



Press Release

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Open Government Advocates Welcome New Limits on Information Markings

Washington, DC, November 4, 2010—Organizations working on government openness and accountability welcome the release of the Executive Order on Controlled Unclassified Information (CUI). The Order rescinds the Bush Administration CUI memorandum, which was intended to create “a tiered system of designations and establish a framework for designating, marking, safeguarding, and disseminating designated information.” Instead, the Order simply standardizes and limits the use of control markings on unclassified information.

Patrice McDermott, Director of the OpenTheGovernment.org coalition, said “The Bush policy and earlier drafts could have created a fourth level of classification. Instead, this Order is a victory for openness, for both our community and the Administration. We applaud the Administration for the time, effort, and thoughtful consideration of input from inside and outside government it took to make this the outcome.”

The groups are particularly pleased the new Order makes clear that no marking has bearing on the decision to disclose information under the Freedom of Information Act (FOIA), nor on disclosure to the legislative or judicial branches of the U.S. government, and requires public consultation on the implementation of the new framework. The Order should strengthen the information sharing within government, while permitting increased public visibility into the process.

Both the Bush Administration policy and earlier drafts of the order would have allowed agencies to continue using designations that were not based in either statute or regulation, but were created by “agency policy.” Examples of such designations are FOUO (For Official Use Only) and SBU (Sensitive But Unclassified). The new Order limits markings to those based on government-wide policy, statute, or regulation. This is an enormous victory for openness, as it will both significantly limit the number and end the spiraling proliferation of such markings.

Previous drafts would have created a system of sanctions, which the openness community was concerned would impede needed sharing and could lead to repercussions outside current law for whistleblowers. The new Order has none of this language, reflecting its role as government-wide information management policy.

The Bush Administration introduced a CUI framework in May 2008 with no opportunity for public review or comment. “In contrast,” said Dr. McDermott, “the Obama Administration consulted and listened to experts at public interest organizations early and often while developing the policy. There is no question the Administration’s process led to an improved result.”

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OpenTheGovernment.org is a coalition transcending party lines of more than 65 consumer and good government groups, librarians, environmentalists, labor, journalists, and others - focused on pushing back governmental secrecy and promoting openness.

www.openthegovernment.org

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