the Commission are prohibited from disclosing anything that occurs during
those meetings. An employee’s failure to respect the confidentiality of closed
meetings constitutes a violation of Commission’s General Standards of
Conduct. The Commission can, of
course, determine to make public the
events or decisions occurring in a
closed meeting, such information to be
disseminated by the Office of the Sec-
etary. An inquiry to the Office of the
Secretary as to whether any informa-
tion has been made public is not, there-
fore, improper. However, a request of
or attempt to persuade a Commission
employee to divulge the contents of a
closed meeting constitutes a lack of
proper professional conduct inappro-
priate to a person practicing before
this agency, and requires that the em-
ployee file a report of such event so
that a determination can be made
whether disciplinary action should be
initiated pursuant to § 502.30 of this
chapter.

§ 503.79 Exceptions—information per-
taining to meeting.

Except in a case where the agency
finds that the public interest requires
otherwise, information pertaining to a
portion or portions of a meeting or por-
tion or portions of a series of meetings
need not be disclosed by the agency if
the agency determines, under the pro-
visions of §§ 503.80 and 503.81 that dis-
closure of that information is likely to
disclose matters which are:
(a) Specifically authorized under cri-
teria established by an Executive order
to be kept secret in the interests of na-
tional defense or foreign policy and in
fact properly classified pursuant to such Executive order;
(b) Related solely to the internal per-
sonnel rules and practices of an agen-
cy;
(c) Specifically exempted from dis-
closure by any statute other than 5
U.S.C. 552 (FOIA), provided that such
statute (1) requires that the matters be
withheld from the public in such a
manner as to leave no discretion on the
issue, or (2) establishes particular cri-
teria for withholding or refers to par-
ticular types of matters to be withheld;
(d) Trade secrets and commercial or
financial information, obtained from a
person and privileged or confidential;
(e) Involved with accusing any person
of a crime, or formally censuring any
person;
(f) Of a personal nature, where disclo-
sure would constitute a clearly unwar-
ranted invasion of personal privacy;
(g) Investigatory records compiled
for law enforcement purposes, or infor-
mation which if written would be con-
tained in such records, but only to the
extent that the production of such
record or information would
(1) Interfere with enforcement pro-
cceedings,
(2) Deprive a person of a right to a
fair trial or an impartial adjudication,
(3) Constitute an unwarranted inva-
sion of personal privacy,
(4) Disclose the identity of a con-
fidential source and, in the case of a
record compiled by a criminal law en-
forcement authority in the course of a
criminal investigation, or by an agency
conducting a lawful national security
intelligence investigation, confidential
information furnished only by the con-
fidential source,
(5) Disclose investigative techniques
and procedures, or
(h) Contained in or related to exam-
ination, operation, or condition reports
prepared by, on behalf of, or for the use
of an agency responsible for the regula-
tion or supervision of financial institu-
tions;
(i) Information, the premature dis-
closure of which would be likely to sig-
nificantly frustrate implementation of
a proposed agency action, unless the
agency has already disclosed to the
public the content or nature of its pro-
posed action, or where the agency is re-
quired by law to make such disclosure
on its own initiative prior to taking
final agency action on such proposal; or
(j) Specifically concerned with the
agency’s issuance of a subpena, the
agency’s participation in a civil action
or proceeding, an action in a foreign
court or international tribunal, or an
arbitration, or the initiation, conduct,
§ 503.80 Procedures for withholding information pertaining to meeting.

(a) Any member of the agency, or the General Counsel of the agency may request that information pertaining to a portion of a meeting or to a portion or portions of a series of meetings be withheld from public disclosure for any of the reasons set forth in §503.79 by submitting such request in writing to the Secretary not later than two (2) weeks prior to the commencement of the first meeting in a series of meetings.

(b) Upon receipt of any request made under paragraph (a) of this section, the Secretary shall schedule a time at which the members of the agency shall vote upon the request, which vote shall take place not later than eight (8) days prior to the scheduled meeting of the agency.

(c) At the time scheduled by the Secretary in paragraph (b) of this section, the Members of the agency, upon consideration of the request submitted under paragraph (a) of this section, shall vote upon that request. That vote shall determine whether or not information pertaining to a meeting may be withheld from public disclosure for any of the reasons provided in §503.79, and whether or not the public interest requires that the information be disclosed notwithstanding the applicability of the reasons provided in §503.79 permitting the withholding from public disclosure of the information pertaining to a meeting.

(d) In the case of a vote on a request under this section to withhold information pertaining to a portion of a meeting, no such information shall be withheld from public disclosure unless, by a vote on the issues described in paragraph (c) of this section, a majority of the entire membership of the agency shall vote to withhold such information by recorded vote.

(e) In the case of a vote on a request under this section to withhold information pertaining to a portion or portions of a series of meetings, no such information shall be withheld unless, by a vote on the issues described in paragraph (c) of this section, a majority of the entire membership of the agency shall vote to withhold such information. A determination to withhold information pertaining to a portion or portions of a series of meetings from public disclosure may be accomplished by a single vote on the issues described in paragraph (c) of this section, provided that the vote of each member of the agency shall be recorded and the vote shall be cast by each member and not by proxy vote.

[49 FR 44401, Nov. 6, 1984; 49 FR 47395, Dec. 4, 1984]

§ 503.81 Effect of vote to withhold information pertaining to meeting.

(a) Where the agency votes as provided in §503.80 to withhold from public disclosure information pertaining to a portion or portions of a meeting or portion or portions of a series of meetings, such information shall be excepted from the requirements of §§503.78, 503.82 and 503.83.

(b) Where the agency votes as provided in §503.80 to permit public disclosure of information pertaining to a portion or portions of a meeting or portion or portions of a series of meetings, such information shall be disclosed to the public as required by §§503.78, 503.82 and 503.83.

(c) Not later than the day following the date on which a vote is taken under §503.80, by which the information pertaining to a meeting is determined to be disclosed, the Secretary shall make available to the public a written copy of such vote reflecting the vote of each member of the agency on the question.

[49 FR 44401, Nov. 6, 1984; 49 FR 47395, Dec. 4, 1984]

§ 503.82 Public announcement of agency meeting.

(a) Except as provided in §§503.80 and 503.81 regarding a determination to withhold from public disclosure any information pertaining to a portion or