

§ 2507.13 Procedures for release of commercial information.

(a) *Notification to submitters of confidential commercial or financial information.* When AmeriCorps possesses confidential commercial or financial information, and receives a request for the records, the Agency will, before release of any information:

- (1) Notify the submitter about the request and provide copies of the requested records;
- (2) Tell the submitter what information it proposes to disclose and withhold in accordance with Exemption (b)(4) of the Act; and
- (3) Require the submitter to inform the agency in writing, within 10 business days from the date the notice is sent, if they object to any proposed disclosure of commercial or financial information in the records.

(b) *When notice to submitter is not required.* AmeriCorps will not give notice to a submitter of confidential commercial or financial information if:

- (1) The Agency determines that the information shall not be disclosed;
- (2) The information has previously been published or otherwise lawfully been made available to the public; or
- (3) Disclosure of the information is required by law (other than 5 U.S.C. 552).

(c) *Analysis of objection.* AmeriCorps will consider a submitter's timely objections and specific grounds for nondisclosure in deciding whether to disclose the requested information. AmeriCorps will not consider any information not timely submitted. A submitter who fails to make a timely objection will be considered to have no objection to disclosure, unless the submitter requests an extension of time to reply and is granted that extension or a lesser one.

(d) *Disclosure over the objection of a submitter.* Whenever AmeriCorps determines to disclose information over the objection of a submitter of commercial or financial information, it will send the submitter written notice that includes:

- (1) A description of the commercial or financial information to be released to the requester;
- (2) The reasons why the submitter's objection to release was not sustained;
- (3) The date when the records will be disclosed, which shall be not less than 5 business days after the notice is sent.

(e) *Notice of suit for release.* Whenever a requester brings suit to compel the disclosure of a submitter's commercial or financial information, AmeriCorps will promptly notify the submitter.

(f) *Notification to requestor.* AmeriCorps will notify the requester whenever:

- (1) AmeriCorps provides the submitter with notice and the opportunity to object to disclosure;

- (2) AmeriCorps notifies the submitter of its intent to disclose requested information; and
- (3) The submitter files a lawsuit to prevent disclosure of the information.