DEPARTMENT OF THE NAVY (DON) SBIR/STTR PROGRAMS

CUI MARKING RESOURCE
(*Effective November 15, 2021*)

(*This document is not a substitute for reading the CUI policy guidance or the FAR and DFARS included in your contract. If there are any differences between this document and the statute or regulations related to this document, the statute and/or regulations govern. This document is subject to change based on updates to material referenced herein.*)

1. Introduction/Definition: Controlled Unclassified Information (CUI)

On March 6, 2020, DoD released **DoDI 5200.48**[1], *Controlled Unclassified Information (CUI),* which outlines procedures and responsibilities for the "designation, handling, and decontrolling of CUI". CUI is unclassified information that requires safeguarding or dissemination controls pursuant to and consistent with applicable laws, regulations, or government-wide policies (**DoDM 5200.01,** 2020, Vol 1, p.84)[2]. CUI can include scientific and technical research and CUI markings are in addition to the required distribution statement.

The person with authorized possession, knowledge, or control of CUI will determine whether an individual has an authorized, lawful government purpose to access designated CUI. No individual may have access to CUI information unless he or she has an authorized, lawful government purpose. This support material is offered to ensure the firm remains in control of distribution, as specified by **SBIR/STTR Policy Directive**.[3]

The Department of Defense (DoD) CUI Registry (available at https://www.dodcui.mil/Home/DoD-CUI-Registry/)[4] provides an official list of CUI categories, marking requirements, and types of information protected. Examples of CUI are technical drawings, blueprints, presentations, and reports that include distribution statements.

2. CUI Transmissions

DON SBIR STTR contract deliverables must be submitted as stated in your contract to the Navy's SBIR STTR deliverable website, which is appropriate for CUI transmissions.

3. Marking Documents (Reference Examples in Appendices A-D)

The below is provided as support information for marking your DON SBIR STTR deliverable documents.

3.1. All shared business and technical information and deliverables must include CUI markings as follows:

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[1] DoD 5200.48§1.2.d. (March 6, 2021). Controlled Unclassified Information (CUI). DoDI 5200.48, "Controlled Unclassified Information (CUI)," Effective March 6, 2020 (whs.mil)

[2] DoDM 5200.01 (July 28, 2020). DoD Information Security Program: Overview, Classification and Declassification. DoDM 5200.01 Vol 1, "DoD Information Security Program: Overview, Classification, and Declassification," February 24, 2012, Incorporating Change 2 on July 28, 2020 (whs.mil)

[3] Small Business Administration. (October 1, 2020). SBIR/STTR Policy Directive. SBIR and STTR Policy Directive - October 2020

[4] DoD CUI Program. (August 19, 2021). DoD CUI Registry

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A. Cover page (or page 1):
   1. Must include "CUI" acronym in both the header and footer of the page.
   2. Must include CUI designation indicator block on all documents and material (as shown in Figure 1). Include components within the CUI designation indicator block (as referenced under DoD Instruction 5200.48§3.4.f), as follows:
      ✓ Line 1 – Controlled by: <Name of DoD Component> (Only if not on letterhead)
      ✓ Line 2 – Controlled by: <Systems Command identified in contract>
      ✓ Line 3 – CUI Category: < List category or categories of CUI >
      ✓ Line 4 – Distribution/Dissemination Control: <DISTRO B-F in accordance with SBIR/STTR contract>
      ✓ Line 5 – POC: <TPOC name or COR (Marine Corps Phase II) and phone number or email address listed in the SBIR/STTR contract>

Controlled by: Department of Navy (DON)
Controlled by: <SYSCOM>
CUI Category: <See Figure 2 below>
Distribution/Dissemination Control: DISTRO <B-F>
POC: <TPOC Name or COR, Phone or email address>

Figure 1: Components of Mandatory CUI Designation Indicator Block

B. Other pages within the document:
   1. Must include the "CUI" acronym in both the header and footer of each page
   2. Do not have to include the CUI designation indicator block previously shown on page 1 of the document

