

Protocol for Making Public Financial Disclosure Reports Available Upon Request

Purpose: To provide written procedures for making applicable Public Financial Disclosure Report (OGE Form 278e) and Public Financial Disclosure Periodic Transaction Report (OGE 278-T) reports available to the public when requested and in accordance with TVA's internal policies and with the Code of Federal Regulations.

Covered Employees: TVA Officers and Executives; Nuclear Plant Managers; and any other TVA employee designated to file OGE Public Financial Disclosure Reports OGE 278 e and OGE 278T. Also includes nominee for and employee serving as the TVA Inspector General.

Roles & Responsibilities:

Governance, Oversight, Execution

Office of the General Counsel - Ethics & Compliance

- Responsible for handling of all requests for inspecting or obtaining copies of public financial disclosure reports and other documents identified under the Ethics in Government Act as available to the public, to include reviewing and approving requests for copies and corresponding with the members of the public who are requesting copies of the documents.

Support

All SBU/BUs

- Responsible for providing Ethics any requests for public financial disclosure reports received.

Background of Ethics Regulation (*5 U.S.C. app. § 105; 5 C.F.R. § 2634.603*):

OGE Form 278e and OGE Form 278-T reports are available to the public under the Ethics in Government Act.

Period of Public Availability

Start of Public Availability Period

- Candidate, New Entrant, Nominee, Annual, Termination, and Periodic Transaction reports must be made available to the public within 30 days of receipt. Annual reports must be made available to the public within 30 days of receipt or May 15 of the filing year, whichever is later.
- A report must be made available by the date specified above, regardless of whether the agency has reviewed or certified the report.

End of Public Availability Period

- Reports are publicly available for 6 years after receipt. As an exception to this rule, the Nominee reports of individuals whom the Senate did not confirm are releasable for only one year after the individual is no longer under Senate consideration. In addition, a Periodic Transaction report (OGE Form 278-T) is releasable until the related subsequent Annual or Termination report (OGE Form 278e) has passed its period of availability.
- Reports may not be released after the period of public availability has passed even if the agency has not yet destroyed the report.
- In accordance with NARA General Records Schedule, OGE Form 278-T reports are destroyed seven (7) year(s) after receipt by TVA or when the related subsequent OGE Form 278e is ready for destruction six (6) years later; OGE Form 278e reports are destroyed after six (6) years. The reports may be retained longer if needed for an active investigation.

Requesting a Report

All requests for copies of Form 278e or 278T must be submitted to TVA's Ethics & Compliance office. Any SBU/BU receiving a request for a copy of an individual's Form 278e or 278-T, should promptly notify TVA's Ethics & Compliance office of the request at ethicsandcompliance@tva.gov or at 865-632-3199.

Requirements

Any person or entity that wishes to inspect or obtain a copy of a public financial disclosure report must submit a written request to TVA's Ethics & Compliance office at ethicsandcompliance@tva.gov on [OGE Form 201](#).

Requests

- When a request for an OGE Form 278e or OGE Form 278-T is received other than on a Request to Inspect or Receive Copies of Executive Branch Personnel Public Financial Disclosure Reports or Other Covered Records (OGE Form 201), TVA's Ethics & Compliance office will provide the requestor with OGE Form 201 for completion and submission prior to releasing the requested document(s).
- When an OGE Form 201 is received requesting an inspection or copy of an OGE Form 278e or OGE Form 278-T, TVA's Ethics & Compliance office will review and once approved provide hard copies of the requested documents to the requestor.

Request Process - OGE

To inspect or obtain a copy of a report that is reviewed by OGE (TVA's Designated Agency Ethics Official and Inspector General for TVA's Office of Inspector General, whose reports are certified by OGE), interested persons should access the electronic request system on OGE's website (www.oge.gov). Should TVA's Ethics & Compliance office receive a request from a member of the public for a report that is reviewed by OGE, TVA's Ethics & Compliance office will provide the requestor with the appropriate information to request the relevant document from OGE.

Restrictions on the Use of the OGE Form 278e and OGE Form 278-T

No OGE Form 278e or OGE Form 278-T may be used for:

- any unlawful purpose;
- any commercial purpose, except by news and communications media for dissemination to the general public;
- determining or establishing a credit rating; or
- direct or indirect use in the solicitation of money for any purpose, including political and charitable purposes.

Members of the public who wish to examine or obtain a copy of a public financial disclosure report must sign a statement that TVA has informed the requestor of these restrictions (OGE Form 201). The U.S. Attorney General may bring a civil action against anyone who uses or obtains a report for these prohibited purposes.

Other Releasable Documents

In addition to OGE Form 278e and OGE Form 278-T reports, members of the public may request certain other documents by means of the OGE Form 201 or other written application. These records are: (1) certificates of divestiture; (2) Ethics in Government Act qualified blind trust and qualified diversified trust instruments (other than those provisions which relate to the testamentary disposition of the trust assets), the list of assets transferred to such trusts (and of assets sold in the case of a qualified blind trust), as well as, in the case of trust dissolution, the report thereon and the list of trust assets at that time, and the certificates of independence and compliance with respect to qualified trusts; (3) 18 U.S.C. §§ 208(b)(1) & (b)(3) waivers granted by the recipient agency (after deletion of any material withholdable pursuant to the Freedom of Information Act, 5 U.S.C. § 552 (see 18 U.S.C. § 208(d)(1))); (4) other OGE Form 201s; (5) cover letters for approved gifts reporting waiver requests; and (6) cover letters for approved public reporting waiver requests for certain less than 130-day special Government employees.

Requests for other documents would be made under the [Freedom of Information Act](#).

Notifying Filers of Requests for their Reports

No law or OGE regulation requires agencies to inform filers of requests for access to their OGE Form 278e and OGE Form 278-T reports. However, as a courtesy to current TVA filers, TVA's Ethics & Compliance office will contact the filer and advise him/her that a copy of their public financial disclosure report has been requested by a member of the public. Filers desiring to know whether a member of the public has requested their OGE Form 278e or OGE Form 278-T can also, the same as any member of the public, request a copy of all applications to inspect their reports. All applications to inspect an OGE Form 278e or OGE Form 278-T are available to the public for the period when the OGE Form 278e or OGE Form 278-T itself is available to the public. To obtain a copy of or inspect an application that is available to the public, the process described under the heading "Requesting a Report" should be followed.

Intra-Governmental Access to Reports

Certain federal government officials may access financial disclosure reports in their official capacities without formal application:

- agency ethics officials and support staff who maintain the files for such reports if the report was filed with (1) their own agency, (2) at another agency if the filer is transferring from one covered position to another, or (3) at another agency if the filer served at the ethics official's agency during the reporting period and the ethics official is conducting an intermediate review;
- OGE staff;
- TVA Office of the Inspector General; and
- Special Agents of the FBI and U.S. Attorneys conducting a criminal investigation into possible conflict of interest violations.