



## CONFIDENTIALITY

Although AIDEA is subject to the Alaska Public Records Act, AS 40.25.100 – 40.25.295, the Public Records Act contains a lengthy list of exceptions in AS 40.25.120. Further, AIDEA has its own statute regarding treatment of confidential information under AS 44.88.215. If a record is exempt from disclosure under AS 40.25.120, then AIDEA can keep such a record confidential. In addition to these exemptions, AS 44.88.215 includes and broadens the categories of information eligible for confidential treatment.

Our procedure for confidentiality requests is as follows:

1. Requestor makes a written request for confidentiality to AIDEA (may be in the form of an email)
2. Requestor provides information for which confidentiality is requested to AIDEA
3. AIDEA reviews information and AIDEA's Executive Director determines whether or not the information meets the requirements of AS 44.88.215
  - a) If AIDEA determines the information meets the requirements, AIDEA issues a memorandum to that effect and accepts the information
  - b) If AIDEA determines the information does not meet the requirements, AIDEA notifies the requestor and does not retain the information

### AS 44.88.215. Confidentiality of Information.

(a) In order to promote the purposes of AS 44.88, unless the records were a matter of public record before submittal to the authority, the following records, files, and information shall be kept confidential upon the request of the person supplying the information or upon the request of the project, bond, loan, or guarantee applicant or borrower:

1. income tax returns;
2. financial statements, profit-and-loss statements, and cash flow projections, except the information required by the authority to calculate debt service coverage on the loan;
3. financial business plans;
4. credit reports from consumer reporting agencies and other credit information obtained from banks, creditors, or other credit reporting entities;
5. trade secrets;
6. appraisals, except the name of the appraiser, the date of the appraisal, and the fair market value determined for the property appraised;
7. market surveys and marketing strategy information; and
8. any information required to be kept confidential by a federal law or regulation or by state law.

(b) Information compiled by the authority from information described in (a) of this section shall be kept confidential unless disclosure is authorized by the person supplying the information and by the project, bond, loan, or guarantee applicant or borrower.

(c) The information that is determined to be confidential under (a) or (b) of this section is not a public record under AS 40.25.110 - 40.25.220.

(d) Nothing in this section shall prevent a legislator from reviewing information otherwise confidential under this section if the legislator has a valid legislative purpose for reviewing the information and if the legislator agrees to maintain the confidentiality of the information.