

ships, traineeships, commissions, and grants. (See answer to question 6 for references to pertinent provisions of the Code of Federal Regulations.)

In addition, there are certain statutory limitations:

Section 1106 of the Social Security Act specifically prohibits disclosure of any return, file, record, report, other paper, or other information, obtained at any time by the Secretary or any officer or employee of the Department in the discharge of his duties under the Social Security Act, except as the Secretary may by regulations prescribe. Regulation No. 1 of the Social Security Administration (20 C.F.R. 401) issued pursuant to section 1106 of the act states the circumstances under which disclosure is permitted. Broadly stated, the regulation permits disclosure of confidential information from social security records only for social security or related purposes, or where the national security is involved, except and insofar as the individual directly concerned may authorize.

Section 301(j) of the Federal Food, Drug, and Cosmetic Act and section 4(h) of the Federal Hazardous Substances Labeling Act prohibit the use by any person to his own advantage, or revealing (other than to the Secretary or officer or employee of the Department, or to the courts when relevant in any judicial proceedings under those laws) of any information acquired under sections 404, 408, 409, 505, 506, 507, 704, and 706 of the Federal Food, Drug, and Cosmetic Act and section 11 of the Federal Hazardous Substances Labeling Act concerning any method or process which as a trade secret is entitled to protection.

Section 408(f) of the Federal Food, Drug, and Cosmetic Act provides that all data submitted to the Secretary or to an advisory committee in support of a petition submitted pursuant to that section shall be considered confidential until publication of a regulation under section 408(d) (2) or (3).

The Federal Food, Drug, and Cosmetic Act and section 121.51 (f) and (h) of this chapter provide that data in a food additive petition regarding any method or process entitled to protection as a trade secret will be held confidential and not revealed unless it is necessary to do so in the record of an administrative hearing preliminary to judicial proceedings under section 409 of the act. Other data in the petition (except for methods of analysis) will not be revealed to persons other than the petitioner and persons engaged in the enforcement of the act beyond that which is necessary to comply with section 409(b) (5) and 409(c) (1).

The Civil Service Commission requires that agencies safeguard examination papers and other material attached to applications, and that they in no case permit an employee to inspect the confidential questionnaires furnished for use in evaluating his qualifications, and "obtained upon the Commission's assurance that the information is for inspection only of the Commission, the employing agency, and personnel of other agencies authorized to review the Commission's investigative material" (FPM 293-8).

The Commission authorizes agencies to release medical information with respect to entrance qualifications, fitness for duty, and other medical records in the official personnel folder only (1) in response to a subpoena or (2) to non-Federal entity or individual upon written authorization of the employee concerned, with certain reservations or safeguards or (3) to another Federal agency without restriction (FPM 339-5).

8. Applicants for certain types of grants may have to refer to manuals or kits published specifically for their guidance and which contain more detailed instructions on the grant application procedure.

9. None.

10. None. (The Department's internal operating procedures are not published, but these do not constitute rules in the sense intended by 5 U.S.C. 1002.)

11. For purposes of general administration and records management, this Department uses the definition of the term "official record" set forth in 44 U.S.C. 366. Some of the operating agencies, in some instances, use the definition set forth in the Attorney General's Manual on the Administrative Procedure Act, 1947, at page 24, which does not differ substantially.

(NOTE: Above-described material available in subcommittee files.)