Naval Facilities Engineering Systems Command
EXWC Engineering and Expeditionary Warfare Center

NAVFAC Open Environmental Restoration Resources (OER2):

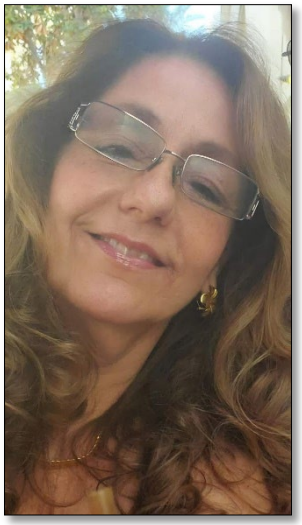
Protecting Controlled Unclassified Information (CUI) in Environmental Documents

24 September 2025

Diane Silva
NAVFAC Southwest

Distribution Statement A: Approved for public release; distribution is unlimited.

Today's Speaker



Diane Silva
NAVFAC Southwest

Disclaimer

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OER2 Webinar Series

- **Why Attend?**
  - Obtain and hear about the latest DOD and DON's policies/guidance, tools, technologies and practices to improve the ERP's efficiency
  - Promote innovation and share lessons learned
  - FEEDBACK to the ERP Leadership
- **Who Should Attend?**
  - ERP Community Members: RPMs, RTMs, Contractors, and other remediation practitioners who support and execute the ERP
  - Voluntary participation
- **Schedule and Registration:**
  - Offered quarterly
  - Registration link for each topic (announced via ER T2 email)
- **Topics and Presenters:**
  - ERP community members to submit topics (non-marketing and DON ERP-relevant) to POCs (Melanie Kito at melanie.kito2.civ@us.navy.mil or EXWC.T2@us.navy.mil)
  - Selected topic will be assigned Champion to work with presenter

CUI Overview

- What is CUI?
- Purpose
- Citations
- Impact / Responsibility
- CUI Types
- CUI Registry
- CUI Categories
- Drinking Water Wells on Private Residential Property
- Required Markings
- Limited Distribution Controls (LDCs)
- NAVFAC CUI Priority Standard
- Improper / Missing CUI Markings
- Dissemination to Local / State Regulatory Agencies
- Resources
- Additional Training

What is CUI?

- Government-created or owned UNCLASSIFIED information that allows for, or requires, safeguarding and dissemination controls in accordance with laws, regulations, or Government-wide policies
- Sensitive information that does not meet the criteria for classification, but must still be protected
- NOT level of classification, such as Confidential, Secret, Top Secret
  - NOT referred to as “classified as CUI”
  - Referred to as “controlled as CUI”

CUI Purpose

- Purpose of the CUI Program
  - Standardization - in the past, agencies developed their own practices for sensitive unclassified information
  - Provides a uniform marking system that replaces FOUO
    - FOUO no longer authorized marking
  - Federal agencies routinely generate, use, store, and share information
  - Protects information that does not meet the threshold for classification as national security or atomic energy information
  - Requires some level of protection from unauthorized access and release
  - Protection required for privacy, law enforcement or other reasons pursuant to and consistent with law, regulation or government-wide policy

CUI Citations

- DOD Instruction 5200.48, Controlled Unclassified Information, March 2020
  - Establishes Policy, Assigns Responsibilities, and prescribes Procedures throughout DoD per:
    - Executive Order 13556
    - Part 2002 of Title 32 CFR (Final Rule)
    - DFARS Section 252.304-7008 and 252.204-7012
  - Establishes the official DOD CUI Registry
- DOD Instruction 5230.24, Distribution Statements on Technical Documents, January 2023
  - CUI markings do not replace Distribution Statements
  - Restrictive Distribution Statements can be applied to documents without CUI content

CUI Impact / Responsibility

- The authorized holder / document creator is responsible for determining, at the time of creation, whether information falls into a CUI category
- Authorized holder / document creator is responsible for applying CUI markings and dissemination instructions accordingly
  - Contractors work together with NAVFAC RPM
- Per CUI Notice 2020-03, Non-Disclosure Agreement (NDA) Template for CUI:
  - NDA is optional, however, strongly recommended
  - Increases standardization across the organization and in contracts
  - Template available in Resources
- Every individual at every level must comply with DODI 5200.48, including:
  - DOD Civilian Personnel
  - Military Personnel
  - Contractors

CUI Types

- Two Types of CUI Designations:
  - Basic:
    - Subset of CUI categories which laws, regulations, or government-wide policies DO NOT require specific handling / dissemination controls
      - Uniform set of handling controls defined in DODI 5200.48 and the DOD CUI Registry
  - Specified:
    - Subset of CUI categories which laws, regulations, or government-wide policies DO require specific handling controls
      - The underlying authority defines handling controls
      - Requires Unique Markings
      - Enhanced Physical Safeguards
      - Limits who can access information
      - Specified markings begin with “SP” (Example: SP-BUDG)
      - CUI Specified is NOT a higher level of unclassified information

