



BOE-P-02-Dataviewer Records-100217

DISCLAIMER: This document is policy only and does not create legal rights or obligations. It is intended to provide the Department's Bureau of Environment staff guidance on how to apply decisions, procedures and practices pertaining to the internal operation or actions of the Bureau. Decisions affecting the public, including the regulated community, in any particular case will be made applying applicable laws and regulations to the specific facts.

Effective Date: 100217

Signatures:

A handwritten signature in blue ink, appearing to read "Shari Meghreblian".

Shari Meghreblian
Deputy Commissioner

A handwritten signature in blue ink, appearing to read "Jenny Howard".

Jenny Howard
General Counsel

Purpose

The Bureau of Environment provides a significant customer service by placing an enormous volume of its public records online in various data viewers. The Bureau also receives frequent public records requests, both in the central office and in the field offices. This policy is intended to assist Bureau staff in meeting their customer service goals and legal obligations, while also maintaining confidentiality of records that may be exempt from disclosure.

The records listed below should be posted to data viewers as a matter of routine:

- correspondence on Department letterhead (including notices of violation (NOVs) that have been issued);
- permit applications, draft permits that were provided for public comment, public comments, and final permits;
- written/email correspondence between Department personnel and regulated entities regarding completeness or modification of permit applications, proposed permit terms, or responses to NOVs;
- final enforcement orders;
- inspection or field reports; and
- monitoring reports or other required reports submitted by a regulated entity.

The following records may contain confidential information and should not be routinely posted to data viewers:

- any document containing the following (or similar) words: “confidential”, “privileged”, or “work product”;
- email correspondence on which a Department attorney or someone from the Attorney General’s office is included;
- email correspondence between Department staff and between the Department and third parties other than regulated entities as outlined above;
- personal meeting and field notes;
- phone logs;
- documents for which a Department attorney or someone from the Attorney General’s office has been consulted (including internal drafts of permits or draft notices of determination);
- any documents containing personal or private information of a citizen or company (e.g., bank account information);
- documents pertaining to the location of threatened or endangered species;
- documents with information a regulated entity has asked to be deemed confidential/proprietary;
- draft enforcement documents (e.g., natural resource damage assessment reports prior to issuance of an order, draft NOV’s, draft orders);
- documents related to a criminal investigation;
- documents related to Department personnel or professional/consulting services (e.g., evaluations, internal correspondence re: disciplinary actions, etc.); and
- any document that is rendered confidential by a Division-specific regulation or statute.

Some of the records listed above as not appropriate for data viewer posting may still constitute public records subject to disclosure and will require additional evaluation to make that determination. Additionally, these lists are not exclusive: there may be documents that do not clearly fit into either of these categories.

While there is no requirement at this time that the Office of General Counsel (OGC) be consulted on all public records requests, OGC is available to assist the Bureau, and should be consulted whenever the request concerns a matter in which there is pending litigation, the requestor is an attorney, an attorney with OGC or the Attorney General’s office has been involved, or where there is a concern about the request.

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Revision Number	Date	Brief Summary of Change