



INSPECTOR GENERAL
DEPARTMENT OF DEFENSE
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MEMORANDUM FOR CIVILIAN AND MILITARY OFFICERS AND EMPLOYEES
ASSIGNED TO THE OFFICE OF THE INSPECTOR GENERAL
OF THE DEPARTMENT OF DEFENSE

SUBJECT: Electronic Mail Transmission of Information Designated as "For Official Use Only"
(FOUO)

References: (a) Inspector General Act of 1978, as amended
(b) Inspector General Policy Memorandum, November 7, 2003, "Inspector General
Act Implementation and OIG Policy Guidance (Rev. 1)"
(c) through (m) (continued)

Purpose: To establish policy for the electronic mail transmission of information designated as "For Official Use Only."

Statutory Duty and Regulatory Responsibilities: Section 8(c)(2) of Reference (a), implemented generally by Reference (b), directs the Inspector General to "initiate, conduct, and supervise such audits and investigations in the Department of Defense (including the military departments) as the Inspector General considers appropriate." References (c) through (h) specify the requirements of the "Freedom of Information Act" and the "Privacy Act," as well as the various exemptions thereto. Paragraph C5.2.7.1.1.3. of Reference (i) states that the "abbreviation 'FOUO' is used to designate unclassified portions [of documents] that contain information that may be exempt from mandatory release to the public under the Freedom of Information Act (FOIA)." Reference (j) provides "interim guidance" updating portions of Reference (i) and directs use of the caveat "For Official Use Only - Law Enforcement Sensitive" (FOUO-LES) within the DoD to protect "information [that] was compiled for law enforcement purposes and should be afforded appropriate security in order to protect certain legitimate government interests." References (k) and (l) promulgate related OIG information release policies, and Reference (m) will be updated in accordance with this Policy Memo.

Policy: It is the policy of this Office of Inspector General that all officers and employees assigned to this Office comply with References (c) through (m) with regard to the marking, handling, and release of unclassified records via e-mail. Specifically, information designated "FOUO" shall be transmitted via electronic mail only when: (a) the subject line of the e-mail includes the "FOUO" or "FOUO-LES" caveat (inserted either manually or via a yet-to-be-developed Microsoft Outlook "macro"); (b) any transmitted documentation is properly marked in accordance with References (i) and (j); and (c) the recipient electronic mail address is a government-owned account (*i.e.*, address ends with ".gov" or ".mil"). It is the policy of this Office of Inspector General that FOUO information shall only be transmitted to a non-government electronic mail account in an encrypted format.


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References (continued):

- (c) Section 552 of Title 5, United States Code, as amended, "Freedom of Information Act"
- (d) Section 552a of Title 5, United States Code, as amended, "Privacy Act"
- (e) DoD Directive 5400.7, "DoD Freedom of Information Act Program," June 17, 2002
- (f) DoD 5400.7-R, "DoD FOIA Program," September 4, 1998
- (g) DoD Directive 5400.11, "DoD Privacy Program, December 13, 1999
- (h) DoD 5400.11-R, "DoD Privacy Program," August 1983
- (i) DoD 5200.1-R, "Information Security Program," January 1997
- (j) USD(I) Memorandum, "Interim Information Security Guidance," April 16, 2004
- (k) Inspector General Policy Memorandum 2003-20, "Release of OIG Reports Containing Privacy Act Protected Information," August 29, 2003
- (l) Inspector General Policy Memorandum 2004-17, "Release of Unclassified Records, including Electronic-Mail. to Congress," June 3, 2004
- (m) Inspector General Instruction 4630.1, "Electronic Mail Policy, " August 14, 2002