

Reclamation Manual

Directives and Standards

Subject: Managing Information, Records, and Data Designated FOR OFFICIAL USE ONLY (FOUO)

Purpose: Describes the requirements and procedures for managing information, records, and data identified FOUO.

Authority: Federal Records Act of 1950 – U.S.C. Title 44, Chapters 21, 29, 31, 33; Safety of Dams Act of 1978; Computer Security Act of 1987 - 40 U.S.C. Part 759; Paperwork Reduction Act of 1995 – 44 U.S.C. Chapter 35; Clinger-Cohen Act of 1996 – 40 U.S.C. 1401; OMB Circular A-130, Appendix III; OMB Circular A-123, Internal Control Systems; CIAO Practices for Securing Critical Information Assets (January 2000); Department of the Interior Departmental Manual Part 375 Chapter 19, EO 12958, as amended; Departmental Manual Part 370 DM 752 Item No. 2-12-17-20-32; EO 12968; EO 13292; 36 CFR Subchapter B, Part 1220-1238; Reclamation Manual Directives and Standards, *Records and Information Management* (RCD 5-01); Departmental Manual 380 DM 1-2-3-6; Department of Homeland Security Management Directive System, MD Number 11042.

Contact: Chief Information Office – Information Management Division, 84-21300

1. Scope.

- A. This Directive and Standard applies to the management of all information, records, and data originated within Reclamation, or received from non-Reclamation entities, which is designated FOUO. This Directive and Standard does not apply to national security information covered by Executive Order 12958, as amended.
- B. This Directive and Standard supersedes interim requirements in the Commissioner's memorandum dated June 19, 2002, entitled "Policy Memorandum – Interim Requirements and Procedures for Handling and Safeguarding the Bureau of Reclamation's Information and Records." This Directive and Standard supersedes Reclamation Manual Directive and Standard, *Reclamation Information Technology (IT) Security Program: Information/Data Security* (IRM 08-11).

2. **Applicability.** This Directive and Standard is applicable to all information, records, and data identified as FOUO and in the possession of Reclamation offices or employees.

3. Definitions.

- A. **Access.** One's ability to use information records or data as required in the performance of official Government business.
- B. **Data.** Distinct pieces of information that exist in a variety of forms such as numbers or text in paper records, bits and bytes stored in electronic memory, or facts stored in a person's memory.

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- C. **For Official Use Only.** The term used within Reclamation to identify information, records, and data of a sensitive but unclassified nature that is not otherwise categorized by statute or regulation, the unauthorized disclosure of which could adversely impact a person's privacy, the public welfare, Federal programs, or operations essential to the national interest. Information, records, and data designated FOUO is NOT Classified National Security Information as described in Executive Order 12958.
 - D. **Information.** Facts, data, and knowledge created, received, and maintained for use by Reclamation to document its program decisions and mission-related activities, regardless of storage media or format.
 - E. **Information Management.** The process of applying management principles to the acquisition, organization, control and dissemination of information dealing with an organization's operations and performance; specifically in relationship to the value, quality, ownership, use and security of the information available to it.
 - F. **Need To Know.** The determination made by an authorized holder of FOUO information, records, or data that the prospective recipient has a legitimate requirement for access in the performance of their official duties relating to the conduct of Government business.
 - G. **Records.** All books, papers, maps, photographs, machine-readable (electronic/film, etc.) materials, or other documentary materials, regardless of physical form or characteristics, made or received by an agency of the United States Government under Federal law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Government or because of the informational value of data in them.
4. **Responsibilities.**
- A. **Chief Information Officer (CIO) is responsible for:**
 - (1) Promulgation of Reclamation-wide information management Directives and Standards in support of overarching legislation and policy as referenced above.
 - (2) All records management responsibilities, including the management of information, records, and data designated as FOUO.
 - (3) Development of training materials and forums to educate employees regarding the life-cycle management of information, records, and data designated as FOUO, including that held or stored in IT systems.

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B. **Directors, Managers, and Supervisors are responsible for:**

- (1) Determining the length of time that information, records, or data is designated FOUO. Directors, Managers, and Supervisors are also responsible for the periodic review of FOUO designated materials based upon the processes described in this Directive and Standard.
- (2) Managing all FOUO information, records, and data in compliance with this Directive and Standard.
- (3) Taking appropriate corrective actions, to include administrative or disciplinary action as appropriate, if records management violations occur.

C. **Employees, Contractors, Consultants, and Others are responsible for:**

- (1) Compliance with all procedures established in this Directive and Standard relating to the management of FOUO information, records, and data.
- (2) Compliance with all information management requirements referenced in this Directive and Standard, recognizing that appropriate administration or disciplinary action may be taken if FOUO information is improperly managed.
- (3) Knowing and understanding that criminal penalties are associated with the unlawful removal or destruction of Federal records as outlined in Paragraph 5.A.