CUI Registry

- Official list of indices, categories and descriptions to identify types of CUI
- Provides CUI Markings
- Identifies Limited Dissemination Controls (LDCs)
- Training and Resources
- National (NARA) CUI Registry
  https://www.archives.gov/cui/registry/category-list
- DOD CUI Registry
  https://dodcui.com/dod-cui-registry
  - The DoD CUI Registry mirrors the National CUI (NARA) Registry
  - Provides additional information on by aligning each index and category to DOD issuances
- Reference both sites often for updates - Automatic notifications are not generated as the CUI registries change

CUI Categories

- **Typical Categories in Environmental Documents**

CUI CATEGORY	CUI TYPE	CUI MARKING	DESCRIPTION	INDEX GROUP
Archaeological Resources	Basic	ARCHR	Information about the nature and location of any archaeological resource for which the excavation or removal requires a permit or other permission.	Natural and Cultural Resources
General Critical Infrastructure	Basic	CRIT	Systems and assets, whether physical or virtual, so vital that the incapacity or destruction of such may have a debilitating impact on the security, economy, public health or safety, environment, or any combination of these matters, across any Federal, State, regional, territorial, or local jurisdiction.	Critical Infrastructure

CUI Categories

CUI CATEGORY	CUI TYPE	CUI MARKING	DESCRIPTION	INDEX GROUP
DoD Critical Infrastructure Security Information	Basic	DCRIT	Department of Defense critical infrastructure security information covered by a **written determination by the Secretary of Defense** under subsection (a) or designated under subsection (b) that is provided to a State or local government shall remain under the control of the Department of Defense. Information that, if disclosed, would reveal vulnerabilities in the DoD critical infrastructure and, if exploited, would likely result in the significant disruption, destruction, or damage of or to DoD operations, property, or facilities, including information regarding the securing and safeguarding of explosives, hazardous chemicals, or pipelines, related to critical infrastructure or protected systems owned or operated on behalf of the DoD, including vulnerability assessments prepared by or on behalf of the DoD, explosives safety information (including storage and handling), and other site-specific information on or relating to installation security.	Critical Infrastructure

CUI Categories

- **Typical Categories in Environmental Documents (continued)**

CUI CATEGORY	CUI TYPE	CUI MARKING	DESCRIPTION	INDEX GROUP
Health Information	Specific	SP-HLTH	As per 42 USC 1320d(4), "health information" means any information, whether oral or recorded in any form or medium, that (A) is created or received by a health care provider, health plan, public health authority, employer, life insurer, school or university, or health care clearinghouse and (B) relates to the past, present or future physical or mental health or condition of an individual, the provision of health care to an individual, or the past, present, or future payment for the provision of health care to an individual.	Privacy
Historic Properties	Specific	SP-HISTP	Related to the location, character, or ownership of historic property.	Natural and Cultural Resources

CUI Categories

- **Typical Categories in Environmental Documents (continued)**

CUI CATEGORY	CUI TYPE	CUI MARKING	DESCRIPTION	INDEX GROUP
Legal Privilege (Includes Attorney Work Product and Attorney Client	Basic	PRIVILEGE	Includes any attorney work-product privilege, attorney-client privilege, governmental privilege, or other privilege recognized under Federal, State, or foreign law. **Note:** there are **two limited dissemination control markings** that can be used with this category: Attorney Work Product (**AWP**), Attorney Client Privilege (**AC**). These limited dissemination control markings (AWP, AC) may only be used on information protected under the CUI "Legal Privilege" category.	Legal
Privacy Information	Basic / Specific	PRCVY	Information referred to as Personally Identifiable Information (PII). PII embodies information that can be used to distinguish or trace an individual's identify, either alone or when combined with other information that is linked or linkable to a specific individual.	Privacy / Provisional

CUI Categories

- **Typical Categories in Environmental Documents (continued)**

CUI CATEGORY	CUI TYPE	CUI MARKING	DESCRIPTION	INDEX GROUP
General Proprietary Business Information	Basic / Specified	PROPIN	Material and information related to, or associated with, a company's products, business, or activities, including but not limited to financial information; data or statements; trade secrets; product research and development; existing and future product designs and performance specifications.	Proprietary Business Information

Reference ER Recordkeeping Manual, Appendix G for additional typical CUI categories included in Environmental Program documents, related Distribution Statement reason categories and applicable citations

Drinking Water Wells on Private Residential Property

- **Drinking Water Wells on Private Residential Property**
  - **Per ASD Memo, Dated 8/24/2023 & Consistent with Section 344 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2023, Amended Section 345(a)(2) of the NDAA for FY 2022**
    - **Samples Data Releasable – Not CUI**
    - **Names and Addresses will NOT be Released – IS CUI (PII)**
    - **Latitude/Longitude of Sampling Locations – IS CUI (PII)**
      - **Not Releasable Without Prior Written Approval from Property Owner (Right of Entry (ROE) Agreement) ***
      - **ASD Memo Includes Language for ROE Agreement**

