

APPENDIX Q**CONTROLLED UNCLASSIFIED INFORMATION CLAUSES****MULTINATIONAL INDUSTRIAL SECURITY WORKING GROUP**

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CONTROLLED UNCLASSIFIED INFORMATION CLAUSES

It is recognized that some MISWG nations control access to and use of certain unclassified information as a result of laws and regulations. Such information that is provided or generated under a cooperative programme/project must, therefore, be protected from unauthorized disclosure when it is released to other Participants. The information provided or generated will be handled under the terms of the cooperative Arrangement. Whilst such protection is not in all cases the responsibility of the National Security Authorities/Designated Security Authorities, there is a need for standard wording which should be set forth in a section that is separate from, but consistent with, the technology control section of an Arrangement. That section usually is entitled, "Disclosure and Use of Technical Data/Information".

The signatories, therefore, recommend the use of the attached Document No. 8 for inclusion, as appropriate, in Arrangements for this purpose.

Controlled Unclassified Information is to be defined in the Arrangement as follows:

"Controlled Unclassified Information is unclassified information to which access or distribution limitations have been applied in accordance with applicable national laws or regulations. Whether the information is provided or generated under an Arrangement, the information will be marked to identify its "in confidence" nature. It could include information that has been classified, but remains controlled."

(Note: The implementation arrangements for marking, handling and transmitting Controlled Unclassified Information will be described in the Programme/Project Security Instruction (PSI), MISWG Document No. 5. Where the word "Arrangement" or "Participant" appears in the text, the appropriate word (e.g. MOU, agreement, party), should be used.)

CONTROLLED UNCLASSIFIED INFORMATION CLAUSES

A. Except as otherwise provided in this Arrangement or as authorized in writing by the originating Participant, Controlled Unclassified Information provided or generated pursuant to this Arrangement will be controlled as follows:

1. Such information will be used only for the purposes authorized for use of Programme/Project Information, as specified in Section. (fill in the section(s) of the Arrangement relating to the Disclosure and Use of Programme or Project Information).

2. Access to such information will be limited to personnel whose access is necessary for the permitted use under subparagraph 1 above, and will be subject to the provisions of Section (fill in the section of the Arrangement on Third Party Sales and Transfers) of this... (insert the appropriate form of Arrangement).

3. Each Participant will take all lawful steps, which may include national classification, available to it to keep such information free from further disclosure (including requests under any legislative provisions), except as provided for in sub-paragraph 2 above, unless the originating Participant consents to such disclosure. In the event of unauthorized disclosure, or if it becomes probable that the information may have to be further disclosed under any legislative provision, immediate notification will be given to the originating Participant.

B. To assist in providing the appropriate controls, the originating Participant will ensure that information is appropriately marked. The Participants will decide, in advance, on the markings to be placed on the information. The appropriate markings will be defined in the Programme/Project Security Instruction.

C. Controlled Unclassified Information provided or generated pursuant to this Arrangement will be handled in a manner that ensures control as provided for in paragraph 1, above.

D. Prior to authorizing the release of Controlled Unclassified Information to contractors, the Participants will ensure that the contractors are legally bound to control such information in accordance with the provisions of this section.