

# Information Security Oversight Office

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# The Evolving NISP: Navigating the Road Ahead

***NISPOM revision***

***Revision to NISP Directive  
(32 CFR 2004)***

***CUI program implementation***

# National Industrial Security Program (NISP) (E.O. 12829)

“...single, cohesive, integrated program to ensure the protection of classified information in the hands of industry”

- Requirements based on consideration of 3 pillars:
  - Damage to national security
  - Threat to disclosure
  - Cost of requirements

“To the extent that is practicable and reasonable,” those requirements shall be consistent across government and industry.

- Implemented through 32 CFR Part 2004, NISP Directive

# NISPOM Reissuance

## Who:

- DoD as Executive Agent
- NISPPAC NISPOM Rewrite Working Group chaired by ISOO

## What:

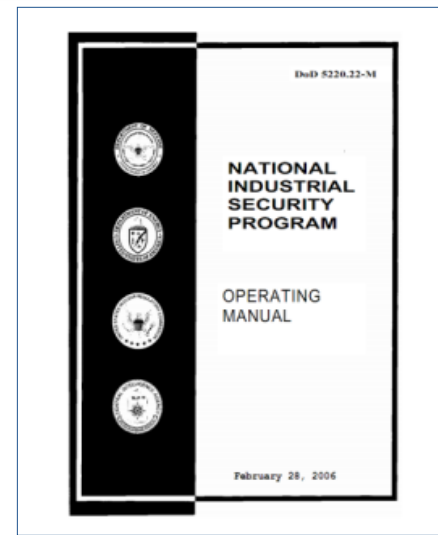
- Updates 2006 NISPOM version, includes Changes 1-3
- Goal: up-to-date NISP operations
  - Changing threat landscape
  - Cybersecurity environment

## Major changes:

- Focuses solely on classified information. Removes references to “unclassified”.
- Removes government agency responsibilities
- Incorporates Risk Management Framework (RMF) for information systems
- Incorporates new national-level reporting requirements
- References other national-level policies as they apply, vice duplicating within the NISPOM

## When:

- Estimated CY 2019 as a Federal Rule



# NISP Directive (32 CFR Part 2004)

Federal Register / Vol. 75, No. 87 / Tuesday, April 6, 2010 / Rules and Regulations 17395

**NATIONAL ARCHIVES AND RECORDS ADMINISTRATION**  
**Information Security Oversight Office**  
**32 CFR Part 2004**  
**(FRS) (Code 3200-04-001)**

**National Information Security Oversight Office, NARA**  
**Information Security Oversight Program Directive No. 1**

**Summary:** This information security program directive (ISPD) No. 1, issued by the Information Security Oversight Office (ISOO), National Archives and Records Administration (NARA), the associated National Information Security Program Directive No. 1, the amendment to Directive No. 1 provides guidance to agencies on release of certain classified information referred to as "provisional information" to contractors that are not at risk under the control of a foreign interest and have had the foreign ownership or control mitigated by an arrangement known as an Special Security Agreement (SSA). To date, there has been no Federal standard across agencies on release of provisional information to this group. This amendment provides clarification and guidance to the process across the Federal Government, and makes greater references to information as appropriate. This amendment also covers the definition of information to the beginning of the part for public use, and sets the definition for the term "Foreign Security Office (FSO)", "National Source Information (NSI)", and "Provisional Information" to accompany the new guidance. Finally, this amendment makes a minor typographical change to the authority citation to make it more accurate.

**DATE:** This rule is effective May 6, 2010.

**FOR FURTHER INFORMATION CONTACT:** William A. Boudin, Director, ISOO, at 301-837-4430.

**SUPPLEMENTARY INFORMATION:** As of November 11, 1998, ISOO became a part of NARA and subsequently published Part 2004, National Information Security Program Directive No. 1, pursuant to section 1010102 of E.O. 12958, January 6, 1995.

Indirectly referred to here as "contractors" of the United States Government. This amendment to Directive No. 1 sets guidelines on release of provisional information in this category of contractors.

ISOO maintains oversight over E.O. 12958, as amended, and policy regarding the E.O. 12958, as amended, and issues the associated ISPDs on the ISOO Director's assigned responsibilities under these Executive Orders. Working in Directive No. 1 or the amendment shall be consistent in approach with the authority of the Secretary of Energy or the Nuclear Regulatory Commission under the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011, et seq.) or the authority of the Director of National Intelligence under the National Security Act of 1947, as amended, E.O. 13526, December 6, 1993, and the Intelligence Reform and Transparency Promotion Act of 2009.

The investigative guidance contained in this amendment will only make reference to equipment E.O. 12958, as amended, under of Directive No. 1. It shall not supersede any of the Executive Order for public use.

On November 09, 1998, ISOO published a proposed rule in the Federal Register (74 FR 58192) for a single public comment period. As a result of the proposed rule was published on January 12, 2009.