*** Retain ROE in Official ER Program Record File (Site File) = CUI (PII)**

Required CUI Markings

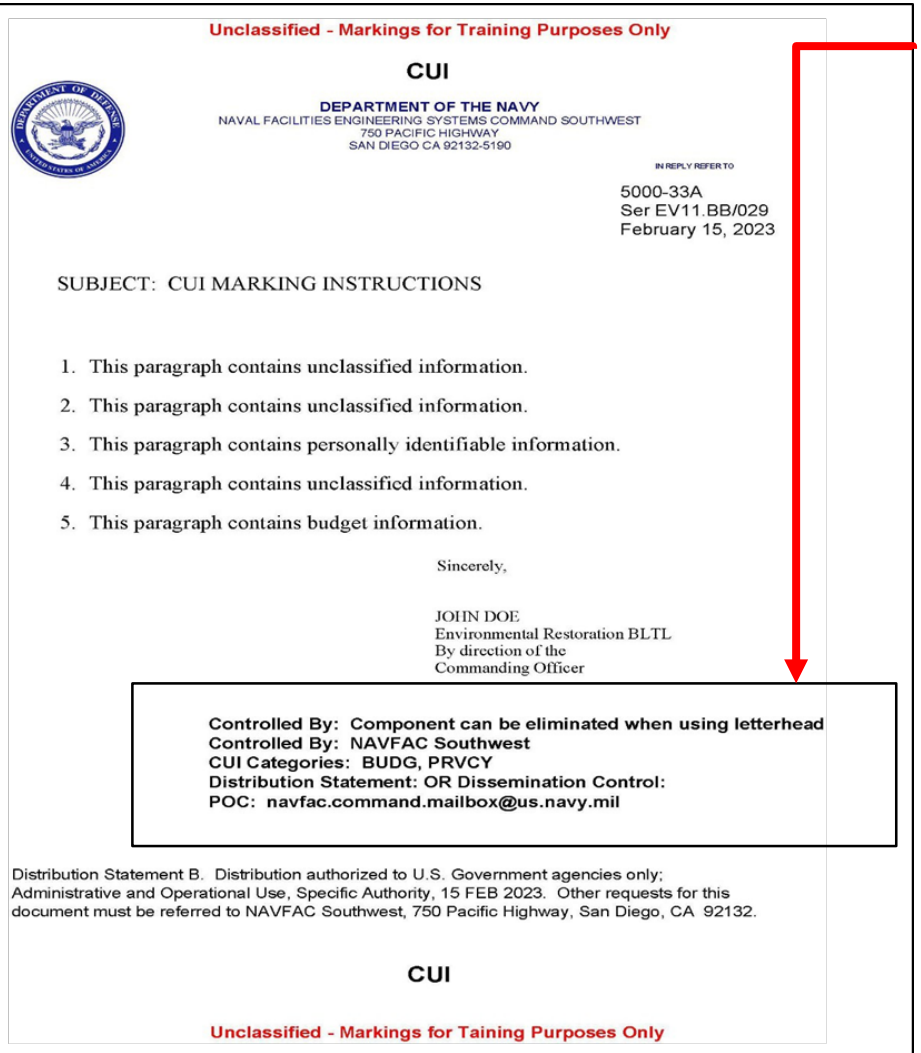
- Minimum Marking Requirements – CUI Only Documents
  - Before marking a document as CUI, first determine if the information is CUI
    - CUI content must fit within one or more NARA / DoD CUI Categories
  - Acronym "CUI" in the banner (header) and footer of the first or cover page of the document AND each page containing controlled information

- Distribution Statements are still required on all documents
  - CUI markings NOT required if document does not contain controlled unclassified information
  - Distribution Statements apply to classified, CUI and unclassified information

Required CUI Markings

- "For Official Use Only" (FOUO) no longer authorized on DOD documents
- CUI markings are required on all documents containing CUI AND each page containing CUI
- CUI Designation Indicator Block required on the first / cover page only
- Indicator block is located in lower right and must include:
  - Line 1: DOD Component making the determination (Line not required on correspondence if letterhead is used)
  - Line 2: Office making the determination
  - Line 3: Identify all types of CUI contained in document, alphabetically
  - Line 4: Distribution Statement OR Dissemination Controls
  - Line 5: Phone number or office e-mail of the originating DOD Component
    - Always use established NAVFAC Command specific group e-mails (See Table 3 of Appendix G of ER Recordkeeping Manual)

Required CUI Markings



Unclassified - Markings for Training Purposes Only

CUI

DEPARTMENT OF THE NAVY
NAVAL FACILITIES ENGINEERING SYSTEMS COMMAND SOUTHWEST
750 PACIFIC HIGHWAY
SAN DIEGO CA 92132-5190

IN REPLY REFER TO

5000-33A
Ser EV11.BB/029
February 15, 2023

SUBJECT: CUI MARKING INSTRUCTIONS

1. This paragraph contains unclassified information.
2. This paragraph contains unclassified information.
3. This paragraph contains personally identifiable information.
4. This paragraph contains unclassified information.
5. This paragraph contains budget information.

Sincerely,

JOHN DOE
Environmental Restoration BLTL
By direction of the
Commanding Officer

Controlled By: Component can be eliminated when using letterhead
Controlled By: NAVFAC Southwest
CUI Categories: BUDG, PRVCY
Distribution Statement: OR Dissemination Control:
POC: navfac.command.mailbox@us.navy.mil

Distribution Statement B. Distribution authorized to U.S. Government agencies only; Administrative and Operational Use, Specific Authority, 15 FEB 2023. Other requests for this document must be referred to NAVFAC Southwest, 750 Pacific Highway, San Diego, CA 92132.

