

VENTURA COUNTY AIR POLLUTION CONTROL DISTRICT

RULE 204 - TRADE SECRETS

- A. Only those portions of records in the custody of the District which were not emission data and (1) were labeled "trade secret" prior to the adoption of this Regulation, or (2) are hereafter specifically labeled as "trade secret" pursuant to Rule 201.B, shall be subject to the procedure set forth in this Regulation. All other portions of such records shall be made available pursuant to Rule 203.
- B. When the District receives a request to inspect any record so labeled which is not emission data, it shall promptly notify the requesting party that (1) such record is designated a trade secret under Rule 201.B and, if such is the case, under law it cannot be made available; (2) the District has not determined if it is a trade secret, but the justification of the request for confidentiality is enclosed; and (3) if the requesting party considers the justification inadequate, he may so advise the District in writing, setting forth his reasons.
- C. Upon receipt of such advice the District shall (1) promptly review in detail the justification, the challenge to the justification, and the record; (2) determine if the record is in its entirety a trade secret(s); and (3) promptly notify those persons affected of its decision in writing. If the District withholds the record from inspection, the person requesting it may seek judicial relief under Section 6258 of the Government Code. If the District determines that the record is in any significant part not a trade secret, the District shall send the notice required by this Regulation by certified mail, return receipt requested to the person designating the information as a trade secret, with an additional notice that the record in question shall be released for inspection to the requesting party twenty-one (21) days after receipt of the notice, unless the District is restrained from so doing by a court of competent jurisdiction.
- D. Should the person designating the records as a trade secret seek protection in a court of law, the requesting party may be a party to the litigation to justify his challenge to the designation.