

**State of Delaware
DEPARTMENT OF FINANCE
Division of Revenue**

NONDISCLOSURE STATEMENT

Section 368 of Title 30 of the Delaware Code, and Sections 7213, 7513A and 7431 of the Internal Revenue Code, (the text of which appears on Page 2) provide that it is unlawful for any employee, or former employee of the Division of Revenue (or any person employed on an independent contract basis) to disclose to any unauthorized person any information set forth in any State or Federal income tax return, report, or document filed with the Division of Revenue including the fact that it was or was not filed. Violation of Section 368 may be punished by a fine of \$1,000, or imprisonment or both. The law provides as follows:

§ 368, Secrecy of returns and information; penalty.

- (a) Except in accordance with proper judicial order or as otherwise provided by law, it shall be unlawful for any officer or employee of the Department of Finance, or for any other officer or employee of this State who has access to tax returns or information from tax returns under this Title (other than Chapters 30 (except §3004 and §3005), 51, and 52) to disclose or make known to any person in any manner the amount of income or of any particulars set forth or disclosed in any report or return required under this Title (other than Chapters 30 (except §3004 and §3005), 51, and 52) including any copy of any portion of federal income or state tax return, or any information on a federal return or report which is required to be attached to or included in a State tax return.
- (b) Nothing in this section shall be construed to prohibit the publication of statistics classified so as to avoid identification of specific taxpayers, or to prohibit the disclosure of the tax return information of any taxpayer to such person or persons as the taxpayer may designate in a written request or consent to such disclosure.
- (c) For purposes of this section, the term "officer or employee" shall include present and former officers and employees, and any person or persons employed or retained by the State on an independent contractor basis. The term "return" or "report" shall include report of the Internal Revenue Service or other competent federal authority containing tax return information.
- (d) Any violation of this Section shall be a misdemeanor, punishable upon conviction by a fine not to exceed \$1,000 or imprisonment not to exceed six months, or both. The Superior Court shall have exclusive original jurisdiction over such misdemeanor.
- (e) For purposes of this section, the terms "return" and "return information" shall not be construed to include any information appearing or to appear on the face of a license required to be displayed under §2109 of this Title or the name or mailing address of the licensee of said license.

Federal law provides that it is unlawful to access federal tax information for any reason other than those pertaining to the official business of the Division of Revenue. Finally, an employee may be subject to discipline up to and including termination if such employee accesses either state or federal tax information for any reason other than official business of the Division of Revenue.



Jennifer R. Hudson
Director of Revenue

Please indicate, by your signature below, that you have read and understood the foregoing provisions of law and policy, and those provisions of Federal law enumerated on Page 2 of this statement.

(Signature at start of employment)

_____ / / _____

Signature of Employee

Date

Please indicate, by your signature below, that you understand the nondisclosure provisions on the front and back of this statement apply to you as a former Division of Revenue employee.

(Signature on separation from employment)

_____ / / _____

Signature of Employee

Date

**State of Delaware
DEPARTMENT OF FINANCE
Division of Revenue**

NONDISCLOSURE STATEMENT (continued from front of this form)

FEDERAL LAW COVERING FEDERAL TAX RETURNS AND TAX RETURN INFORMATION PROVIDED TO THE DIVISION UNDER THE INTERNAL REVENUE CODE'S SECTION 6103

IRC SEC. 7213 UNAUTHORIZED DISCLOSURE OF INFORMATION.

(a) RETURNS AND RETURN INFORMATION.-

(2) STATE AND OTHER EMPLOYEES provides that it shall be unlawful for any person [not described in paragraph (1) willfully to disclose to any person, except as authorized in this title, any return or return information [as defined in section 6103(b)]acquired by him or another person under subsection (d), (i)(3)(B)(i)(6), (7), (8), (9), (10), (12), (15) or (16) or (m)(2), (4), (5), (6), or (7) of section 6103.. Any violation of this paragraph shall be a felony punishable upon conviction by a fine in any amount not exceeding \$5,000, or imprisonment of not more than 5 years, or both, together with the costs of prosecution.

Sec. 7213A. UNAUTHORIZED INSPECTION OF RETURNS OR RETURN INFORMATION

(a) PROHIBITIONS.-

(2) STATE AND OTHER EMPLOYEES.-It shall be unlawful for any person [not described in paragraph (1)] willfully to inspect, except as authorized by this title, any return information acquired by such person or another person under a provision of section 6103 referred to in section 7213(a)(2).

(b) PENALTY.-

(1) IN GENERAL.-Any violation of subsection (a) shall be punishable upon conviction by a fine in any amount not exceeding \$1000, or imprisonment of not more than 1 year, or both, together with the costs of prosecution..

IRC SEC. 7431 CIVIL DAMAGES FOR UNAUTHORIZED DISCLOSURE OF RETURNS AND RETURN INFORMATION.