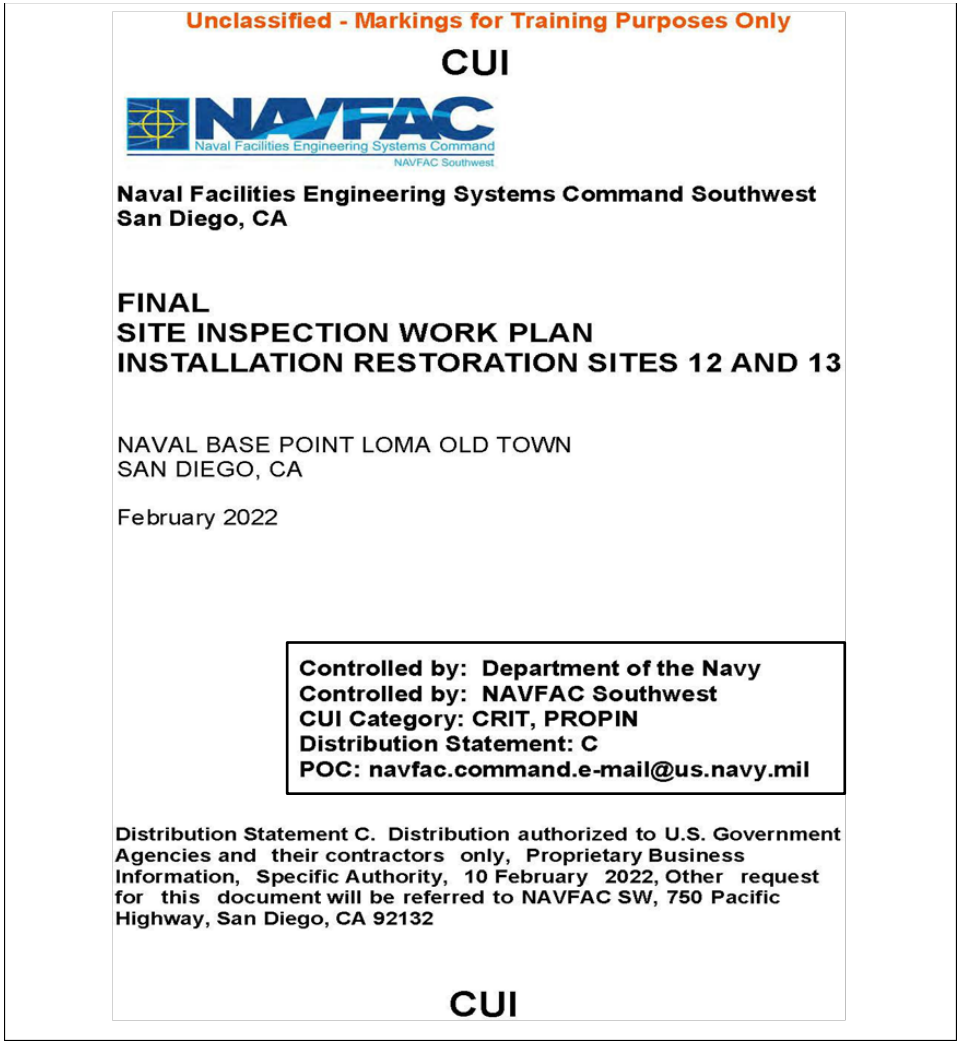
CUI

Unclassified - Markings for Taining Purposes Only

Designation Indicator Block

- Controlled By: Component line can be eliminated when document includes letterhead
- All CUI Categories applicable to the document must be included – listed alphabetically
- The absence of an LDC on a document means anyone with an authorized lawful government purpose is permitted access to the document. This does NOT imply it can be publicly released.
- Use Distribution Statement letter when LDC is not specified
- POC can be an individual; however, use established NAVFAC Command office e-mail

Required CUI Markings



Unclassified - Markings for Training Purposes Only

CUI

Naval Facilities Engineering Systems Command Southwest
San Diego, CA

FINAL
SITE INSPECTION WORK PLAN
INSTALLATION RESTORATION SITES 12 AND 13

NAVAL BASE POINT LOMA OLD TOWN
SAN DIEGO, CA

February 2022

Controlled by: Department of the Navy
Controlled by: NAVFAC Southwest
CUI Category: CRIT, PROPIN
Distribution Statement: C
POC: navfac.command.e-mail@us.navy.mil

Distribution Statement C. Distribution authorized to U.S. Government Agencies and their contractors only, Proprietary Business Information, Specific Authority, 10 February 2022, Other request for this document will be referred to NAVFAC SW, 750 Pacific Highway, San Diego, CA 92132

