

Pension Benefit Guaranty Corporation

75-1

April 15, 1975

OPINION:

Dear Mr. _____ :

The purpose of this letter is to confirm the matters discussed in your telephone conversation of April 9 with * * * of our General Counsel's Office. In that conversation you questioned whether information submitted to the Pension Benefit Guaranty Corporation in support of your client's request for waiver of employer liability pursuant to § 4004(f)(4) of the Employee Retirement Income Security Act of 1974 would be subject to public disclosure.

Under the Freedom of Information Act (5 U.S.C. 552), this Corporation can only withhold from public disclosure those matters that are specifically protected from disclosure by subsection (b) of §552. Among those matters are "trade secrets and commercial or financial information obtained from a person and privileged or confidential" (§ 552(b)(4)). In order to assist the Corporation in applying this provision in the instant case, you should indicate in your submission to us the commercial and financial information that is in fact confidential. You may also indicate other information in your submission that you would like to be kept confidential, but keep in mind that the Corporation cannot guarantee confidential treatment of such other information.

You also requested that the Corporation notify you, prior to our response, of any request for disclosure of the information submitted to us pertaining to this matter. Recognizing your concern over the dissemination of this information, we will notify you, by telephone, of any such request.

Steven E. Schanes

Acting Executive Director