

confidentiality. The documentation must be received within ~~five~~ ~~ten~~ (510) days from the date of the telephone contact and email notification, whichever occurs first.

- (c) The documentation submitted in support of the claim of confidentiality shall include the following information:
- (1) The statutory provision(s) under which the claim of confidentiality is asserted;
 - (2) A specific description of the information claimed to be entitled to confidential treatment;
 - (3) The period of time for which confidential treatment is requested;
 - (4) The extent to which the information has been disclosed to others and whether its confidentiality has been maintained or its release restricted;
 - (5) Confidentiality determinations, if any, made by other public agencies as to all or part of the information and a copy of any such determinations, if available; and
 - (6) Whether it is asserted that the information could be used in a manner to threaten the security of the project.
- (d) Documentation, as specified in this section, in support of a claim of confidentiality may be submitted before the Commission receives a request for the information.
- (e) The Commission shall, within ten (10) days of the date it sought to disclose the information or received the request for disclosure, or within 20 days of that date if the Commission determines that there are unusual circumstances, as defined in Government Code section 6253, review the request, if any, and supporting documentation, if received within the time limits specified in subsection (B) above, including any extension granted, and determine whether the data is entitled to confidential treatment pursuant to Government Code section 6254, 6255 or 6254.7 or other applicable provisions of law and shall either:
- (1) Decline to disclose the data and, if a request was received, provide a justification to the person making the request and to the person claiming the data is confidential for the determination pursuant to Government Code section 6255; or
 - (2) Provide written notice to the person claiming the information is confidential and, if a request was received, to the person requesting the information that it has determined that the information is subject to disclosure, that it proposes to disclose the information, and that the information shall be released 21 days after receipt of the notice by the person claiming confidentiality, unless the Commission is restrained from so doing by a court of competent jurisdiction. The Commission shall release the information in accordance with the terms of the notice unless so restrained.
- (f) Should judicial review be sought of a determination issued in accordance with this regulation, either the person requesting data or the person claiming confidentiality, as appropriate, may be made a party to the litigation to justify the determination.

NOTE: Authority cited: Water Code section 79705, 79711, 79750, 79751, 79752, 79753, 79755, 79757.
Reference: Water Code section 79705, 79711, 79750, 79751, 79752, 79753, 79755, 79757.