(2) Disclosure may be adverse to a labor organization’s legitimate interests under this paragraph if disclosure would reveal confidential information concerning the organization’s organizing or negotiating strategy or individuals paid by the trust to work in a non-union facility in order to assist the labor organization in organizing employees, provided that such individuals are not employees of the trust who receive more than $10,000 in the aggregate in the reporting year from the trust.

(3) This provision does not apply to disclosure that is otherwise prohibited by law or that would endanger the health or safety of an individual, or that would consist of individually identifiable health information the trust is required to protect under the Health Insurance Portability and Accountability Act of 1996 (HIPAA) Privacy Regulation.

(d) In all other cases, a union member has the burden of establishing “just cause” for purposes of paragraph (a) of this section.

[35 FR 2990, Feb. 13, 1970]