




UNITED STATES DEPARTMENT OF COMMERCE
Chief Information Officer

Washington, D.C. 20230

AUG 14 2019

MEMORANDUM FOR: Department Management Council
Chief Information Officers

FROM: Terryne F. Murphy 
Acting Chief Information Officer
and Senior Agency Official for Controlled Unclassified Information

SUBJECT: Waiver of Controlled Unclassified Information Marking Requirements
For Legacy Information and Data

With introduction of the new Controlled Unclassified Information (CUI) program, information that requires safeguarding and protections under law, regulation, or Government-wide policy must adhere to the new marking paradigm. The digital and physical information assets of the Department of Commerce (DOC) are vast and applying the requirement to “re-mark” existing or “legacy” information would be extremely burdensome in time and require significant financial resources to meet this requirement.

Therefore, existing or “legacy” information is exempt from the CUI marking requirements contained in the [DOC CUI Guidelines](#), Section 17 and may continue to use existing markings, e.g., For Official Use Only, Sensitive But Unclassified, Law Enforcement Sensitive, etc., as long as the information remains within and under Departmental control. New information products and datasets and those information products and datasets that are shared with other Federal partners must adhere to the new markings at the time of creation.

This waiver will be reviewed on an annual basis for determination of continued applicability.

Please direct any questions about this waiver or CUI safeguarding requirements to the DOC CUI Program Manager Roger Clark at (202) 482-7989, reclark3@doc.gov and/or CUI@doc.gov.

cc: DOC CUI Program Manager
OS Office Heads