

Subpart BB. Dissemination

Section 1.0 – General Policy

- (a) Most CUI merits Standard Dissemination and shall be disseminated to the widest extent possible, provided its dissemination furthers the execution of a lawful or official mission purpose. Dissemination of CUI shall be limited beyond Standard Dissemination only in accordance with a Specified Dissemination Instruction published in the CUI Registry.
- (b) Agency heads shall consider the impact that limiting dissemination would have on the utilization of the information.

Section 2.0 – Requirements for Specified Dissemination Instructions

- (a) A Specified Dissemination Instruction shall:
 - (1) state objective criteria such that an individual or an information system can readily determine the extent to which access is permitted,
 - (2) be sufficiently unique from other instructions in order to avoid duplication and enable standardized handling of CUI, and
 - (3) not state safeguarding requirements.

Section 3.0 – Specified Dissemination Instruction Review Process

The initial, bulk submission of Specified Dissemination Instructions will occur through a different process that will allow for collaboration and de-confliction. The process in the draft Directive will apply to subsequent submissions.

- (a) Agency heads, or their Designees, shall submit a proposal for a new Specified Dissemination Instruction or for revision to an existing Specified Dissemination Instruction to the CUI Executive Agent in writing for approval.
- (b) The CUI Executive Agent will review the proposal according to the following criteria:
 - (1) Whether the specified dissemination instruction meets the requirements defined in Section 2.0,
 - (2) Whether the proposed limitation supports the overall purpose of the CUI Framework,

(3) Whether the proposed limitation is authorized by statute, regulation, directive, or specific guidance issued by the Agency head as set forth in the CUI Memorandum, and

(4) Whether there is a justified need, taking into consideration mission impact and costs, to limit dissemination beyond Standard Dissemination.

(c) Within 10 business days of receipt of a proposal, the CUI Executive Agent will either render a decision and inform the Agency head in writing or notify the Agency head in writing that additional time is needed to consider the proposal and the anticipated date that the CUI Executive Agent will render a decision.

(1) If the proposed Specified Dissemination Instruction is approved, the CUI Executive Agent shall inform the CUI Council and publish the approved Specified Dissemination Instruction in the CUI Registry.

(2) In cases where the CUI EA does not approve the proposed Specified Dissemination Instruction, the CUI EA shall provide a statement of reasons to the Agency head.

(3) The Agency head may revise the proposal and re-submit it to the CUI Executive Agent for reconsideration.

NOTE: Language will be developed to address exceptions in Exceptions Working Group.

For Registry: A Specified Dissemination Instruction may contain a blank to be filled in.

Section 4.0 – Use of Specified Dissemination

(a) If a recipient receives CUI materials marked with a Specified Dissemination Instruction that is not listed in the CUI Registry, the recipient shall

(1) promptly notify the originating Agency in writing,

(2) strike the unauthorized Specified Dissemination Instruction, and

(3) apply the Specified Dissemination Instruction listed in the CUI Registry that has been provided by the originating Agency.

(b) If the originating agency fails to provide a Specified Dissemination Instruction listed in the CUI Registry and there is a time sensitive need to disseminate the information, the recipient shall refer the matter to the CUI Executive Agent for resolution.

For Registry: Will clarify that this provision is intended to address the use of unapproved markings, not issues like typographical errors and the like.

(c) If a recipient concludes that greater or lesser dissemination is warranted than is indicated by the Specified Dissemination Instruction applied by the originating Agency, the recipient shall follow the process set forth in Subpart CC to resolve the issue. Pending the resolution of the issue, the recipient shall continue to follow the Specified Dissemination Instruction applied by the originating Agency.

Subpart CC – Dispute Resolution Process is under development.

Section 5.0 - Waivers for Exigent Situations

(a) In exigent situations, Agency heads, or their Designees, may authorize temporary waivers to any Specified Dissemination requirement.

(b) While a temporary waiver is in effect, individuals shall apply the standard waiver language as listed in the CUI Registry.

For Registry: Exact content to be finalized after completion of marking section of policy.

Marking should contain duration [could be until X event has concluded] and a Point of Contact if recipients have questions about the waiver and/or further dissemination.

(c) Agency heads or their designee(s) shall report waivers in writing to the CUI Executive Agent promptly.

(d) The CUI Executive Agent shall publish notice of the waiver in the CUI Registry.

(e) At the resolution of the emergency situation, the Agency shall reinstitute the Specified Dissemination requirements. The Agency is not required to attempt to regain control of information disseminated while the waiver was in effect.

(f) The CUI Executive Agent may revoke dissemination waivers for cause.

Section VV – Definitions *[add to section - still in development]*

1 Dissemination: the authorized exchange of CUI between and among the Federal government and
2 authorized recipients. Dissemination does not authorize or address release of CUI to the general
3 public.

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