

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

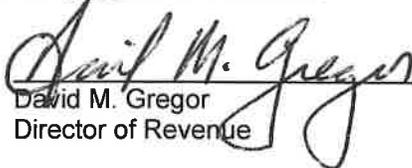
**NONDISCLOSURE STATEMENT**

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.**

  
David M. Gregor  
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

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**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.