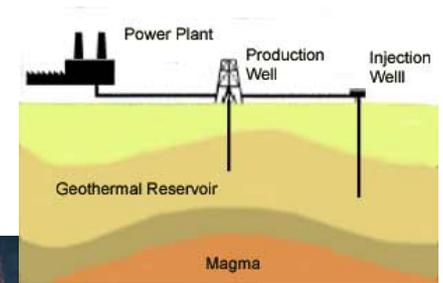
OOU and the FOIA Exemptions

Exemption 9 – Wells

- Technical and scientific information about any type of well

Exemption 9 Examples

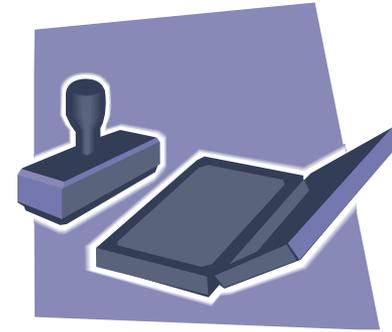
- Geothermal well BTU production
- Ground water inventories and well yields in gallons per minute
- Natural gas reserves



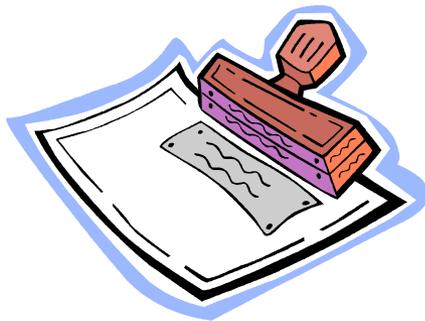


OOU Determinations - Summary

- If guidance states information is OOU, it must be identified as OOU
- If there is no guidance, a person may make an OOU determination, if, in the opinion of the person
 - Release of the information could cause damage and
 - The information may fall under FOIA exemptions 3-9
- Many determinations are discretionary
 - Assessment may vary among program offices/employees
 - What is sensitive for one agency/employee may not be for another
- YOU decide when to use the tool



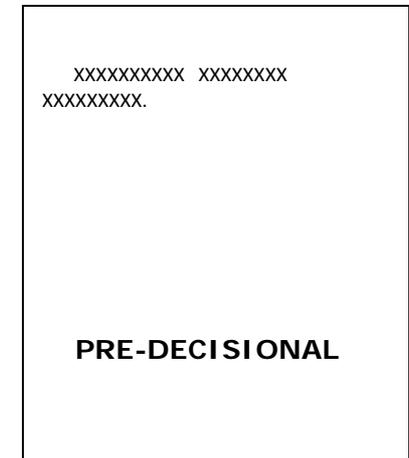
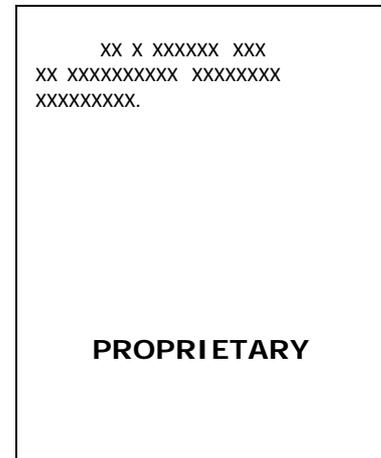
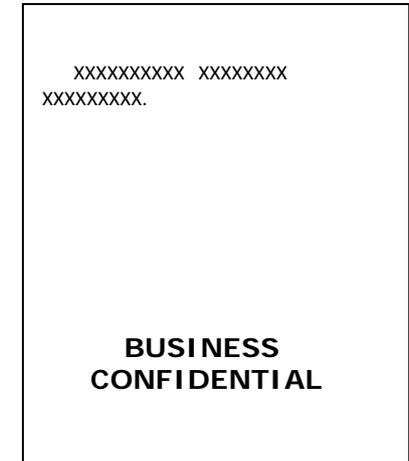
How is OOU marked?





Markings are Important!

