

Comment from Public Member Jack M. Beermann on Protected Materials in Public Rulemaking Dockets

December 14, 2020

I have a question/concern about the scope of the Recommendation. Is the only personal matter addressed by the recommendation the commenter's identity or some third party's identity, or does it extend to information that is mentioned in the preamble, such as "bank account numbers, passport numbers, addresses, email addresses, medical information, and information concerning a person's finances."? If the latter, then I suggest the following edits to the Recommendation:

Add to line 13, before the period " , and information that a person would ordinarily keep private, such as bank account numbers, passport numbers, addresses, email address, medical information and information concerning a person's finances."

Then add to the sentence on line 80 after the word "information" the following "and includes, other information that a person would ordinarily keep private, such as bank account numbers, passport numbers, addresses, email address, medical information and information concerning a person's finances."

The other alternative would be to delete "'bank account numbers, passport numbers, addresses, email addresses, medical information, and information concerning a person's finances.'" from the Preamble, lines 59-61.

Here are a couple of more simple editing suggestions:

2. Add to end of Line 19. "In particular, this Recommendation does not address any issue that may arise if an agency desires to rely on protected material in its rulemaking explanation."

3. Line 147, change "speak to" to "consult"

Jack Beermann