



## ADVISORY NOTICE

### Public Records Act Guidelines and SCAQMD Rules

**Original Review:** January 2004

**Revised Date:** July 2011

**Subject:** Specification of Procedures and Criteria for Providing Public Information

**Issue:**

The South Coast Air Quality Management District has been made aware of an inquiry regarding the possibility of potentially confidential or privileged information being provided to the public.

**Analysis:**

The SCAQMD complies with the California Public Records Act in regards to the disclosure of confidential data. Specifically, California Government Code section 6254.7(e) explains that facilities may assert, at the time of submittal, a trade secret exemption from disclosure of information.

However, the SCAQMD [Guidelines for Implementing the California Public Records Act](#) requires a detailed and complete basis for such a claim. A justification must include a sworn declaration attesting to the following: the extent to which the information is known outside the business, or is shared with employees; the extent of measures taken to guard the secrecy of the information; the value of the information to the business; the resources expended to develop the information; and the difficulty with which the information could be duplicated. In addition, the facility is instructed to make a trade secret claim for specific, narrowly-defined information, not entire documents.

Pursuant to the SCAQMD Guidelines, the facility's justification for the request for exemption from disclosure will be evaluated. Based on a review of the declaration, as well as relevant case law and regulations, a determination is made as to what data, if any, will be deemed not to be a public record. Both parties are then advised of their rights to bring appropriate legal action.

In the event of a public records request, the records would be made available, unless there was a trade secret claim by the facility for specific information. At that point, the procedure detailed above would be implemented.

For more information on specific procedures please visit the [SCAQMD](#) website.

Comments or questions regarding Rule 1113 should be directed to [areasources@aqmd.gov](mailto:areasources@aqmd.gov) or call the Area Source team at 909-396-2390.