

ENCLOSURE 3

IDENTIFICATION AND PROTECTION OF CUI

2. FOUO INFORMATION

a. Description. FOUO is a dissemination control applied by the Department of Defense to unclassified information when disclosure to the public of that particular record, or portion thereof, would reasonably be expected to cause a foreseeable harm to an interest protected by one or more of FOIA Exemptions 2 through 9.

e. Protection of FOUO Information

(1) During working hours, reasonable steps shall be taken to minimize the risk of access by unauthorized personnel (e.g., not reading, discussing, or leaving FOUO information unattended where unauthorized personnel are present). After working hours, FOUO information may be stored in unlocked containers, desks, or cabinets if Government or Government-contract building security is provided. If such building security is not provided or is deemed inadequate, the information shall be stored in locked desks, file cabinets, bookcases, locked rooms, etc.

(2) FOUO information and material may be transmitted via first class mail, parcel post, or, for bulk shipments, via fourth class mail. Whenever practical, electronic transmission of FOUO information (e.g., data, website, or e-mail) shall be by approved secure communications systems or systems utilizing other protective measures such as Public Key Infrastructure (PKI) or transport layer security (e.g., https). Use of wireless telephones should be avoided when other options are available. Transmission of FOUO by facsimile machine (fax) is permitted; the sender is responsible for determining that appropriate protection will be available at the receiving location prior to transmission (e.g., machine attended by a person authorized to receive FOUO; fax located in a controlled government environment).

(3) FOUO information may only be posted to DoD websites consistent with security and access requirements specified in Reference (k).

(4) Additional guidance regarding FOUO information that may also require protection pursuant to the Privacy Act of 1974, as amended, may be found in Reference (r).

(5) Record copies of FOUO documents shall be disposed of according to provisions of chapter 33 of title 44, U.S.C. (Reference (v)) and the DoD Component records management directives. Non-record FOUO documents may be destroyed by any of the means approved for the destruction of classified information or by any other means that would make it difficult to recognize or reconstruct the information.

(6) The originator or other competent authority (e.g., initial FOIA denial and appellate authorities) shall terminate the FOUO status of specific information when circumstances indicate that the information no longer requires protection from public disclosure. When the FOUO status of information is terminated in this manner, all known holders shall be notified, to the extent practical. Upon notification, holders shall efface or remove the FOUO markings, but records in file or storage need not be retrieved solely for that purpose. Information whose FOUO status has been terminated shall not be released to the public without the review and approval required by paragraph 1.f of this enclosure.