

Comment from Senior Fellow Richard J. Pierce, Jr.

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I want to flag a question that I plan to ask at today's meeting.

Can ,or should, an agency rely on submitted information that falls within FOIA 4 or 6?

My tentative answer is yes re 4 information if but only if it is both disclosed and relied on only in aggregate form, but no re 6 information. I don't think a commenter should be able to submit info that an agency can rely on as the basis for a rule but that the public cannot see.

I could be wrong but I would like the consultant and/or other committee members to tell me why I am wrong.

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