

VIRGINIA DEPARTMENT OF TRANSPORTATION

LOCATION AND DESIGN DIVISION

INSTRUCTIONAL AND INFORMATIONAL MEMORANDUM

GENERAL SUBJECT: CRITICAL INFRASTRUCTURE INFORMATION (CII)/ SENSITIVE SECURITY INFORMATION (SSI)		NUMBER: IIM-LD-236 S&B-71
SPECIFIC SUBJECT: PROCEDURES FOR PROTECTING SENSITIVE INFORMATION		DATE: MARCH 8, 2005
		SUPERSEDES:
LOCATION & DESIGN DIV. APPROVAL: Mohammad Mirshahi, PE February 8, 2005	STRUCTURE & BRIDGE DIV. APPROVAL: George M. Clendenin, PE February 1, 2005	SECURITY & EMERGENCY MANAGEMENT DIV. APPROVAL: Steven M. Mondul January 28, 2005

BACKGROUND

- VDOT's "Critical Infrastructure Information/Sensitive Security Information (CII/SSI) Policy" was created in response to the 2004 Freedom of Information Act (FOIA) changes and laws passed in 2003 regarding the security of certain records. This policy directs the development of measures to prevent, or reduce, harmful consequences of disasters, or disclosure of information related to the protection of the nation's critical infrastructure sectors and components. Everyone is responsible for safeguarding CII/SSI.
- The Security and Emergency Management Division's (SEMD) Critical Infrastructure Information/Personal Surety (CII/PS) Section has been assigned responsibility for overseeing this task.
- A copy of VDOT's "Critical Infrastructure Information/Sensitive Security Information (CII/SSI) Policy" is available within VDOT at:

<http://insidevdot/default.aspx> , click on "Policies", then on "Security".

- The two main aspects of the program developed to support this policy are:
 - Identifying CII/SSI, regardless of form (physical structure, drawings, plans, text, cyber, etc.)
 - Protecting CII/SSI
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RESTRICTED VDOT INFORMATION

- Restricted Information is designated as follows:
 - Critical Infrastructure Information (CII) is a document designation and not a classification. This designation is used by VDOT to identify information or material related to critical infrastructure, or protected systems. CII is not customarily public knowledge, but only available on a “need-to-know” basis.
 - Sensitive Security Information (SSI) is a document designation used to identify unclassified information of a sensitive nature, that if publicly disclosed could be expected to have a harmful impact on the security of VDOT operations or assets, public health or safety of the citizens/residents of Virginia, or Virginia's long-term economic prosperity.
 - For the purposes of VDOT Policy, sensitive information is referred to collectively as Critical Infrastructure Information/Sensitive Security Information (CII/SSI).
 - CII/SSI can occur in any physical structure (Critical Infrastructure or not) or in information in any form (printed, cyber, optical, verbal, etc.) For assistance in making this determination, refer to the “Guideline to Identifying Possible CII/SSI”, available at:
<http://www.extranet.vdot.state.va.us/forms/>
Search by Division: “Security and Emergency Management Division”.
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PROJECTS CONTAINING CII/SSI

- Compliance with this policy is specifically the responsibility of the District Administrators and Division Administrators but application of the policy applies to everyone who has control over, access to, are in receipt of, or are responsible for the creation, care, storage and proper marking of CII/SSI.

- Identifying and marking CII/SSI is the responsibility of the person who has possession of the material. If assistance is needed, the Division/District member of the CII/SSI Taskforce should be consulted. If further assistance is needed, contact Security and Emergency Management Division's CII/PS Section or complete a "*Critical Infrastructure Information/Sensitive Security Information Request for Review*" form, available at:

<http://insidevdot/default.aspx> , click on "Forms", then on "Security".
- Whoever has possession of CII/SSI is responsible for protecting it at all times. Each person who works with CII/SSI is personally responsible for taking proper precautions to ensure that unauthorized persons do not gain access to it.
- Questions are to be directed to VDOT's Security and Emergency Management Division (SEMD), Critical Infrastructure Information/Personnel Surety (CII/PS) Section.
- Prior to releasing material designated as CII/SSI see heading for "REQUEST/RELEASE PROCEDURE" below.

