

3745-34-03 Confidentiality of information.

- (A) Any record, report, or other information obtained by the Ohio environmental protection agency shall be made available to the public, except that upon a showing satisfactory to the director by any person that such record, report, or other information, or particular part thereof (other than data concerning the amounts of contents of discharges or the quality of the receiving waters), if made public, would divulge methods or processes entitled to protection as trade secrets of such person, the Ohio environmental protection agency shall consider such record, report or information, or particular part thereof confidential. Any confidential record, report, or information may be disclosed to other officers, employees, or authorized representatives of the state, another state, or of the United States, concerned with carrying out this act or when relevant in any proceeding under these regulations. Prior to divulging any confidential trade secret information, the director shall give ten days' written notice to the person claiming trade secrecy.
- (B) A request for confidentiality shall be submitted to the Ohio environmental protection agency simultaneously with submission of the specific record, report or other information, and such request shall be accompanied by sufficient supporting documentation. Failure to make such timely request shall constitute a waiver of the right to prevent public disclosure.
- (C) A decision as to the confidentiality request shall be made by the Ohio environmental protection agency within forty-five days of receipt of the request and accompanying documentation. Until such decision is made, the record, report, or other information or part thereof, shall be confidential. The person requesting confidentiality shall be notified by mail of the decision.

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