

TEMPORARY DIRECTIVE TRANSMITTAL

OS-PS

December 19, 2000

00-02(T)

Safeguarding "For Official Use Only" Information

1. **Purpose.** This transmittal establishes FEMA's policy and procedures for the identification, marking, handling, transmission, and storage of "For Official Use Only" (FOUO) information, records, and other materials. The provisions of this transmittal are not intended to provide guidance on the release of information under the Freedom of Information Act (FOIA), as amended (5 U.S.C. 552).
2. **Applicability and Scope.** The provisions of this transmittal apply to all FEMA employees who have responsibility for the creation, marking, and handling of FOUO documents. "For Official Use Only" is the only marking authorized for use within FEMA to designate unclassified documents containing such information as defined in paragraph 4.
3. **Supersession.** This transmittal reinstates and replaces FEMA Instruction 1200.3, Safeguarding "For Official Use Only" Information, dated June 19, 1981.
4. **Definition.** The term "For Official Use Only" applies only to unclassified information which is privileged, sensitive, and requires protection from disclosure to the general public, and for which a significant reason, statutory requirement, or regulatory instruction exists to preclude general circulation. It should be used for handling material that is sensitive but not otherwise suitable for classification. "FOUO" status is not a legally-established information security classification level.
5. **Authority.** Authority to assign and remove the "FOUO" designation is limited to Executive Director, Associate Directors, Executive Associate Directors, Administrators, Office Directors, Inspector General, General Counsel, Chief Information Officer, Chief Financial Officer, or officials of equivalent and higher levels in headquarters, and Regional Directors. In headquarters this authority may be further delegated to Division Directors.
6. **References.**
 - a. FEMA Instruction 1350.1, Production or Disclosure of Information (Freedom of Information Act).
 - b. 44 Code of Federal Regulations (CFR), Chapter 1, Part 5, Production or Disclosure of Information.

c. FEMA Manual 5400.2, Records Management--Files Maintenance and Records Disposition.

7. **Exempted Information.** The determination as to whether information requires a FOUO designation shall be made on a case-by-case basis in accordance with the definition above. However, the FOIA specifies several exemptions, that provide useful guidance for assigning the FOUO designation. When properly applied, the exemptions may qualify certain information to be withheld from release to the public if, by its disclosure, a foreseeable harm would occur. Examples of information that may qualify for FOUO status include:

a. Confidential personnel data and other information, the release of which could reasonably be expected to constitute a clearly unwarranted invasion of the personal privacy of individuals;

b. Information received in confidence in connection with bids and proposals, trade secrets, inventions and discoveries, and reports of a financial, technical or scientific nature;

c. Information on plans to protect buildings, curtail disturbances, or comparable activities if unauthorized disclosure could seriously compromise, degrade or cancel the planned protective measures; and,

d. Unclassified material intended for public disclosure at a specific future time that, in the interim, is to be safeguarded against premature public disclosure.

8. **Markings.** Information that has been determined to qualify for FOUO status must be indicated by markings when included in documents and similar material. To promote proper protection of the information, markings must be applied at the time documents are drafted, or as soon as FOUO information is added. Documents and material containing FOUO information must be marked as follows:

a. Unclassified documents must be marked "FOR OFFICIAL USE ONLY" at the bottom of each of the following pages (if present): the front cover, title page, first page and outside of the back cover. Additionally, each page containing FOUO information shall be marked "FOR OFFICIAL USE ONLY" at the bottom.

b. Classified documents containing FOUO information must be marked according to established classified information marking procedures. Pages that contain classified information must be marked with the proper security classification at the top and bottom of the page, with FOUO portion(s) marked with "FOUO" in parenthesis. Pages that contain FOUO information but no classified information must be marked "FOR OFFICIAL USE ONLY" at the top and bottom.

c. Transmittal documents that have FOUO attachments must be marked with the statement:

"FOR OFFICIAL USE ONLY Attachment"

This marking is CANCELLED when separated from the material bearing a protective marking.

d. Material other than paper documents such as slides, computer media, films, etc., must bear markings, that alert the holder or viewer that the material contains FOUO information.

e. Each part of electronically transmitted messages containing FOUO information must be marked appropriately. Unclassified messages containing FOUO information must have the abbreviation "FOUO" before the beginning of the text.

f. When it can be predetermined, the date or event on which the information will no longer require protection it must be indicated directly beneath the marking on the first or title page of each document:

**For Official Use Only
Until (Insert date)**

**For Official Use Only
Until formal release to the news media.**

9. **Removal of Protective Marking.**

a. FOUO marking must be terminated at the earliest possible date consistent with the protection of the material.

b. Specific action must be taken to remove protective marks placed on documents, if at all possible, before retirement or transferring to the National Archives or Federal Records Centers.

10. **Protection and Transmission of FOUO Information.**

a. FEMA Form 12-23, "For Official Use Only Cover Sheet," must be attached to the top page or cover of the FOUO material and must not be removed at any time while the material is not in storage.

b. During working hours, FOUO material must not be left unattended and reasonable steps should be taken to minimize the risk of access by unauthorized personnel. After working hours, FOUO information must be stored in a locked desk, file cabinet, bookcase, locked room or similar location.

c. FOUO documents and material may be transmitted the same way as other unclassified material: via first class, parcel post or - for bulk shipments - fourth class mail. Electronic transmission of FOUO information (voice, data or facsimile) must be via approved secure communications systems wherever practical.

d. FOUO information may be disseminated within FEMA and between officials of the Agency and its contractors, consultants and other appropriate parties as necessary in the conduct of official business. FOUO information may also be released to officials of other departments and agencies of the Executive and Judicial branches in performance of a valid Government function.

11. **Disposition.** Record copies of FOUO documents will be disposed of in accordance with the Federal Records Act (44 U.S.C. 33) and the FEMA Manual 5400.2, Records Management--Files Maintenance and Records Disposition.

12. **Point of Contact.** Direct comments and questions regarding this guidance to the Director of Program Services, Operations Support Directorate, at FEMA Headquarters, Federal Center Plaza Building, room 319, telephone number FSN 651-3464.

13. **Expiration Date.** The provisions of this temporary directive expires November 30, 2001 or until cancelled.

/s/

James L. Witt
Director