

**State of California
Office of Administrative Law**

In re:
Office of Energy Infrastructure Safety

Regulatory Action:

Title 14, California Code of Regulations

Adopt section: 29200

**NOTICE OF APPROVAL OF REGULATORY
ACTION**

Government Code Section 11349.3

OAL Matter Number: 2022-1118-03

OAL Matter Type: Regular Resubmittal (SR)

This action adopts requirements for submitting documents containing confidential information to the Office of Energy Infrastructure Safety.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 1/5/2023 pursuant to section 11343.4(b)(3) of the Government Code.

Date: January 5, 2023



**Eric Partington
Senior Attorney**

**For: Kenneth J. Pogue
Director**

**Original: Caroline Thomas Jacobs,
Director**

Copy: Jeff Brooks

State of California
Office of Energy Infrastructure Safety

TEXT OF REGULATIONS

TITLE 14. NATURAL RESOURCES

DIVISION 17. OFFICE OF ENERGY INFRASTRUCTURE SAFETY

CHAPTER 1. RULES OF PRACTICE AND PROCEDURE

ARTICLE 3. DATA COLLECTION, DATA ACCESS AND
CONFIDENTIALITY

§ 29200. Submission of Confidential Information.

- (a) Information submitted to the Office may be granted a “confidential designation” if the person or entity submitting the information makes a reasonable claim that the Office is authorized to and should withhold the information from public disclosure.
- (b) A person or entity submitting information to the Office may request a confidential designation for the information by including the following at the time of submission:
- (1) One unredacted copy of the record containing the information.
 - (2) One redacted copy of the record if the information claimed to be exempt can reasonably be redacted.
 - (3) A statement that:

(A) Identifies the statutory basis for the exemption or exemptions claimed;

(B) States the reasons why each exemption claimed applies to the information;

(C) States the length of time the exemption or exemptions apply to the information, and explains the basis for the length of time stated; and

(D) Includes the following certification, executed by the submitting person or a person authorized to make the certification on behalf of the submitting entity: "I certify under penalty of perjury that the information contained in this application for confidential designation is true, correct, and complete to the best of my knowledge."

(c) If an exemption from public disclosure is being claimed because the information contains trade secrets or because disclosure would cause the loss of a competitive advantage, then the required statement described in subsection (b)(3) must also:

(1) Specifically identify the competitive advantage;

(2) State how the advantage would be lost through disclosure; and

(3) Describe the ease or difficulty with which others could acquire or duplicate the information.

(d) If a confidential designation request is incomplete or the submitting person or entity has failed to make a reasonable claim that the California Public Records Act or other provision of law authorizes the Office to keep the information confidential, the Office shall provide to the submitting person or entity a statement identifying the defects and a request for additional information. If additional information is not submitted to the Office within fourteen days of receipt of the request, the originally submitted information shall not receive a confidential designation.

(e) In granting a confidential designation, the Office is not making a final determination or guarantee that the information will be withheld from disclosure pursuant to the California Public Records Act or other provisions of law.

(f) In the event of a request for disclosure of confidentially designated information, the Office will attempt to notify the submitting person or entity prior to disclosure unless notification is prohibited by law.

Note: Authority cited: Section 15473, Government Code.

Reference: Section 15754, Government Code.