

U.S. EITI Implementation:

Analysis of Legal Parameters and Potential Constraints

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- There are no major legal impediments to publication, by the government, of aggregated payments at any of several different levels.
 - Those levels include payment data at the company-wide, payor code, and multi-lease project levels.
 - Furthermore, the government may publish leases and other agreements, since those contain only publically available information.

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- The Trade Secrets Act is the primary law which could impede government publication of information.
 - But the Trade Secrets Act only prohibits publication of information which could cause competitive harm to a company.
 - As long as information is published at a sufficiently aggregated level, there is no Trade Secrets Act violation.

- Companies already report information to the Department at the payor code level. Because this information is already available, the Department may disclose it to a third party reconciler without fulfilling further legal requirements.
- There are no federal statutory or regulatory legal impediments for companies to voluntarily disclose, on an independent basis, their payments to a third party reconciler.