# CONFIDENTIAL INFORMATION FORM

In accordance with title 17, California Code of Regulations (CCR), sections 91000-91022, 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 (HSC, 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 states that air pollution emission data are always public records, even if the data comes within the definition of trade secrets. Even so, the information used to calculate air pollution emissions data is not "emissions data", and will not be released to the public if it is a trade secret.

## Identifying Confidential Information

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 the ARB and must provide the name, address, and telephone number of the individual to be consulted. If the 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 the 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.

**To designate any information contained in your survey data as "confidential information", provide the data requested below and return this page with your completed survey forms.**

1. In accordance with the provisions of title 17, California Code of Regulations, sections 91000-91022, and the California Public Records Act (Government Code sections 6250 seq.), (*enter company name*):_____ declares that only those portions specifically identified (by checking the upper left-hand corner confidentiality box on each form) 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.

2. We have designated confidential information by page for each survey data form submitted by checking (✔) the upper left-hand corner confidentiality box.

   Name:_____ Signature:_____ Date:_____

3. In the case that there are inquiries pertaining to this confidential information, the ARB should contact the following person:

   Name: _____ Title: _____

   Phone: _____ Email: _____

   Company Address: _____