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***This Memo is expired. DFAR Clause 252.204-7012 was updated in August of 2015. The guidance in this memo applies to the November 2013 version of the clause (attached to the memo). Guidance relevant to the updated clause will be posted in REMS***

**June 18, 2014**

**To:** Contract & Grant Officers

**Subject:** DFAR 252.204-7012: Safeguarding of Unclassified Controlled Technical Information

**Purpose**

This memo provides guidance for accepting contracts from the Department of Defense containing Defense Federal Acquisition Regulation Supplement (DFARS) clause 252.204-7012: Safeguarding of Unclassified Controlled Technical Information (*see November 2013 version of clause attached to this memo*).

**Background**

In November 2013, the Department of Defense (DoD) issued a final rule amending the DFARS to add contract clause 252.204-7012, which addresses requirements for safeguarding unclassified controlled technical information resident on or transiting through our systems. The prescription requires insertion of the clause in all DoD contracts.

252.204-7012 defines “Controlled Technical Information” as follows:

“Controlled technical information” means technical information with military or space application that is subject to controls on the access, use, reproduction, modification, performance, display, release, disclosure, or dissemination. Controlled technical information is to be marked with one of the distribution statements B-through-F, in accordance with DoD Instruction 5230.24, Distribution Statements on Technical Documents. The term does not include information that is lawfully publicly available without restrictions.

**Guidance**

Note that the definition contains a carve-out for information that is “lawfully publicly available without restrictions.” Thus, the clause would not apply to information generated by the University under the Fundamental Research Exclusion (FRE) since such information would be “legally publicly available without restrictions.” However, the obligations in the clause could apply to Controlled Technical Information transmitted to us by DoD (or a third party). As per current standard policy, it is important that receipt of such information not compromise our ability to operate under the FRE. That is, consistent with current practice, any Controlled

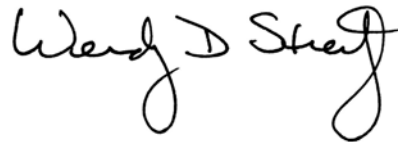
Technical Information provided should be the minimal background information needed to inform the research, and should be transmitted only to one or two individuals legally eligible to receive it and who are properly informed about their responsibilities in receiving the information. In addition, the larger research team should not need access to Controlled Technical Information in order to participate in the research project. Researchers should be informed about the added administrative and financial burdens\* of accepting such information under DFARS 252.204-7012. Additionally, prior to the acceptance of any Controlled Technical Information a researcher must ensure that:

- 1) The C&G Office is consulted;
- 2) The transmitter will indicate whether the information they are providing is controlled by DoD Instruction 5230.24 or is otherwise subject to export controls (and if so the ECCN should be provided); and
- 3) The proper safeguards required by 252.204-7012 are in place.

\* Note: To establish the burdens of establishing a compliant system, campuses will have to consult with their IT departments

## Contact

Lourdes DeMattos  
[Lourdes.DeMattos@ucop.edu](mailto:Lourdes.DeMattos@ucop.edu)  
(510) 987-9850



Wendy D. Streit  
Executive Director  
Research Policy Analysis & Coordination

**Attachments:** 252.204-7012: Safeguarding of Unclassified Controlled Technical Information  
Sample 252.204-7012 Informed Participation Agreement

The attachment may not be viewable in your web browser. Download this memo, and view it in a PDF viewer, such as Adobe Reader or Acrobat, to ensure your access to the attachment.