- Various markings (other than OUO) used to indicate sensitive information cause confusion
 - Not certain if document needs protection
 - Not certain how to protect document
 - No mandated protection
 - May have to call to determine intent
- When identified as OUO ensures proper handling





How are OOU documents marked?

Front Marking – Determination based on Guidance (Classification/Control Guides)

Exemption Number

Exemption Name

Name AND Organization

Date of Determination

Short Name of Guide

OFFICIAL USE ONLY

May be exempt from public release under the Freedom of Information (5 U.S.C. 552), exemption number and category: 7, Law Enforcement

Department of Energy review required before public release

Name/Org: John Smithson, NA-121 Date: 4/11/07

Guidance (if applicable): CG-SS-4

Markings are for example purposes only



How are OOU Documents Marked?

Front Marking – Determination based on Individual’s Evaluation

OFFICIAL USE ONLY

Exemption Number → 5, Privileged

Exemption Name → Information

Name AND Organization → Department of Energy review required before public release

Date of Determination → 4/11/07

Name/Org: John Smithson, NA-121 Date: 4/11/07

Guidance (if applicable): N/A

Suggest N/A if guidance is not used

Markings are for example purposes only



Requirements – Front Marking

<u>Exemption</u>	<u>Category Name</u>
3	Statutory Exemption
4	Commercial/Proprietary
5	Privileged Information
6	Personal Privacy
7	Law Enforcement
9	Wells



How are OOU Documents Marked?

Page Marking

OFFICIAL USE ONLY

- On bottom of all pages

OR

- On bottom of only those pages containing OOU information

XXXXX XX X XXXXXX XXX
XX XXXXXXXXXXXX XXXXXXXX
XXXXXXXXXX.

XX XXXXXXXX XXXXX XXXX
XXXXXXXXXX XX XXXXXX. XX
XXXX XXXXXXXX X XXXXX
XXXXXX XXXX XXXX.

OFFICIAL USE ONLY

Markings are for example purposes only



How are OOU Documents Marked?

Mandatory Supplemental Markings

- Markings required by law, regulation, or other DOE directives that convey additional advice on handling or access restrictions
- Used in addition to, not in place of, OOU markings (both types of markings must appear on the document)
- OOU markings ensure consistent protection and handling throughout DOE
- Examples of information with supplemental markings
 - Protected Cooperative Research and Development Agreement (CRADA) Information
 - Export Controlled Information (ECI)
 - Applied Technology information (AT)
 - Source Selection Information



Sample of OOU Document with Supplemental Marking (CRADA)

XXX XXXXXX XX XXXXXXXX
XXXXX XXXXXXXXXXXXXXX XXXXXX

XXXXXXXX. XXXX XXXXXX XXXXXXXXXXX XXX XXXXXXX XXXX XXXXXXX XXXXXXXXXXX XXXXXXXXXXXXXXX,
XXXXXXXX, XXX XXXXXXXXXXX XXXXXXX XXX XXX (XXX) XXXXXXXXXXX. XXXX XXXXXXX XXXXXXX
XXXXXXXXXXXXXXXX XXXXXXXXXXXXXXXXXXXXXXXXXXX. XXXXXXX X XXXXXXXXXXX XXXXXXXXXXXXXXX
XXX XXXXXXXXXXX XXX XXXXXXX XXX XXXXXXXXXXX; XXXXXXX XX XXXXXXXXXXXXXXXXXXX XXX
XXXXXXXXXXXX. XXX XXXXXXXXXXXXXXXXXXXXXXXXXXX XXXXXXX (XXX), XXXXXXXXXXX X, XXX XXXXX
XXXXXXXXXXXXXXXX XX XXX XXXXXXX XXX XXXX XX XXX/XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX.

XXXXXXXX. XXXXXXX XXXXXXXXXXX XXX XXXXXXX XXXXXXX XX XXXXXXXXXXX XX XXXXXXXXXXX
XXXXXXXXXXXXXXXX XXX XXXXXXX XXXXXXX XX XXX-XXX-XXXX.

