

## CONTROLLED UNCLASSIFIED INFORMATION (CUI)

Ames Laboratory does not conduct classified research, has no classified information, and has limited controlled unclassified information. Controlled unclassified information is designated as such to ensure that it is protected against unauthorized disclosure or compromise and includes the following information types:

- **Other Agency Controlled Information:** Unclassified controlled information created by other agencies. Examples include State Department information known as “sensitive but unclassified” (SBU) and Department of Defense information known as “for official use only” (FOUO).
- **Unclassified Controlled Nuclear Information (UCNI):** Certain unclassified but sensitive information concerning nuclear material, weapons, and components; the distribution of which is controlled under Section 148 of the Atomic Energy Act.
- **Official Use Only (OUO):** Certain unclassified information that may be exempt from release under the Freedom of Information Act (FOIA).
- **Naval Nuclear Propulsion Information (NNPI):** Unclassified information that must be protected from unauthorized disclosure pursuant to export control requirements and statutes.

### Official Use Only (OUO) Information

Most of the limited amount of controlled unclassified information at Ames Laboratory is OUO. Department of Energy (DOE) directives related to OUO information include: DOE

Order 471.3 Admin Chg 1 and DOE Manual 471.3-1 Admin Chg 1.

OUO information is 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 interest if disseminated to persons who do not need to know the information to perform their jobs. The sources of most OUO information at Ames Laboratory are personnel information, scientific research related to technical subject matters; technologies identified by the [DOE’s Sensitive Subjects List \(SSL\)](#), intellectual property or commercially sensitive information. Exemptions 3 through 9 of FOIA are applicable to OUO information.

### FOIA Exemptions:

**# 3 Statutory Exemptions:** Information specifically exempted from disclosure by statute, including protected CRADA data, some export controlled information (ECI), invention disclosure information, etc.

**# 4 Commercial/Proprietary:** Trade secrets and commercial or financial information obtained from a party that is privileged or confidential including information in connection with bids, contracts, or proposals; statistical data; and information concerning contract performance, income, profits, losses, and expenditures. Also includes information received under a signed confidentiality or non-disclosure agreement and marked as confidential or proprietary.

**# 5 Privileged Information:** This only includes inter-agency or intra-agency information. Any document not generated for public release may be considered an inter-agency or intra-

agency document. This privilege ensures that Agency staff is free to make candid comments in the formulation of Agency policies. Evaluations of contractor performance and their products and services by DOE personnel are considered Privileged Information.

**# 6 Personal Privacy:** Personnel, medical, and other similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. This includes social security number, citizenship data, date of birth, marital status, religious affiliation, legitimacy of children, sexual orientation or associations, medical conditions, criminal history, financial data, personnel matters such as disciplinary actions, and performance evaluation reports.

**# 7 Law Enforcement:** Records or information compiled for law enforcement purposes, including statements of witnesses and investigation information.

**# 8 Financial Institutions:** Information that is prepared by, on behalf of, or for the use of an Agency responsible for the regulation or supervision of financial institutions. Because DOE is not an Agency that regulates or supervises financial institutions (e.g., the Federal Deposit Insurance Agency), it is very unlikely this exemption would be used by DOE employees.

**# 9 Wells:** Geological and geophysical technical and scientific information and data, including number, location, and depth of proposed well. This can concern any kind of well (e.g., oil, natural gas, water, geothermal), but is generally limited to technical or scientific information about the well.

## IDENTIFYING OUO INFORMATION

If information within a document falls under one of the FOIA exemptions, then it contains OUO information. If there is no basis for identifying the information as OUO in the guidance and one does not believe the information falls under one of the FOIA exemptions, the document must not be marked as containing OUO information.

## MARKING AN OUO 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: \_\_\_\_\_  
Department of Energy review required before public release  
Name/Org: \_\_\_\_\_ Date: \_\_\_\_\_  
Guidance (if applicable)

For an electronic version of this marking, please see <http://energy.gov/ehss/downloads/official-use-only-stamp-directions>

### Front Marking

The front marking of a document includes:

- The FOIA exemption # and category.
- The employee name and organization.
- The guidance used (if applicable, for example Guide 10200.xxx).

