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UNITED STATES GENERAL ACCOUNTING OFFICE
WASHINGTON, D.C. 20548



OFFICE OF GENERAL COUNSEL

IN REPLY
REFER TO: B-199973

August 20, 1980

Mr. Eugene Morabito
Carrier Corporation
PO Box 4800
Syracuse, NY 13221

Dear Mr. Morabito: *is not available to public reading*

This is in reference to your recent discussions with our International Division staff concerning a review by the General Accounting Office of the activities of the Overseas Private Investment Corporation (OPIC). The review deals with OPIC insured or financed investments in certain foreign countries. During those discussions, you expressed concern regarding GAO's ability to protect any proprietary data which your company might submit to our staff in view of possible Freedom of Information Act requests for such data.

GAO is not subject to the Freedom of Information Act. We have, however, adopted regulations governing the public disclosure of information. These regulations, at 4 C.F.R. 81.5(a)(5), provide for the protection of proprietary business data as follows:

"(a) The public disclosure of GAO records contemplated by this part may not apply to records, or parts thereof, within any of the categories listed below. These exemptions may be waived by the Director, OP [Office of Policy].

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"(5) Records containing trade secrets and commercial or financial information obtained from any person and considered privileged or confidential. This exemption includes, but is not limited to, business sales statistics, inventories, customer lists, scientific or manufacturing processes or development; information

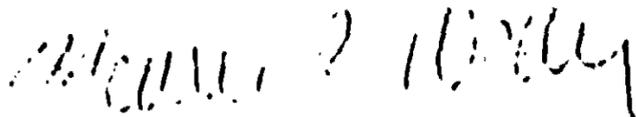
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customarily subject to protection as privileged in a court or other proceedings, such as information protected by the doctor-patient or lawyer-client privilege; and information submitted by any person to GAO in confidence or where GAO has obligated itself not to disclose information it received."

The entire regulations are found in the Code of Federal Regulations, Vol. 4, Part 81, (copy enclosed). In addition to these internal restrictions, GAO employees are subject to the provisions of section 1905 of title 18 of the United States Code, which prohibits unauthorized disclosure of proprietary information obtained by the Government.

I believe these regulations and restrictions are adequate to protect your proprietary business data from general public scrutiny. If you have any additional questions on this matter, you may contact me at (202) 275-3144.

Sincerely,



Henry R. Wray
Assistant General Counsel

Enclosure