Protected CRADA Information

This product contains Protected CRADA Information which was produced on 11/6/06 under CRADA No. 12345 and is not to be further disclosed for a period of five years from the date it was produced except as expressly provided for in the CRADA.

OFFICIAL USE ONLY

May be exempt from public release under the Freedom of Information Act (5 U.S.C. 552), exemption number and category: 3, Statutory Exemption

Department of Energy review required before public release
Name/Org: Curis Gonzales, BWXT-Pantex Date: 4/15/08
Guidance (if applicable): Pantex Plant OOU Topical Guide

OFFICIAL USE ONLY

Markings are for example purposes only



How is document containing OUO and National Security Information marked?

- Do not apply OUO front and page markings
- Do apply
 - title marking
 - portion marking

SECRET

(OUO) Title

(S) _____

(OUO) _____

(U) _____

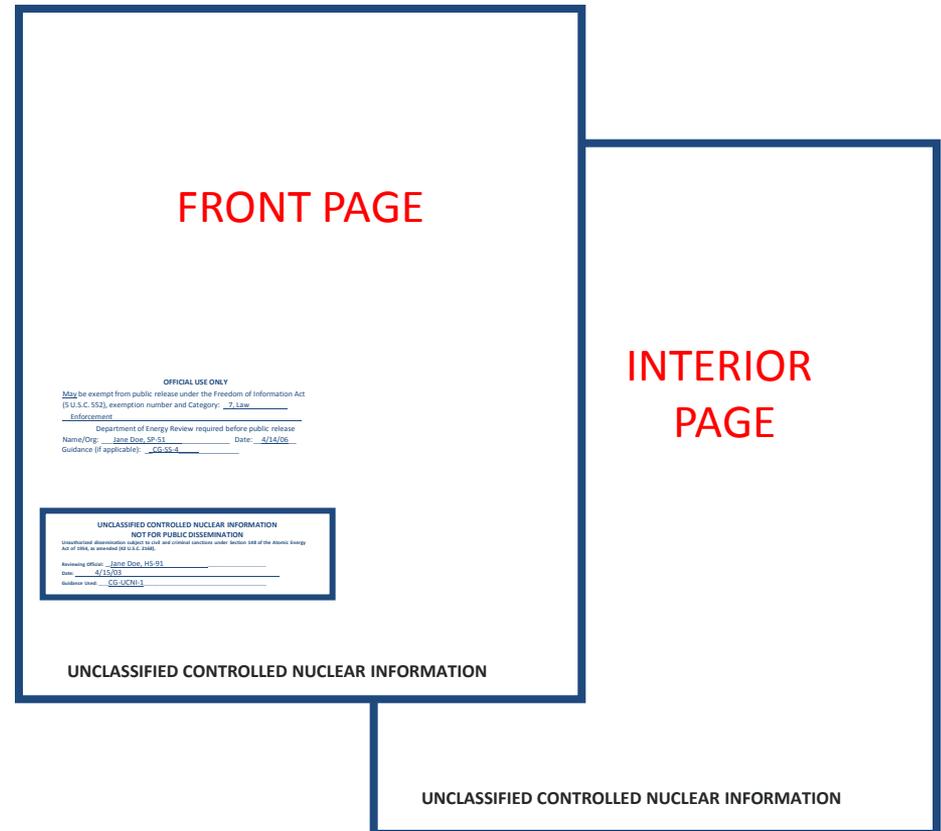
SECRET

Markings are for example purposes only



How is a document Containing OUO and UCNI marked?

- Apply OUO front marking to a document containing both OUO and UCNI to alert holder to the presence of OUO information
- For interior pages may use only highest category of information (UCNI) on each page or the category (UCNI or OUO) found on each page



Markings are for example purposes only



Who has authority to remove OOU markings?

- If markings applied based on guidance
 - Any person authorized to use guidance when guidance specifies information is no longer OOU
 - FOIA Authorizing Official who approves release of document requested under the FOIA



Who has authority to remove OOU markings?