CUI

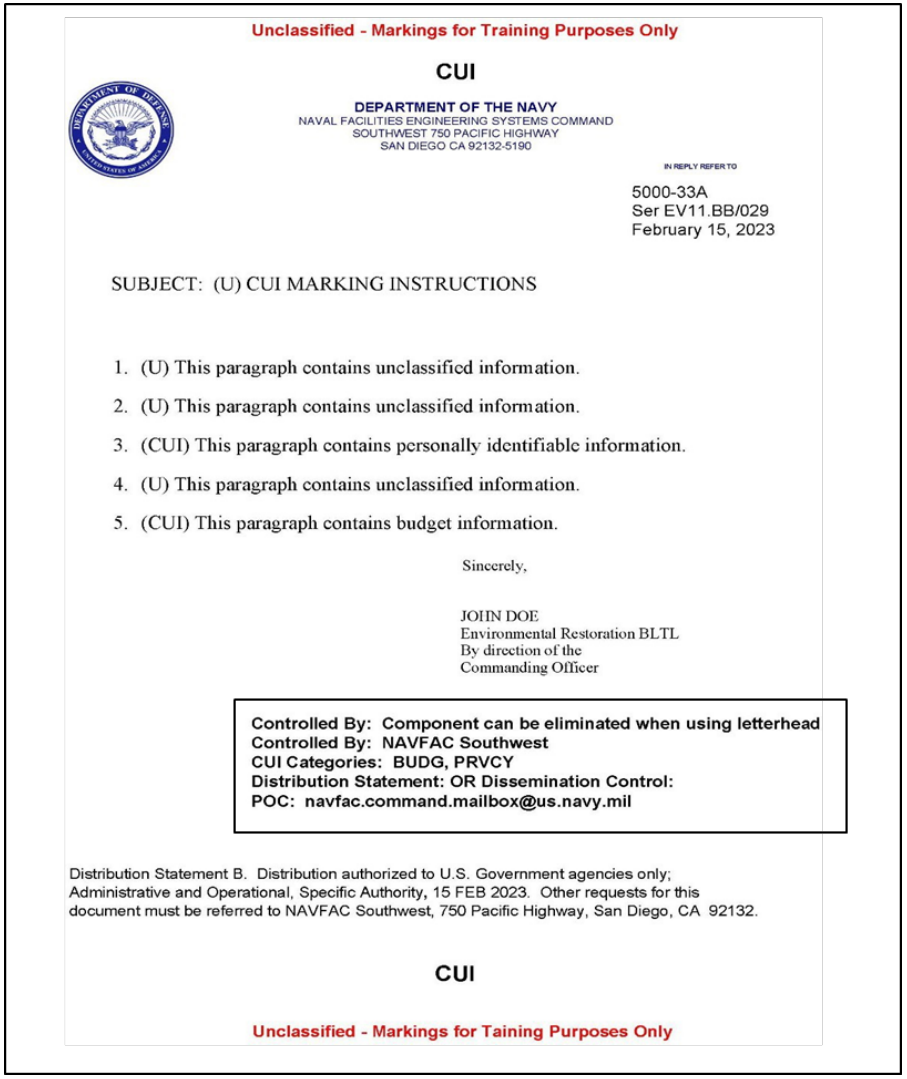
- Related correspondence may not have the same CUI markings / Distribution Statement as report
- CUI markings applied to individual document on a case-by-case basis

Required CUI Markings

- **Portion Markings – CUI Only Documents**
  - **Optional on CUI Only documents**
    - **If used, must be used throughout document**
    - **Including subjects, titles, sections, parts, paragraphs, subparagraphs, etc.**
    - **Use "(CUI)" for controlled unclassified information**
    - **Use "(U)" for unclassified information**
  - **Required for commingled documents**
    - ***Classified* documents that include CUI**

NAVFAC WILL NOT APPLY / ACCEPT PORTION MARKINGS ON CUI ONLY DOCUMENTS

Required CUI Markings



Unclassified - Markings for Training Purposes Only

CUI

DEPARTMENT OF THE NAVY
NAVAL FACILITIES ENGINEERING SYSTEMS COMMAND
SOUTHWEST 750 PACIFIC HIGHWAY
SAN DIEGO CA 92132-5190

IN REPLY REFER TO

5000-33A
Ser EV11.BB/029
February 15, 2023

SUBJECT: (U) CUI MARKING INSTRUCTIONS

1. (U) This paragraph contains unclassified information.
2. (U) This paragraph contains unclassified information.
3. (CUI) This paragraph contains personally identifiable information.
4. (U) This paragraph contains unclassified information.
5. (CUI) This paragraph contains budget information.

Sincerely,

JOHN DOE
Environmental Restoration BLTL
By direction of the
Commanding Officer

Controlled By: Component can be eliminated when using letterhead
Controlled By: NAVFAC Southwest
CUI Categories: BUDG, PRVCY
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CUI

