U.S. ABILITYONE COMMISSION

**Policy 51.208**
**Effective Date: 03/22/2012**

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# TITLE: SAFEGUARDING CONFIDENTIAL BUSINESS INFORMATION

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## 1. PURPOSE.

This document prescribes how the U.S. AbilityOne Commission (Commission) safeguards confidential business information and the process to address Freedom of Information Act (FOIA) requests that may involve confidential commercial information.

## 2. APPLICABILITY.

The provisions of this policy pertain to the Commission, its designated Central Nonprofit Agencies (CNAs), and nonprofit agencies (NPAs) participating in the AbilityOne® Program.

## 3. AUTHORITY.

(a) 5 U.S.C. 552, Public information; agency rules, opinions, orders, records, and proceedings
(b) 41 CFR 51-8.8, Business information
(c) Presidential Memorandum, Freedom of Information Act (FOIA), January 21, 2009
(d) 44 U.S.C. § 3541, Federal Information Security Management Act (FISMA)

## 4. DEFINITIONS AND ACRONYMS.

Definitions, abbreviations, and acronyms frequently used throughout this policy system are provided in 51.102, Definitions. Terms unique to a specific subject matter are defined in the associated policy and/or procedure.

## 5. RESPONSIBLITIES.

(a) The Commission responds to FOIA requests in accordance with the requirements and timeframes established by statute, regulations and guidelines instituted by Executive Order and the Department of Justice.

(b) CNAs, NPAs, and other parties submitting business information to the Commission are responsible for clearly identifying the specific information they consider confidential at the time it is submitted. They are also responsible for timely responses if the Commission requests clarification regarding information they submit.

## 6. POLICY.

(a) The Commission makes program related information available to the public to the maximum extent possible and releases information in accordance with FOIA requirements as addressed in 41 CFR 51-8.8.

(b) Commission members and staff ensure proper handling of any confidential commercial information received in the process of conducting Agency and Procurement List business.

(c) The Commission ensures that any confidential data stored within its systems is protected in accordance with the requirements of Federal Information Security Management Act (FISMA.)

## 7. EXCEPTION TO POLICY.

None

## 8. PROCEDURES.

The Commission processes and manages all confidential information as well as requests for information in accordance with existing laws, regulations, and guidance. Supplemental Commission procedures will be established and immediately incorporated by reference.

## 9. SUPERSESSION.

This policy supersedes Administrative Memorandum Number 6, Safeguarding Confidential Commercial Information, dated November 19, 1999 in its entirety.

**APPROVED:** _____ **Date:** 3/22/13

**E. Ballard**
**Executive Director**