- If markings applied based on an individual's evaluation
 - Employee who initially applied markings
 - That employee's supervisor
 - FOIA Authorizing Official who approves release of document requested under FOIA



How are OOU markings removed?

- Person making the determination
 - Crosses out OOU front, page, and any supplemental markings
 - Places following marking on front of document:

DOES NOT CONTAIN
OFFICIAL USE ONLY INFORMATION
Name/Org: Michael Kieszowski, IM-40 Date: 4/30/03



How is a document transmitting OOU marked?

- Required if transmittal document itself does not contain classified or controlled information
- Calls attention to presence of OOU information in attachment

Document transmitted
contains OOU information

Markings are for example purposes only



Sample Marking of Document Transmitting OOU

Attachment contains OOU, transmitting document does not contain OOU

XXX XXXXXX XX XXXXXXXX
XXXXXXXXXXXXXXXXXXXX XXXXXXX

XXXXXXXX. XXXX XXXXXX XXXXXXXXXXXX XXX XXXXXXXXXXX XXX XXXXXXX XXXXXXXXXXXX XXX
XXXXXXXXXXXXXXXX, XXXXXXX, XXX XXXXXXXXXXXX XXXXXXXXXXX XXX XXX (XXX)
XXXXXXXXXXXXXXXX. XXXXX XXXXXXXXXXX XXXXXXX XXXXXXXXXXX XXXXXXXXXXX XXX XXXXXXXXXXX
XXXXXXXXXXXX. XXXXXXX X XXXXXXXXXXX XXX XXXXXXXXXXXXXXX XXX XXXXXXXXXXX XXX
XXXXXXXX XXX XXXXXXXXXXXXXXX; XXXXXXX XX XXXXXXXXXXX XXXXXXXXXXX XXX
XXXXXXXXXXXX. XXX XXXXXXXXXXX XXXXXXXXXXXXXXX XXXXXXX (XXX), XXXXXXXXXXX X,
XXXX XXXX XXXXXXXXXXXXXXX XX XXX XXXXXX XXX XXXX XX XXX/XXXXXXXX
XXXXXXXXXXXX XXXXXXXXXXXXXXX.

XXXXXXXX. XXXXXXX XXXXXXXXXXX XXX XXXXXXX XXXXXXX XX XXXXXXXXXXX XX
XXXXXXXXXXXX XXXXXXXXXXXXXXX XXX XXXXXXX XXXXXXX XX XXX-XXX-XXXX.

Document transmitted contains
OOU Information

Markings are for example purposes only



How is an OOU document that transmits a classified document marked?

SECRET

Xxxx xxxxxx xxxxxxxxxx xxx xxxxxxxxxx xxx xxxxxxxxxx xxxxxxxxxx xxx
 xxxxxxxxxx, xxxxxxx, xxx xxxxxxxxxx Xxxxxxxx Xxx Xxxx (XXX) xxxxxxxxxx.
 Xxxxx xxxxxxxxxx xxxxxxxxxx xxxxxxxxxx xxxxxxxxxx xxx xxxxxxxxxx xxxxxxxxxx.
 Xxxxxxxx X xxxxxxxxxx xxx xxxxxxxxxx xxx xxxxxxxxxx xxx xxxxxxxxxx XXX
 xxxxxxxxxx; Xxxxxxxx XX xxxxxxxxxx xxxxxxxxxx XXX xxxxxxxxxx. Xxx
 Xxxxxxxx Xxxxxxxx Xxxxxxxx (XXX), Xxxxxxxx x, xxxx xxxxx
 xxxxxxxxxx xx xxx Xxxxx xxx xxxxx xx xxx/xxxxxxx xxxxxxxxxx
 xxxxxxxxxx.

