

**DEPARTMENT MANAGEMENT MANUAL**  
**OFFICIAL POLICY**

**DOCUMENT #:** EO-93-022-PP

**TITLE:** Handling of Confidential Materials

**Effective Date:** \_\_\_\_\_

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|-------|----------|-----------------------------------|
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| [ ]   | Volume 2 | Permits                           |
| [ x ] | Volume 3 | Site Mitigation                   |
| [ ]   | Volume 4 | Surveillance & Enforcement        |
| [ ]   | Volume 5 | Health & Safety                   |
| [ ]   | Volume 6 | Planning & Environmental Analysis |

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**DESCRIPTION:**

The purpose of this document is to establish procedures for physically handling confidential materials for the Case Development Branch.

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2-24-94  
**Date**

Document # EO-93-022-PP

**TITLE: Handling of Confidential Materials**

#### **PURPOSE**

The purpose of this document is to establish confidential materials handling procedures for the Case Development Branch, Department of Toxic Substances Control (Department).

#### **SCOPE**

These policies and procedures apply to the physical handling of the following confidential materials: 1) ongoing investigation confidential materials, 2) trade secrets (proprietary processes and chemicals), 3) other agency materials, and 4) other materials as provided by addendum to this policy and procedure. This document is not intended as a guideline for proper identification of confidential materials. Other policies and procedures have been established for identification and release of public records.

#### **POLICY/PROCEDURE**

##### 1. General Policy

The policies and procedures established herein are to be followed for each of the respective classes of confidential materials. As there may be some overlap in classification of material (e.g. other agency information that is part of an ongoing investigation), the handling procedure having the highest level of security will be followed. If there is any question regarding the classification of the material, the Office of Legal Counsel should be consulted.

All Department staff have the responsibility to ensure that confidential materials are provided their appropriate level of security. The unauthorized release of confidential information is strictly prohibited. Such releases not only compromise the Department's enforcement activities, but may

be a violation of law that would subject the individual to criminal prosecution. Therefore, proper security for confidential materials shall be maintained at all times.

All confidential material shall be clearly marked as such. All pages of each document will be marked confidential. If the material has lost its confidential status, it will be clearly marked declassified. If only part of a document has lost its confidential status, that portion will be clearly marked with the word "declassified." Partially declassified material shall remain in the appropriate confidential file.

There are three general types of confidential materials: 1) ongoing investigation confidential material, 2) trade secrets, and 3) other agency information. All confidential material shall be marked as such and shall be handled at their highest level of security as outlined below.

## 2. Ongoing Investigations

Confidential material that is part of an ongoing Case Development Branch investigation shall be filed in separate RED confidential files and clearly marked confidential. Access shall be restricted to Department staff with a need to know the information contained in the file and to other persons authorized to view the confidential material. Non-departmental personnel viewing confidential material shall be under the direct supervision of Departmental staff. Once the investigation is complete, files forwarded to the Office of Legal Counsel or the Attorney General shall be handled in accordance with the procedures set forth by the respective counsels office.

## 3. Trade Secrets

In accordance with Departmental policy, trade secret confidential materials shall be filed in separate RED confidential files and clearly marked confidential. These files shall be kept in a separate location in the file room. Duplicate copies of documents that contain trade secret information may be kept in the central file, provided the trade secret portion of the document is "blacked-out".

#### 4. Other Agency Information

Information obtained from other state, federal, and local agencies that is part of an ongoing investigation by that agency or other agency information, and that is confidential according to the statute that authorized the collection of that information (e.g., taxpayer records), or that is confidential according to specific memorandum of agreements, will be managed in accordance with this paragraph or as delineated in separate memorandum of agreement with the other agency. It shall be filed in separate RED confidential files and clearly marked confidential. These files shall be kept in a locked file cabinet under the control of a Senior Hazardous Materials Specialist (SHMS) or his/her designees. The file shall remain in the file cabinet, unless it is being used. However, the file may be stored in a locked desk temporarily (during breaks), but in no circumstances shall the file be kept overnight. The SHMS or his/her designees shall ensure that all files are returned on a daily basis. Access shall be restricted to Department staff with a need to know the information contained in the file. Non-departmental personnel are precluded from viewing this material, except as specifically authorized by the memorandum of agreement, or subsequent to obtaining authority to release the information from the other agency. Once the information is no longer needed, it will be destroyed or returned to the other agency as outlined in the memorandum of agreement. Certification of destruction will be sent to the Information Security Officer and, if requested, the agency from whom the information was received. Files forwarded to the Office of Legal Counsel or the Attorney General shall be handled in accordance with the procedures set forth by the respective counsel's office.