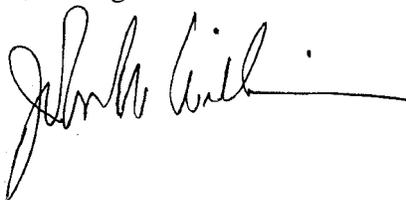


For: FSA Offices

Nondisclosure of Commodity Credit Corporation (CCC) Information

Approved by: Deputy Administrator, Management



1 Nondisclosure of CCC Information

A Background

CCC's principal financial statements for fiscal years 2004 and 2003 were audited by KPMG Peat Marwick LLP, an independent certified public accounting firm. One of the recommendations identified in the audit report (#06401-17-FM, November 2004) pertains to the execution of nondisclosure agreements by contractors as it relates to CCC information.

The audit recommended that CCC must ensure consistent execution of nondisclosure agreements with individual contractors to ensure CCC information subject to nondisclosure is maintained in a confidential manner.

B Purpose

This notice establishes policy for nondisclosure of CCC information.

C Action

Contracting officers must ensure that the USDA clause, Restrictions Against Disclosure (AGAR 452.237-75) (Feb 1988), is included in full text in all solicitations and resultant contracts (Part I – The Schedule; Section H – Special Contract Provisions). The clause binds contractors to the following requirements.

- Contractors must keep all information contained in source documents or other media furnished by the Government in strictest confidence.
- Contractors cannot publish or divulge the information in whole or in part . Access to the information is restricted to contractor employees who need the information to perform the work under contract.

Disposal Date	Distribution
November 1, 2006	All FSA Offices; State Offices relay to County Offices

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1 Nondisclosure of CCC Information (Continued)

C Action (Continued)

- Contractors must immediately notify the contracting officer in writing if they determine or have reason to suspect a breach of requirement.
- Contractors must obtain written approval from the contracting officer before disclosing any information concerning work under the contract to person(s) other than those employees who have a “need to know.”
- The substance of the clause must be included in all consultant agreements or subcontracts resulting from the contract.

The clause can be found at

http://www.usda.gov/procurement/policy/agar_x/subchaph.html#23775.

D Contact

If there are questions about this notice, contact Scott Cook, MSD, AMB, at 202-720-7349.