



NUMBER: Directive 0775

SUBJECT: Sharing Information with Federal, State, Local, and Foreign Government Agencies

DIRECTIVE OWNER: Office of the General Counsel (OGC)

EFFECTIVE DATE: January 31, 2023

1. **PURPOSE.** CPSC (“Commission” or “agency”) regularly receives requests to share nonpublic information obtained by the Commission with other federal, state, local, and foreign government agencies. Information collected by CPSC can be valuable to other government agencies as they pursue their own investigation and enforcement activities in their jurisdictions. This directive memorializes the standard processes by which CPSC staff may share such information pursuant to Sections 29(e) and (f) of the Consumer Product Safety Act. These standard procedures do not preclude other information sharing arrangements that have received appropriate approval, including from the Office of the General Counsel.
2. **AUTHORITIES.** Sections 29(e) and (f) of the Consumer Product Safety Act (CPSA), 15 U.S.C. § 2078(e) and (f). Section 29(e) of the CPSA authorizes the agency to provide accident or investigation reports to another federal agency or state or local agency if the recipient agency provides satisfactory assurances that the identity of injured persons and those who treat them will not be publicly disclosed without the relevant party’s consent or clearance by the Commission under Section 6(b) of the CPSA. Section 29(f) of the CPSA authorizes CPSC to disclose confidential information to any federal, state, local, or foreign government upon prior certification that the material will be maintained in confidence and used only for official law enforcement or consumer protection purposes relating to possible violations of laws similar to those of CPSC, a Commission investigation or enforcement proceeding, or other foreign criminal laws in certain circumstances.
3. **SCOPE.** All employees of the CPSC must comply with these procedures for sharing information with federal, state, local, and foreign government agencies.
4. **DEFINITIONS.**
 - a. **Information Subject to this Directive** -- any information obtained by the Commission under the Acts administered by the Commission.



- b. **Foreign government agency** -- (i) any agency or judicial authority of a foreign government, including a foreign state, a political subdivision of a foreign state, or a multinational organization constituted by and comprised of foreign states,¹ that is vested with law enforcement or investigative authority in civil, criminal, or administrative matters; and (ii) any multinational organization, to the extent that it is acting on behalf of an entity described in subparagraph (i) of this paragraph.

5. STANDARD PROCEDURES.

- a. Requests for information from federal, state, local, or foreign government agencies are submitted on one of the following forms (electronic submission is strongly preferred):
- 1) **Request to the U.S. Consumer Product Safety Commission Under CPSA Section 29(e) or (f) for Nonpublic Records** (use this form for requests from a federal, state, or local government agency for any accident or investigation report made by CPSC staff or other nonpublic information)
 - 2) **Request to the U.S. Consumer Product Safety Commission for Nonpublic Records Under CPSA Section 29(f)** (use this form for requests from foreign government agencies)
- b. Staff receiving these forms from their external contacts review the form for completeness.
- c. Once satisfied the form is complete, staff submit the form to this OGC mailbox: OGC-CPSA29RQ@cpsc.gov.
- d. OGC attorneys review the form and determine whether the request complies with the requirements of CPSA sections 29 (e) and/or (f) and evaluate whether there are any other reasons that may require withholding, such as active litigation.
- e. If the request meets the requirements for disclosure, OGC attorneys inform staff and ask them to collect the materials requested.
- f. OGC attorneys review all the documents and make any redactions required by law or Commission policies.
- g. OGC attorneys then send the information to be disclosed to the staff member who received the request. The staff member is responsible for sending the information to the requester.

¹ CPSC interprets “multinational organization” to mean a federation or union of foreign states such as the European Union.



- h. If the request does not meet the requirements for release, OGC attorneys inform the staff member and discuss if there are options for strengthening the request. The staff member passes along any such information to the requester, who may resubmit the form after strengthening the request.

6. RESPONSIBILITIES.

a. Office of Compliance and Field Operations (EXC):

- 1) Direct state and local government contacts to use the appropriate form for requesting information from the Commission.
- 2) Serve as the point of contact for the state or local government representatives through completion of the process and release of the requested information.
- 3) Ensure that any forms submitted are complete and contain sufficient information for OGC to ascertain that the requested information is subject to and meets the requirements of Section 29(e) and/or (f).
- 4) Promptly submit the completed form to OGC at the dedicated mailbox OGC-CPSA29RQ@cpsc.gov, copying the field management mailbox (fieldmanagement@cpsc.gov).
- 5) Once OGC indicates that the request complies with the requirements of Section 29(e) and /or (f), provide OGC with the records requested by the government entity.
- 6) Use a secure file transfer protocol and/or electronic communication platform identified by the Office of Information Technology (EXIT) to transmit the records.

b. Office of International Programs (EXIP):

- 1) Encourage foreign government contacts to use the appropriate form for requesting information from the Commission.
- 2) Serve as the point of contact for foreign government representatives through completion of the process and release of the requested information.
- 3) Ensure that any forms submitted are complete and contain sufficient information for OGC to ascertain that the requested information is subject to and meets the requirements of Section 29(f).
- 4) Promptly submit the completed form to OGC at the dedicated mailbox OGC-



CPSA29RQ@cpsc.gov.

- 5) Once OGC indicates that the request complies with the requirements of Section 29(e) and /or (f), work with OGC to identify the records requested by the government entity.
- 6) Use a secure file transfer protocol and/or electronic communication platform identified by EXIT to transmit the records.

c. Office of the General Counsel:

- 1) Review the completed request form to ascertain that it complies with the requirements of Section 29(e) and/or (f).
- 2) If the form does not comply, inform the requester's contact at CPSC and explain the deficiencies.
- 3) If the form is sufficient, inform the CPSC staff member who submitted it and request that they send the requested records to OGC for review for releasability pursuant to Section 29(e) and/or (f).
- 4) Conduct the review and redactions and prepare a cover letter to the requester, if needed. The shared material should be stamped on each page as Confidential—Shared with [name of other government agency] Pursuant to CPSA Section 29.
- 5) Provide a package for release to the requester, through the CPSC staff member serving as the point of contact.

d. Other components of CPSC including the Office of Import Surveillance (EXIS) and the Office of Hazard Identification and Reduction (EXHR):

- 1) Provide requested records to OGC in a timely fashion without redaction.
- 2) Work with OGC to identify any concerns regarding the source of the documents or other sensitivity to release under the 29(e) or 29(f) requirements.

7. EFFECTIVE DATE. This Directive becomes effective on the date signed by the Chair.

Alexander Hoehn-Saric
Chair

Date