Farm Credit Administration

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Farm Credit Administration (FCA) Controlled Unclassified Information (CUI) Limited CUI Marking Waiver within the Agency

Executive Order (EO) 13556, Controlled Unclassified Information (CUI), 75 FR 68675 (November 9, 2010), establishes a program for managing CUI across the executive branch. The National Archives and Records Administration (NARA) is responsible for implementing the Executive Order. In response, the Farm Credit Administration (FCA) has established a CUI Program. The Agency's Director of the Office of Information Technology and Chief Information Officer (CIO) serves as its CUI Senior Agency Official (SAO). Daily operations of the CUI program are designated to the CUI Program Manager as outlined in the Agency's CUI policy and procedures manual.

CUI generally is information which requires safeguarding, or dissemination controls pursuant to and consistent with applicable law, regulations, and government-wide policies but is not classified.[1] As part of its CUI program operations, FCA has identified the types of information it creates, collects, and maintains in support of its mission which constitute CUI.

NARA regulations provide that when an agency designates information as CUI but determines that marking it as CUI is excessively burdensome, an agency's CUI SAO may approve waivers of all or some of the CUI marking requirements while that CUI remains within agency control.[2] NARA regulations also require that agencies notify authorized recipients and the public of such waivers.[3]

Pursuant to NARA regulations and in consultation with FCA's Office of General Counsel, the FCA CUI SAO has determined that marking documents which contain Legal Privilege information as CUI within the Agency would be excessively burdensome given the Agency's small size and highly limited technical and administrative resources. Therefore, the FCA hereby issues this limited CUI marking waiver, pursuant to 32 CFR 2002.38(a), waiving the requirement to mark documents which contain Legal Privilege information as CUI within the Agency; Legal Privilege information will be marked CUI only when disseminated

[1] See Executive Order 13526 – Classified National Security Information.
[2] See 32 CFR 2002.38(a).
[3] See 32 CFR 2002.38(e).

outside the Agency and as required. Such information is safeguarded via alternative protection methods, with access limited to those with a need-to-know in support of their official duties. Paper copies are physically safeguarded in a secured environment using locked file cabinets, locked offices, or other physical safeguards, and electronic information is safeguarded via user roles, passwords, firewalls, encryption and other information technology security measures. Further, pursuant to 32 CFR 2002.38(e), the Agency hereby notifies authorized recipients and the public of this waiver.

Approved: GERALD VERSACE 2026.09.11 13:22:57 -04'00' Date: 9/11/26

Jerry Versace
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