

Confidential Business/Proprietary Information

Purpose

To maintain a program for handling confidential business/proprietary information (CBI) that meets legal and operational needs and provide for its protection when collected.

Biological Safety Officer (BSO) and the Biological Safety Program (BSP) will:

1. Assist Institutional Biosafety Committee (IBC) members, Principal Investigators (PI) and laboratory staff in safeguarding CBI.
2. Advise on and coordinating requests for information under the Freedom of Information Act which may contain CBI.

IBC will:

1. Evaluate CBI information and data, and determining if it should remain under University of Hawaii (UH) security.
2. Apply guidelines of the Freedom of Information Act/Privacy Act.
3. Determine if a document requested by the public contains CBI, and if the information should be released or withheld.

A. DEFINITIONS

1. **Confidential Business Information.** (Not to be confused with the Department of Defense security classification "Confidential"). Commercial or financial information considered confidential because disclosure would likely: (1) impair the Government's ability to obtain the necessary information in the future; or (2) cause substantial harm to the competitive position of the person who provided the information.
2. **Proprietary Information.** Information belonging to a certain owner or proprietor, who may have exclusive right to its manufacture and sale, such as geological and geophysical interpretations, maps and directly related interpretations, other data relating to the competitive rights of the operator, and privileged commercial and financial information.
3. **Trade Secret.** Any formula, pattern, device, or information that is used in a business and which give a competitive advantage.

4. **For Official Use Only (FOUO) Information.** FOUO is an administrative (unclassified) marking placed on correspondence or documents to limit access to specific offices or individuals. Marking documents FOUO will not constitute a Department of Defense security classification, nor is it a justification for withholding information under the Freedom of Information Act.
5. **Sensitive Information.** Sensitive (unclassified) information is information the disclosure, loss, misuse, alteration, or destruction of which could adversely affect national security or other Federal Government interests.
 - a. National security interests are those unclassified matters that relate to the national defense or the foreign relations of the Government.
 - b. Other government interests are those related, but not limited to the wide range of government or government-derived economic, human, financial, industrial, agricultural, technological, and law enforcement information, as well as the privacy or confidentiality of personal or commercial business/proprietary information provided to the Government by citizens.

B. REGISTRATION

1. Principal Investigator (PI) will submit two documents, one that is CBI protected (CBI deleted) and a full disclosed registration (CBI Copy).
 - a. The CBI documents shall be stamped "CONFIDENTIAL" and each page of the entire document must be marked as "CBI Copy" on the upper right corner of the page. In the right margin, mark the specific CBI information with a bracket (}) and "CBI."
 - b. The CBI-deleted copy should be a facsimile of the CBI copy except for the spaces occurring in the text where CBI has been deleted. Be sure the CBI-deleted copy is paginated the same as the CBI copy. (The CBI-deleted copy of the registration should be made the same as the copy of the registration that originally contained CBI.) Additional material (transitions, paraphrasing, or generic substitutions, etc.) should not be used in the CBI-deleted copy.
 - c. Each page of the CBI-deletions document should be marked with "CBI-deleted" at the upper right corner of the page. In the right margin, mark the place where the CBI material has been deleted with a bracket (}) and "CBI-deleted."

- d. All published references that appear in the CBI copy should be included in the reference list of the CBI-deleted copy. Published information usually cannot be claimed as confidential.

C. DISTRIBUTION

1. PI hand delivers document to the Biological Safety Officer.
2. Biological Safety Officer submits CBI sensitive and CBI protected registrations to IBC members for review, with a memo stating confidentiality. Each registration will be fully marked, as "CONFIDENTIAL." Records on CBI documents will be maintained by BSO.
3. Biological Safety Program (BSP) will personally distribute CBI registration to IBC members with receiving signature, on a "Charge-out Record" sheet.
4. CBI documents must be handled by authorized personnel only. IBC members are authorized users, having access to CBI information and are trained as authorized users, during new member orientation.
5. BSO will collect all CBI registration at next schedule IBC meeting; where the registration is up for IBC deliberation. IBC members will sign the "Charge-Out Record" sheet when returning the CBI registration.
6. All distributed CBI documents will be accounted.

D. SECURITY

1. Training of CBI information includes primarily safeguarding of CBI registrations.
2. CBI documents will be stored in secured area when not in use.
3. All CBI documents will be secured at the end of the day. Persons handling CBI documents must secure them before leaving their work area.
4. Authorized users shall not in any manner disclose CBI to unauthorized persons.
5. When unauthorized persons are present, CBI documents must be covered, turned faced, down, removed for the area or otherwise protected.

6. All authorized persons are responsible for securing any CBI documents in their personal possession. When person is reviewing or processing documents containing CBI, the documents are their responsibility until they are charged back to the BSO.
7. Where working areas cannot provide privacy, private meeting areas will be provided for review of CBI documents.
8. Loss of security must be reported immediately to the BSO.
9. Precautions will be taken for unauthorized persons are not present at meetings where CBI is discussed.

E. COPYING

1. Reproduction of documents containing CBI shall be kept to a minimum.
2. A record of each copy of a CBI document and its disposition shall be maintained.
3. Bad photocopies shall be destroyed.

F. DESTRUCTION

1. The BSO shall keep records of copies of CBI documents and their disposition.
2. The BSO shall perform any destruction of documents containing CBI.
3. When IBC members have no use of CBI documents, they shall be returned to the BSO for destruction.

G. TRANSFER

1. Copies of CBI documents will be duly identified as CBI.
2. All transfers of CBI materials within the IBC will be recorded, on the "Charge-Out Record" Sheet.
3. No CBI documents may be transferred to authorized or unauthorized individual without notification to BSO and signing the "Charge-Out Record" Sheet.

4. Documents will be logged in upon receiving into BSP, from the PI. A "Charge-Out Record" Sheet will be initiated.
5. Any request for release of CBI information will be notified to the applicant.

Reference: *Federal Register Volume 50, Number 184. Monday, September 23, 1985. Notices. Pages 38561. Animal and Plant Health Inspection Service, U.S. Department of Agriculture.*