(a) IN GENERAL.-

(2) INSPECTION OR DISCLOSURE BY A PERSON WHO IS NOT AN EMPLOYEE OF UNITED STATES.-If any person who is not an officer or employee of the United States knowingly, or by reason of negligence, inspects or discloses any return or return information with respect to a taxpayer in violation of any provision of section 6103, such taxpayer may bring a civil action for damages against such person in a district court of the United States

(b) EXCEPTIONS.-No liability shall arise under this section with respect to any inspection or disclosure –

(1) which results from good faith, but erroneous, interpretation of section 6103. or
(2) which is requested by the taxpayer.

(c) DAMAGES.-In any action brought under subsection (a), upon a finding of liability on the part of the defendant, the defendant shall be liable to the plaintiff in an amount equal to the sum of-

(1) the greater of-
(A) \$1,000 for each act of unauthorized inspection or disclosure of a return or return information with respect to which such defendant is found liable, or
(B) the sum of-

(i) the actual damages sustained by the plaintiff as a result of such unauthorized inspection or disclosure, plus

(ii) in the case of a willful inspection or disclosure or an inspection or disclosure which is the result of gross negligence, punitive damages, plus

(2) the cost of the action.

State of Delaware
DEPARTMENT OF FINANCE
UNCLAIMED PROPERTY NONDISCLOSURE STATEMENT

The Delaware Code makes it unlawful for any employee or former employee of the Departments of Finance or State (or person employed on an independent contract basis) to disclose to any unauthorized person **any information** received by the State Escheator or Secretary of State from any holder as a result of such holder's annual report filing, voluntary self-disclosure agreement (VDA), or settlement agreement resulting from the reporting of any unclaimed property. **This includes the fact of whether such report, VOA, or settlement agreement was or was not filed** [(12 Del. C. § 1189(a)]. It also makes it **unlawful to reveal the amount** of or any identifying information related to property held by the Office of Unclaimed Property (OUP), other than the names and last known addresses of persons appearing to be entitled to the property, except to persons who have presented satisfactory proof of interest in the property [12 Del. C. § 1189(b)]. Violation of §1189 may be punished by a fine of \$1,000, or imprisonment or both [12 Del. C. § 1189(d)].

The law provides as follows:

§ 1189 Confidentiality of records.

(a) Except in accordance with proper judicial order or as otherwise provided by law, it shall be unlawful for any officer or employee of the Department of Finance or the Department of State or for any other officer or employee of this State to disclose or make known in any manner to any person who is not a current officer or employee of this State any of the following:

(1) The amount of unclaimed property that has been reported to and received by the State Escheator or the Secretary of State, or both, by any holder, under this chapter, or to disclose the terms of or supporting documentation related to any annual filing, unclaimed property voluntary disclosure agreement, or settlement agreement resulting from the reporting of any unclaimed property under this chapter, including all agreements entered into under this chapter, including past agreements.

(2) Identifying information regarding any unclaimed property owner that is set forth in any report or record made or delivered to the State Escheator, including the exact amount of any property and the character of any property received by the State Escheator.

(b) Notwithstanding subsection (a) of this section, the State Escheator shall maintain a public record of all names and last-known addresses of the person or persons appearing to be entitled to property paid or delivered to the State Escheator under this chapter, including whether the value of such property exceeds a set amount to be determined by the State Escheator.

(1) The State Escheator shall retain other identifying information in a report or record made or delivered to the State Escheator.

(2) The State Escheator shall consider the information in paragraph (b)(1) of this section to be confidential and the information may be disclosed only in the discretion of the State Escheator.

(3) The State Escheator may provide additional information regarding unclaimed property as follows:

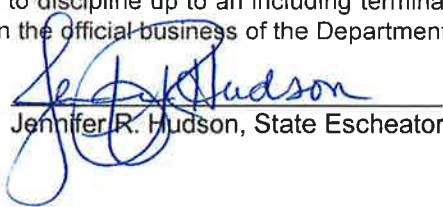
a. To a person who has presented satisfactory proof of an interest in or title to such property.

b. For purposes directly connected with the administration of this chapter.

(c) For purposes of this section, "officer or employee" includes present and former officers and employees, and any person currently or formerly employed or retained by the State.

(d) Any violation of this section shall be a misdemeanor, punishable upon conviction by a fine not to exceed \$1,000, or imprisonment not to exceed 6 months, or both. The Superior Court shall have exclusive original jurisdiction over such misdemeanor.

It is contrary to the rules governing employment for an employee or contractor to access unclaimed property information for other than official purposes. Finally, an employee may be subject to discipline up to and including termination if such employee accesses unclaimed property information for any reason other than the official business of the Department of Finance.



Jennifer R. Hudson
State Escheator

Please indicate, by your signature below, that you have read and understood the foregoing provisions of law and policy this statement.

(Signature at start of employment)

____ / ____ / ____

Signature of Employee/ Contractor

Date

Print full name: _____

Please indicate, by your signature below, that you understand the nondisclosure provisions in this statement apply to you as a former Department of Finance employee / contractor.

(Signature on separation from employment)

____ / ____ / ____

Signature of Employee / Contractor

Date