

DEPARTMENT OF THE INTERIOR
MINERALS MANAGEMENT SERVICE MANUAL

Release No. 145

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SUBJECT: Administrative Series
Part 386 Safeguarding of Records and Information
Chapter 4 Access, Release, and Transmittal of
Proprietary Data/Information

EXPLANATION OF MATERIAL TRANSMITTED:

Chapter 4, page 6 was inadvertently omitted.


Thomas Gernhofer

FILING INSTRUCTIONS:

Remove:

<u>Part</u>	<u>Chapter</u>	<u>Pages</u>	<u>Release</u>
386	4	1-10	125

Insert:

<u>Part</u>	<u>Chapter</u>	<u>Pages</u>	<u>Release</u>
386	4	1-11	145

OPR: Office of the Assistant Director
for Administration

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D. Data/Information Security Agreement. A Data/Information Security Agreement must be completed by an authorized official of a requesting office when a request for proprietary data/information is received from an office outside of the MMS. This document is a prerelease agreement that informs the prospective recipient of the restrictions and controls required for the protection of proprietary data/information and provides the MMS assurance that the requested information will be safeguarded from unauthorized disclosure. If an authorized official is not willing to sign this document, the requestor will be referred to the Assistant Secretary - Land and Minerals Management (see paragraph 5F for procedures). A sample Data/Information Security Agreement and suggested format to be used for such requests, with the exception of the General Accounting Office (GAO), is described in Illustration 2. A sample Data/Information Security Agreement for the GAO is described in Illustration 3.

E. Cover Sheet. A protective document cover sheet (Illustration 4) will be applied to all documents when removed from storage for any reason; i.e., for release, transmittal, or to work areas. Cover sheets can be obtained from the General Services Branch.

4. Procedures for In-house Release and Transmittal. The Primary Office of Control will adhere to the following procedures when a request for proprietary data/information is received from individuals within the MMS.

A. Review Documents for Marking and Decontrol Purposes. When a need-to-know has been established, the documents to be released will be reviewed to ensure that:

(1) Proprietary markings are removed from data/information which no longer requires protection in accordance with MMSM 386.2.4,

(2) Each page of the proprietary data/information to be released is numbered and properly marked in accordance with MMSM 386.2.3, and

(3) Proprietary items are clearly marked in documents containing both proprietary and nonproprietary data/information in accordance with MMSM 386.2.

B. Attach Cover Sheet. Attach the cover sheet to the face of the document to be reviewed or released. When the document is not flat or regular sized, attach the cover sheet so that it will remain visible.

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C. Preparation of a Proprietary Data/Information Receipt (Illustration 1).

(1) When proprietary data/information is to be transmitted, one original and two copies of the Proprietary Data/Information Receipt will be prepared. The original and one copy will be attached to the proprietary data/information to be transmitted to the requesting office. The third copy will be retained in a suspense file in the Primary Office of Control. The suspense file copy will be destroyed upon receipt of a signed original. Followup action will be required if the signed original receipt is not returned within 15 days after transmittal.

(2) When proprietary data/information is to be reviewed in an MMS facility, an original and one copy of the Proprietary Data/Information Receipt will be prepared. The authorized recipient will sign the receipt at the conclusion of the review. The signed original will be retained in the Primary Office of Control. The second copy should be retained by the reviewing official.

(3) When proprietary data/information is released directly to an official of a requesting office, a Proprietary Data/Information Receipt will be prepared as required in paragraph 4C(2) and the data/information will be wrapped as required in paragraph 4E.

D. Positive Identification of Authorized Recipient. When proprietary data/information is to be reviewed in an MMS facility or is released directly to an authorized recipient, the requestor must produce positive identification before the proprietary data/information is released. Positive identification should include a photograph of the bearer (e.g., driver's license or DOI identification card).

E. Wrapping and Addressing Proprietary Data/Information for Transmittal.

(1) When proprietary data/information is to be released directly to the authorized official, the proprietary data/information will be placed in a blue "SPECIAL ATTENTION" envelope. The blue envelope must reflect an address and return address. The envelope must be sealed and marked, front and back, "TO BE OPENED BY ADDRESSEE ONLY." An outer manila envelope or manila packaging will conceal the inner blue envelope. Rolled maps or charts may be placed in tubes marked "FOR PERSONAL ATTENTION." The Proprietary Data/Information Receipt will be attached to the outer wrapping.

