

OUO Procedures Handbook

Identification of OUO:

Information may be characterized as OUO provided it meets both of the following criteria:

- The information has the potential to damage governmental, commercial, or private interests if disseminated to persons who do not need the information to perform their jobs or other DOE-authorized activities. The possible consequences to such interests should be carefully considered in each case.
- The information falls under at least one of eight Freedom of Information Act (FOIA) exemptions (exemptions 2 through 9; information falling under exemption 1 can never be OUO because it covers information classified by Executive order). These exemptions describe types of information whose unauthorized dissemination could damage governmental, commercial, or private interests.

Types of information at Fermilab that may be classified as OUO includes:

- Attorney-Client
- Attorney-Work Product
- Patent Information
- Intellectual Property
- Export Controlled Information
- Applied Technology
- Source Selection Information
- Business Confidential
- Privacy Act Information
- Personally Identifiable Information
- Sensitive Nuclear Technology
- Proprietary Information
- Protected CRADA Information

Additional guidelines may be issued by DOE HQ or by the Office of Science

FOIA Exemption Details:

- Exemption 2 - Circumvention of Statute (not used at FNAL)
- Exemption 3 - Statutory Exemption: includes CRADA information (protected by Federal Technology Transfer Act), Export Controlled Information (protected by Export Administration Act), patent applications (protected by Patent Act), and source selection information (protected by Procurement Integrity Act)
- Exemption 4 - Commercial/Proprietary: trade secrets and commercial/financial information or our vendors and suppliers
- Exemption 5 - Privileged Information: certain draft and pre-deliberative documents that are part of strategic lab policy

- Exemption 6 - Personal Privacy: laboratory protected PII
- Exemption 7 - Law Enforcement;: includes a variety of legal product
- Exemption 8 - Financial Institutions; (not used at FNAL)
- Exemption 9 - Wells (not used at FNAL)

Fermi OOU coordinators:

Specific individuals or organizations have primary responsibility for determining whether documents within their subject matter expertise should be characterized as OOU. These include:

- Legal documents: Office of General Counsel (ogc@fnal.gov)
- Physical Security Documents: Facility Security Officer (jrogers@fnal.gov)
- Cyber Security Documents: Chief Information Security Officer (ciso@fnal.gov)
- Commercial or vendor proprietary information: Procurement Office (lcollins@fnal.gov)
- Intellectual Property and CRADA information: Office of Partnerships and Technology Transfer (optt@fnal.gov)
- Privacy Information: Privacy Officer (ciso@fnal.gov)
- Export Controlled Information: Export/Import Control Compliance Manager (exportcontrol@fnal.gov)

Marking:

- Front Marking. The front marking includes the applicable FOIA exemption number and related category name (i.e., Exemption 2 - Circumvention of Statute; Exemption 3 - Statutory Exemption; Exemption 4 - Commercial/Proprietary; Exemption 5 - Privileged Information; Exemption 6 - Personal Privacy; Exemption 7 - Law Enforcement; Exemption 8 - Financial Institutions; Exemption 9 - Wells), the name and organization of the employee making the determination, and identifies the guidance used if the determination was based on guidance. This marking is placed on the front of each document containing OOU information.
- Page Marking. The words "Official Use Only" (or "OOU" if space is limited) are placed on the bottom of each page or, if more convenient, on just those pages containing the OOU information

Transmission of OOU Documents

- Transmission by hand: A document marked as containing OOU information may be hand carried between or within a facility as long as the person carrying the document can control access to the document being transported.
- Transmission by physical mail (including lab mail): Use a sealed, opaque envelope or wrapping and mark the envelope or wrapping with the recipient's address, a return address, and the words "TO BE OPENED BY ADDRESSEE ONLY."
- Transmission by fax: Encrypted transmission is preferred, but an unencrypted facsimile transmission must be preceded by a telephone call to the recipient so that he or she can control the document when it is received.
- Transmission by email: Documents marked as containing OOU should be protected by encryption when transmitted over telecommunications circuits whenever possible. If encryption is not available the OOU information may be included in a word processing file that is

protected by a password and attached to the email message. Then the sender can call the recipient with the password so that he or she can access the file.

- Marking of email containing OUO: The first line of an e-mail message containing OUO information must contain the abbreviation “OUO” before the beginning of the text. If the message itself is not OUO but an attachment contains OUO information, the message must indicate that the attachment is OUO. The attachment must have all required OUO markings.

OUO Document Destruction

- When a document is determined to no longer contain OUO, all OUO markings must be removed from all copies of the document
- A document marked as containing OUO information must only be destroyed by using a strip-cut shredder that produces strips no more than 1/4-inch wide or by any other means that provides a similar level of destruction that has been approved by the local security office.