

UNITED STATES OF AMERICA



documents, it is typically extended for two to five years. *E.g.*, *In re E.I. Dupont de Nemours & Co.*, 97 F.T.C. 116, 118 (1981); *In re Int'l Ass. of Conf. Interpreters*, 1996 FTC LEXIS 298, *13-14 (June 26, 1996).

The Federal Trade Commission strongly favors making available to the public the full record of its adjudicative proceedings to permit public evaluation of the fairness of the Commission's work and to provide guidance to persons affected by its actions. *In re Crown Cork & Seal Co., Inc.*, 71 F.T.C. 1714, 1714-15 (1967); *Hood*, 58 F.T.C. at 1186 ("[T]here is a

evidence adduced therein, open to all interested persons."'). A heavy burden of showing good cause for withholding documents from the public record rests with the party requesting that documents be placed *in camera*. *Hood*, 58 F.T.C. at 1188. Further, requests for indefinite *in camera* treatment must include evidence to justify why the document should be withheld from the public's purview in perpetuity and why the requestor believes the information is likely to remain sensitive or become more sensitive with the passage of time. *See DuPont*, 97 F.T.C. at

117. Thus, in order to sustain the heavy burden for withholding documents from the public

III.

Non-party Humana, Inc. ("Humana"), on February 2, 2005, filed a motion seeking *in*
summary judgment for certain of its documents. Humana seeks *in* summary judgment for a motion d

[REDACTED]

V.

Non-party Swedish Covenant Hospital ("SCH"), on January 26, 2005, filed an amended motion seeking *in camera* treatment for twenty-three documents. SCH seeks *in camera* treatment for an indefinite period. The parties do not oppose the motion for *in camera* treatment.

SCH's motion provides a declaration of Gary M. Krugel, Senior Vice President/Chief Financial Officer at Swedish Covenant Hospital ("Krugel Declaration"). As described by the Krugel Declaration, the information for which *in camera* treatment is sought is confidential information related to the prices and terms for healthcare contracts and SCH's business and strategic plans, disclosure of which would result in a competitive disadvantage.

A review of the declaration in support of the motion and the documents reveals that some of the information sought to be protected meets the standards for *in camera* treatment. However, the information does not meet the standards for indefinite *in camera* treatment. The declaration and documents do not provide adequate support for *in camera* treatment of RX 350, RX 57,

old. Accordingly, SCH's motion is **GRANTED in part and DENIED WITHOUT PREJUDICE in part**. *In camera* treatment, for a period of ten years, to expire on February 1, 2015, is granted to:

RX 326 (347 to 48),
RX 438 (425 to 27),
RX 163 (1362 to 64, 1366 to 68, 1369 to 85)

VI.

Non-party UniCare Health Plans of the Midwest, UniCare Health Insurance Company of the Midwest, and UniCare Life & Health Insurance Company ("UniCare") on February 2, 2005

filed a motion seeking *in camera* treatment for fifteen documents. UniCare seeks *in camera*

