

Introduction

This agreement template is designed to facilitate pre-decisional involvement (PDI) regarding budget-related issues by providing a process for safeguarding confidential information disclosed during PDI. Budget-related issues may include, for example, organizational, workforce or work process restructuring, when these issues are considered as a part of budget development, planning and implementation. The agreement requires that disclosure of information designated as confidential by the disclosing party be limited to a few individuals who sign a confidentiality agreement. The agreement is not intended to be, nor could it lawfully be, a vehicle for disclosing information in violation of law (e.g. classified information), agency policy, or regulation (budget information prohibited under OMB Circular A-11) to any agency or union designee. Finally, this template is provided as a resource that can be modified by the parties to address their particular requirements and circumstances.

Confidentiality Agreement Template

This is an agreement between [name of agency] and [name of union], and the individuals who signatures appear below.

1. This agreement applies to pre-decisional involvement (PDI) of agencies and unions regarding workplace matters in accordance with Executive Order 13522.
2. A PDI communication between the parties in any format (e.g., oral, written, or recorded in any manner) that is identified as confidential information by the disclosing party may only be disclosed in accordance with this agreement.
3. A party disclosing confidential information will tell the receiving party (a) the number of persons who may participate in the PDI confidential budget discussions ; (b) the disclosing party's points of contact with whom the receiving party may communicate regarding the information; and (c) the identities of other recipients of the confidential information with whom the receiving party may discuss the information.
4. A party receiving confidential information will identify each individual to whom the confidential budget information will be disclosed and will not disclose it to any other person. The receiving party will require each person who receives confidential information to sign this agreement. Should the receiving party need to disclose confidential information to additional persons, the receiving party will identify the individuals, provide the reason for further disclosure, obtain the consent of the disclosing party and require the additional person(s) to sign this agreement prior to disclosure.
5. These provisions are consistent with and do not supersede, conflict with, or otherwise alter any obligations, rights, or liabilities created by existing statute, regulation, agency policy, or Executive order relating to (1) classified information, (2) budget information restricted by OMB Circular A-11, (3) communications to Congress, (4) the reporting to an Inspector General of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (5) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and

liabilities created by controlling Executive orders and statutory provisions are not affected by this agreement and are controlling.

6. Nothing in this agreement or the PDI process shall be construed by the agency or union to override any OMB or agency-specific policies on restrictions pertaining to the release of the nature, amounts, and underlying budget materials related to budgetary proposals, supporting budget documentation, or input provided during the budget development period, prior to the budget being submitted to Congress. All participants in the PDI process, to include nongovernment employees, voluntarily agree not to disclose confidential information and to abide by the OMB and agency-specific policies.

For the agency:

For the labor organization:

[Name and contact information]

[Name and contact information]

Date

Date

Individually:

Name _____

Date _____