**Export Management System: Technology Control Plan**

**Office of Vice President for Research & Economic Development**

**I. SCOPE**

The procedures contained in this Technology Control Plan apply to all research elements directed and supervised by insert name, title, department, research center as applicable, University of New York at Buffalo (UB), which are subject to U.S. export laws and regulations, including International Traffic in Arms Regulations (ITAR) which control defense articles, technical data, software and services and the Export Administration Regulations (EAR) which control dual-use articles, technical data, software and services. Unless amended otherwise, this TCP is specific to insert names of research projects, non disclosure agreements *(insert names of research projects, non disclosure agreements)*. The procedures set forth are intended to prevent unauthorized disclosure of export controlled information received or generated under these contracts to unauthorized foreign persons/entities, verbally, electronically or via other transfer at UB.

Defense articles, technical data, software, and services are described on the U.S. Munitions List (22 CFR 121) and are regulated by the Directorate of Defense Trade Controls under the Department of State. Dual-use articles, technical data, software and services are controlled by the Commerce Control List and managed by the Bureau of Industry and Security under the Department of Commerce.

Disclosure of export controlled information (inclusive of articles, technical data, software and services) to foreign persons in a visitor status or in the course of their employment at UB is considered an export disclosure under the International Traffic in Arms Regulations (ITAR) and requires prior approval by the U.S. Department of State.

**II. PURPOSE**

A TCP is used to inform employees and visitors of UB of the controls necessary to ensure that no disclosure of export controlled information occurs unless authorized by the Department of State or the Department of Commerce, as appropriate to their cognizance of such information.

A TCP:

* Is required in order to prevent unauthorized exportation of protected items, information or technology deemed to be sensitive to national security or economic interests.
* Is needed when an export license, disclosure or situation requires one.
* Assures an organization’s due diligence and compliance with EAR and ITAR regulations.
* Helps to protect the researcher, the research program, UB, SUNY and economic partners from violations.

**III. FOREIGN PERSONS/ENTITIES**

According to ITAR paragraph 120.16 foreign person means any natural person who is not a protected individual as defined by 8 U.S.C. 1324b(a)(3). A foreign entity 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).

U.S. persons in the service of foreign persons, as defined in 120.16, or entities are considered foreign persons for the purposes of this TCP.

All individuals, whether SUNY, The Research Foundation for SUNY (RF) employees or other, who will have access to export controlled information at UB shall be made aware of the TCP and confirm their understanding and agreement by signing the Non Disclosure Statement (Section XI) for each project prior to any disclosure of such information.

**IV. SUPERVISOR-EMPLOYEE RESPONSIBILITIES**

1) Only U.S. citizens and permanent U.S. residents (U.S. citizen/resident) shall have access to export controlled information. No one else shall be given access to export controlled information on any project until prior written approval has been obtained from the cognizant export control agency by the university.

2) By signing this TCP in Section IX SUNY and RF employees (principal investigators and others) who have supervisory or oversight responsibilities affirm awareness and understanding of their responsibilities for carrying out the essential elements of this TCP and affirm that they will abide by the tenets of self disclosure of possible violations.

3) SUNY and RF employees not in a supervisory role but who are engaged in discussion of or are recipients of other transfer of export controlled information must attest to having read and being willing to abide by this TCP. These employees must sign the TCP Briefing Acknowledgement in Section XI and the Non Disclosure Statement in Section XII.

**V. FOREIGN PERSON/ENTITY RESPONSIBILITIES**

All persons/entities visiting or otherwise engaging UB for the purposes of involvement with       ***(The PI Name)*** research projects described in section VII shall receive a briefing that addresses the following:

1. That prior to the release of any export controlled information to a non U.S. citizen/resident an export authorization issued by the cognizant U.S. Government agency shall first be obtained by the university.
2. That until and unless such authorization is received they adhere to the TCP in place regarding sharing and transfer of export controlled information at any UB site.
3. That if granted access to export controlled information by the U.S. Government, they must attest to having read and being willing to abide by this TCP. They must sign the TCP Briefing Acknowledgement in Section XI and the Non Disclosure Statement in Section XII.

**VI. BACKGROUND AND DESCRIPTION OF THE SITUATION**

*Describe why it has been determined that a TCP is warranted in this situation*:

**VII. EXPORT CONTROLLED INFORMATION**

*The list identifying information for research containing controlled information, items or materials. Include Award Title, Number, Performance Period, sponsoring Defense Department or Agency.*

**VIII. ACCESS CONTROLS**

*Only authorized personnel who may be given acces to have The PI must address how unlicensed access to information, items or materials will be controlled on site at UB****:***

1. ***Badges:*** *Address badge procedures used, e.g., composition of the badge, identification on badge that conveys the individual is/isn’t authorized access to anything controlled under U.S. law or regulation.*

*Describe the badge procedures to be used:*

Describe the badge procedures to be used.

1. ***Escorts:*** *Address escort procedures. (NOTE: SUNY employees acting as supervisors or with oversight responsibility shall ensure compliance with other university regulations for visitors.)*

*Describe escort procedures to be used:*

Describe the escort procedures to be used.

1. ***Segregated work area(s):*** *Describe physical barriers to the work area and how this will prevent unauthorized transfer of export controlled information.*

Describe either why physical barriers are not applicable or the procedures for physical barriers to be used.

