

tions made by the requesting party to such publication. In actual practice, therefore, the Commission now makes public substantially all of its records except those containing information and material furnished the Commission by complainants or obtained by the Commission in investigations and internal memorandums relating thereto, and records relating to its internal operations and management.

The concern of the Federal Trade Commission is whether the above classes of material would be excepted from the disclosure provisions of the proposed legislation. The Commission interprets subsection (c) as permitting the withholding of such categories of information. For example, it is our understanding that information and material supplied the Commission by complainants, including the name of the complainant, would be excepted from disclosure as "commercial * * * information obtained from the public and privileged or confidential" (c) (4); or by exception (7) as part of the "investigatory files compiled for law enforcement purposes." The Commission wishes to emphasize to the committee the necessity for the confidentiality of this type of information since its disclosure could result in substantial harm to those upon whom the Commission must depend to furnish the leads needed to perform its statutory functions in enforcing laws intended to maintain and promote the competitive system.

We do not understand Congress to intend that purely internal, traditionally privileged memorandums of members and employees of an agency, memorandums analyzing investigatory files, or making recommendations on matters of law and policy, or relating solely to the internal operations and management of the agency, etc., would be required under the subject bills to be made public. However, while we are confident no such result is intended (see 110 Congressional Record 17078-80 (daily edition, July 31, 1964)), and that the bills would not be interpreted to compel such a result, it might be desirable, in order to avoid all ambiguity, that the present language of subsection (c) (5), which excludes "interagency or intraagency memorandums or letters dealing solely with matters of law or policy," be somewhat broadened. Such wording as "interagency or intraagency memorandums or letters and other internal governmental communications and work papers normally considered privileged" might more clearly demarcate the intended scope of these bills than the present language of subsection (c) (5).

With this understanding, the Federal Trade Commission is of the opinion that its present policies are in substantial compliance with the proposed legislation and the Commission accordingly has no objection to the enactment of the subject bills.

By direction of the Commission.

PAUL RAND DIXON,
Chairman.

N.B.—Pursuant to regulations, this report was submitted to the Bureau of the Budget on May 10, 1965, and on May 11, 1965, the Bureau of the Budget advised that there is no objection to the submission of this report from the standpoint of the administration's program.

JOSEPH W. SHEA,
Secretary.