XXXXXXX. Xxxxxxxx xxxxxxxxxx xxx Xxxxx xxxxxx xx xxxxxxxxxx xx
 Xxxxxxxx Xxxxxxxx xxx Xxxxx Xxxxx xx xxx-xxx-xxxx.

Document transmitted herewith contains
 Secret/Restricted Data

When separated from enclosures, handle
 this document as OOU

OFFICIAL USE ONLY
 May be exempt from public release under the Freedom of Information Act
 (5 U.S.C. 552), exemption number and category: 3, Statutory
 Exemption
 Department of Energy review required before public release
 Name/Org: Curtis Gonzales, BWXT-Pantex Date: 4/15/03
 Guidance (if applicable): Pantex Plant OOU Topical Guide

SECRET

Markings are for example purposes only



How is an E-mail containing OUO marked?

- First line of message
 - Insert “OUO” before text
- If attachment to message is OUO
 - Message must so indicate
 - Attachment must be marked correctly





Are there marking exceptions?

Restricted Access Files

Centralized records storage locations or systems where access is limited to only those specific individuals with a need to know the information in the records, such as central personnel files

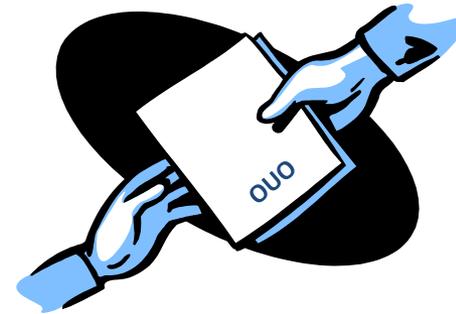
- Do not need to be reviewed and marked while in these files or when retrieved from these files if
 - they will be returned to the files and
 - they are not accessible by unauthorized personnel
- If the document is not to be returned to files, it must be reviewed for OUO and, if appropriate, marked



Are there marking exceptions?

Document Generated Before Issuance of DOE M 471.3-1

- No requirement to review unless document is to be publicly released
 - OOU determination may be made by anyone in organization that currently has cognizance over information in document
 - Must use current markings if contains OOU



How is OOU protected?





Who may have access to OUO?

- Anyone needing the information to perform his/her job or other DOE-authorized activity
 - No security clearance required
 - Not limited to DOE employees
 - No requirement for U.S. citizenship
- Some OUO may have additional access restrictions (Export Controlled Information, Source Selection Information, etc.)
- Determination made by person possessing document – not person wanting the document



How is OOU protected?

- In Use
 - Take reasonable precautions to prevent access by persons who don't need the information to do their jobs
 - For example, don't read an OOU document in a public place (in the cafeteria, on public transportation)





How is OOU protected?

- Storing
 - With internal building security during non-duty hours - Unlocked file cabinet, desk, briefcase, etc.
 - No internal building security during non-duty hours - Locked room or locked file cabinet, desk, briefcase, etc.





How is OOU protected?

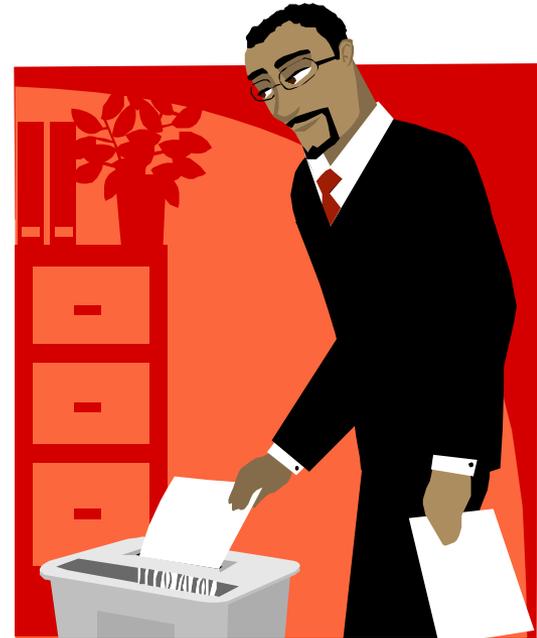
- Copying
 - No permission from originator needed
 - Make minimum number of copies
 - Make sure copies are marked and protected





How is OOU protected?

