

MCIEAST-MCB CAMP LEJEUNE



FOR OFFICIAL USE ONLY (FOUO) TRAINING AND JOB AID



FOUO Definition

- ▣ FOUO is a document designation, not a classification. This designation is used by DOD and a number of Federal agencies to identify information or material which, although unclassified, may not be appropriate for public release.
- ▣ There is no national policy governing use of the FOUO designation. DOD Directive 5400.7 defines FOUO as “*unclassified information that may be exempt from mandatory release to the public under the Freedom of Information Act (FOIA)*”.

The policy is implemented by DOD Regulation 5200.01-V4



FOIA EXEMPTIONS

- ▣ The fact that information is marked FOUO does not mean it is automatically exempt from public release under FOIA. If a request for information is received, it must be reviewed to see if it meets the FOIA dual test:
 1. It fits into one of the nine FOIA exemption categories
 2. There is a legitimate government purpose served by withholding the information.
- ▣ The absence of the FOUO or other marking does not automatically mean the information must be released in response to a FOIA request.

Exemption 1 – NEVER FOUO – Information classified by Executive order

Exemption 2 – Circumvention of Statute

“Low-2” Internal, trivial matters; usually not FOUO

“High-2” Internal, substantial matters; risks circumvention of legal requirement; may be FOUO

Exemption 3 – Statutory Exemption

Statute explicitly prohibits disclosure: CRADAs or ECI

Exemption 4 – Commercial/Proprietary

Privately generated information supplied to Government
Trade secrets

Commercial or financial information... but not everything from a private company!

Exemption 5 – Privileged Information

Exemption 6 – Personal Privacy

Exemption 7 – Law Enforcement

Exemption 8 – Financial Institutions

Evaluations of financial institution’s stability

Exemption 9 – Wells

Technical and scientific information about wells



General FOUO Statutory/Regulatory Responsibilities and Obligations

- **FOUO information may be disseminated within DOD components and between officials of DOD components and DOD contractors, consultants, and grantees as necessary in the conduct of official business. It can also be released to officials in other department and agencies of the executive and judicial branches in performance of a valid government function.**



Marking FOUO Information

- **Unclassified documents and material containing FOUO information shall be marked as follows:**
 - Documents will be marked **FOR OFFICIAL USE ONLY** at the bottom of the front cover (if there is one), the title page (if there is one), the first page, and the outside of the back cover (if there is one).
 - Pages of the document that contain FOUO information shall be marked **FOR OFFICIAL USE ONLY** at the bottom.
 - Each paragraph containing FOUO information shall be marked with the abbreviation **FOUO** in parentheses at the beginning of the FOUO portion.
 - Material other than paper documents (for example, slides, computer media, films, etc.) shall bear markings which alert the holder or viewer that the material contains FOUO information.
 - FOUO documents and material transmitted outside the Department of Defense must bear an expanded marking on the face of the document so that non-DoD holders understand the status of the information. A statement similar to this one should be used:
 - **This document contains information exempt from mandatory disclosure under the FOIA Exemption(s) _ apply**
- **When FOUO information is contained within a classified document, the same rules apply except that full pages that contain FOUO information, but no classified information shall be marked **FOR OFFICIAL USE ONLY** at both the top and bottom of the page**



Safeguarding FOUO Information

- ❑ **FOUO information should be handled in a manner that provides reasonable assurance that unauthorized persons do not gain access.**
- ❑ **During working hours, reasonable steps should be taken to minimize risk of access by unauthorized personnel. After working hours, FOUO may be stored as a minimum in unlocked containers, desks, or cabinets if government or government-contract building security is provided. If government or government-contract building security is not provided, it must be stored at a minimum in a locked desk, file cabinet, bookcase, locked room, or similar place.**
- ❑ **FOUO documents and material may be transmitted via first class mail, parcel post, or -- for bulk shipments -- fourth class mail.**
- ❑ **Fax or e-mail transmission of FOUO information (voice, data or facsimile) should be by encrypted communications systems whenever practical. FOUO information may be put on an Internet web site only if access to the site is limited to a specific target audience and the information is encrypted or password protected.**
- ❑ **FOUO documents may be destroyed by shredding or tearing into pieces and discarding the pieces in a regular trash container unless circumstances suggest a need for more careful protection.**



Contact...

- ▣ Contact the command security manager at 451-3568 if you have any questions or security concerns.