1. ***Conversation Security:*** *Describe a practical/reasonable plan for preventing unauthorized transfer of export controlled information via conversations:*

Describe either why restrictions on conversation are not applicable or the procedures for restrictions on conversation to be used.

1. ***Item Storage Plan:*** *Describe how hard copies of materials (operating manuals, schematic diagrams, notes or other information) relating to export controlled information will be stored:*

Describe either why a storage plan for hard copies of materials is not applicable or the storage plan to be followed.

1. ***Information Technology Security Plan:*** *Describe how digital research data relating to export controlled information will be appropriately protected through information access controls that assure IT security. Additional considerations for IT security include, but are not limited to: Data discard procedures, system backups, the personnel who will have access, transmission procedures, sanitizing computers upon project completion, and use of laptops for storage.*

***Email should NOT be used for transmission of export controlled information.***

*Describe either why a storage plan digital information is not applicable or the IT security procedures to be followed:*

Describe either why a storage plan digital information is not applicable or the IT security procedures to be followed.

1. ***End-of-Project Security Plan:*** *The PI must describe how the controlled technology or data, including papers and hard drives, will be disposed of (e.g., sanitizing, shredding, wiping software, etc.).*

***The Export Controls Office must be notified in writing (e-mail is acceptable) of the completion of the procedures included in this TCP.***

Describe either why an end-of-project security plan is not applicable or the end-of-project security procedures to be followed.

1. ***Other Security Plan:*** *Describe any additional measures to be taken:*

**IX. MONITORING:** *Describe procedures utilized by the study team or separate monitoring body to ensure that the above procedures are being adhered to (e.g., periodic internal or external audits including dates and documentation of audit findings)*

Describe Monitoring Procedures or state No additional monitoring procedures are required at this time.

***Note that the office of research compliance/export controls office may periodically request access to materials to monitor procedures.***

X. **PRINCIPAL INVESTIGATOR CERTIFICATION**

It has been determined that a Technology Control Plan (TCP) is required for the reasons described in this document. This acknowledges that I have participated in the development of the TCP and that I agree to assure compliance with the essential elements of the TCP. I understand I could be held personally liable for export control violations.

**Self Disclosure of Possible Violations.** It is the responsibility of the principle investigator or other supervisor of research involving export controls to be cognizant of the need for self disclosure regarding any knowledge of noncompliance or violation of the TCP or export control regulations and that adverse actions will not be taken against them by UBas a result of making such a report. The UB export control office shall be immediately informed of any concerns regarding possible violations or disclosures of possible violations.

**Signature Section:**

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| --- | --- | --- |
| **Researcher:** The researcher has read and understood the above plan. | Signature: | Date: |
|  |  |  |
|  |  |  |
| **Export Control Office Representative:** The Export Control Office has reviewed and approved this plan as sufficient to prevent export of items without first obtaining an appropriate license. | Signature: | Date: |
|  | Christian Marks, Ph.D.  Associate Director of Research Compliance |  |

[*The Briefing Acknowledgement and Non Disclosure Statements are to be completed by all personnel including the Principal Investigator who will be granted access to information or items that are a part of this TCP. These pages should be duplicated, completed and signed by each member of the team. Originals filed at the time of initial approval of the TCP will be retained by the export controls office. Originals for personnel added after the initial filing of the TCP should be retained by the Principal investigator and a scanned pdf copy provided to the export controls office via e-mail at* [*exportcontrols@research.buffalo.edu*](mailto:exportcontrols@research.buffalo.edu) *all materials must be retained for 5 years after completion of the project.*]

XI. **TECHNOLOGY CONTROL PLAN BRIEFING ACKNOWLEDGEMENT**

I certify I have read, understand and will adhere to this Technology Control Plan and applicable ITAR and EAR regulations for *(The PI Name)* research projects as identified in Section VII. Accordingly, I understand the procedures as contained in this TCP and agree to comply with these and all U.S. government regulations as those regulations pertain to export controlled information.

**Other Project Person Signature - SUNY, RF, OTHER U.S. ENTITY**

**U.S. citizens/residents or authorized Foreign Persons:**

Typed Name:

Employed by:

Title and Department / Center:

U.S. Citizen or Permanent Resident? Yes  No

If No, Country of Citizenship:

Signature: Date:

XII. **NON DISCLOSURE STATEMENT**

I acknowledge and understand that any export controlled information, technical data, software or defense services related to defense articles on the U.S. Munitions List, or to the dual-use items on the Commerce Commercial List to which I have access to or which is disclosed to me in the course of my employment at UB or as a U.S. person not in the service of a foreign person is subject to export control under the International Traffic in Arms Regulations (title 22, code of Federal Regulations, Parts 120-130), Export Administration Regulations and/or other U.S. export laws. I hereby certify that such data or services will not be further disclosed, exported, or transferred in any manner to any foreign person without prior written approval of the cognizant U.S. Government agency and in accordance with U.S. Customs regulations.

**Other Project Person Signature - SUNY, RF, CUBRC**

**U.S. citizens/residents or authorized Foreign Persons:**

Printed or Typed Name:

Employed by:

Title and Department / Center:

U.S. Citizen or Permanent Resident? Yes  No

If No, Country of Citizenship:

Signature: Date:

**Other Signature – NOT SUNY or RF**

**U.S. citizens/residents or authorized Foreign Persons:**

Printed or Typed Name:

Employed by (full legal name and address):

Title:

U.S. Citizen or Permanent Resident? Yes  No

If No, Country of Citizenship:

Signature: Date: