

# Cap-and-Trade Program Confidential Information Submittal Form

In accordance with Title 17, California Code of Regulations (CCR), sections 91000 to 91022, and the California Public Records Act (Government Code Section 6250 et seq.), the information that a company provides to the Air Resources Board (ARB) may be released (1) to the public upon request, except trade secrets which are not emissions data or other information which is exempt from disclosure or the disclosure of which is prohibited by law; and (2) to the Federal Environmental Protection Agency (EPA), which protects trade secrets as provided in Section 114(c) of the Clean Air Act and amendments thereto (42 USC 7401 et seq.) and in federal regulation; and (3) to other public agencies provided that those agencies preserve the protections afforded information which is identified as a trade secret, or otherwise exempt from disclosure by law (Section 39660(e)).

Trade secrets as defined in Government Code Section 6254.7 are not public records and therefore will not be released to the public. However, the California Public Records Act provides that air pollution emission data are always public records, even if the data come within the definition of trade secrets. On the other hand, the information used to calculate emissions is a trade secret.

If any company believes that any of the information it may provide is a trade secret or otherwise exempt from disclosure under any other provision of law, **it must identify the confidential information as such at the time of submission to ARB and must provide the name, address, and telephone number of the individual to be consulted**, if ARB receives a request for disclosure or seeks to disclose the data claimed to be confidential. ARB may ask the company to provide documentation of its claim of trade secret or exemption at a later date. Data identified as confidential will not be disclosed unless ARB determines, in accordance with the above referenced regulations, that the data do not qualify for a legal exemption from disclosure. The regulations establish substantial safeguards before any such disclosure.

If you wish to designate any information contained in your benchmarking survey data as **CONFIDENTIAL INFORMATION**, please provide the data requested below and return it with your completed survey forms.

In accordance with the provisions of Title 17, California Code of Regulations, sections 91000 to 91022, and the California Public Records Act (Government Code Sections 6250 et seq.),

\_\_\_\_\_ (Company Name) declares that only those portions specifically identified and submitted in response to the California Air Resources Board's information request on the survey are confidential "trade secret" information, and requests that it be protected as such from public disclosure. All inquiries pertaining to the confidentiality of this information should be directed to the following person:

## Authorized Representative

First Name: \_\_\_\_\_  
Last Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Telephone Number: \_\_\_\_\_  
Email Address: \_\_\_\_\_

## Company Mailing Address

Address Line 1: \_\_\_\_\_  
Address Line 2: \_\_\_\_\_  
City: \_\_\_\_\_  
State or Province: \_\_\_\_\_  
Zip Code: \_\_\_\_\_  
Country: \_\_\_\_\_

By signing below, I certify that the statements and information submitted to ARB are true, accurate, and complete.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date