

Approved: 1-11-2021
Chg 1 (AdminChg): 9-9-2022

**SUBJECT: LABORATORY TECHNOLOGY TRANSFER DATA COLLECTION AND
MANAGEMENT**

PURPOSE AND SCOPE

In order to enable Department of Energy (DOE) leadership to efficiently and effectively steward, analyze, and report on the impact of enterprise investments, DOE will collect from the DOE National Laboratories and Production Facilities certain unclassified technology transfer-related data (TT Data). The Office of Technology Transitions (OTT) will collect and manage the TT Data from FY 2014 forward.

CANCELS/SUPERSEDES

Upon issuance of this Policy directive, the July 17, 2020, Secretarial memorandum to Heads of Departmental Elements on “Collection of Laboratory and Facility Technology Transfer Data” is retired.

POLICY

It is Department policy that the DOE and National Nuclear Security Administration Laboratories and Production Facilities (Laboratories and Facilities) report unclassified TT Data on an annual basis to OTT. TT Data is defined as a set of metrics related to authorized, unclassified technology transfer from the Laboratories and Facilities to industry, academia or other government entities; and specific data on Laboratory and Facility partnership agreements, as agreed to annually. Partnership agreements include: Strategic Partnership Projects with other Federal Agencies (SPP-OFAs) and non-Federal entities (SPP-NFEs), Cooperative Research and Development Agreements (CRADAs), Agreements for Commercializing Technologies (ACTs), and Strategic Intelligence Partnership Projects (SIPPs) only where the entirety of the agreement is unclassified (unclassified SIPPs may result in classified outputs). As new partnering agreement types may be made available for use by the Laboratories and Facilities, they will be included in the data to be collected by OTT for analysis and management.

OTT will collect through an annual data call and manage all unclassified TT Data for all fiscal years starting with FY 2014. OTT will assess annually and, as necessary, make updates to the definition of TT Data to ensure all relevant data is collected by the Department. Changes will be discussed for purpose, process and impacts with the Laboratories, Facilities, and those DOE Offices with stewardship responsibility of a Laboratory or Facility via the existing forums of the Technology Transfer Policy Board (TTPB) and the Technology Transfer Working Group, as well as through relevant interagency forums for which OTT is the DOE Lead.

After providing notice of at least one week on anticipated changes, OTT will transmit its annual data call to the Cognizant Secretarial Officer (CSO) and Site/Field Office Manager for each of

the Laboratories and Facilities, with a courtesy copy to the Office of Research and Technology Applications (ORTA) at each Laboratory or Facility. The Site/Field Office Manager will ensure the Laboratory or Facility transmits a complete and on-schedule response to OTT allowing for technical communications directly between Laboratory or Facility staff and OTT. Technical communications include clarifications and verifications necessary for OTT to perform quality assurance to validate quality-controlled and comprehensive TT Data.

The Administrator of the National Nuclear Security Administration (NNSA) must assure that NNSA employees comply with their responsibilities under this directive. Nothing in this Policy will be construed to interfere with the NNSA Administrator's authority under section 3212(d) of Public Law (P.L.) 106-65 to establish Administration-specific policies, unless disapproved by the Secretary.

For purposes of this Policy, all federal statutes, regulations, executive orders, DOE directives, and associated requirements delineated in M&O contracts, apply.

Classification

The following clarifications are intended to support the Department's policy to restrict the annual data call to only unclassified TT Data:

1. If the existence of an agreement is classified, then no report is to be made to OTT concerning it.
2. If the existence of an agreement is not classified, but there is concern that its inclusion in the response to the data call would render the response classified or other-agency sensitive, then such an agreement shall be withheld from the response to the data call, considered suspended on a temporary hold (suspension) while pending a release determination.
3. Data call response elements held in suspension shall be expedited in a manner consistent with current practices for Intelligence, Counterintelligence and Classification review, via classified channels. Notification of data held in suspension will be reported to OTT through the Field Element Classification Officer within two weeks. DOE/NNSA relevant offices shall make a determination (or consult with other agencies as necessary, and seek a joint determination) within 60 days of what - if any - data being held in suspension is to be released to OTT by the Laboratory or Facility.

Data Collection and Security Governance

In accordance with applicable Orders and Policies, it is the Department's intent to protect all TT Data, as appropriate. OTT, in coordination with appropriate offices across DOE/NNSA - including the Offices of the Chief Financial Officer (CFO); Chief Information Officer (CIO); Intelligence and Counterintelligence (IN); Environment, Health, Safety and Security (AU); and the General Counsel (GC) - will produce and maintain current TT Data Security Guidelines including standard operating practices and procedures, policies and measures for data protection. OTT, and any other offices that receive, store or transmit TT Data, will adhere to the TT Data Security Guidelines.

A standing committee of the TTPB on TT Data will be established to focus on TT Data. It will serve under direction of the TTPB, and consist of appropriate representation designated by the Site/Field Office Manager and CSO, and the Offices of the Chief Financial Officer, General Counsel, and Management. The committee will be consulted by OTT prior to making changes to the structure of the TT Data or any elements within it, including changes based on Technology Transfer Working Group (TTWG) recommendations, interagency metrics requirements (as required by statute or regulation), or other material changes and clarifications. After consultation with the committee, decisions on collection and management of all TT Data will be made by the Director of OTT.

Data Storage & Access

TT Data includes business-sensitive information about public and private counterparties with whom the Laboratories and Facilities have legally enforceable agreements. Therefore, it is Department policy that the TT Data will be protected for internal DOE use only and access will be limited to authorized personnel under the DOE Order for Controlled Unclassified Information (CUI),¹ or successor directive.

Other than aggregated data, in responding to requests from within the Department for data that may be made publicly available, OTT will apply CUI standards, and notify the relevant Laboratory or Facility, with a courtesy copy to the CSO, to obtain permission from the partner(s) prior to releasing any data publicly. Aggregated data that do not identify or convey information about any individual Laboratory or Facility, individual partners, their locations, or projects are not considered CUI. It is Department policy that such aggregated data and metrics can be released publicly.

Data Reporting & Use

It is Department policy that OTT will ensure that relevant unclassified TT Data is accessible to the Department for tracking, oversight, and other purposes and appropriately marked as CUI. This Policy's clarification of OTT's role in managing the TT Data does not in any way impede the DOE/NNSA Program Offices' collection of information necessary to execute proper project and funding management, oversight and reporting. The TT Data will be made available in support of such program management efforts. Any reporting based on TT Data will only be made by aggregating sufficient elements so as to make data not attributable and to maintain the appropriate protection of all types of sensitive information.

Coordination with Department-wide Data Governance

The Department is committed to implementing the Evidence Act (Foundations for Evidence-Based Policymaking Act of 2018) through its Data Governance Board as required by OMB guidance M-19-23. As such, OTT will collect and manage datasets set forth in this Policy consistent with guidance(s) issued by the DOE Data Governance Board and the DOE Chief Data Officer.

¹ DOE Order (O) 471.7, *Controlled Unclassified Information*, current version.

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BY ORDER OF THE SECRETARY OF ENERGY:



MARK W. MENEZES
Deputy Secretary