During the Federal Register Management Review (FRMR) Cycle from 1/12/09 to 1/12/10, ISOO received 102 comments and the 875 from 3009-0304 to 3100-0303. These comments are referred to as the FRMR. The proposed rule made the change as outlined in the Executive Order. The public comment period closed on January 08, 2009, to improve ISOO received comments from these entities, a Federal agency, a contractor, and a technological service design company. All the comments to be processed by the proposed amendments to the rule. For all items also received requested changes to address potential clarity problems, administrative changes, and requests regarding deadline.

All these comments were reviewed about the use of the word "contractors" proposed in ISPD 25, Operational Responsibilities, subpart 2004.10, (2004.10.10), (2004.10.10), and (2004.10.10). The proposed provisions set forth the

intended for this that the deadline would be issued as follows:

"We agree with the commenters and the proposal to remove the word "contractors" from these provisions. ISOO has revised the proposed regulations to remove the word "contractors" from these provisions to which there is a need to extend the 30-day ISOO deadline and also require the CIA to forward within the CIA if special circumstances apply. Two of the commenters stated concerns about the addition of a NISD comment to E.O. 12958 and 13526. The proposed amendment stated that, in making a NISD the agency will review whether access to the provisional information "is consistent with the national security interests of the United States." Both commenters referred to NSISPD section 2004.10.10, or section 102 in defined as a dissemination that access to the provisional information "shall not harm the national security interests of the United States," rather than "consistent with." The commenters also stated that prior to 2009 adoption of the "no harm" standard in the NSISPD provisions, the ISD process was tedious, time-consuming, often misinterpreted to require extensive documentation, and discouraged many contractors from providing NSI. In addition, several the amended rule does not require or amend NSISPD.

ISOO, the commenters were concerned that having a different standard to this rule would cause confusion, uneven application of standards, and a return to the previous period of uncertainty within ISD processing.

We respectfully disagree with this comment. The proposed language meets the standards of Executive Order 13526, "Classified National Security Information" (the Order). Specifically, section 1.1(a)(1) of the Order, which states: " \* \* \* that the information would be expected to result in damage to the national security." \* \* \* The "no harm" national security language meets the standards set in the Order for original or secondary information, and would cause a requirement that is extremely difficult to even impossible to reevaluate. Additionally, the recent NSISPD guidance concerning ISD is

- ISOO responsible for issuing the Directive to implement the NISP
- New version issued on May 7, 2018 – Effective date: June 5, 2018

## ■ Establishes responsibilities for NISP agencies

- ISOO
- Executive Agent
- CSAs
- GCAs



# New 32 CFR 2004

- Adds insider threat responsibilities and requirements for NISP agencies (E.O. 13587)
- Recognizes ODNI as a CSA (Intelligence Reform & Terrorism Prevention Act)
- Recognizes DHS as a CSA and incorporates White House approved provisions for the DHS Classified Critical Infrastructure Protection Program (E.O. 13691)
- Fills policy gaps for NISP agencies to align with NISPOM provisions for contractors
  - Consistent standards for determinations of contractor eligibility for access to classified information
  - Consistent standards to determine and mitigate FOCI and make NIDs
  - Contract security classification responsibilities
  - Oversight of contractor industrial security programs
  - Terminology and definitions to accommodate all 5 CSAs
- Focus on accountability of the government and better defines its responsibilities

## Addresses policy issues and other NISP matters of interest and concern

- ISOO Director chairs
- 16 government and 8 industry members
  - Subject to FACA
  - Meeting notices in the Federal Register
  - Meets 3x/year
- Working groups
  - Clearance
  - NISP Information Systems Authorization
  - Insider threat
  - NID
  - NISPOM rewrite
- Next public meeting: Wed. July 19, 2018, National Archives



# NISPPAC INDUSTRY MEMBERS

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# Controlled Unclassified Information Program

- Implementation Projection (3-4 years).
- Implementation Activities (Focus on: Leadership, Policy, Training, and Annual Report to the President).
- Registry and Marking Handbook Revisions.
- CUI Notice 2018-01 (Guidance for drafting agreements).
- CUI Notice 2018-02 (Recommendations for basic training).
- Federal Acquisition Regulation for CUI (FY19).
- Training videos (YouTube).
- CUI Blog (<https://isoo.blogs.archives.gov/>).



**CONTROLLED  
UNCLASSIFIED  
INFORMATION**

THE NATIONAL ARCHIVES  
BLOG OF THE  
CONTROLLED UNCLASSIFIED  
INFORMATION PROGRAM



# ISOO Web Resources

- ISOO web page:
  - <http://www.archives.gov/isoo/>
- ISOO policy documents:
  - E.O. 12829:
    - <https://www.archives.gov/files/isoo/policy-documents/eo-12829-with-eo-13691-amendments.pdf>
  - Implementing Directive (32 C.F.R. Part 2004):
    - <https://www.archives.gov/files/isoo/policy-documents/32-cfr-part-2004.pdf>
    - <https://www.archives.gov/files/isoo/policy-documents/32-cfr-part-2004-amendment.pdf>
- NISP and NISPPAC pages
  - Member listings
  - Charter and Bylaws
  - Minutes of NISPPAC meetings
- CUI web page:
  - <https://www.archives.gov/cui>

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**QUESTIONS?**  
**COMMENTS?**