

6/2/11

## **POLICY ALERT**

### **No. 11-38**

# **Notice Pursuant to Executive Order 12600 of Receipt of Freedom of Information Act (FOIA) Requests for Access to the Central Contractor Registration (CCR) Database**

**REFERENCE:** Federal Register: May 16, 2011 (Volume 76, Number 94)

[General Service Administration VSI-Notice 2011-01; Docket 2011-0005; Seq. 11; Notice Pursuant to Executive Order 12600 of Receipt of Freedom of Information Act \(FOIA\) Requests for Access to the Central Contractor Registration \(CCR\) Database](#)

**TYPE OF ACTION:** Notice

**EFFECTIVE DATE:** May 16, 2011

**SUMMARY:** The referenced Notice describes each data element contained in CCR, and its exemption status under FOIA.

The following information applies to CCR data fields 250 through 254 (questions on Executive Compensation) only. Data fields are marked in the Notice with “\*”.

- Information posted in data fields 250 to 254 prior to April 15, 2011, regardless of which Federal Acquisition Regulation (FAR) provision or clause it is posted under, will be subject to release in accordance with the Freedom of Information Act procedures at 5 U.S.C. 552, including, where appropriate, procedures promulgated under Executive Order (E.O.) 12600, “Predisclosure Notification Procedures for Confidential Commercial Information.”
- Information posted in data fields 250 to 254 (or subsequently on the Federal Awardee Performance and Integrity Information System (FAPIIS)), on or after April 15, 2011, will be available to the public, as required by Section 3010 of Public Law 111-212 (see 41 U.S.C. 417b, as codified, 41 U.S.C. 2313) and in accordance with [FAR clause 52.209-9](#) (version dated JAN 2011).
- Federal contractors must NOT post information required under [FAR clause 52.209-7](#) (version dated JAN 2011) on or after April 15, 2011. Any contractors with a contract containing clause 52.209-7 (version dated JAN 2011) that requires update of information on or after April 15, 2011, should contact their Contracting Officer immediately to discuss a modification.

The following information applies to CCR data fields 255 through 260. Data files are marked in the referenced Notice with “\*\*”.

- Any information entered in data fields 255 to 260 before April 15, 2011, is only available to authorized individuals in accordance with the Freedom of Information Act procedures at 5 U.S.C. 552. Information posted on or after April 15, 2011, will be available to the public, as required by Section 3010 of Pub. L. 111-212 (see 41 U.S.C. 417b, as codified, 41 U.S.C. 2313) and in accordance with FAR clause 52.209-9 (version dated JAN 2011).
- Federal contractors must NOT post information to data fields 255 to 260 under FAR clause 52.209-7 (version dated JAN 2011) on or after April 15, 2011. Any contractors with a contract containing clause 52.209-7 (version dated JAN 2011) that requires update of information on or after April 15, 2011, should contact their Contracting Officer immediately to discuss a modification.

Please be aware that this General Services Administration Notice is out for public comment.

**ACTION REQUIRED:** When a FOIA request is received, Contracting Officers, Contract Specialists, and Contract Administrators should review the list of CCR data elements in the referenced Notice to determine whether specific data field(s) in CCR are exempt or not exempt under FOIA.

Additionally, Contracting Officers will work with contractors, that have a contract containing clause 52.209-7 (version dated JAN 2011) and require update of information on or after April 15, 2011, to negotiate a modification.

This Policy Alert is effective on the date indicated above, and remains in effect until incorporated into a TMA Acquisition Policy document(s) or until otherwise rescinded.

You may direct comments/questions on this Policy Alert to the Contract Policy and Pricing Branch at 303-676-3985.

If this policy alert has any broken links please report them by clicking [here](#).