

Confidentiality

Pursuant to 47 CFR 0.457(d) of the FCC Rules, information which is submitted to the FCC which is considered a trade secret and not routinely available to the public may be withheld from public inspection if a request for non disclosure is submitted pursuant to 47 CFR 0.459.

The request should reference the rule sections listed above, contain a reason that the material should be withheld from public inspection, identify the specific information by exhibit type and attachment description, explain why the information is a “trade secret”, and state whether or not the information is publicly available.

Once the confidentiality is approved, the information will be held confidential as long as the FCC retains the information or until a request for inspection is filed and approved per 47 CFR 0.461.

Information commonly held confidential is Schematics, detailed block diagrams, detailed operational descriptions, and parts lists.

Information not held confidential is test reports, RF exposure information, external photos, FCCID labels, attestations, cover letters, test setup photos, and correspondences.

Information always held confidential is software defined radio executable files, and for scanning receivers, internal photos all the information listed above as commonly held.

For scanning receivers and software defined radio executables no fee is required since the rules require this information to be withheld from public examination. If information in a software defined radio application other than the executable file is to be held confidential a fee is required.

Internal photos and users manuals while not typically held confidential, may be in certain circumstances. Additional justification must be provided in these cases. An example of when a users manual may be held confidential is when the manual is very technical and not provided to the end user because the end user can't service the device. An example of when internal photos may be held confidential is when the circuit board is enclosed in epoxy or some sort of material that would destroy the circuit board if it was removed. A second example for internal photos would be when a device is not accessible by the public such as a device mounted on the top of a large tower that is only serviceable by the user.

For applications for personal computers and personal computer peripherals and all unintentional radiators except scanning receivers, since block diagrams are only required to show clock frequencies and are not highly detailed, confidentiality should not be authorized.

When an application is filed for the FCC to process there is a fee for confidentiality. It is currently \$155. When completing the 731 form the button for confidentiality should be

checked and then each exhibit which is justified in the request letter should have the confidentiality checkbox checked when the file is uploaded.

When an application is entered for TCB approval, a justification letter should be submitted, the box on the 731 should be checked and each exhibit which is justified in the request letter should have the confidentiality checkbox checked when the file is uploaded. The FCC does not charge any fee for TCB applications.

All files that are not marked as confidential are viewable on the web site. When an application is pending it is only viewable in the “pending search”. When an application is granted it is available in both the “pending search” and “generic search”. In the generic and pending searches on the Internet there is an option to view non confidential exhibits and also see a summary of all uploaded exhibits. For TCB Applications the TCB’s have an additional option of being able to modify exhibit parameters on applications which they filed if the application is granted within the last 30 days or is currently in “audit” mode.

When an application was previously granted and the applicant requests that some of the exhibits which were not marked as confidential be changed to confidential the process is different for TCB and FCC filed applications. For applications which the FCC approved in the past 30 days, a request should be sent to the FCC and the application will be set aside and regranted after the corrections have been made and the proper fee paid. If the application was filed for FCC approval and was granted more than 30 day ago, a class II permissive change request should be filed with a cover letter explaining why the request was filed. The confidentiality fee should be paid with the permissive change and the confidentiality request letter should be submitted. When all of the proper information is submitted to the permissive change application, the original application will be set aside and regranted with the corrections made and then the permissive change will be granted. For TCB approved applications, if the application was granted within the past 30 days or the application is in audit mode the TCB can make the changes and submit the confidentiality request letter. If the application is older than 30 days and not in “audit” mode, the TCB should make a request for the FCC to put the application in “audit” mode so the corrections can be made. When the changes are complete, the FCC should be informed. For TCB post grant confidentiality requests a class II permissive change should not be filed to request confidentiality and the requests should not come directly from the applicant or any party other than the TCB.

In some cases the applicant is not authorized to see the schematics or other proprietary information for a specific component of a device which is in their product but a trade secret of another company. In these cases, for FCC authorized device, a third party may file the confidential information and be issued the confidentiality for the specific information if the third party knows the FCCID and 731 confirmation number. For TCB authorized devices, the third party is prevented from submitting the information because they should not have access to the TCB password. In these cases, the TCB should work out an agreement with the third party to allow the TCB to file the information.