Unclassified - Markings for Taining Purposes Only

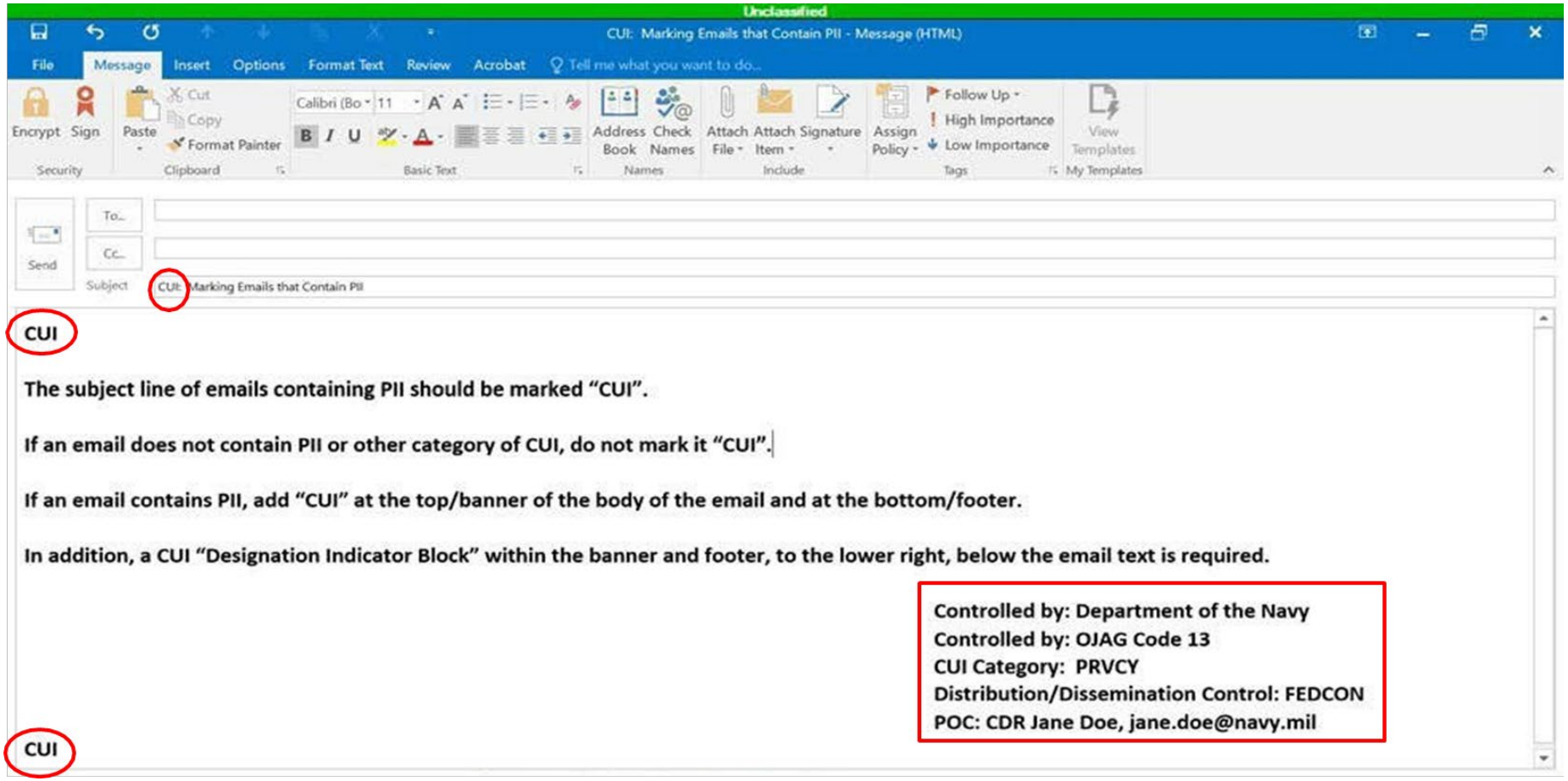
- **Subject and paragraphs are marked (CUI) or (U), as appropriate**
- **Designation Indicator Block required**
- **Distribution Statement required**

Required CUI Markings

- E-mails containing CUI:
  - Subject Line Marked “CUI”
  - Banner (header) / Footer of e-mail body is marked “CUI”
    - If body of e-mail does not contain CUI, but, attachments contain CUI, Subject line is marked CUI; body would not be marked
    - Attachment file name must include “CUI” and document would include CUI markings and Designation Indicator Block
  - CUI Designation Indicator Block placed at bottom right of e-mail
  - Portion markings optional for CUI only e-mails; if used, must be used throughout e-mail
  - E-mail MUST be sent encrypted to all recipients
    - Use DoD Safe w/encryption to transmit to non .mil e-mail addresses

Required CUI Markings

Unclassified – Markings for Training Purposes Only



Required CUI Markings

Unclassified – Markings for Training Purposes Only

- **Markings required on <u>all</u> electronic media containing CUI:**
  - **Computers, CD/DVDs, external / removable hard drives, thumb drives (non-NMCI computers used by contractors), etc.**
  - **Use Standard Forms (SFs) 902 / 903 – CUI Media Labels**

(SF 902)

(SF 903)

Limited Dissemination Controls (LDCs)

