

FTC CUI Marking Waiver for Electronically Stored and Transmitted Information Internal to the Agency

Pursuant to [32 C.F.R. 2002.20](#), all federal agencies are required to uniformly and conspicuously apply controlled unclassified information (CUI) markings to all documents and information containing CUI. Per the agency's Controlled Unclassified Information policy (https://ftcintranet.ftc.gov/cfportal/adminmanual/page.cfm?page_id=18033#9), staff shall be responsible for properly protecting, marking and otherwise handling CUI in accordance with all applicable FTC CUI policies, procedures, and guidance.

However, “[w]hen an agency designates information as CUI but determines that marking it as CUI is excessively burdensome, an agency’s CUI Senior Agency Official may approve waivers of all or some of the CUI marking requirements while that CUI remains within agency control.” 32 CFR 2002.38.

Based on the scope and extent of the FTC’s digital and physical information assets, the FTC does not have the financial or staff resources to implement and maintain a comprehensive program to mark all documents and information upon dissemination to any individual within the agency, which would be excessively burdensome at this time. Therefore, the marking requirements set forth in the CUI Rule, 32 CFR part 2002, as reflected in the NARA CUI Marking Handbook, are waived at this time for FTC information stored on the FTC shared drives and for FTC information transmitted internally within the FTC. If the information is disseminated outside of FTC control, however, authorized holders shall comply with applicable CUI marking requirements. The exception to this requirement will be for information submitted to the Courts. Please refer to the attached memorandum from the Office of the General Counsel (OGC).

FTC information stored on FTC shared drives or transmitted internal to the FTC within the agency’s control remains protected by the information security policy in the FTC Administrative Manual. See https://ftcintranet.ftc.gov/cfportal/adminmanual/page.cfm?page_id=108#II. Accordingly, FTC authorized holders shall continue to apply and use these existing information security protections as long as the information remains within FTC control. Protections include secured physical and electronic storage locations, i.e., secured facilities, FTC internal network, locked drawers and file cabinets, authorized destruction methods, etc. This waiver applies only to the mandatory implementation and maintenance of a comprehensive CUI marking program for the agency’s information, and does not prohibit the marking of such materials as CUI on a case-by-case basis, as appropriate and feasible.

This waiver will be reviewed on a bi-annual basis for a determination of continued applicability. If circumstances substantiate the waiver no longer applies, it will be rescinded immediately.

Any questions concerning this waiver or agency CUI marking requirements should be directed to either CUI Senior Agency Official, April Tabor, at 202.326.3310 or the CUI Program Manager, Cynthia Savage at 202.326.2216.