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The Authoritative Resource for Safe Drinking WaterSM

SECURITY ADVISORY

**TO: AWWA Leadership
All Utilities**

FROM: Jack W. Hoffbuhr

DATE: April 14, 2004

Who:	Department of Homeland Security
What:	Protection of Critical Infrastructure Information (PCII)
When:	February 20, 2004

The Department of Homeland Security has issued an Interim Rule on the Protection of Critical Infrastructure Information (69 FR 8074, issued Feb. 20, 2004). This rule covers voluntarily submitted information relating to the security of critical infrastructure, much of which is not customarily within the public domain. The type of information being sought by DHS from the water sector includes vulnerability assessments and emergency response plans. Classification of material as CII will provide it some protection from Freedom of Information Act (FOIA) laws while under the control of DHS.

While it is important for DHS to gather, evaluate, and take actions based upon CII submissions to prevent terrorist attacks and reduce the vulnerability of the United States, the limits of the CII status must be considered. The rule permits DHS to share CII with other Federal, State, local entities or contractors (6 CFR 29.8). Under such information sharing agreements, DHS cannot guarantee the material will be handled in accordance with the rule, even if written agreements with these entities are in place.

Sharing of sensitive security information by water utilities is most appropriate on a need-to-know basis with state primacy agencies, local law enforcement and first responders, and neighboring utilities for planning and response purposes. Caution is advised when sharing such sensitive information with outside parties due to the utilities' limited control on the use and application of the information.

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