

Title 33

ENVIRONMENTAL QUALITY

Part I. Office of the Secretary

Subpart 1. Departmental Administrative Procedures

Chapter 6. Security-Sensitive Information

§601. Scope

A. Department of Environmental Quality records and information obtained under the Louisiana Environmental Quality Act, or in accordance with any rule, regulation, order, license, registration, or permit term or condition adopted or issued thereunder, or by any investigation authorized thereby, shall be available to the public unless specifically excepted or exempted by law. In accordance with law, regulation, or general practice, records and information may be made accessible to the public in a variety of ways, including but not limited to in-person on department premises, at a public library or other public facility, via request in accordance with the Louisiana Public Records Act, at a public meeting, via public notice, or via the Internet. Certain security-sensitive information shall not be publicly distributed or disseminated via the Internet by the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2030(D).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, LR 31:**.

§603. Definitions

Security-Sensitive Information—as defined in R.S. 44:3.1, security procedures, criminal intelligence information pertaining to terrorist-related activity, or threat or vulnerability assessments created, collected, or obtained in the prevention of terrorist-related activity, including but not limited to physical security information, proprietary information, operational plans, and the analysis of such information, or internal security information.

Distribution or Dissemination via the Internet—to make known to the public generally by posting to a web, FTP, database, or application server configured for anonymous public access under the direct control of the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2030(D).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, LR 31:**.

§605. Responsibility of Provider of Records or Information

A. As the department does not generate security-sensitive information as defined in LAC 33:I.603, it shall be the responsibility of a provider of such information to identify it as security sensitive at the time of submitting it to the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2030(D).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, LR 31:**.

§607. Procedure for Submitting Security-Sensitive Information

A. In the event that a submittal of records, documents, or information to the department contains security-sensitive information, these steps shall be followed in order to ensure that the information is marked for protection from Internet distribution or dissemination.

1. A cover sheet conspicuously labeled with the phrase “Contains Security-Sensitive Information” shall accompany the submittal. Each page or any item (e.g., any picture, map, videotape, computer disk, etc.) that contains allegedly security-sensitive information shall be clearly labeled. To the maximum extent possible, security-sensitive information shall be segregated and placed in a clearly labeled appendix to facilitate identification and handling.

2. A statement detailing the reasons for the required protection shall also accompany the submittal. It shall include all of the following:

a. the measures taken to guard against undesired disclosure of the information to others;

b. the extent to which the information has been disclosed to others and the precautions taken in connection therewith;

c. whether disclosure of the information would be likely to result in substantial harmful effects and, if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects;

d. the period of time for which protection from Internet distribution or dissemination is desired; and

e. a certification that all statements are true and correct to the best of the provider’s knowledge.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2030(D).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, LR 31:**.

§609. Dissemination of Existing Security-Sensitive Information; Notification to Department

A. In the event that the department distributes or disseminates any information via the Internet that was in its possession prior to the adoption of this regulation, and the provider of the information considers the information to be security sensitive, it is the responsibility of the provider to notify the department via letter to the Custodian of Records, Department of Environmental Quality, Box 4303, Baton Rouge, LA 70821-4303 or by fax to (225) 219-3175. Notification shall include all information required in LAC 33:I.607 and authentication that the person making the declaration is authorized to do so. Distribution or dissemination of the material via the Internet will be restricted within three business days of notification.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2030(D).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, LR 31:**.