

USITC Docket Services
Guidance on Administrative Protective Order (APO) Releases

See 19 CFR § 207.7(a)(4)(iii), (b)(1)(iv):

It has been our practice to release confidential information covered by APO only to:

... an attorney named on the APO list with valid identification, or an authorized agent of the attorney bearing valid picture identification and a letter from the attorney named on the APO authorizing release to the agent.

We do not release the APO materials to anyone without the above documentation.

Current practice in Docket Services is for Title VII case managers to send an e-mail to the appropriate parties under an APO that a release of APO materials is available for pick-up in the Docket Services office.

The Secretary shall release business proprietary information only to an authorized applicant whose application has been accepted and who presents the application along with adequate personal identification; or a person described in paragraph (b)(1)(iv) of this section who presents a copy of the statement referred to in that paragraph along with adequate personal identification. 19 CFR § 207.7(a)(4)(iii).

Paragraph (b)(1)(iv) states:

(iv) Other persons, such as paralegals and clerical staff, who are employed or supervised by the authorized applicant; who have a need thereof in connection with the investigation; who are not involved in competitive decision making for an interested party which is a party to the investigation; and *who have signed a statement in a form approved by the Secretary that they agree to be bound by the administrative protective order* (the authorized applicant shall be responsible for retention and accuracy of such forms and shall be deemed responsible for such persons' compliance with the administrative protective order); (*emphasis added*).

Docket Services staff can track the attorneys who have signed onto protective orders, but the office does not track all the paralegals and staff who may be named in specific APOs. As a consequence, unless the letter for picking up APO materials is signed by an attorney who has signed onto the protective order, we have no way of knowing whether the person attempting the pickup is actually covered by the APO or not.

Please note that APO releases cannot be distributed to persons who do not have a properly signed request. Initialed filings are not acceptable, (see separate guidance on signature issues).