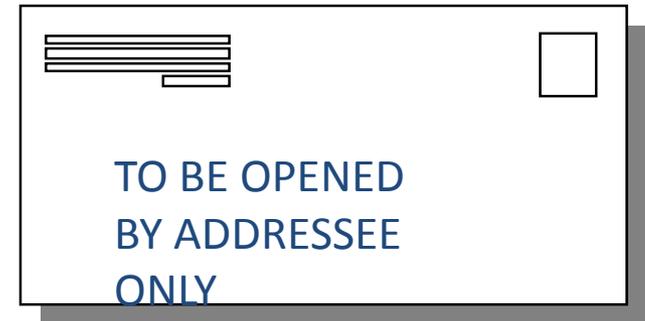
- Destruction
 - Strip-cut shredder with strips no more than ¼” wide
 - May also use any method approved for classified (not required)
 - Any other method approved by local security office





How is OOU transmitted?

- Transmitting by mail – inside facility
 - Place in sealed, opaque envelope or wrapping with recipient's address and
 - “TO BE OPENED BY ADDRESSEE ONLY” on outside





How is OOU transmitted?

- Transmitting by mail – outside facility
 - Place in sealed, opaque envelope or wrapping with recipient's address, **return address**, and "TO BE OPENED BY ADDRESSEE ONLY" on outside (same requirements as inside facility, but must include return address)
 - U.S. mail – First Class, Express, Certified, Registered
 - Any commercial carrier





How is OOU transmitted?

- Transmitting by hand between facilities or within a facility
 - May be hand-carried
 - Must control access to document





What are the cyber security requirements for OUO?

- Cyber Security includes (but is not limited to)
 - Encryption
 - Storage on network
 - OUO on DOE intranet sites
- Determined by
 - Program Office or
 - Local Designated Accrediting Authority (DAA) – requirements may be unique to site depending on network architecture
- Requirements usually found in Program Cyber Security Plan, User Agreements





How should OOU be protected?

- DOECAST dated 2/11/2013
 - Do not store personal files on government networks, especially files with your or your family's sensitive personal information.
 - Do not retain sensitive government information for longer than necessary.
 - Encrypt emails or files saved on your hard drive or network drive containing controlled unclassified information.
- Point of Contact
 - CyberInfo@hq.doe.gov or 1-855-719-4496.



How is OVO transmitted by phone?

- Transmitting over voice circuits
 - Use encryption whenever possible
 - If unavailable and other encrypted means not a feasible alternative, regular voice circuits allowed





What about unclassified documents from other-Agency markings that are marked as sensitive?

- Usually handle as OUO
- Several exceptions – governed by regulations with special marking and handling requirements
 - Examples:
 - Safeguards Information (SGI) - Nuclear Regulatory Commission
 - Sensitive Security Information (SSI) – DHS
- If not certain OUO is equivalent protection, contact originating agency



SBU

LOU

ACI

FOUO



How do you mark documents that contain other-Agency sensitive information?

- **If you use this information in DOE documents**
 - Apply OUO markings to documents that incorporate other-Agency CUI information
 - Portion mark as OUO



Are there penalties for the misuse of OOU?

- May be imposed if person
 - Intentionally releases OOU information from document marked “OOU”
 - Intentionally or negligently releases an OOU document
 - Intentionally does not mark a document known to contain OOU information
 - Intentionally marks a document “OOU” known not to contain OOU information



What penalties are possible?

- Examples of penalties (DOE Order 3750.1)
 - Verbal admonishment
 - Written reprimand
 - Suspension
 - Termination





Where can I find more information about OUO?

DOE Directives (<https://www.directives.doe.gov/directives>)

DOE Order 471.3, Administrative Change 1
Requirements and responsibilities

DOE Manual 471.3-1, Administrative Change 1
Detailed instructions for implementing requirements

Office of Classification OUO Web page

<http://www.hss.energy.gov/Classification/QualityMgt/ouo.html>



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