

Mayo, David J.

From: Mayo, David J.
Sent: Tuesday, April 02, 2019 10:42 AM
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Cc: Bhattacharya, Kaushik; Koyzis, Pamela D.; Fisher-Adams, Grace C.; Scoville, Stacey L.; Office Of Research Administration
Subject: Caltech Position on Controlled Unclassified Information (CUI)
Attachments: CUI Memo from Vice Provost 11-9-18.pdf

Dear Grant Management Personnel:

The enclosed memo from Kaushik Bhattacharya, Vice Provost for Research, announces the adoption of Caltech's policy on Controlled Unclassified Information (CUI); this memo has already been distributed to faculty. The policy simply states that Caltech will not accept government contracts, grants, or subawards that require either receiving or producing CUI. The Provost's Office can grant exceptions to the policy when doing so is in the best interests of Caltech. The purpose of this email is to provide some additional background on CUI and to identify some of the general requirements that apply.

Background

Controlled Unclassified Information (CUI) is a term used by the federal government to refer to data that is not classified, but whose distribution the government has determined should be controlled. The CUI program is a set of standards imposed upon federal agencies for control and management of CUI, including minimum security requirements for any system on which CUI is processed, stored or through which it is transmitted. To the extent a federal agency issues an award under which an awardee will generate CUI, or to the extent a federal agency will share CUI with a non-federal entity, the federal agency must impose the same level of controls on the non-federal entity as the CUI program imposes on federal agencies.

General Government Requirements

- The executive order establishes the National Archives and Records Administration (NARA) as the implementing agency for CUI.

- It imposes upon federal agencies the requirement to review their respective policies and procedures and bring them into alignment with the executive order, and to categorize and register with NARA all types of data an agency wishes to be treated as CUI.
- Agencies must designate CUI data as either “CUI Basic” (subject to default CUI controls) or “CUI Specified” (special handling controls).
- Federal agencies must designate specific management requirements in award documents for awardees to follow, if the federal agency will designate any awardee-generated information as CUI.
- If a federal agency will share CUI with a non-federal entity, the federal agency must establish some sort of data sharing agreement to detail out the data handling requirements for the non-federal entity.

Please contact the Office of Sponsored Research if you have any questions about CUI or its applicability in a particular situation.

Thanks,

David

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From: Kaushik Bhattacharya
To: Caltech faculty and research administrators
Subj: Controlled Unclassified Information
Date: November 8, 2018

The Federal Government has introduced a new class of information called “Controlled Unclassified Information” or “CUI”. CUI is not classified, but still access must be controlled according to various regulations. These regulations impose onerous requirements on the Institute if it were to accept or generate CUI. Fundamental research sponsored by the federal government does not involve CUI. The Office of Research Administration has reviewed current awards, and is unaware of any award that requires CUI. Yet, some agencies include language or notation concerning CUI in their contracts and some program managers occasionally send out templates with CUI marking on them. This leaves the institute in an ambiguous position.

Following discussion at the IACC, the Institute has decided to adopt the following policy and add it to Chapter VII of the Caltech Faculty Handbook

The Institute’s policy is that no government contracts, grants, or subawards are accepted if they require either receiving or producing Controlled Unclassified Information (CUI) in order to carry out the project. Exceptions to this policy can be granted by the Provost’s Office in limited circumstances if so doing is in the best interests of the Institute.

The Office of Research Administration will review contracts to make an initial determination if it involves CUI, and work with the granting agency, the Principal Investigator and the Provost’s Office to resolve any issues consistent with the policy above.

Please let me know if you have any questions or concerns.