CUI Limited Dissemination Controls

Control	Marking	Description
Federal Employees Only	FED ONLY	Dissemination authorized only to employees of the U.S. Government executive branch agencies or armed forces personnel of the U.S. or Active Guard and Reserve.
Federal Employees and Contractors Only	FEDCON	Includes individuals or employees who enter into a contract with the U.S. to perform a specific job, supply labor and materials, or for the sale of products and services, so long as dissemination is in furtherance of the contractual purpose.
No Dissemination to Contractors	NOCON	Intended for use when dissemination is not permitted to federal contractors, but permits dissemination to state, local, or tribal employees.
Dissemination List Controlled *	DL ONLY	Dissemination authorized only to those individuals, organizations, or entities included on an accompanying dissemination list.
Releasable by Information Disclosure Official	RELIDO	A permissive foreign disclosure and release marking used to indicate that the originator has authorized a Senior Foreign Disclosure and Release Authority (SFDRA) to make further sharing decisons for uncaveated intelligence material (intelligence with no restrictive dissemination controls) in accordance with existing procedures, guidelines, and implementation guidance. Note: Only agencies that are eligible to use RELIDO in the intelligence community (IC) classified information context may use this LDCM on CUI. It is defined and applied in the same manner as in the IC context.
No Foreign Dissemination	NOFORN	Information may not be disseminated in any form to foreign governments, foreign nationals, foreign or international organizations, or non-U.S. citizens.
Authorized for Release to Certain Foreign Nationals Only	REL TO USA, [LIST]	Information has been predetermined by the designating agency to be releasable only to the foreign country(ies) or international organization(s) indicated, through established foreign disclosure procedures and channels. It is NOFORN to all foreign countries/international organizations not indicated in the REL TO marking. See list of approved country codes.
Display Only	DISPLAY ONLY	Information is authorized for disclosure to a foreign recipient, but without providing them a physical copy for retention to the foreign country(ies) or international organization(s) indicated, through established foreign disclosure procedures and channels.
Attorney Client	ATTORNEY-CLIENT	Dissemination of information beyond the attorney, the attorney's agents, or the client is prohibited, unless the agency's executive decision makers decide to disclose the information outside the bounds of its protection.
Attorney Work Product	ATTORNEY-WP	Dissemination of information beyond the attorney, the attorney's agents, or the client is prohibited, unless specifically permitted by the overseeing attorney who originated the work product or their successor.

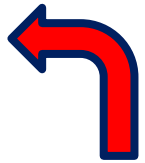
* DL ONLY is used when you have a specific organization or list of individuals authorized to receive the document and none of the other LDCs apply. The list must be on or attached to the document, or a link to the list annotated on the document.

Updated December 28, 2021

- When restricting distibution to dissemination list only (DL ONLY):
  - Use office name, group or organization, if possible
  - Specific individual is limited to named person only
    - Authorization does not transfer to office, group or organization upon individual's departure

NAVFAC CUI Priority Standard

- **Eliminate** – If / When Not Required
  - Do NOT Redact Original / Primary Document
  - Redacted Copy May be Required per Contract / RPM
- **Modify** – Content No Longer CUI, if Possible



- **Retain** – If / When Required (NO Personal Contact / PII)
  - CUI Markings Required
  - Restrictive Distribution Statement Required

Improper / Missing CUI Markings

- **SECNAV Instruction 5200.48 Requires:**
  - **Senior leaders, contracting officers, commanders, and supervisors at all levels must consider and take appropriate administrative, legal, or other corrective or disciplinary action to address CUI misuse or unauthorized disclosure commensurate with the appropriate law, regulation, or government-wide policy**
  - **Improper / Missing CUI Markings Results in:**
    - **Potential CUI Spillage = Legal, Admin. or Disciplinary Action**
    - **Unnecessary Restriction to Information by Program Partners**
    - **Document is Returned to Submitter / Creator for Correction**
      - **Requires Redistribution to all Original Recipients (May incur document re-printing costs)**
      - **Delays Document Uploads to NIRIS and Public Access (if Authorized)**
      - **Timely Contract Closeout**

Dissemination to Local / State Regulatory Agencies

- Options for Providing Documents with CUI to Regulators
  - Eliminate / Modify CUI, if Possible (Always Consider)
  - Provide Redacted Copy Only
  - Review CUI Document in Person
    - CUI Document not Retained by Regulator
      - May be Inefficient / Not Available
  - If Providing CUI Documents to Regulators
    - Transmission MUST be Encrypted
    - File Name MUST Include 'CUI'

