

and interim opinions or orders in the adjudication of cases, pursuant to section 3(b) of the Administrative Procedure Act or other authority.

Answer. "The decisions of the Commission in adjudicative proceedings and in proceedings disposed of by the entry of consent orders to cease and desist and texts or digests of selected advisory opinions are published periodically in official reports under the title 'Federal Trade Commission Decisions.'" The rule here quoted is 1.132, public information, subparagraph (3), page 26 of the manual. Interim and final orders are also published in the Federal Register. Slip copies of opinions and orders are also available on request when the orders originally issue and are always available in the public docket room. Texts or digests of selected advisory opinions have not yet, at the time of this writing, been published.

Question 4. In what types of cases does your agency refrain from publishing interim and final opinions or orders where, in the opinion of your agency, good cause requires they be held confidential, pursuant to section 3(b) of the Administrative Procedure Act or other authority?

Answer. It has not yet been necessary to issue an order or opinion which is retained in camera for cause.

Question 5. In what circumstances are unpublished opinions and orders cited or used as precedents in other proceedings?

Answer. In no circumstances.

Question 6. What is the procedure for making available to the general public the records and files, interpretations, and legal opinions of your agency?

Answer. For records and files generally, see answers to questions 7 and 11. The records and files of this agency are, by statute and subject to the discretion of the Commission, confidential. A procedure for the release of confidential information is provided in rule 1.134 on page 28 of the manual.

Interpretations are published in the Federal Register in accordance with rule 1.132(4). See also answers to questions 2(c) and 2(d) above.

Legal opinions are published in accordance with rule 1.132(3). See also answer to question 3 above.

Question 7. What limitations are placed upon the availability of records and files to the general public, either by statute, rule, or practice?

Answer. (a) The Commission is limited by the Federal Trade Commission Act in its power to make available its records and files to the general public, as follows:

SEC. 6. That the Commission shall also have power—

* * * * *

(f) To make public from time to time such portions of the information obtained by it hereunder, except trade secrets and names of customers, as it shall deem expedient in the public interest * * * (15 U.S.C.A. 46(f)).

(b) The members of the Commission individually and the members of the staff are limited by the Federal Trade Commission Act as follows:

SEC. 10. Any officer or employee of the Commission who shall make public any information obtained by the Commission without its authority, unless directed by a court, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not exceeding \$5,000, or by imprisonment not exceeding 1 year, or by fine and imprisonment, in the discretion of the court.

(c) There is also a rule making Commission information confidential, as well as a rule describing procedure for the release of such information. Rule 1.133 describes Commission information and establishes that a portion of it, described in rule 1.132, shall be considered public without further determination. Other information is available in the discretion of the Commission if application is made for its release under the provisions of rule 1.134. See pages 26, 27, and 28, of the manual.

(d) As a matter of practice, the Commission exercises its discretion with regard to confidential information in its possession, its investigatory, and internal records and files, to the end that the greatest possible disclosure, consistent with prudence, good judgment, and reasonable care to avoid injury to private persons, may be made to interested members of the public. Public interest is the controlling element in the exercise of such discretion.

Question 8. In what circumstances are private parties dealing with your agency required in any manner to resort to organization or procedure not published in the Federal Register (see sec. 3(a) of the Administrative Procedure Act)?