

Questionnaire for Facilities Requesting E-PRTR Data be kept Confidential

Article 11: Confidentiality

Whenever information is kept confidential by a Member State in accordance with Article 4 of Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information (OJ L 41, 14.2.2003, p.26), the Member State shall, in its report under Article 7(2) of this Regulation for the reporting year concerned, indicate separately for each facility claiming confidentiality the type of information that has been withheld and the reason for which it has been withheld.

Please provide all the required information. If there are any omissions the questionnaire will be returned to the facility.

Facility Name: _____

License Number: _____

1. What Information does your facility wish to keep confidential?

Mark all boxes that apply

Emissions to: Air ☐ Water ☐ Wastewater ☐ or Waste Transfer ☐

Pollutant Type: ☐

Quantity: ☐

Waste Type: ☐

Recovery / Disposal Technique: ☐

Recoverer/ Disposer of Waste: ☐

Provide detail of the information that you request to be kept confidential:

2. The provisions governing confidentiality are laid down in Article 11 of the E-PRTR Regulation in connection with Article 4(2) of Directive 2003/4/EC (Appendix A). Article 4(2) of Directive 2003/4/EC sets out eight provisions where information can be withheld as confidential. Under which of these provisions is your facility requesting information be kept confidential?
Mark Provision under which your request falls.

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| | (a) <i>the confidentiality of the proceedings of public authorities, where such confidentiality is provided for by law;</i> |
| | (b) <i>international relations, public security or national defence;</i> |
| | (c) <i>the course of justice, the ability of any person to receive a fair trial or the ability of a public authority to conduct an enquiry of a criminal or disciplinary nature</i> |
| | (d) <i>the confidentiality of commercial or industrial information where such confidentiality is provided for by national or Community law to protect a legitimate economic interest, including the public interest in maintaining statistical confidentiality and tax secrecy;</i> |
| | (e) <i>intellectual property rights</i> |
| | (f) <i>the confidentiality of personal data and/or files relating to a natural person where that person has not consented to the disclosure of the information to the public, where such confidentiality is provided for by national or Community law</i> |
| | (g) <i>the interests or protection of any person who supplied the information requested on a voluntary basis without being under, or capable of being put under, a legal obligation to do so, unless that person has consented to the release of the information concerned</i> |
| | (h) <i>the protection of the environment to which such information relates, such as the location of rare species</i> |

3. Please answer the following questions:

- a) The extent to which the information is known outside the business and to employees and others involved in the business?

b) The protective measures taken to safeguard continued secrecy?

c) The value of the information to the owner and the owner's competitors?

d) The amount of effort or money expended to develop the information?

- e) The relative ease or difficulty with which the information could be properly acquired or duplicated by others? e.g. Is this information contained in any public available material such as promotional publications, annual report, articles etc.

4. Please specify the harmful effects to your facility's competitive position, why they should be viewed as substantial and the causal relationship between disclosure and such harmful effects. Full details needs to be provided on how competitors could make use of this information to the detriment of the licensed operator.