

Mr. SMITH. Well, I do not think the requests to look at these are all that numerous. I do not happen to know how many there are. We have a small section of the people in the Internal Revenue Service who handle these requests.

Mr. RUMSFELD. I do not want to pursue this, it is a little off the track, and I think the information that the chairman was seeking has arrived. But I would personally be curious to know how many people are involved in processing such requests and what the average number has been in the last year or two.

Mr. SMITH. Well, I will be happy to supply that. I just do not happen to know it.

Mr. RUMSFELD. I do not think it is necessary for the record, but if you would like it for the record—

Mr. MOSS. Supply it for the subcommittee.

Mr. SMITH. I would be glad to.

Mr. RUMSFELD. Fine. Thank you.

Mr. MOSS. If you would continue with your statement, you may.

Mr. SMITH. I was about to refer to the problem of the disclosure of records which pertain to private corporations and individuals. Government records necessarily include much information on the business and personal lives of millions of individuals. The problem of disclosure has often been before the courts on the plea of private persons seeking to prevent Government disclosure of information concerning them. At the present time, another committee of the Congress is now intensively studying the question of possible invasions of privacy by the Government. It should be recognized that a great deal of undetected discovery of personal information by third parties having no legitimate claim for access to it would be possible if "any person" could obtain Government records concerning other persons unless those records came within exemption (4) or (6). Therefore, the scope of these exemptions becomes crucial.

Exemption (4) is a most necessary one, this is the trade secrets one, but it is not clear whether it is broad enough to include both information submitted to the Government under a pledge of confidentiality and information which is tendered to the Government in confidence. There are established rules of evidence as to what information need not be submitted in court because it is "privileged." It is not clear whether the reference to information which is "privileged" in exemption (4) is restricted to such rules of evidence. The Treasury Department would like to be certain that the mass of personal information it holds in the files of the Internal Revenue Service, the Bureau of Customs, and the Bureau of the Public Debt, for example, would be exempted under this section. I will cite you an example.

Supposing somebody, just as a matter of curiosity, wants to know the extent of a neighbor's purchases of Government bonds, and we have records of all the Government bonds held in the names of any given person. This type of information is not submitted to us in confidence under any pledge of confidentiality. It is not information that is obtained from persons, so it is not covered by this—let's see, which one is it—it is not obtained from the public, so it is not under (4), at least it does not seem to be, and yet we do not feel that this is the kind of information that ought to be just given out to anybody that wants it for any purpose.