



STATE OF
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*CONNECTICUT SITING
COUNCIL*

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**CONNECTICUT SITING COUNCIL
PROCEDURES FOR FILING PROPRIETARY INFORMATION UNDER PROTECTIVE ORDER**

Purpose

The purpose of these procedures is to provide guidelines as to the submission of proprietary information, including but not limited to critical energy infrastructure information (CEII), for in camera review by the Council and staff to determine whether the filing qualifies for protected treatment and exemption from public disclosure.

Definitions

Proprietary Information is defined as any information that may be exempt from public disclosure under the Freedom of Information Act (FOIA), C.G.S. §1-210(b).

CEII is defined as specific engineering, vulnerability, or detailed design information about proposed or existing critical infrastructure that:

1. relates to details about the production, generation, transportation, transmission or distribution of energy;
2. could be useful to a person in planning an attack on critical infrastructure;
3. is exempt from mandatory disclosure under FOIA, C.G.S. §1-210(b)(19); and
4. does not simply give the general location of critical infrastructure.

Filing Requirements

Any person seeking protection from public disclosure of proprietary information shall file:

1. One copy of the proprietary information in a sealed envelope that is clearly labeled, "CONFIDENTIAL – PROPRIETARY INFORMATION" or "CONFIDENTIAL – CEII" as the case may be with the identity of the filing entity, the date, and a brief description of the contents (ex. Full lease agreement). Each page of the proprietary materials must be marked with the words "CONTAINS PROPRIETARY INFORMATION – DO NOT RELEASE" or the words "CONTAINS CEII – DO NOT RELEASE" as the case may be.
2. A redacted version of the proprietary materials.

3. The following documents in consecutive order:
 - a. A cover letter describing the filer, the docket number or project identity and the information for which protection is sought;
 - b. A Motion for Protective Order for the proprietary information and a Memorandum of Law describing the legal standards upon which the motion is based;
 - c. An affidavit from the sponsoring witness stating specifically why the information should be protected;
 - d. A proposed Protective Order for signature by the Chairman;
 - e. A proposed Non-Disclosure Agreement for signature by requesters of the proprietary information; and
 - f. A proposed Request for Information for completion by persons seeking access to the proprietary information.

Execution and Delivery of the Protective Order and Non-Disclosure Agreement

If protection is granted after Council review of the proprietary information, a copy of the executed Protective Order and a copy of each executed Non-Disclosure Agreement shall be delivered to all parties on the official service list in the proceeding.