

NASA Ames Research Center

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CRuSR Questions and Answers Set 3

Q&A # 21

The following question, a continuation of Q&A Sets 1 and 2, was received by the Contracting Officer in response to the solicitation.

Q 21. FAR 1852.237-73 Release of Sensitive Information states that the contracting officer can challenge the commercial vendor's sensitive information statement, and can rule "with advice from counsel" that commercially sensitive information is not sensitive and that NASA does not have to maintain it as such. Is this NASA's intent in CRuSR or will commercially sensitive information be challenged by NASA? We suggest this FAR requirement be removed.

A21. The clause cited, 1852.237-73 Release of Sensitive Information (June 2005), is a NASA FAR clause, available at: <http://www.hq.nasa.gov/office/procurement/regs/5228-41.htm>. The Contracting Officer is required to include this clause in all solicitations and contracts. This clause should be read along with FAR 52.227-14 Rights in Data. NASA intends to safeguard information properly identified as sensitive information by the contractor and intends to comply with requirements for canceling or ignoring markings, if necessary. However, in order to support management activities and administrative functions (such as contract closeout), NASA relies on service provider contractors, who in the normal course of their contract work may require access to sensitive information of CRuSR vendors. Each support service contractor is under strict obligation not to disclose or use the information other than to perform the services under their contract, and to safeguard sensitive information coming into its possession from unauthorized use and disclosure. In accordance with paragraph (d) of the clause, the Contracting Officer will ensure that each support service contractor only receives sensitive information that is needed to assist NASA in accomplishing management activities and administrative functions, and is operating under a contract that contains the clause at NFS 1852.237-72, Access to Sensitive Information, and is thus obligated to comply with the requirements of this clause.

End of Questions and Answers Set 3