

EXEMPTION 3 — Statutory Exemption

Examples:

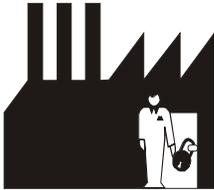
- CRADA Information
- Export Controlled Information



EXEMPTION 4 — Commercial/Proprietary

Examples:

- Trade Secrets
- Financial Data
- Business Plans
- Cost Data



EXEMPTION 5 — Privileged Information

Examples:

- Recommendations
- Evaluations
- Appraisal Results
- Drafts of New Policies
- Attorney-Client Exchanges



EXEMPTION 6 — Personal Privacy

Examples:

- Medical Condition
- Marital Status
- Social Security Number
- Unlisted Home Phone Number



EXEMPTION 7 — Law Enforcement

Examples:

- On-going Investigative Reports
- Reports which would impair impartial adjudication
- Confidential Sources



EXEMPTION 8 — Financial Institutions

Example:

- Reports on the financial condition of a Bank



EXEMPTION 9 — Wells

Examples:

- Resource Maps
- New Drilling Techniques
- Well Head Analysis



Refer to the following for further information:

- 1) DOE O 471.3, *Identifying and Protecting Official Use Only Information*, dated April 9, 2003.
- 2) DOE M 471.3-1, *Manual for Identifying and Protecting Official Use Only Information*, dated April 9, 2003.
- 3) DOE G 471.3-1, *Guide to Identifying Official Use Only Information*, dated April 9, 2003.

Contact Information Classification and Control Policy (SO-12) at (301) 903-5454 if you have any questions concerning identifying or protecting OOU information or documents.



UNDERSTANDING

OFFICIAL

USE

ONLY

U.S. DEPARTMENT OF ENERGY



INFORMATION CLASSIFICATION
AND CONTROL POLICY
OFFICE OF SECURITY

What is Official Use Only Information?

Official Use Only (OUO) information is certain unclassified information that may be exempt from public release under the Freedom of Information Act (FOIA) and has the potential to damage governmental, commercial, or private interests if disseminated to persons who do not need to know the information to perform their jobs or other DOE authorized activities.

Who Can Determine What Information is OUO?

Any Federal or contractor employee can determine that an unclassified document contains OUO information if that document is originated within his/her office, is produced for his/her office, or is under the control of his/her office.

How Do I Determine if a Document Contains OUO Information?

First, you consider whether the information could damage governmental, commercial, or private interests if given to someone who doesn't need it to perform his or her job or other DOE-authorized activity. That decision may already have been made for you if your organization or the Office of Security has issued guidance that states such information is OUO. If no guidance has been issued, then you need to determine whether there is a potential for damage and if the information falls under at least one of the FOIA exemptions 2-9. If you believe that the information meets both criteria, then you determine that the document contains OUO information.

If a Document Contains OUO, How Is It Marked?

The employee making the OUO determination ensures that the words "Official Use Only" (or "OUO")

if space is limited) are placed on the bottom of the front of the document and on the bottom of each interior page or, if more convenient, on just those interior pages containing the OUO information. In addition, the following marking must appear on the front of the document:

OFFICIAL USE ONLY	
May be exempt from public release under the Freedom of Information Act (5 U.S.C. 552), exemption number and category:	<u>2 Circumvention of Statute</u>
Department of Energy review required before public release	
Name/Org: <u>Janyia Muceli 50-100</u>	Date: <u>5/6/03</u>
Guidance (if applicable)	

The employee fills in the applicable FOIA exemption number and related category name (see the section on FOIA Exemptions in this pamphlet), his or her name and organization, and identifies the guidance used if the determination was based on guidance.

Complete information concerning the marking of OUO documents; for example, supplemental markings, marking a document transmitting OUO information or an e-mail message, and removing OUO markings can be found in DOE M 471.3-1, *Manual for Identifying and Protecting Official Use Only Information* dated 4/9/03.

Who Can Have Access to a Document Marked as Containing OUO Information?

Anyone who needs the OUO information to perform his/her job or other DOE-authorized activity may have access to the document. Such access is granted by the person in possession of the document.

How Do I Protect a Document Marked as Containing OUO Information?

You should take reasonable precautions to preclude access to the information by those who don't need it for official activities. To store it, if after hours building security is provided, it may be stored in unlocked receptacles, such as file cabinets, desks, or bookcases. If such security is not provided, then it

must be stored in locked receptacles. OUO documents may be reproduced to the minimum extent necessary, ensuring that all copies are marked as required. Such documents may be destroyed by using a strip cut shredder that produces strips no more than 1/4 inch wide or any other locally approved method. When sending it by mail, place it in a sealed, opaque envelope and write "To Be Opened by Addressee Only" on the outside. When transmitting OUO information by fax or email, use encryption methods approved for unclassified controlled information (e.g., Entrust) whenever possible. If encryption is not available and mailing is not a feasible alternative, then regular fax or email may be used. To process OUO information on a computer, the system must prevent access by unauthorized persons (e.g., use of password or file access controls). More details on protection and processing requirements are covered in detail in DOE M 471.3-1.

Freedom of Information Act Exemptions

The FOIA generally provides that any information in a document in the Federal Government's possession must be publicly released upon request unless such information falls under one of the nine exemptions. These nine exemptions protect all sensitive Government information, classified and unclassified, from public release. Exemption 1 pertains to information classified by Executive order; therefore, this information is never OUO. Therefore, only exemptions 2-9 may be used for OUO information. For more details, see DOE G 471.3-1, *Guide to Identifying Official Use Only Information*.

Information under consideration to be OUO must fall under one of the following eight exemptions:

EXEMPTION 2 — Circumvention of Statute

Examples:

- Audit Criteria
- Appraisal Methods
- Classification Guides
- Tests and Answers