C. Emails (see Appendix C for example):
   1. When marking emails, it is best practice to include an indicator marking in the subject line that states [Contains CUI]
   2. If sending an attachment that contains CUI, the name of the file can contain a CUI indicator (recommended)
   3. If email is forwarded, the CUI markings must be carried forward from the original email to the forwarded email

3.2. CUI markings are required for all proposals and contracted deliverables as well as correspondence and email that include controlled unclassified information

3.3. Steps to determine applicable CUI categories (for marking documents) are listed below.
   Step 1: Determine the CUI category which represents the content of the document to be marked. Use Figure 2 as a reference.
   Step 2: Does one or more of the CUI Category Descriptions align with the contents of your document?
      • If no, CUI markings are not required
      • If yes, confirm the CUI Category Description that accurately describes the content of the document

   Step 3: Document each applicable CUI Category on line 3 of the CUI Designation Indicator block. (Note: A maximum of three CUI categories per document is recommended. One example of a common DON SBIR/STTR deliverable CUI category marking is CTI.)

Organizational Index Grouping	CUI Categories	Category Markings	Category Descriptions
Defense	Controlled Technical Information (CTI)	CTI	Technical information with military or space application that is subject to controls on the access, use, reproduction, modification, performance, display, release, disclosure, or dissemination. CTI would meet the criteria to be marked with one of the distribution statements B through F.
Export Control	Export Controlled Research	EXPTR	Related to the systematic investigation into and study of materials and sources in order to establish facts and reach new conclusions.
Procurement and Acquisition	Small Business Research and Technology	SBIZ	Relating to certain "Small Business Innovation Research Program" and "Small Business Technology Transfer Program" information in a government database, as referenced in 15 USC 638(k)(2).
Proprietary Business Information	General Proprietary Business Information	PROPIN	Material and information relating 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.

Figure 2: Determining CUI Category(ies) for CUI Indicator Designation Block

APPENDIX A

CUI MARKINGS EXAMPLES: WORD DOCUMENTS

Page 1 example:

<Company Name>   <Report Date>

Topic Title: <Title>
Topic #:   <Topic Number>

<Company Name>
     <Address 1>, <Address 2>
     <City, State, and Zip>
     <Phone>

Contract Information:
     Phase: I
     SYSCOM: <Name of Systems Command (SYSCOM) for this report>
     TPOC: <Technical Point of Contact Name>
     Contract #:   <Contract Number>
     PoP: <Contract Period of Performance (PoP)>

Corporate Official:
     <Name>, <Title>, <Phone>, <Email>

Principal Investigator (PI):
     <Name>, <Phone>, <Email>

Prepared By:
     <Name>, <Phone>, <Email>

SBIR/STTR DATA RIGHTS:
Expiration of SBIR/STTR Data Rights Period: <Date, five years from the end of the contract>
The Government's rights to use, modify, reproduce, release, perform, display, or disclose technical data or computer software marked with this legend are restricted during the period shown as provided in paragraph (b)(4) of the Rights in Noncommercial Technical Data and Computer Software - Small Business Innovation Research (SBIR) Program clause contained in the above identified contract. No restrictions apply after the Expiration Date shown above. Any reproductions of technical data, computer software or portions thereof marked with this legend must also reproduce the markings.

Export Control: [If applicable, see clause DFARS 252.225-7048 Export-Controlled Item, otherwise delete statement] **WARNING** - This document contains technical data whose export is restricted by the Arms Export Control Act (Title 22, U.S.C., Sec 2751, et seq.) or the Export Administration Act of 1979 (Title 50, U.S.C., App. 2401 et seq.), as amended. Violations of these export laws are subject to severe criminal penalties. Disseminate in accordance with DoD Directive 5230.25.

