**Section 100.355 Underlying Data**

a) For the purpose of this Part, underlying data is defined as any data, including written information or material, statistics, measurements, calculations or other information used as the basis for reasoning, recommendation or conclusions, including any information provided to the promulgating agency by a consultant, vendor or other third party under contract with the agency that was used as the basis for a published study or report used in the development of the rule.

b) Any published study or report used in developing the rule shall be identified on the Notice Page for the rulemaking by a descriptive title or other description, the identity of the person or entity that performed the study or report, the publisher's name and publication date, and a description of where the public may obtain a copy of the study or report.

c) If the published study or report was performed by an agency or by a person or entity that contracted with the agency for the performance of the study or report, in addition to identifying the study or report, the agency shall also make copies of the underlying data available to members of the public upon request, if the data are not protected from disclosure under the Freedom of Information Act [5 ILCS 140]. If the agency must pay a fee to a contracting entity to obtain a copy of the underlying data, the agency may charge the requester a fee equaling the cost of obtaining the data. This fee shall reflect actual costs incurred by the agency.

(Source: Added at 29 Ill. Reg. 13224, effective August 12, 2005)