



FEDERAL ELECTION COMMISSION
Washington, DC 20463

On March 31, 2022, this Office received a request to waive confidentiality from counsel of record to Heritage Action for America in MUR 7516.

By requesting this waiver, Heritage Action for America has requested that the Commission not apply the confidentiality provision of 52 U.S.C. § 30109(a)(12)(A) to MUR 7516. However, that section merely provides that any notification or investigation shall not be made public by the Commission without the written consent of the person receiving such notification or the person with respect to whom such investigation is made. By its terms, Section 30109(a)(12)(A) does not impose an affirmative duty on the Commission to publicize MUR 7516 at this time. Therefore, this Office will respond to requests for information subject to the following considerations. First, requests must be in writing. Second, such requests will be considered by the Commission subject to the provisions of the Freedom of Information Act, the Government in the Sunshine Act, and all relevant privileges that would limit or preclude the release of such requested information.

This Office typically recommends that the Commission accept Respondents' requests to waive confidentiality by approving the appropriate letters acknowledging the waivers; those letters recite the matter or matters in which the Commission acknowledges the Respondent has waived confidentiality and summarize the process by which this Office may release information.¹ We have attached, as an example, a draft letter to Respondent.

¹ See, e.g., Gen. Counsel's Rpt. at 2-5, MUR 4646 (In re: Lewis) (June 10, 1998); Certification (July 6, 1998), MUR 4646; Memorandum to Commission Re: Waiver of Confidentiality, MUR 3325 (Dec. 17, 1991), <https://www.fec.gov/files/legal/murs/3325.pdf> (including the Memorandum (followed by the vote certification and letter) at PDF pages 556-60). Previous acknowledgments of confidentiality waivers have also reminded

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Confidentiality Waivers

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1 **RECOMMENDATION**

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3 1. Approve the appropriate letter acknowledging waiver by Respondent (to be sent

4 to counsel of record).

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Respondents in multi-Respondent MURs that the waiver extends only to the named Respondent. Heritage Action for America, however, is the only Respondent in this MUR.