

Legal Opinion: GMP-0020

Index: 6.600  
Subject: Confirming Identity of Applicant

November 13, 1991

MEMORANDUM FOR: Principal Staff

FROM: Frank Keating, General Counsel

SUBJECT: Confirming Identity of Applicant

Some confusion has surfaced concerning whether HUD employees may confirm receipt of an application during the selection process for an award of HUD funds. The purpose of this memorandum is to clarify that after the deadline for submission of applications has passed, HUD officials and employees may confirm that an application for assistance has been received.

Section 103 provides that Department employees may not disclose "covered selection information" during the selection process for the competitive distribution of HUD funds. The Rule implementing Section 103 lists, at 24 CFR 4.100, the "identity of any applicant" as an example of information that may not be disclosed during the selection process. There is a distinction, however, between disclosing the identity of an applicant and verifying or confirming receipt of an application to a person who already is aware that an application has been forwarded to the Department.

There is a potential competitive advantage to be gained from this information prior to the deadline for the submission of applications. Therefore, prior to the deadline for submission of applications, HUD employees may confirm only to the applicant that the application has been received. After the deadline for submission of applications, however, employees may confirm to other persons that an application for HUD funds has been received.

We hope that this memorandum clarifies any questions concerning when receipt of an application may be confirmed under the provisions of Section 103. If you have any questions about whether a specific disclosure is permissible, please contact the Office of Equal Opportunity and Administrative Law at 708-2203 or the Office of Ethics at 708-3815.