Controlled by: DoN
Controlled by: NAVAIR SBIR PMO
CUI Category: CTI, EXPRT
Distribution B
POC: John Smith, 703-555-0123

Page 2 example:

<Company Name>   <Report Date>

Table of Contents [be sure to update TOC when the document is final]

CUI Designation Indicator Block on cover (or page 1) with CUI markings in header and footer

A 1

APPENDIX B

CUI MARKINGS EXAMPLES: POWERPOINT DOCUMENTS

CUI

PowerPoint Presentation

Controlled by: DoN
Controlled by: NAVAIR SBIR PMO
CUI Category: CTI, EXPRT
Distribution B
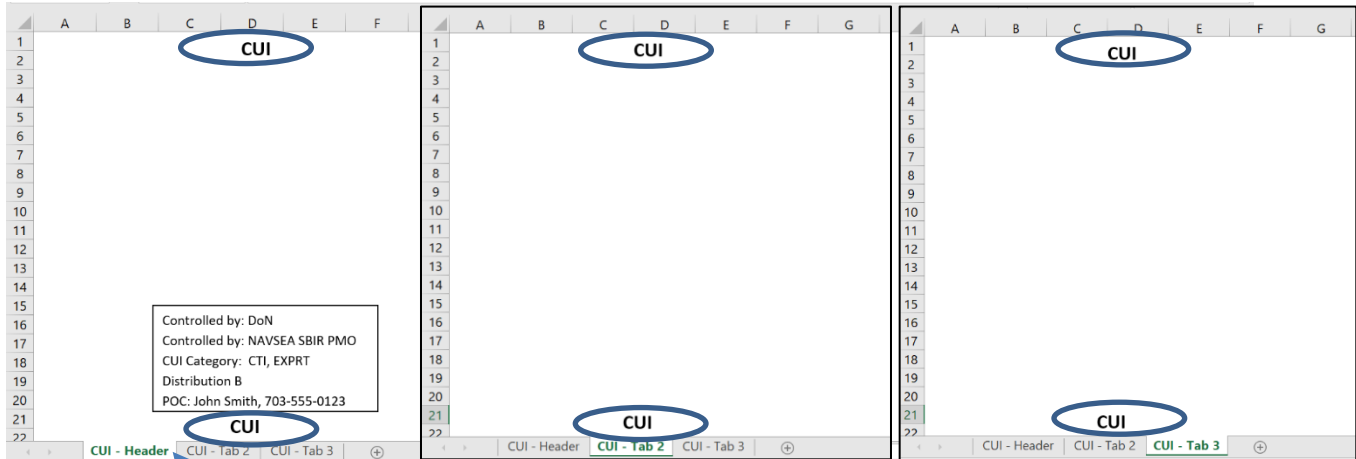POC: John Smith, 703-555-0123

CUI

CUI

What should be considered when creating presentations:

- First impressions matter!
- There's no point in doing work if others don't know about it or can't understand what you did.
- Good practice for any career!

CUI

APPENDIX C

CUI MARKINGS EXAMPLES: EXCEL DOCUMENTS

(1) Each tab containing CUI should include the label "CUI" followed by the name of the tab.
(2) The first tab must include the CUI indicator box.
(3) Subsequent tabs must include CUI in the header and footer of the tab.

APPENDIX D

CUI MARKINGS EXAMPLES: EMAIL DOCUMENTS

CUI Designation Indicator Block in original email must remain when responding to or forwarding email that contains CUI.

First email example:

Subject: CUI Markings on E-Mail [Contains CUI]

CUI

<Add email content here>

Controlled by: DON
Controlled by: <SYSCOM>
CUI Category: <Add Max of 3>
Distribution B
POC: <TPOC Name, Phone number>

CUI

Second email example:

Subject: FW: CUI Markings on E-Mail [Contains CUI]

CUI

Please see email content below.

From: Smith, John <john.smith@navy.mil>
Sent: Monday, July 12, 2021 5:19 PM
Subject: CUI Markings on E-Mail [Contains CUI]
Importance: High

CUI

<Original email content is here>

Controlled by: DON
Controlled by: <SYSCOM>
CUI Category: <Add Max of 3>
Distribution B
POC: <TPOC Name, Phone number>

CUI

Content of CUI designation indicator block is required; however, HTML settings may restrict formatting (which is allowable).