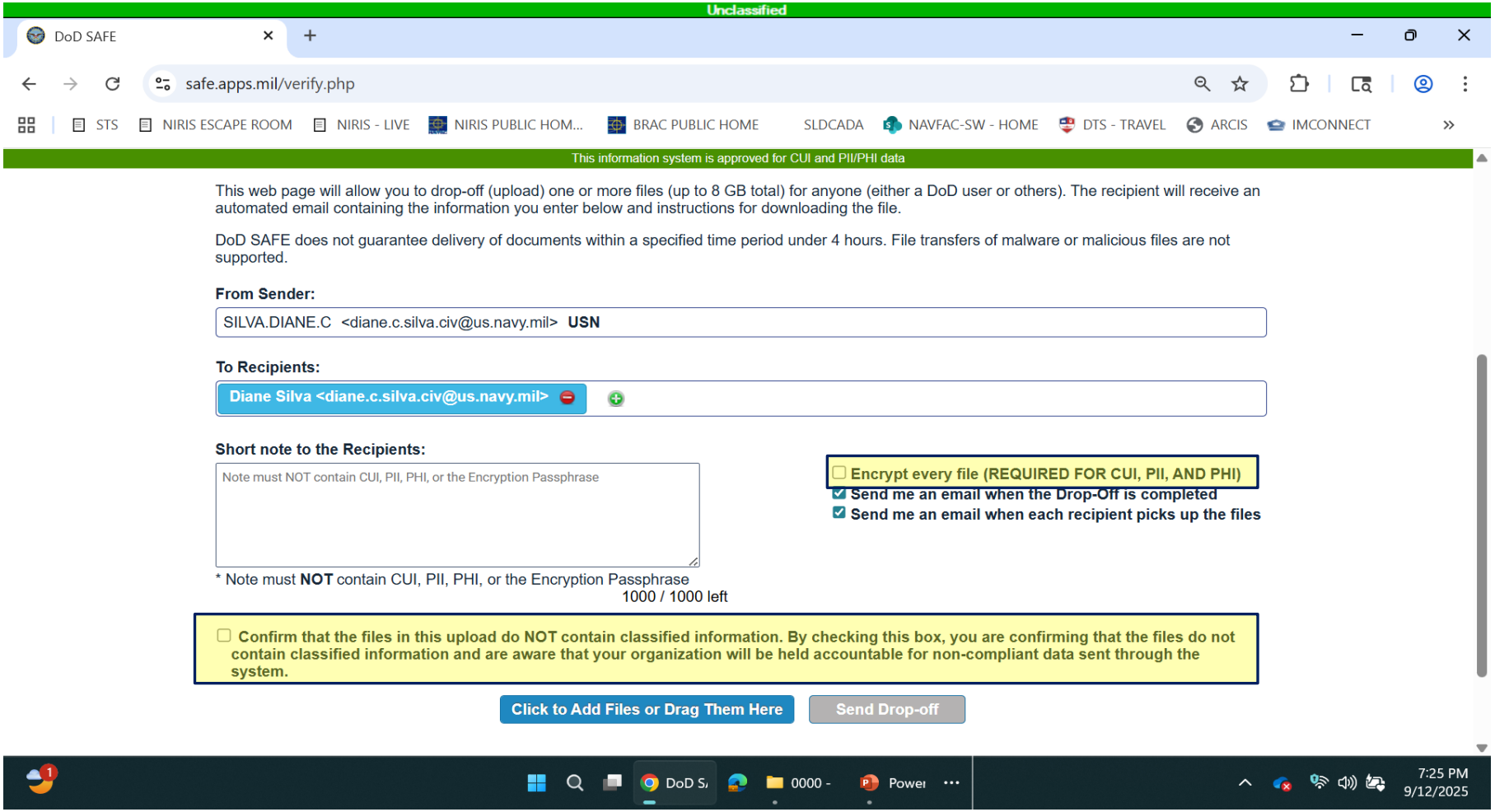
Example: CUI_PFAS_REPORT_SITE X.PDF

Dissemination to Local / State Regulatory Agencies

- Transmitting CUI Documents Without E-Mail Encryption Capability
  - DoD SAFE Approved for CUI/PII/PHI File Exchange
    - NOT Approved for contract solicitation or proposal submission (Use Procurement Integrated Enterprise Environment (PIEE))
    - NOT Approved for Classified Information (Confidential, Secret, Top Secret)
  - Transmission MUST be Encrypted
  - Do Not Transmit to Organizational Mailboxes or Distribution Groups
    - No Guarantee Only Authorized Holders Receive CUI Content

Dissemination to Local / State Regulatory Agencies

- **DoD SAFE File Drop-Off**



CUI Resources

- **Waypoints Training Resources – Required Annually**

  https://don.csodfed.com/ui/lms-learning-details/app/course/9296bd46-029c-42a7-8f3b-bc93c822c031

- **National (NARA) CUI Registry**

  https://www.archives.gov/cui

- **DOD CUI Registry**

  https://www.dodcui.mil/Home/DoD-CUI/

- **CUI Media Self-Adhesive Labels – Available for Purchase:**

  https://www.gsaadvantage.gov/advantage/ws/main/start_page?store=ADVANTAGE

  - **Disks / Hard Drives (SF 902 2.125 inches X 1.25 inches) - NSN 7540-01-679-3318**
  - **USB Drives (SF 903 - 2.125 inches X .625 inches) - NSN: 7540-01-679-3319**
  - **Also available from https://cuisupply.com/**

Additional Training

- NIRIS Records Management Webinars – April / May 2025
  - When / How to Identify CUI in a Document
  - Understanding Controlled Unclassified Information (CUI) Requirements
  - Distribution Statements
  - 9 FOIA Exemptions
  - Completing the Electronic Document Data Sheet (eDDS) Form and Submitting Documents
- Webinar Recordings, Slides and Handouts Available on NIRIS Wiki page at:

  https://niris.navfac.navy.mil/index.html

Points of Contact

- Diane Silva
  - diane.c.silva.civ@us.navy.mil
- Kenda Neil-Soto
  - kenda.l.neil-soto.civ@us.navy.mil

Questions? Email to EXWC.T2@us.navy.mil

Wrap Up

Please take the short Survey Monkey linked in the chat.

Stay tuned for upcoming OER2's via email: *EXWC.T2@us.navy.mil*

You can find previous presentations on the *ERB Website> OER2 Presentations* and our *OER2 YouTube channel* all found on https://exwc.navfac.navy.mil/go/erb

Thank you for participating!