Use of Privileged Information

BRIEF

Policy Summary
Berkeley Lab prohibits employees from using privileged or official information for personal financial gain.

Who Should Read This Policy
This policy applies to all Berkeley Lab employees.

To Read the Full Policy, Go To:
The POLICY tab on this wiki page

Contact Information
Research and Institutional Integrity Office
RIIO@lbl.gov

POLICY

A. Purpose
Lawrence Berkeley National Laboratory (Berkeley Lab) prohibits conflicts of interest arising from use of privileged or official information for personal financial gain.

B. Persons Affected
This policy applies to all Berkeley Lab employees.

C. Exceptions
Not applicable

D. Policy Statement
1. Berkeley Lab prohibits the use of privileged or official information for personal financial gain. Privileged or official information is information known to an individual because of his or her connection with the Laboratory but is not available to the public. In this context, the term "privileged information" includes but is not limited to:
   a. Unpublished Information Relating to Technological and Scientific Developments. Report Coordination and Technology Transfer and Intellectual Property Management review all technical and scientific papers and related materials for oral or other
presentation before publication. See RPM policies Patent and Copyright Review (document number 10.04.004.000) and Patents – Publication Clearance Policy (document number 10.04.002.000).

b. **Medical, Personnel, Patent, Salary, or Security Clearance Records of Individuals.** Individual employees have a right to access their own records except as limited by law. See the RPM policies on Employee Records and Intellectual Property. Access to the records of other employees is normally limited to legitimate need-to-know situations except as specifically noted in the RPM sections cited and in applicable laws.

c. **Anticipated Materials Requirements or Pricing Actions – Knowledge of Selected Contractors or Subcontractors Before Official Announcements.** In certain situations, an employee, by virtue of his or her position, may have access to information concerning anticipated materials requirements or pricing actions. Examples include Laboratory construction projects and system acquisitions. Improper dissemination of such information could produce unfair competitive advantage for vendors as well as constitute a conflict of interest for the employee.

d. **Possible New Sites for University of California or DOE Program Operations.** The prohibitions surrounding this area are the same as those concerning Section D.1.c, Anticipated Materials Requirements or Pricing Actions – Knowledge of Selected Contractors or Subcontractors Before Official Announcements, above.

2. An employee who misuses privileged or official information may be subject to discipline by the Laboratory and prosecution under state and federal law. Laboratory employees are required to inform the Laboratory whenever they are notified that they are the target of an investigation by a federal or state agency that has as its subject the improper use of information obtained or actions taken for personal use by the employee in the course of his or her employment.

**E. Roles and Responsibilities**

Managers, supervisors, and employees have the responsibility to adhere to the provisions of this policy.

**F. Definitions/Acronyms**

None

**G. Recordkeeping Requirements**

None

**H. Implementing Documents**

None

**I. Contact Information**

Research and Institutional Integrity Office
RIIO@lbl.gov

**J. Revision History**

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<th>By Whom</th>
<th>Revision Description</th>
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<td>Re-write for wiki (policy)</td>
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**Document Information**

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Source Requirements Documents

- Contract 31, Clause I.78, Contractor's Organization
- 48 CFR 970.0371-5, Use of Privileged Information

Implementing Documents

None