



RESOLUTION

POLICY REGARDING NON-DISCLOSURE OF DELIBERATIVE INFORMATION

For the purposes of this policy:

“The Board” refers to the Members of the Broadcasting Board of Governors.

“Deliberative information” means any non-public information, either tangible records or otherwise, exchanged between two or more Board members, or between Agency staff members and Board members. Deliberative information is information pertaining to (1) budgetary matters that are determined to be pre-decisional under Office of Management and Budget guidelines; (2) legislative proposals that are developed for the consideration of the Board, as determined by the Chair or Presiding Governor, subject to the Board’s further review; and (3) such other matters as the plenary Board may determine, based on the recommendation of the Governance Committee. Purely factual information that is otherwise publicly available or an individual Board member’s own opinion that does not reflect the Board’s deliberative processes is not deliberative information.

Each member of the Board has a duty to keep deliberative information privileged and confidential. More specifically, each member of the Board is obligated not to disclose:

1. The substance of deliberative information or the status of discussions about it;
2. Positions of other Board members regarding deliberative information or their individual comments about it;
3. Documents prepared to provide the Board with deliberative information or to memorialize any aspect of such deliberative information, or any subsection of documents that contain such deliberative information; or
4. The identity of Board members or staff members who provide deliberative information to and/or prepare deliberative information for the Board.

The obligation not to disclose deliberative information continues even after a final decision is publicly announced, and such information remains protected until authorized for release by the Board. Deliberative information should only be released after consultation with the Agency’s Office of General Counsel regarding the implications of waiving the deliberative process privilege for release and upon an official Board resolution providing the authority to do so.

Disclosure of deliberative information is a serious matter and constitutes both mismanagement and misconduct. The unauthorized disclosure of official non-public information is prohibited by 5 CFR 2635.703, and employees engaging in the unauthorized disclosure of deliberative information may be subject to punishment or discipline.

This policy does not affect (i) the Agency’s requirements to comply with the Government in the Sunshine Act and shall be implemented in a manner consistent with its provisions; or (ii) the rights of any individual under the Whistleblower Protection Act of 1989.