



Ads by Google

[Contract](#)

[CFR](#)

[Iphone 4](#)

[Ads by Google](#) [Trojans USC](#) [Form 4](#) [FOIA](#) [PlayStation 4](#)

32 CFR 806.31 - Requirements of 5 U.S.C. 552(b)(4) to submitters of nongovernment contract-related information.

[Code of Federal Regulations - Title 32: National Defense](#)

Updated to: July 01, 2010

Linked as:

Recommend

You recommend **32 CFR 806.31 - Requirements of 5 U.S.C. 552(b)(4) to submitters of nongovernment contract-related i...** [Add Comment](#) [Admin](#)

Text

Title 32: National Defense

Subtitle A: Department of Defense (Continued)

CHAPTER VII: DEPARTMENT OF THE AIR FORCE

SUBCHAPTER A: ADMINISTRATION

PART 806: AIR FORCE FREEDOM OF INFORMATION ACT PROGRAM

806.31 - Requirements of 5 U.S.C. 552(b)(4) to submitters of nongovernment contract-related information.

(a) The FOIA requires federal agencies to provide their records, except those specifically exempted, for the public to inspect and copy. Section (b) of the Act lists nine exemptions that are the only basis for withholding records from the public.

(b) In this case, the fourth exemption, 5 U.S.C. 552(b)(4), may apply to records or information the Air Force maintains. Under this exemption, agencies must withhold trade secrets and commercial or financial information they obtained from a person or organization outside the government that is privileged or confidential. This generally includes information provided and received during the contracting process with the understanding that the Air Force will keep it privileged or confidential.

Document options

 [Printable page](#)

 [Email this](#)

Document language

 Automatic Translation

(c) Commercial or financial matter is ?confidential? and exempt if its release will probably:

(1) Impair the government's ability to obtain necessary information in the future.

(2) Substantially harm the source's competitive position or impair some other legitimate government interest such as compliance and program effectiveness.

(d) Applicability of exemption. The exemption may be used to protect information provided by a nongovernment submitter when public disclosure will probably cause substantial harm to its competitive position. Examples of information that may qualify for this exemption include:

(1) Commercial or financial information received in confidence with loans, bids, contracts, or proposals, as well as other information received in confidence or privileged, such as trade secrets, inventions, discoveries, or other proprietary data.

Note:

Certain proprietary and source selection information may also fall under exemption (b)(3), under the provisions of 10 U.S.C. 2305(g) or 41 U.S.C. 423, if statutory requirements are met.

(2) Statistical data and commercial or financial information concerning contract performance, income, profits, losses, and expenditures, offered and received in confidence from a contractor or potential contractor.

(3) Personal statements given during inspections, investigations, or audits, received and kept in confidence because they reveal trade secrets or commercial or financial information, normally considered confidential or privileged.

(4) Financial data that private employers give in confidence for local wage surveys used to set and adjust pay schedules for the prevailing wage rate of DoD employees.

(5) Information about scientific and manufacturing processes or developments that is technical or scientific or other information submitted with a research grant application, or with a report while research is in progress.

(6) Technical or scientific data a contractor or subcontractor develops entirely at private expense, and technical or scientific data developed partly with Federal funds and partly with private funds, in which the contractor or subcontractor retains legitimate proprietary interests per 10 U.S.C. 2320 to 2321 and 48 CFR, Chapter 2, 227.71-227.72.

(7) Computer software copyrighted under the Copyright Act of 1976 (17 U.S.C. 106), the disclosure of which would adversely impact its potential market value.

(e) Submitter's Written Response. If release of the requested material would prejudice your commercial interests, give detailed written reasons that identify the specific information and the competitive harm public release will cause to you, your organization, or your business. The act requires the Air Force to provide any reasonably segregable part of a record after deleting exempt portions. If deleting key words or phrases would adequately protect your interests, advise us in writing which portions you believe we can safely release, and which portions you believe we need to withhold from release. If you do not provide details on the probability of substantial harm to your competitive position or other commercial interests, which would be caused by releasing your material to the requester, we may be required to release the information. Records qualify for protection on a case by case basis.

(f) Pricing Information. Generally, the prices a contractor charges the government for goods or services would be released under the FOIA. Examples of releasable data include: bids submitted in response to an invitation for bids (IFB), amounts actually paid by the government under a contract, and line item prices, contract award price, and modifications to a contract. Unit prices contained in a contract award are considered releasable as part of the post award notification procedure prescribed by 48 CFR 15.503, unless they are part of an unsuccessful proposal, then 10 U.S.C. 2305(g) protects everything including unit price.

Sponsored links

[Ads by Google](#) [47 USC 231](#) [Apts Near USC](#) [MK 4](#) [Title 4](#)



This document cites

- ▶ [U.S. Code – Title 10: Armed Forces – 10 USC 2320 – Sec. 2320. Rights in technical data](#)
 - ▶ [U.S. Code – Title 10: Armed Forces – 10 USC 2305 – Sec. 2305. Contracts: planning, solicitation, evaluation, and award procedures](#)
 - ▶ [US Code – Title 41: Public Contracts – 41 USC 423 – Sec. 423. Restrictions on disclosing and obtaining contractor bid or proposal information or source selection information](#)
 - ▶ [U.S. Code – Title 17: Copyrights – 17 USC 106 – Sec. 106. Exclusive rights in copyrighted works](#)
 - ▶ [U.S. Code – Title 5: Government Organization and Employees – 5 USC 552 – Sec. 552. Public information: agency rules, opinions, orders, records, and proceedings](#)
[See all quotations](#)
 - ▶ [Code of Federal Regulations – Title 48: Federal Acquisition Regulations System – 48 CFR 15.503 – Notifications to unsuccessful offerors.](#)
-

[See other documents that cite the same legislation](#)

Related documents

- ▶ [more results about "5 usc 552 b 4 of the freedom of information act" in vLex United States](#)
- ▶ [more results about "5 usc 552 b 4 of the freedom of information act" in Todo vLex](#)

Related searches

- ▶ [information](#)
- ▶ [informed consent](#)
- ▶ [Age Requirement for Holding Office](#)
- ▶ [Freedom of Information Act](#)
- ▶ [Information and Belief](#)

© Copyright 2011, vLex. All Rights Reserved.

Language English

Contents in vLex United States | [Contracts](#) | [News and Business](#) | [Case Law](#) | [U.S. Code](#) | [Legal Books and Journals](#) | [Regulations](#) | [Constitutions](#) | [Tags](#) | [Sources](#)

Explore vLex | [Countries in vLex](#) | [Publishers in vLex](#) | [Testimonials](#)

For Professionals | [Free trial](#) | [Professional Subscription](#) | [Corporate Subscriptions](#) | [Librarian Center](#)

For Partners | [For Publishers](#) | [For Authors](#)

Company | [About us](#) | [Press Room](#) | [Work with us](#) | [Terms of Use](#)

Other documents:

[kenneth b moll & associates ltd is investigating price fixing claims against norfalco llc noranda inc and falconbridge ltd.](#) | [japanese ump proving to be major hit in minor leagues](#) | [Public Library Hours](#)
| [The Bush Doctrine: Ignorance Is Good Policy](#) | [Case n° 6432 of Consiglio di Stato, December 04, 2008](#) |