

ing to permit maintaining the delicate balance between the needs of effective Government and those of public information.

Recognizing the extent of discretion over information disclosure and records access under present law, and to be constructive, we think it necessary to provide concrete suggestions as to types of Government information requiring special treatment as regards our agency functions. Specifically, we suggest that the following activities or matters should not be open to general public inspection.

1. Property appraisals made by the Government for use in acquisition or disposal of property, especially prior to consummation of the acquisition or disposal. (Disclosure would prejudice the Government's legitimate economic bargaining interests.)
2. Records related to evaluation of bidder responsibility, including financial and credit information, especially prior to award. (Disclosure would make virtually impossible the orderly and fair conduct of contract award procedures; also, information on credit, integrity, etc., should be entitled to privacy in the interest of the affected individuals.)
3. Government (interagency) consolidated, as well as intra-agency, debarred and suspended bidders lists; also, ex parte documents which reflect adversely on individuals. (These lists are maintained as a mechanism for the conduct of a governmental proprietary function and general dissemination outside Government would serve no useful purpose and would be unfair and harmful to affected concerns because of the defamatory and "penal" implications which would inevitably be drawn by many persons as a result of publicizing such lists. The individuals actually on the list are so advised and given opportunity to contest the debarment.)
4. Contract records in general, especially prior to award, but including after award, especially where the individuals seeking the information are not properly or directly concerned. (Indiscriminate access would be generally disruptive of the contracting process and promote unfair competitive actions among concerns doing business with the Government or otherwise.)
5. Internal guidelines for Government use in dealing with contractors, such as architect-engineer fee curves. (Disclosure would prejudice the Government's legitimate efforts to negotiate effectively. The Government does not have equal access to contractor's private profit objectives in contract negotiation.)
6. Results of tests of contractor products by persons other than the manufacturer or vendor. (Access to detailed test results by competitors would be unfair and potentially harmful to the producers or vendors of products which may be excellent products though not meeting particular Government specification requirements.)
7. Information which the Government is contractually bound to withhold from dissemination. (Primarily technical data, manufacturing or process type information but not necessarily covered by category (4) of the bill.)
8. Budget, fiscal, and Government project information. (Proposed agency budget, until released by the President; proposed public buildings projects prior to submission to Congress, etc.)
9. Agency planning and other internal agency management documents, especially those which may give competitive advantage or would otherwise be prejudicial to the interests of persons similarly situated but who are without such information or which would adversely affect morale or effectiveness. (The proposed implied repeal of the present exception for any matter relating to "the internal management of an agency," would have particular Government disruption potential.)
10. Information which would prejudice the Government's bargaining position in business transactions, such as expected prices on stockpile sales, expected realization estimates on Government mortgage foreclosures, expected ultimate purchase or sale prices, etc.
11. Records and information representing preliminary and developmental processes in arriving at final decisions, including such matters as evaluations by subordinates looking toward recommendations for agency action (whether or not it falls within category (5) of the bill), including factual data which is not "law or policy."
12. Business, company, or other information furnished the Government in confidence, whether or not it falls technically within category (4) of the bill. (This principle is ingrained in both common law and statutory law, includ-