

**Robert Bosch LLC's BIS Confidentiality Statement in Support of its
Submission in Response to the Department of Commerce's Semiconductor
Supply Chain Request for Public Comment (Docket No. BIS 2021-0036)**

The enclosed submission by Bosch contains Business Confidential information. Bosch has identified the portions of its submission that contain Business Confidential information, and Bosch has filed a non-confidential version of the submission.

This Business Confidential information is protected from disclosure pursuant to 5 U.S.C. § 552(b)(4). Exemption 4 of the Freedom of Information Act protects from disclosure “commercial or financial information [that is] obtained from a person and is confidential.” 5 U.S.C. § 552(b)(4).

The term “commercial or financial” has been broadly interpreted to include any records in which the submitter has a commercial interest. *See Pub. Citizen Health Res. Grp., v. FDA*, 704 F.2d 1280, 1290 (D.C. Cir. 1983). The term “‘commercial’ ... means anything pertaining or relating to or dealing with commerce.” *Am. Airlines, Inc. v. Nat’l Mediation Bd.*, 588 F.2d 863, 870 (2d Cir. 1978).

Bosch has a commercial interest in the Business Confidential information. Bosch maintains the Business Confidential information as confidential. Bosch has not disclosed the Business Confidential information to the public, the information presented is not routinely available to the public from other sources, and Bosch treats it as private. While Bosch may share certain Business Confidential information with certain customers, Bosch still maintains the information as confidential. “[C]onfidentiality is not limited to complete anonymity or secrecy.” *Department of Justice v. Landano*, 508 U.S. 165, 173 (1993). Rather, “[a] statement can be made ‘in confidence’ even if the speaker knows the communication will be shared with limited others, as long as the speaker expects that the information will not be published indiscriminately.” *Id.*

Finally, Bosch is producing this Business Confidential information pursuant to an express assurance of privacy. The Federal Register Notice seeking information contains instruction about how to identify, protect, and file Business Confidential information (*see* 86 FR 53031) and the “Frequently Asked Questions” accompanying the Notice also provide an assurance of confidentiality. *See* <https://www.bis.doc.gov/index.php/documents/pdfs/2844-2021-semiconductor-frn-faqs-9-24/file>

I hereby certify that the foregoing is true and correct.

Paul Thomas
Executive Vice-President, Sales
Robert Bosch LLC
November 8, 2021