



United States Department of State

*Bureau of Political-Military Affairs
Directorate of Defense Trade Controls*

Washington, D.C. 20520-0112

MAY 27 2014

In Reply Refer to
DTC Case GC 0317-14

Mr. [REDACTED]
Kelley Drye & Warren LLP
Washington Harbour, Suite 400
3050 K Street, NW
Washington, D.C. 20007-5108

YOUR LETTER DATED: February 5, 2014
SUBJECT: The Use of Specified Methods of Tokenization to Secure ITAR-
Controlled Data in Connection with Cloud Computing

Dear Mr. [REDACTED]

The Department of State has reviewed your request for an Advisory Opinion on the use of tokenization to secure ITAR-controlled data and determined the following.

In accordance with § 125.4(b)(9), tokenization may be used to process controlled technical data using cloud computing applications without a license even if the cloud computing provider moved tokenized data to servers located outside the U.S., provided sufficient means are taken to ensure the technical data may only be received and used by U.S. persons who are employees of the U.S. government or are directly employed by a U.S. corporation and not by a foreign subsidiary throughout all phases of the transfer, including but not limited to transmission, storage, and receipt. Inclusion of transfers to foreign persons would require the appropriate authorization from the Directorate of Defense Trade Controls.

Additionally, in all cases the technical data must be sent by a U.S. person who is an employee of a U.S. corporation or a U.S. government agency. Transmission of classified information through this means if sent or taken outside the United States must be accomplished in accordance with the requirements of the Department of Defense National Industrial Security Program Operating Manual.

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Use of the § 125.4(b)(9) exemption is subject to the limitations of § 125.1(b).

Should you require further assistance on this matter, please contact

Sincerely,