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If the DOI directs compliance, the following procedures will be followed:

(1) The GAO. A list of proprietary data/information requested by the GAO will be prepared and forwarded through the appropriate Regional Director to the headquarters Division Chief.

(a) The appropriate Regional Director shall notify the headquarters Division Chief or designee, when applicable, by telephone of the proprietary data/information requested by the GAO and make a recommendation concerning which items should be furnished. Recommendations should be based on relevance to the GAO investigation, sensitivity of the proprietary data/information, consistency with normal security practices, and the expected burden to be imposed upon staff.

(b) The headquarters Division Chief or designee will review recommendations with respect to the above considerations and also for consistency of previous practices among Regions. The headquarters Division Chief will promptly advise the local Regional Director, when applicable, of concurrence or nonconcurrence for each item. A list of authorized items to be provided to the GAO must be submitted to the headquarters Division Chief, when applicable, and to the Assistant Director for Program Review.

(c) An authorized GAO official must complete, sign, and return a GAO Data/Information Security Agreement (Illustration 3). The procedures for release and transmittal in paragraph 4 will be followed.

(2) Other Federal Agencies. Arrangements must be made to have an authorized official of the Federal Agency complete, sign, and return a Data/Information Security Agreement (Illustration 2). The procedures for release and transmittal in paragraph 4 will be followed.

C. Congressional Committee. When a request for proprietary data/information is received from a congressional committee, offices must immediately inform the Assistant Secretary - Land and Minerals Management, through proper channels, of the proprietary data/information requested, the requesting party, and the date of the request.

(1) Arrangements must be made to have an authorized official of the congressional committee complete, sign, and return a Data/Information Security Agreement (Illustration 2).

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The procedures for release and transmittal in paragraph 4 will be followed.

(2) If the Data/Information Security Agreement cannot be executed before releasing, the agreement must accompany the receipt and the proprietary data/information at the time of transmittal. A memorandum will be submitted to the Assistant Secretary - Land and Minerals Management, through proper channels, listing all information furnished in compliance with the request as soon as possible thereafter.

D. States or Indian Tribes. Proprietary data/information may be released to a State or Indian tribe in accordance with the OCS Lands Act and Section 203 of the Federal Oil and Gas Royalty Management Act of 1982 and with whom the MMS has a Cooperative Agreement.

E. Contractors and Consultants. Contractors and consultants are not to receive proprietary data/information unless the MMS submits a written statement justifying the contractor's or consultant's "need-to-know." Under special circumstances, reproduction of proprietary data/information must be accomplished by contractors due to the large amount of material involved or the need for special equipment. When access to proprietary data/information is required, security standards, requirements, and procedures must be incorporated into contractual agreements (see MMSM 386.1.7I). Contractors must comply with policy as established in this part. Proprietary data/information will be transmitted in accordance with the procedures for release and transmittal in paragraph 4. The MMS reserves the right to conduct security inspections of proprietary data/information located at contractor facilities to ensure that the procedures, methods, and physical safeguards employed by contractors are adequate for the protection of proprietary data/information entrusted to contractors and that records are maintained and disposed of according to MMSM 380.2-H.

F. DOI Directed Requests. If the authorized official is not willing to sign the agreement, the requestor will be referred to the Assistant Secretary - Land and Minerals Management. If directed by the DOI to comply with a request for proprietary data/information, the authorized official should be requested to sign the Data/Information Security Agreement. The DOI should be contacted for consultation if the authorized official is not willing to sign the Data/Information Security Agreement. If the DOI continues to direct

DEPARTMENT OF THE INTERIOR
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PROPRIETARY DATA/INFORMATION RECEIPT

Date:

To : Recipient/Secondary Office of Control
(Complete name, title, and address)

From: Primary Office of Control
(Complete name, title, and address)

SAMPLE

Proprietary--For U.S. Government Use Only: The following records contain proprietary information which is not available for public disclosure as provided in (enter appropriate regulation(s))

Restrictions: The recipient/Secondary Office of Control has been made aware of and has agreed to the restrictions for the use, disclosure, duplication, or transmittal of the data/information. The recipient/Secondary Office of Control will not release the data/information to another office. The data/information can be released only by the Primary Office of Control.

