TECHNOLOGY CONTROL PLAN (TCP)

FOR EXPORT CONTROL INFORMATION, TECHNOLOGY AND/OR DATA

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The University of Alabama in Huntsville (UAH)
Office of Research Security (ORS)
Technology Control Plan (TCP) For Export Control Information, Technology and/or Data

I. SCOPE

The procedures contained in this plan apply to all departments of The University of Alabama in Huntsville (UAH), located at 301 Sparkman Drive, Huntsville, Alabama 35899 and all activities/locations which relate specifically to the access of Export Control information. Disclosure of Export Control information to foreign persons in a visitor status or in the course of their employment by UAH is considered an export disclosure under the International Traffic in Arms Regulations (ITAR) and requires a Department of State (DoS) license or DoS approval of either a Technical Assistance Agreement or a Manufacturing License Agreement.

II. PURPOSE

To delineate and inform UAH faculty, staff, students and visitors the controls necessary to ensure that no transfer of Export Control information or controlled unclassified information (defined as technical information or data or a defense service as defined in ITAR paragraphs 120.9 & 120.10) occurs unless authorized by DoS’ Department of Defense Trade Controls (DDTC).

A Technology Control Plan for specific work conducted and supported at UAH will be created with the assistance of ORS. ORS and the Principle Investigator (PI) will work together in establishing this Task Specific TCP prior to working on the information.

III. BACKGROUND

UAH is a State university providing undergraduate and graduate degrees in a variety of disciplines. UAH also conducts research in many areas of study. Faculty research programs range from science and engineering to psychology and cyber security programs. UAH has expenditures of more than $XX million in externally sponsored research each year.

IV. GENERAL GUIDANCE

U.S. Person

_U.S. person_ means a person (as defined in § 120.14) who is a lawful permanent resident as defined by 8 U.S.C. 1101(a)(20) or who is a protected individual as defined by 8 U.S.C. 1324b(a)(3). It also means any corporation, business association, partnership, society, trust, or any other entity, organization or group that is incorporated to do business in the United States. It
also includes any governmental (federal, state or local) entity. It does not include any foreign person as defined in § 120.16.

**Foreign Person/Foreign National**
Any natural person who is not a lawful permanent resident as defined by 8 U.S.C. 1101(a)(20) or who is not a protected individual as defined by 8 U.S.C. 1324b(a)(3). It also means any foreign corporation, business association, partnership, trust, society or any other entity or group that is not incorporated or organized to do business in the United States, as well as international organizations, foreign governments and any agency or subdivision of foreign governments (e.g., diplomatic missions).

*Note: Under EAR the term foreign national is used; the definition is the same.*

1) No foreign person will be given access to Export Control material or controlled unclassified information on any project or program that involves the disclosure of technical data as defined in ITAR paragraph 120.10 until that individual’s license authority has been approved by DDTC.

2) UAH faculty, staff and students who have supervisory responsibilities for foreign persons must receive an export control/licensing briefing that addresses relevant ITAR requirements as they pertain to Export Control and controlled unclassified information.

**Foreign Person Indoctrination:**
Foreign persons employed by, assigned to (extended visit) or visiting UAH, shall receive a briefing that addresses the following items:

1) Prior to the release of Export Control or controlled unclassified information to a foreign person an export authorization issued by DDTC needs to be obtained by UAH.

2) Outlines the specific information that has been authorized for release to them.

3) Addresses the UAH regulations for the use of facsimile, automated information systems and reproduction machines.

4) Information received at UAH for the foreign national and information that the foreign national needs to support his/her work shall be prepared in English.

5) For Foreign persons employed by, assigned to (extended visit) or visiting UAH that reside at National Space & Science Center (NSSTC), Cramer Hall and receiving NASA funding there will be an Access Control Plan (ACP) created and implemented. This will
be reviewed and signed by the FN, ORS staff member, and the FN’s supervisor. This will be implemented within 30 days of residing in the building. For other foreign persons that are not receiving NASA funding there will be a TCP created and impended by ORS.

**Termination or Departure from UAH**

Upon termination of employment or departure from UAH, the individuals having access to these Restricted Areas that house the information will be required to turn in all keys, cipher codes will be changed to these areas and the individual will be debriefed.

**Export Control Information, Technology and/or Hardware Transfer:**

1) ORS will ensure that the receiver of the information has storage capability and the need-to-know to receive the information.

2) ORS will ensure that each individual having access to the information will be properly briefed (Completed On-line Export Control Training).

3) ORS will ensure that once the information is stored here on campus it will be protected as required.

4) All Export Control information ITAR/EAR at the minimum will be placed in a locked storage cabinet, room, etc. The best and encouraged method of protection is “the more layers of protection the better.”

