



Ecosystem Credit Accounting System

Pilot Confidential Business Information Guideline

For questions or comments contact us at info@willamettepartnership.org

Overview

In the course of a participant providing information to the Ecosystem Credit Accounting System's Market Administrator or in verification of projects, there may be information that needs to be kept confidential. An essential goal of the accounting system is to promote transparency, but the Market Administrator also respects the need for privacy. This guideline documents which information might be considered confidential and the process for marking it as confidential. The guidance draws heavily from EPA's Regulations on the Confidentiality of Business Information (see 40 CFR Part 2). Determinations on confidential business information will be subject to the public disclosure rules of the lead agencies for each currency.

Automatically confidential information

Each Project Developer must submit contact information to the Market Administrator as part of a request to verify credits. Much of that contact information (e.g. phone, email, etc...) will be kept confidential by the Market Administrator. The Project Developer's organizational and lead contact identity is not automatically kept confidential. Any information submitted in a conflict of interest form between a verifier and a Project Developer is automatically kept confidential. **All other information must be claimed confidential.**

Policy for claiming confidential information

Restrictions on public disclosure are acceptable only where compelling reasons to protect confidential business information are provided and where these reasons clearly outweigh the public interest. These reasons must be submitted as a claim of confidentiality.

1. Asserting a Claim

Information claimed as confidential must be clearly marked by boxing, circling or underlining in all submitted forms and reports. All pages containing such information should also be marked "CONFIDENTIAL." Care should be taken to ensure that these markings do not obscure the submission's text.

2. Sanitized Copy

Two versions must be filed of any hard copy documents submitted to the Market Administrator containing information claimed as confidential. One copy should be complete, with the information being claimed as confidential marked in the manner described above. The other copy should have all of the information claimed as confidential excised. This version will be placed in the Market Administrator's Public Files. See 43 Federal Register, page 1113, titled, "X. Confidentiality Claims," March 16, 1978 for EPA views.

3. Substantiating claims of Confidentiality

Detailed written responses to the following questions must be provided to substantiate your confidentiality claim(s). Your responses should be as specific as possible, with examples as appropriate, and should provide substantiation arguments for all types of information (e.g., landowner contact information, sales, prices, etc...) you claim as confidential. The Market Administrator must receive a response to these questions with a claim of confidentiality. Substantiation questions:

1. Is your company asserting this confidential business information (CBI) claim on its own behalf? If the answer is no, please provide company name, address and telephone number of entity asserting claim.
2. For what period do you assert your claim(s) of confidentiality? If the claim is to extend until a certain event or point in time, please indicate that event or time period. Explain why such information should remain confidential until such point.
3. Has the information that you are claiming as confidential been disclosed to any other governmental agency, or to this Market Administrator at any other time? Identify the Agency to which the information was disclosed and provide the date and circumstances of the same. Was the disclosure accompanied by a claim of confidentiality? If yes, attach a copy of said document reflecting the confidentiality agreement.
4. Briefly describe any physical or procedural restrictions within your company relating to the use and storage of the information you are claiming CBI.
5. If anyone outside your company has access to any of the information claimed CBI, are they restricted by confidentiality agreement(s). If so, explain the content of the agreement(s).
6. Does the information claimed as confidential appear or is it referred to in any of the following:
 - a. Advertising or promotional material;
 - b. Professional or trade publications; or
 - c. Any other media or publications available to the public or to your competitors.If you answered yes to any of the above, indicate where the information appears, include copies, and explain why it should nonetheless be treated as confidential.

7. Has another organization or court made any confidentiality determination regarding information associated with this claim? If so, provide copies of such determinations.
8. Describe the substantial harmful effects that would result if the CBI information is made available to the public? In your answer, explain the causal relationship between disclosure and any resulting substantial harmful effects. Consider in your answer such constraints as privacy, capital and marketing cost, specialized technical expertise, or unusual circumstances. Address each piece of information claimed CBI separately.