5. **General.**

- A. **Records Management Requirements.** There are criminal penalties associated with the unlawful or destruction of Federal records (18 U.S.C.2071 and 36 CFR 1228.102). There are also penalties associated with the improper handling of records containing information exempt from disclosure under the Freedom of Information Act (FOIA) (5 U.S.C. 552) and the Privacy Act (5 U.S.C.552a). Contact your local Records or FOIA Officer for additional identification and handling requirements for Federal records.
- B. **FOIA Disclosure.** Information, records, and data designated as FOUO that have been requested under the provisions of FOIA, 5 U.S.C. 552, must be reviewed by the appropriate manager, senior program specialists, and FOIA Coordinators prior to its release in whole or in part to entities outside Reclamation. The review should be conducted on a case-by-case basis. Contact your Regional or Reclamation-wide FOIA Coordinator for clarification and assistance.
- C. **Duration and Review of FOUO Record Designation.** Information, records, and data will retain the FOUO designation for as long as the information remains valid, the facility is operational, or the conditions that caused the designation to be applied

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remain unchanged. All FOUO materials will be reviewed at 10-year intervals from the date of marking to determine if the designation remains valid. Each 10-year review will be documented and filed as an attachment to the FOUO documents or electronic media in the files of the reviewing organization to ensure compliance with this and other applicable information management requirements. The FOUO designation will automatically expire at the end of the first 30-year period unless the review process determines otherwise. If the FOUO designation remains valid at the end of 30 years, a new justification for retention of the designation must be documented and physically attached to the materials by the reviewing official. This major review process will then occur every 30 years until the information, records, or data has been superseded, invalidated, or the circumstances and events warrant the FOUO removal. If the creating office or program function that applied the FOUO designation is not available to conduct the 30-year review, then the Reclamation-wide Records Manager, in consultation with senior management, will make the determination for retention or removal of the FOUO designation. The Archivists of the United States and the National Archives and Records Administration (NARA) shall be advised of the retention or removal of the FOUO restrictions at the end of every 30-year interval, or sooner if applicable, in accordance with Title 44, Chapter 21, Section 2108 (a) U.S.C.

- D. **FOUO Records Retention and Transfer.** All information, records, and data designated as FOUO will comply with NARA-approved classification, retention, and transfer instructions as described in the Information Management Handbook, Volume II. The FOUO designation is applied to information for security purposes only, and does not effect the ultimate disposition or transfer of records to NARA. FOUO information, records, and data transferred to the National Archives in accordance with approved retention schedules must:
- (1) Reference Title 44, Chapter 21, Section 2108 (a) U.S.C.;
 - (2) Be accompanied by a current approval letter from the Archivists of the United States designating the records for restricted public access; and
 - (3) Provide NARA with dates for the next mandatory 10- and 30-year reviews.
- E. **Visual Identity.** In most instances, FOUO information is not intended for public release. Nevertheless, properly marked FOUO information originating within Reclamation must also comply with applicable Reclamation visual identity guidelines based upon the publication media.
6. **Retention and Disposal.** Retention and disposal of all FOUO materials will comply with Reclamation's Information Management Handbook – Volume II: Records Retention Schedules. When the records retention schedules authorize the disposal of FOUO information, it should be accomplished in accordance with 36 CFR Part 1228.58 – Destruction of temporary records by:

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- A. Shredding, burning, pulping, or pulverizing, such as to assure destruction beyond recognition and reconstruction. If material is shredded a crosscut shredder should be used.
 - B. Recycling, only if the recycling bin is locked, and remains locked, until the materials are physically destroyed by shredding, burning, pulping, or pulverizing. Recycling contractors must validate that recycling containers remain locked until the materials are destroyed.
 - C. Highly Sensitive FOUO information (reference Paragraph 7) must not be disposed of in recycling receptacles, including locked bins as discussed in Paragraph 6.B.
 - D. Electronic storage media (disks/CDs/DVDs/tapes) will be sanitized by degaussing, wiping, erasing, or physical destruction. Contact your local IT security specialists for additional requirements.
7. **Highly Sensitive FOUO Information.**
- A. Although FOUO is the official designation for identifying sensitive but unclassified information in Reclamation, some highly sensitive unclassified information may warrant additional protective handling measures beyond the minimum established FOUO requirements. Retention and disposal procedures for information, records, or data in this highly sensitive category do not differ from other requirements described in this Directive and Standard.
 - B. For additional requirements regarding FOUO (Highly Sensitive) information marking and handling, consult the Reclamation Manual Directive and Standard, *Identifying and Safeguarding FOR OFFICIAL USE ONLY (FOUO) Information* (SLE 02-01).
8. **Related Directives and Standards.** For related and supporting Directives and Standards, see SLE 02-01 of the Reclamation Manual.