




**Department of Energy**  
Washington, DC 20585

March 24, 2022

**MEMORANDUM FOR ALL HEADS DEPARTMENTAL ELEMENTS**

**THROUGH:** Ann Dunkin   
Chief Information Officer and Senior Agency Official for  
CUI  
Office of the Chief Information Officer

**FROM:** Tonya Crawford  
Acting Controlled Unclassified Information Program  
Manager Enterprise Records Management

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

With the introduction of the new Department of Energy (DOE) Controlled Unclassified Information (CUI) program, unclassified information that requires safeguarding or dissemination control under law, regulation, or Government-wide policy is subject to the new CUI marking paradigm. This marking requirement extends to information that was marked as Official Use Only, or otherwise controlled, ("legacy information") before the CUI program went into effect. Pursuant to 32 CFR § 2002.38(b), in situations where an agency has a substantial amount of information with legacy markings and remarking it as CUI would be overly burdensome, the Senior Agency Official for CUI (SAOCUI) may approve a waiver of these requirements.

The digital and physical information assets of DOE are vast and applying the requirement to re-mark legacy information would be extremely burdensome in time and require significant financial resources. Therefore, under my authority as SAOCUI under 32 CFR § 2002.38, and as reflected in DOE Order 471.7, Controlled Unclassified Information, I hereby waive this marking requirement for legacy information from the date of this memo. Under this waiver, the Department is not required to remove legacy markings, and designate or re-mark it as CUI, as long as the information is not reused by the Department and remains under Departmental control. When the agency reuses any legacy information that qualifies as CUI, whether the information has obsolete control markings or not, the agency must designate the reproduced information as CUI and mark it accordingly.

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 Acting DOE CUI Program Manager Tonya Crawford at (202) 586-7843, [Tonya.Crawford@hq.doe.gov](mailto:Tonya.Crawford@hq.doe.gov) and/or [doecui@hq.doe.gov](mailto:doecui@hq.doe.gov).

cc: DOE CUI Program Manager