

Confidentiality of Information

Water Withdrawal and Use Registration

Act 220:

In general, information required to be submitted to the Department under Act 220 is subject to the Right-to-Know Law.

Confidential information is defined as records, reports or information that if made public would:

- Divulge production or sales figures or methods, processes or production unique to a person.
- Otherwise tend to affect adversely the competitive position of a person by revealing trade secrets, including intellectual property rights.
- Presents threats to the safety and security of water supplies, including information concerning public water supply agency vulnerability assessments.

Confidential information does NOT include:

- Information identifying the general source of water used by a facility.
- Information reporting the total amount of water withdrawn by a facility or the total amount of water used for consumptive uses or non-consumptive uses by a facility.

Act 156:

The Public Utility Confidential Security Information Disclosure Protection Act (Act 156) provides special protection for information that has been designated as confidential security information by a public utility.

Confidential security information: information contained within a record maintained by an agency in any form, the disclosure of which would compromise security against sabotage or criminal or terrorist acts and nondisclosure of which is necessary for the protection of life, safety, public property or public utility facilities, including, but not limited to, all of the following:

- Vulnerability assessments;
- Emergency response plans, except those portions intended for public disclosure;
- A plan, map or other drawing or data which shows the location or reveals locational data on community drinking water wells and surface water intakes.

Public Utility: any person, corporation, municipality or municipal authority or corporation now or hereafter owning or operating in this Commonwealth equipment or facilities for:

- Providing natural gas, electricity or steam;
- Diverting, developing, pumping, impounding, distributing or furnishing water to or for the public for compensation;
- Collecting, treating or disposing sewage for the public for compensation.

Procedures for submitting confidential and confidential security information under Act 220 and 156:

1. In a transmittal letter, identify each page of a registration form containing confidential information under Act 220 or confidential security information under Act 156 and provide a justification for that designation.
2. Prepare two separate registration forms for each facility to be registered; one containing only the confidential information under Act 220 or confidential security information under Act 156. On a second form for the same facility, enter all other public information.
3. Stamp the top and bottom of each page containing confidential information under Act 220 with the words “Act 220 Confidential Security Information” and similarly with the words “Act 156 Confidential Security Information” for those pages containing confidential security information under Act 156.
4. Place the submittal(s) containing confidential or confidential security information in an inside envelope(s) marked either “Act 220 Confidential Information” or with “Act 156 Confidential Security Information” into an outside envelope along with the transmittal letter and a separate inside envelope containing registration forms with no confidential or confidential security information. The outside envelope is to contain no markings other than the name and address of the sender and the person receiving the information.