The employee making the determination ensures that the OUO marking is placed on the front of each OUO document. Employees should contact the Lab’s Office of Sponsored Research Administration ([osra@ameslab.gov](mailto:osra@ameslab.gov)) for assistance with proper OUO marking and determination.

### Page Marking

The words “Official Use Only” (or “OUO” if space is limited) are placed on the bottom of each page or, if more convenient, on just those pages containing the OUO information.

### **Marking E-mail Messages**

The first line of an e-mail message containing OUO information must contain the abbreviation "OUO" before the beginning of the text. If the message itself is not OUO but an attachment contains OUO information, the message must indicate that the attachment is OUO. The attachment must have all required OUO markings.

### **Marking Special Format Documents**

Special format documents (e.g., files, photographs, CD-ROM) must be marked in a manner consistent with the guidance above.

### **Documents in Restricted Access Files**

Documents that may contain OUO information that are maintained in files to which access is restricted (e.g., Human Resource office files) do not need to be reviewed and marked while they remain a part of the file or when retrieved from the file for reference as long as the documents will be returned to the file and are not accessible to unauthorized individuals. Documents permanently removed from these files must be reviewed and, if appropriate, marked.

### **Transmittal Document**

A document that transmits an attachment or enclosure containing OUO information, but does not itself contain controlled information, must be marked on the front to call attention to OUO information.

Document transmitted  
contains OUO information

### **Removal of Official Use Only Markings**

OUO markings should be removed when the guidance used to make the determination indicates that the information is no longer

OUO. Marking based on an employee's evaluation may be removed by the employee who initially applied the marking, the supervisor of the employee, or the FOIA authorizing official who approves the release of the document in response to a request made under FOIA. Whoever makes the determination to remove the marking ensures that the markings are crossed out or obliterated and places the following marking on the bottom of the front of the document:

DOES NOT CONTAIN  
OFFICIAL USE ONLY INFORMATION  
Name/org.: \_\_\_\_\_ Date: \_\_\_\_\_

Access to documents containing OUO information and the OUO information from such documents must only be provided to those persons who require the information to perform their jobs or other DOE-authorized activities.

### **PHYSICAL PROTECTION REQUIREMENTS**

#### **Protection in Use**

Reasonable precaution must be taken to prevent access to OUO information by persons who do not require the information (e.g. don't read OUO documents in a public place).

#### **Protection in Storage**

OUO information may be stored in unlocked file cabinets, desks or bookcases when internal building security is provided during non-duty hours. When such security is not provided, comparable measures should be taken such as storing the documents in a locked room or locked cabinet, desk, or bookcase.

#### **Reproduction**

Documents marked as containing OUO information may be reproduced without the permission of the originator to the minimum

extent necessary to carry out official activities. Copies must be marked and protected in the same manner as originals.

### **Destruction**

A document marked as containing OUO information must be destroyed by using a strip-cut shredder that produces strips no more than ¼ -inch wide or by any other means that provides a similar level of destruction.

### **Transmission**

By Postal Mail, use a sealed, opaque envelop and mark the envelope with the words: TO BE OPENED BY ADDRESSEE ONLY

### **Automated Information Systems**

An automated information system (AIS) or AIS network must provide methods (e.g., authentication, file access controls, passwords) to prevent unauthorized access to OUO information stored on the system. Systems where such data are stored should be considered sensitive computers.

### **CONFIDENTIALITY AGREEMENTS**

Employees are required to sign an Intellectual Property Agreement (IPA) upon check-in for employment, provided by and filed within the Human Resources Office (Form 10100.009, Rev 6). The IPA states that employees will comply with restrictive legends.

Scientific staff members working in their Ames Lab capacity who have been asked by outside parties to sign Confidentiality or Non-Disclosure Agreements must have them reviewed by sending them to [nda@ameslab.gov](mailto:nda@ameslab.gov). Upon receipt, they will be reviewed, signed, and emailed back to the submitter.



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U.S. DEPARTMENT OF ENERGY

# GUIDE TO IDENTIFYING AND PROTECTING *Official Use Only (OUO) Information*

Guide 10100.001, Rev 0  
Office of Sponsored Research Administration,  
Tel: 294-6486; Email: [osra@ameslab.gov](mailto:osra@ameslab.gov)  
Effective 10/1/2016