

Information Ownership & Disclosure for States

Ownership

Any information obtained under a 20.88 Agreement, as a Commissioned Official, or while working for FDA under a State Contract¹ is owned by FDA.

Further Disclosure

20.88

Can Share w/ Others Covered Under the Same Agreement

Commissioned

Can Only Share w/ Other Commissioned Officials

State Contract

Can Share w/ Others in Same Office to Complete Duties Assigned² Under Contract

¹ Even if the information is obtained under state's own regulations, if the work that generated the info was done under contract with FDA, FDA owns the information.

² Includes activities that directly support the assigned duties. For example, making photocopies of a required report.

NOTE: The FDA is responsible for ensuring that it is necessary to share specific non-public information and that such sharing meets legal requirements. If certain non-public information does not need to be shared – even if legally it can be shared – is should be redacted wherever possible. The FDA is responsible for marking documents as confidential and making clear to the recipient the restrictions on further sharing this information.