PLAN NOTATION

- Projects that contain information designated as CII/SSI must contain a notation on each appropriate sheet as well a note on the Title Sheet.
- The following note, available in the 2000.cel CADD Cell Library, is to be shown below the note that reads "THE ORIGINAL APPROVED TITLE SHEET(S)" on the Project Title Sheet of CII/SSI projects:

PORTIONS OF THESE PLANS CONTAIN CRITICAL INFRASTRUCTURE INFORMATION/SENSITIVE SECURITY INFORMATION (CII/SSI). UNAUTHORIZED RELEASE OR REPRODUCTION OF THESE DOCUMENTS MAY RESULT IN CIVIL PENALTY OR OTHER ACTION.

- The following note, available in the sheet2000.cel CADD Cell Library, is to be shown on each plan sheet containing CII/SSI:

— RESTRICTED —
**Critical Infrastructure Information
Sensitive Security Information**

USE/STORAGE OF CII/SSI INFORMATION

- During working hours, reasonable steps shall be taken to minimize the risks of access to CII/SSI by unauthorized persons.
 - After working hours, CII/SSI shall be secured in a secure container, such as a locked desk, file cabinet or facility where contract security is provided.
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REPRODUCTION

- Documents or material containing CII/SSI may be reproduced to the minimum extent necessary to carry out official duties provided that the reproduced material is marked and protected in the same manner as the original material.
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DISPOSAL

- Material containing CII/SSI shall be disposed of by destroying or returning it to the source. It cannot be disposed of by throwing it out or recycling.
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REQUEST/RELEASE PROCEDURE

- When a request is received for information that is/contains CII/SSI, the following steps are to be followed:
 1. Establish the identity of the person making the request. Picture ID is desirable when practical.
 2. Establish that the person making the request has a legitimate VDOT related need-to-know in regard to the requested CII/SSI Information. (If not, can the CII/SSI be separated out and withheld?)

3. Obtain a signed non-disclosure agreement.

- If the release is being made to an individual (other than as part of an awarded contract) an “Agreement for the Release of CII/SSI” form is required.
- If the release is being made as part of an awarded contract an “Agreement Establishing a Company Representative” form is required.
- Each individual having access to CII/SSI on an awarded contract is required to complete a “CII/SSI Individual Non-Disclosure Agreement”.
- These forms are available inside VDOT at:

<http://insidevdot/default.aspx> , click on “Forms”, then on “Security”.

The “Agreement to Establishing a Company Representative” form and the “CII/SSI Individual Non-Disclosure Agreement” form are also available outside of VDOT at:

<http://www.extranet.vdot.state.va.us/forms/>

Search by Division: “Security and Emergency Management Division”.

TRANSMISSION

- CII/SSI shall be transmitted only by VDOT Courier, US First Class, Express, Certified or Registered Mail, or through secure electronic means.
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FREEDOM OF INFORMATION ACT (FOIA)

- Plan sheets, or pages within a document, that contain CII/SSI are not subject to disclosure under FOIA. The remaining sheets/pages are subject to disclosure under FOIA. Questions regarding FOIA requests related to CII/SSI should be directed to the State Director of the Security and Emergency Management Division.

REPORTING UNAUTHORIZED DISCLOSURE

- Each individual is responsible for safeguarding CII/SSI to ensure that the contents will remain confidential and used only as necessary to accomplish VDOT's mission.
- Each individual is responsible for reporting any activities that are suspected to compromise the confidentiality of CII/SSI to VDOT's Security and Emergency Management Division (SEMD).
- Reports made to SEMD will be held in confidence to the extent permitted by law, including the name of the individual reporting the activity.
- Anyone receiving known CII/SSI that is not labeled should mark appropriately and inform the sender of the omission.

PENALTY FOR NON-COMPLIANCE WITH THIS POLICY

- All VDOT employees are subject to the provisions of CII/SSI.
- Failure to comply with this policy may result in the application of a Group II Offense.
- Unauthorized removal of records may result in the application of a Group III Offense.
- Failure to comply with this policy may be found in violation of Federal Laws including the Homeland Security Act of 2002.



**Critical Infrastructure Information/Sensitive Security Information (CII/SSI)
Multi-Purpose Non-Disclosure Agreement**

Retain a copy of both the front and back sides of this form for future reference

VDOT requires CII/SSI be protected and not disclosed to unauthorized persons.

