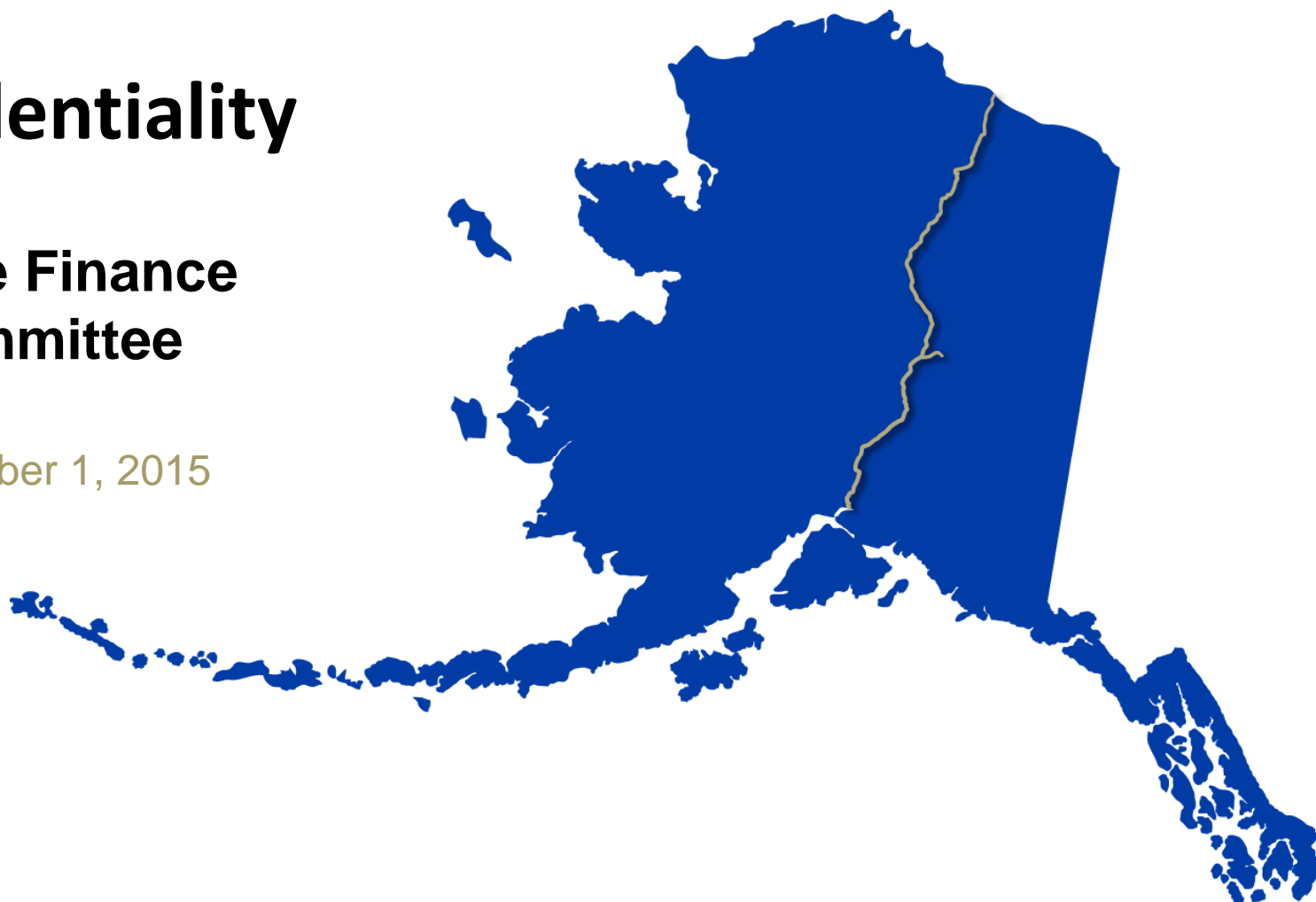


# Confidentiality

## House Finance Committee

November 1, 2015



# Public Record Disclosures

---

- AGDC was granted broad confidentiality authority in the corporation's enabling statutes through HB 4 (2013)
- AGDC may enter into Confidentiality Agreements (CA) as necessary to carry out its functions *[AS 31.25.090]*
- Confidential information is not subject to the state's public records disclosure laws
- Confidential information shared by AGDC with another public agency, are not public records

# Public Record Disclosures

---

- CAs are valid and binding against all parties
- Information and trade secrets of the corporation are confidential if disclosure would cause commercial or competitive harm
- Information that discloses the particulars of a business or the affairs of a private enterprise is confidential and not subject to public disclosure
- SB 138 added provision to ensure that the DNR & DOR Commissioners have access to confidential information related to North Slope natural gas pipeline contracts

# Confidentiality Agreements

---

- All AGDC employees sign a standard confidentiality agreement upon employment
- Originally all AGDC board members also signed a confidentiality agreement upon appointment
- Governor Walker has expressed a desire for more transparency in the corporation's business
- New AGDC board members have not signed CAs
- Governor Walker notified Alaska LNG partners that Commissioners, the Attorney General and other cabinet officials would not sign CAs

# Draft Confidentiality Regulations

---

- AGDC is authorized to adopt regulations to carry out corporate duties and functions
- Attorney General has worked with AGDC to draft a set of proposed confidentiality regulations:
  - Public Hearing held on Oct 15<sup>th</sup>
  - 30-day public comment period closed Oct 21<sup>st</sup>
  - Public comments will be reviewed by AGDC's board
  - Supplemental public comment period being considered
  - Board may adopt the regulations as drafted, modify them or decide to take no action

# Draft Confidentiality Regulations

---

- After December 1<sup>st</sup>, AGDC may only enter into a CA to protect specific categories of information:
  - Tax and financial
  - Credit related
  - Proprietary business information
  - Trade secrets
  - Sales, marketing and pricing strategies
  - Information required to be confidential under state or federal law
- Confidentiality Agreements themselves shall not be treated as confidential

# Draft Confidentiality Regulations

---

- AGDC shall make its records available to the public pursuant to the Alaska Public Records Act
- Board members may meet in executive session to consider confidential matters
- Directors, officers, employees and agents of the corporation must preserve the confidentiality of information
- Board shall endeavor to limit the amount of information it withholds from the public

# Draft Confidentiality Regulations

---

- Information is assumed to be public, absent clear indication to the contrary
- AGDC President shall appoint a committee to periodically conduct a confidentiality review
- Upon review, if a need for confidentiality does not still exist, information shall be made public
- Board shall make available to the public the entirety of any contract submitted for its approval 10 days prior to meeting to consider the contract