



OFFICE OF MISSION SUPPORT

WASHINGTON, D.C. 20460

April 1, 2024

MEMORANDUM

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

FROM: Sonja Lemott, ORASE Office Director

TO: Senior Information Officials

Pursuant to 32 C.F.R. § 2002, all federal agencies are required to uniformly and conspicuously apply controlled unclassified information (CUI) markings to all documents and information containing CUI. Users of Environmental Protection Agency (EPA) information and information systems shall be responsible for properly protecting, marking, and otherwise handling CUI in accordance with all applicable EPA CUI policies, procedures, and guidance. The digital and physical information assets of the EPA are vast and applying the requirement to “re-mark” or “mark” existing or “legacy” information would be extremely burdensome in time and require significant financial resources to meet this requirement. Legacy material is unclassified information that an agency identified as restricted from access or dissemination in some way, or otherwise controlled, prior to the CUI Program.

Documents created prior to February 15, 2023, the start date for EPA’s implementation of new CUI markings, are considered legacy information and are not required to be reviewed and re-marked unless they contain information that qualifies as CUI **AND** the information is reused **OR** expected to be transmitted outside of EPA.

Therefore, existing or “legacy” information is exempt from the CUI marking requirements contained in EPA’s CUI Policy and Procedure, and may continue to use existing markings, e.g., For Official Use Only (FOUO), Sensitive But Unclassified (SBU), Personally Identifiable Information (PII) etc., as long as the information remains within and under EPA control and is not reused or repurposed in any way.

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 EPA CUI Program, cui@epa.gov.

Please share information about this waiver as appropriate with staff in your offices.

cc: Information Management Officials
Information Security Officers
Information Resource Management Branch Chiefs
CUI Liaisons
Liaison Privacy Officials
System Owners