This information is released in compliance with: (when congressional committee request insert: 5 U.S.C. 522(c); when Federal Agency insert: the Department of the Interior's request dated (date of request) (copy attached).)

Description or title of each item released: [Indicate whether each item is proprietary or nonproprietary.]

Signature

Attachment

Acknowledgement of Receipt: Sign and complete the information below. Return the original signed receipt to the Primary Office of Control. Retain the duplicate copy for your records.

I have received/reviewed the proprietary data/information described on the above list.

Signature: _____
Recipient/Secondary Office of Control

Name: _____ Title: _____

Date: _____

DEPARTMENT OF THE INTERIOR
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DATA/INFORMATION SECURITY AGREEMENT

SAMPLE

DATA/INFORMATION REQUESTED: _____

FOR USE UNTIL: _____

NEED-TO-KNOW: _____

The recipient/Secondary Office of Control (1) agrees to provide for secure storage and transmittal of these proprietary data and information derived therefrom according to the same or more secure standards than are presently employed by the Minerals Management Service (an outline of these standards is available upon request); (2) agrees not to transmit or otherwise divulge these data or derivative information to any other party; (3) agrees to return the proprietary data and all copies, tracings, or other reproductions thereof to the Primary Office of Control at the end of the requested period; and, (4) is aware that penalties for unauthorized disclosure provided in [enter appropriate regulation(s)] _____

_____ apply to these data and/or information.

Signature: _____
(Recipient/Secondary Office of Control)

Title: _____

Organization: _____

Date: _____

The recipient/Secondary Office of Control has established a "need-to-know" and agrees to abide by all restrictions on proprietary data/information use. The proprietary data/information requested above are being transmitted to the recipient/Secondary Office of Control.

Signature: _____

Title: _____
(Primary Office of Control)

Date: _____

DATA/INFORMATION SECURITY AGREEMENT WITH THE GAO

MINERALS MANAGEMENT SERVICE'S (MMS) DATA/INFORMATION SECURITY
AGREEMENT WITH THE GENERAL ACCOUNTING OFFICE (GAO)

DATA/INFORMATION REQUESTED:

FOR USE UNTIL: _____

NEED TO KNOW: (Justification)

SAMPLE

The GAO as "Secondary Office of Control": (1) agrees to provide for secure storage and transmittal of these proprietary data/information derived therefrom according to the same or more secure standards that are presently employed by the MMS (an outline of these standards is available upon request); (2) agrees to prohibit unauthorized disclosure of these data/information or any estimate, interpretation, or presentation thereof, the disclosure of which would result in significant competitive disadvantage or significant loss to the owner(s) (hereafter included in the term "proprietary data/information") to any other party; (3) agrees to prohibit the unauthorized disclosure of these data/information to contractors or consultants of the GAO unless a written statement establishing their need-to-know is submitted to the Primary Office of Control and the MMS is afforded the opportunity to comment on the proposed disclosure in accordance with GAO's disclosure procedures; (4) agrees to inform the MMS and the actual owner(s) of the proprietary data/information of the proposed disclosure of these data/information to a committee of the Congress; (5) agrees to provide the MMS and actual owner(s) of the proprietary data/information an opportunity to comment on any proposed GAO disclosure of proprietary data/information to parties other than a committee of Congress, in accordance with GAO procedures; (6) agrees to return to the "Primary Office of Control" or notify the MMS of the destruction of the proprietary data/information and all copies, tracings or other reproductions thereof at the end of the requested period; (7) agrees to keep an "audit trail" document of those offices within the GAO which were granted access to the proprietary data/information submitted which could be transmitted to the MMS if requested; and, (8) is aware that penalties for unauthorized disclosure provided in [enter appropriate regulation(s)]

apply to those data and/or information. [Copies of appropriate regulation(s) should be referenced and attached to this agreement.]

Signature: _____

Title: _____

Organization: (Primary Office of Control)

Date: _____

The GAO as "Secondary Office of Control" has established a "need-to-know" and agrees to abide by all restrictions regarding the proprietary data/information provided. The proprietary data/information requested are being transmitted.

Signature: _____

Title: _____

Date: (Primary Office of Control)

Cover Sheet