PART A: To Be Completed By Individual VDOT or Company Employee

I agree with the following as a condition of being granted access to CII/SSI:

CII/SSI, which is valuable and sensitive, is protected by law and by strict VDOT policies. The intent of these laws and policies is to assure that CII/SSI will remain confidential - that is, it will be used only as necessary to accomplish VDOT's mission. Disclosure of CII/SSI in any manner that permits interception by unauthorized persons could compromise safety and security and is prohibited. CII/SSI may be released only to persons with a need-to-know.

exclusion from further VDOT related work; and legal liability. My obligations with respect to the confidentiality and security of all CII/SSI disclosed to me shall survive the termination of any agreement or relationship with VDOT. My execution of this agreement shall not nullify or affect in any manner any other agreement, non-disclosure or otherwise, which I have executed or may execute with VDOT or the Commonwealth of Virginia.

I might have access to this information in various formats including but not limited to documents and drawings, physical structures, and computer based systems. I have no right or ownership interest in any VDOT CII/SSI. VDOT may at any time revoke my authorization allowing access to CII/SSI.

I am obligated to protect this information from unauthorized disclosure in accordance with the terms of this agreement. I will only use CII/SSI that I obtain to perform my legitimate VDOT related duties. I will conduct myself in a strict conformance to applicable laws and VDOT policies governing CII/SSI. I will safeguard the confidentiality of all CII/SSI at all times. I will be responsible for my misuse or my wrongful disclosure of CII/SSI.

Willful violation of this agreement may subject me to discipline which might include, but is not limited to, removal from current VDOT projects;

Each provision of this agreement is severable. If any administrative or judicial tribunal should find any provision of this agreement to be unenforceable, all other provisions shall remain in full force and effect.

I make this agreement in good faith, without mental reservation or purpose of evasion.

Printed Name	Date
VDOT District/Division OR Company Name	Phone Number
Company Address	
Signature	Signature of Authorized Agent (Not required for VDOT employees)

PART B: To Be Completed By Company Agent Only:

In addition to the provisions above, I certify:

All employees of this company involved with this VDOT project, regardless of location, who will have access to CII/SSI, myself included, will complete Part A of the Critical Infrastructure Information/Sensitive Security Information Multi-Purpose Non-Disclosure Agreement. The Agreement will be signed by me and accepted by VDOT prior to being granted access to CII/SSI. We will only access CII/SSI for which we have a need-to-know.

We will safeguard the confidentiality of all CII/SSI at all times. We will conduct ourselves in strict conformance to applicable laws and VDOT policies governing CII/SSI. Obligations with respect to the confidentiality and security of all CII/SSI disclosed to us shall survive the termination of any agreement or relationship with VDOT.

Authorized Company Agent:

Signature of Authorized Agent	Date
Printed Name	Title
Company Name	Phone Number
Company Address	
VDOT Contract Name and Number	

This form is valid for the identified project for a period of two years, while employed by the same company.



**Critical Infrastructure Information/Sensitive Security Information (CII/SSI)
Multi-Purpose Non-Disclosure Agreement**

Back Page

Retain a copy of both the front and back sides of this form for future reference.

Handling CII/SSI

You are responsible for safeguarding Critical Infrastructure Information/Sensitive Security Information (CII/SSI) in your custody or under your control.

The extent of protection afforded CII/SSI shall be sufficient to reasonably foreclose the possibility of its loss or compromise.

The terms of this clause (*Handling CII/SSI*), including this paragraph, must be included in any dissemination of any document, in whole or in part, that contains CII/SSI.

Protection - CII/SSI shall be protected at all times, either by appropriate storage or having it under the personal observation and control of a person authorized to receive it. Each person who works with protected CII/SSI is personally responsible for taking proper precautions to ensure that unauthorized persons do not gain access to it.

Use and Storage - During working hours, reasonable steps shall be taken to minimize the risks of access to CII/SSI by unauthorized personnel. After working hours, CII/SSI shall be secured in a secure container, such as a locked desk, file cabinet or facility where contract security is provided.

Reproduction - Documents or material containing CII/SSI may be reproduced to the minimum extent necessary consistent with the need to carry out official duties provided that the reproduced material is marked and protected in the same manner as the original material.

Disposal - Material containing CII/SSI shall be disposed of by any method that prevents unauthorized retrieval (e.g. shredding, burning, returning to original source, etc.).

Transmission - CII/SSI shall be transmitted only by VDOT courier, US first class, express, certified or registered mail, or through secure electronic means.