

Guidance for Telework Involving Sensitive-Unclassified Information

For Official Use Only (FOUO) is a designation (protective marking) applied to unclassified information that may be exempt from mandatory release to the public under the Freedom of Information Act (FOIA), and includes information which qualifies under the provisions of the Privacy Act of 1974. The FOIA specifies nine exemptions which may qualify certain information from release to the public, if, by its disclosure, a foreseeable harm would occur. See DOD Regulation 5400.7-R for detailed information on categories of information that may qualify for exemption.

Information that has been determined to qualify as FOUO shall be indicated by markings, which shall be applied at the time documents are created to promote proper protection of the information.

During working hours, reasonable steps shall be taken to minimize risk of access by unauthorized personnel. After working hours, FOUO information shall be stored in unlocked containers, desks or cabinets if Government or Government-contract building security is provided. If such building security is not provided, the information shall be stored in locked desks, file cabinets, bookcases, locked rooms, locked briefcase, etc.

FOUO information and material may be transmitted via first class mail, parcel post or -- for bulk shipments -- via fourth class mail. Electronic transmission of FOUO information, e.g., voice, data or facsimile, e-mail, should be by approved secure communications systems or systems utilizing other protective measures such as Public Key Infrastructure (PKI), when practical. When transporting FOUO information, the material shall be covered with one layer (i.e., envelope, folder, briefcase, etc.).

No person may have access to information designated as FOUO unless that person has been determined to have a valid need for such access in connection with the accomplishment of a lawful and authorized Government purpose. The final responsibility for determining whether an individual has a valid need for access to information designated as FOUO rests with the individual who has authorized possession, knowledge or control of the information and not on the prospective recipient.

FOUO documents may be destroyed by any of the means approved for the destruction of classified information (i.e., shred), or by any other means that would make it difficult to recognize or reconstruct the information (i.e., tear into several pieces and place in recycle bin at the Government work site). Where Government control is not in place, FOUO shall be returned to the work site for destruction, using guidance above for transporting FOUO.

Additional guidance pertaining to the protection of FOUO information that contains information protected under the Privacy Act may be found in DOD Regulation 5400.11-R, "Department of Defense Privacy Program."

Sensitive Information. The Computer Security Act of 1987 established requirements for protection of certain information on Federal Government automated information systems (AIS). This information is referred to as 'sensitive' information, defined in the act as: "Any information the loss, misuse, or unauthorized access to or modification of which could adversely affect the national interest or the conduct of Federal programs, or the privacy to which individuals are entitled under section 552a of title 5, United States Code (the Privacy Act), but which has not been specifically authorized under criteria established by an Executive Order or an Act of Congress to be kept secret in the interest of national defense or foreign policy."

Unclassified information that qualifies for protection under one of the protection categories delineated herein shall, when placed on AIS systems, be marked in accordance with the marking prescribed for the particular protective category involved.

Information on DOD AIS systems shall be protected with the provisions herein and DOD Directive 5200.28, Security Requirements for Automated Data Processing (ADP) Systems, and related publications.

Sensitive But Unclassified (SBU) information is information originated within the Department of State that warrants a degree of protection and administrative control and meets the criteria for exemption from mandatory public disclosure under the Freedom of Information Act. Before 26 May 1995, this information was designated and marked "Limited Official Use (LOU)," which is no longer used. SBU information shall be protected in the same manner as FOUO information.