**V. PHYSICAL ACCESS CONTROLS**

Key access cards to labs and/or offices where Export Control material or controlled unclassified information is stored will be kept at a strict minimum and protection of those keys will be expected.

**Access Controls for Foreign Nationals**

Foreign nationals will be controlled within the UAH Restricted Areas on the campus:

1) Escorts: UAH supervisors of foreign persons shall ensure that foreign nationals are escorted in accordance with U.S. government and UAH regulations.
2) Segregated work areas with key locked access for only cleared personnel will be created for ITAR programs.

VI. EXPORT CONTROLLED INFORMATION

No export controlled information, can be disclosed to foreign nationals without the appropriate approval.

VII. NON-DISCLOSURE STATEMENT and ACKNOWLEDGEMENT

All foreign visitors shall sign a non-disclosure statement (attachment A) that acknowledges that Export Control and controlled unclassified information will not be further disclosed, exported or transmitted by the individual to any foreign national or foreign country unless DDTC authorizes such a disclosure and the receiving party is appropriately cleared in accordance with its government’s personnel security system. UAH may also address other controlled information such as company proprietary or unclassified information that does not require an export authorization but as stated in the contract clauses the information requires specific handling procedures. These will be discussed with foreign national on a case by case basis.

VIII. SUPERVISORY RESPONSIBILITIES

Supervisors of cleared personnel and foreign national employees and foreign national visitors shall ensure that the employees and visitors are informed of and cognizant of the following:

1) Technical data or defense services that require an export authorization is not transmitted, shipped, mailed, hand carried or any other means of transmission unless an export authorization has already been obtained by UAH and the transmission procedures follows U. S. Government regulations.

2) Individuals are cognizant of all regulations concerning the handling and safeguarding of Export Control information, controlled unclassified information, and proprietary information.

3) Individuals execute a technology control plan (TCP) briefing form acknowledging that they have received a copy of the TCP and were briefed on the contents of the plan (Attachment B).

4) That U.S. citizen faculty, staff and students are knowledgeable of the information that can be disclosed or accessed by foreign nationals.
IX. FACULTY, STAFF & STUDENTS RESPONSIBILITIES

1) All UAH employees who interface with foreign nationals shall receive a copy of the TCP and a briefing that addresses the following:

   a) That documents under their jurisdiction containing technical data are not released to or accessed by any employee, visitor, or subcontractor who is a foreign national unless an export authorization has been obtained by UAH in accordance with the ITAR or the Export Administration Regulations (EAR).

   b) If there is any question as to whether or not an export authorization is required, contact the ORS promptly.

   c) Technical information or defense services cannot be forwarded or provided to a foreign national regardless of the foreign nationals’ location unless an export authorization has been approved by DDTC and issued to UAH.

2) INFORMATION SYSTEMS: If you will be storing Export Control material or controlled unclassified information on an information system please contact ORS for further guidance. A more specific TCP will be created prior to storing any information on the system. ORS and the Chief Information Officer will assist the PI and Co-PI in creating the TCP.

3) REPORTING: Any violations and/or problems with this TCP will be reported to the UAH ORS, at 824-6444, 6048, and 4818. All suspicious behavior, possible compromises and violations must be reported.

For questions and clarifications contact:

Denise K. Spiller  
The University of Alabama in Huntsville (UAH)  
Director, Office of Research Security, VBR Annex  
Denise.spiller@uah.edu (256) 824-6444
ATTACHMENT A

NON-DISCLOSURE STATEMENT

I, ______________________________(insert name) acknowledge and understand that any classified information, technical data or defense services related to defense articles on the U.S. Munitions List, to which I have access to or which is disclosed to me in the course of my

____________________________________
Print name

____________________________________
Signature

____________________
Date

(insert which ever term is applicable, employment, assignment or visit) by/at UAH is subject to export control under the International Traffic in Arms Regulations (title 22, code of Federal Regulations, Parts 120-130).

I hereby certify that such data or services will not be further disclosed, exported, or transferred in any manner to any foreign national or any foreign country without prior written approval of the Department of Defense Trade Controls, U.S. Department of State and in accordance with U.S. government security (National Industrial Security Program Operating Manual) and customs regulations.

____________________________________
ATTACHMENT B

TECHNOLOGY CONTROL PLAN BRIEFING ACKNOWLEDGEMENT

I, ____________________________ (insert name) acknowledge that I have received a copy of the Technology Control Plan for UAH and a briefing outlining the contents of this TCP.

Accordingly, I understand the procedures as contained in this TCP and agree to comply with all UAH and U.S. government regulations as those regulations pertain to classified information and export controlled information.

_____________________________________
Print Name of Individual date

_____________________________________
Signature of Individual

_____________________________________
Print Name of Briefing Official date

_____________________________________
Signature of Briefing Official