

TO: ETHICS AND INTEGRITY STAFF (HFA-320)	ORGANIZATION LOCATION	NAME OF EMPLOYEE <i>(Please type or print last, first, middle initial)</i>
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The public interest requires that certain information in the possession of the Government be kept confidential and released only with general or specific authority under Department or operating agency regulations. This is necessary because it may involve the national security or because it is private, personal, or business information which has been furnished to the Government in confidence. The following paragraphs set forth the rules to be followed by FDA employees in handling information in official files or documents.

- (a) The Food and Drug Administration obtains in the course of its program activities certain information from businesses or individuals which it is forbidden by law from disclosing. The statutory prohibition [21 U.S.C. 331 (j)] states: "The following acts and the causing thereof are prohibited: The using by any person to his own advantage, or revealing, other than to the Secretary or officers or employees of the Department, or to the courts when relevant in any judicial proceeding under this chapter, any information acquired under authority of section 344, 348, 350a, 355, 360, 360b, 360c, 360d, 360e, 360f, 360h, 360i, 360j, 374, 379, or 379e of this title concerning any method or process which as a trade secret is entitled to protection." Each employee is responsible for observing this law. In addition, the Trade Secret Act provides criminal penalties for unauthorized disclosure of trade secrets and confidential commercial, or financial information.

- (b) Government employees are sometimes able to obtain information about some action the Government is about to take or some other matter which is not generally known. Information of this kind shall not be used by the employee to further his/her or someone else's private financial or other interests. Such a use of official information is clearly a violation of a public trust. Employees shall not, directly or indirectly, make use of, or permit others to make use of, for the purpose of furthering a private interest, official information not made available to the general public.

- (c) The Privacy Act provides criminal penalties for an employee who willfully discloses "individually identifiable information" that is prohibited from disclosure under the terms of that Act [5 U.S.C. 552a(i)].

CERTIFICATION

I certify that: (1) I understand the requirements for the Use of Official Information cited above; (2) I received a copy of the Government-wide Standards of Ethical Conduct and Supplemental regulations on Employee Conduct; and (3) I understand I am personally responsible for complying with all provisions of the Employee Conduct regulations, including FDA's prohibited financial interest regulations.

DATE	SIGNATURE OF EMPLOYEE	SIGNATURE OF SUPERVISOR	MAIL CODE HF
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