




**San Joaquin Valley Air Pollution Control District**

District Policy ADM 1030  
Confidential Information Classification and Handling

Approved By:   
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Director of Permit Services

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**I. Purpose of the Policy**

The purpose of this policy is to provide a procedure to designate information as confidential and handle information once confidential status has been granted. This policy also addresses the handling of information currently in District files that was informally designated confidential by the applicant before this policy was in place.

**II. Applicability**

This policy applies to all information supplied to the District. It does not apply to information, reports, etc. produced or generated by the District, except and to the extent such District documents disclose information claimed to be confidential.

**III. Background**

Rule 1030 (Confidential Information) allows any person furnishing records to label them as “trade secrets.” If the District finds the trade secrets label to be justified, the records will be treated as confidential and will not be considered part of the public record.

Historically, confidential classification requests and material classified as confidential were handled by Counties (prior to District formation) in a variety of ways. In some instances, it is unclear whether the County deemed the requested information confidential, and in others, no written documentation exists to justify classifying certain information as confidential. Addressing this uncertainty through the procedures below is critical to our efforts to avoid the release of confidential trade secrets.

**IV. Definitions**

The following definitions from Rule 1030 are applicable to this policy:

**A. Public Records:**

All information, analyses, plans, or specifications that disclose the nature, extent, quantity, or degree of air contaminants or other pollution which any source operation will produce, which the District or any other state or local agency or district requires any applicant to provide before such applicant builds, erects, alters, replaces,

operates, sells, rents, or uses such source operation, are public records.

All air and other pollution monitoring data, including data compiled from stationary sources, are public records. All air pollution emission data, including those emission data which constitute trade secrets, as defined in Section 4.0, are public records. Data used to calculate emission data are not emission data for the purpose of this policy. Data which constitute trade secrets and which are used to calculate emission data are not public records.

**B. Trade Secrets:**

Trade secrets are not public records under this rule and shall be treated as confidential. Trade secrets may include, but are not limited to, any formula, plan, pattern, process, tool, mechanism, compound, procedure, production data, or compilation of information which is not patented, which is known only to certain individuals within a commercial concern who are using it to fabricate, produce, or compound an article of trade or a service having commercial value and which gives its user an opportunity to obtain a business advantage over competitors who do not know or use it.

**V. Guidance**

**A. Procedures for Designating Material Confidential**

1. To designate material as confidential, the applicant must submit a written request specifying exactly which material they wish to designate as confidential and justifying how the information qualifies as trade secrets pursuant to the definition in Rule 1030, Confidential Information.
2. If District staff receives information marked confidential by the applicant, but without proper justification, the District must notify the applicant in writing and within 10 days that justification must be provided. The same procedure applies if a review of District files pursuant to a public record request reveals information that has been marked confidential by a permittee, but lacks proper justification. Such information must not be part of the public record while the applicant is notified of the requirement for justification and while confidential status is under review. Contacting the permittee, submission of the written justification for confidential classification, and the determination of confidential classification should all transpire in less than ten days if we have already received a public information request for such information. Pursuant to Rule 1031, public information requests must be responded to within 10 days of receipt (or such longer period as can be justified provided notification is given to the requesting party within 10 days as to when the requested information will be made available). The manager or supervisor of Permit Services approval is required before informing a requestor that information will not be available within ten days of a request.

3. Upon receipt of a request for confidential classification for source data, the District will notify the applicant of the decision to grant or deny confidential classification.

## **B. Procedures for Filing Material Designated Confidential**

When information in a document is deemed confidential pursuant to District Rule 1030, staff shall make two versions of the document:

- An original complete version stamped or otherwise designated as “confidential”
- A redacted version that will be publicly available

When creating these two documents, staff shall use the procedures detailed below:

1. Original version containing confidential material:

Each complete original document containing confidential material shall be scanned into the EDMS system using the appropriate EDMS designation to reflect the confidential status of each document. Upon approval of the request for confidentiality, the original document containing confidential information is NOT made available to the public.

### If working with a paper copy of the original document:

- Staff shall ensure the first page of document contains a stamp indicating the document contains confidential information.
- Prior to submitting the document for EDMS scanning, staff shall ensure the **confidential status is set to “Yes”** on the EDMS coversheet.
- Staff shall submit the confidential request form as a separate document with the document type “Confidentiality Request”.

### If working with an electronic copy of the original document:

- Staff shall ensure the first page of the document contains a **“Confidential” watermark or other stamp** indicating the document contains confidential information prior to storing the document electronically.
- Staff shall ensure that when uploading confidential documents into the District’s Permit Administration System (PAS) that the confidential check box is selected.
- Staff shall save the confidential request form as document type “Confidentiality Request”.

2. Redacted version that will be publicly available:

Upon approval of the request for confidentiality, a redacted version of each original document shall be created and scanned into the EDMS system using the appropriate EDMS designation to reflect the non-confidential status of each document. The redacted copy is made available to the public.

If working with a paper copy of the original document, staff shall use the following procedures:

- a) If the majority of the information on a page in the original document is confidential, create a replacement page on paper with the heading, "Information on this page has been designated confidential, and has been removed from this file. The confidential information includes the following: (Describe the type of information removed, such as 'chemical formulas' or 'process diagram', etc.).
- b) If only part of the information on a page in the original document is to be designated confidential, create a replacement page by photocopying the original page containing confidential information, and alter the photocopy in such a way that the confidential material is not discernable in any way. Make a photocopy of the altered photocopy. This photocopy will be used to create a redacted document. Shred the altered photocopy.
- c) Create a redacted copy of the document by replacing each confidential page in the original document with the appropriate replacement page.
- d) Staff shall ensure the confidential status is set to "No" on the EDMS coversheet for the redacted copy of the document.

If working with an electronic copy of the original document, staff shall use the following procedures:

- a) Create a redacted copy of the document using the Redact Tool in Adobe Acrobat Pro to alter each page containing confidential information in the document in such a way that the confidential material is not discernable in any way.
- b) Upload the redacted public document into PAS, using the appropriate

**Note:** The procedures described above apply to Permit Services Division's application review, emission inventory, and Air Toxics Hot Spots documents if material classified as confidential is present. The District's Authority to Construct, Permit to Operate, and Emission Reduction Credit Banking Certificate documents are public records. Confidential information may be referred to in such documents, but should not be disclosed in such documents.

**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF INFORMATION**

**Company name** \_\_\_\_\_

**General nature of business** \_\_\_\_\_

**Applicant's name** \_\_\_\_\_ **Title** \_\_\_\_\_  
(please print)

**Mailing address** \_\_\_\_\_ **Zip** \_\_\_\_\_

**Location at which equipment is operated** \_\_\_\_\_

**Specific information for which the request is made** \_\_\_\_\_

**Type of source operation** \_\_\_\_\_

**Justification for confidential classification (attach additional sheets if necessary):**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**NOTE:** Materials which are defined in the Clean Air Act as being public records are: ambient air monitoring data, emission data, and any other information other than trade secrets used in evaluating an application for Authority to Construct or Permit to Operate. Such materials **CANNOT** be classified as confidential. See attachment for definition of trade secrets.

**Certification:** I, \_\_\_\_\_ (applicant's signature) hereby certify that the information submitted with this application is to the best of my knowledge true and correct.

## **VI. Revisions to this Policy**

### 11/26/25 Revisions:

- Expanded scope of this policy to include all Permit Services document types.
- Added reference to the new “Confidentiality Request” document type in PAS.