

SUBJECT: Contractor Employees in the Federal Workplace and the Protection of Sensitive Information

PURPOSE: Provide information about the need to protect sensitive information when contractor personnel or other non-Federal employees are in and around the Federal workplace.

FACTS:

1. Contractor employees are not Federal employees. We must be aware of this status to ensure that we protect sensitive information. Improper release of certain information to contractor employees could violate Federal criminal law, result in the lost of technical data (the owner demands its return), and jeopardize procurements.
2. The procurement integrity law protects source selection and contractor bid or proposal information before the award of the procurement to which it pertains.
3. Federal law makes it a crime to disclose a company's trade secrets, processes, operations, style of work, and other confidential information without permission.
4. Release of other information may not violate a specific law, but may result in unfair competitive advantage to the entity receiving the information. The result may be litigation and termination of the contract.
5. How to avoid improper release of information.
 - a. Before discussing sensitive information in a meeting, make sure that you know whether contractor employees are present. Even those in uniform might be employed by a Defense contractor if they are in the Reserve Component.
 - b. If a contractor employee briefs a proposal in a meeting, it is essential that he or she be identified as such.
 - c. Before you give information to a contractor employee for filing, entering into a database, preparing slides, etc., ensure that this information is properly releasable to the employee.
 - d. Do not give a contractor access to a database with other contractors' technical data packages in it, unless the other contractors have agreed to this access by non-Government personnel.
 - e. The Privacy Act protects certain personal information, such as social security numbers, whether it is being maintained by Federal employees or contractor personnel. If you need to give contractor personnel access to Privacy Act information, they must be told of their obligations under the Privacy Act.
 - f. Do not leave sensitive information on our desks or discuss such information in common office areas.

g. Think consciously about protecting sensitive information and instill this consciousness in your employees to avoid the improper release of information.

h. If there is any question about the propriety of the release of sensitive information, consult with the cognizant contracting officer or legal counsel.