**Section 130.404 Application for Non-Disclosure**

a) Except as provided in subsection (c)(4), the applicant must file a single copy of the following:

1) The article that is sought to be protected from disclosure; and

2) The application for non-disclosure.

b) When an entire article is sought to be protected from disclosure, the applicant must mark the article with the words "NON-DISCLOSABLE INFORMATION" in red ink on the face or front of the article.

c) When less than an entire article is sought to be protected from disclosure, the applicant must:

1) Mark the article with the words "NON-DISCLOSABLE INFORMATION" in red ink on the face or front of the article;

2) Indicate on the face or front of the article which page or portion of the article is claimed to be non-disclosable information;

3) Mark every page or portion of the article sought to be protected from disclosure with the words "NON-DISCLOSABLE INFORMATION";

4) File with the Clerk a second copy of the article from which the page or portion sought to be protected from disclosure is deleted.

d) The applicant is not required to serve any other persons with the article or the page or portion thereof for which the applicant seeks protection from disclosure.

e) The application for non-disclosure must contain the following:

1) Identification of the particular non-disclosure category into which the material that is sought to be protected from disclosure falls (see 35 Ill. Adm. Code 101.202 for the definition of "non-disclosable information");

2) A concise statement of the reasons for requesting non-disclosure;

3) Data and information on the nature of the material that is sought to be protected from disclosure, identification of the number and title of all persons familiar with the data and information, and a statement of how long the material has been protected from disclosure;

4) An affidavit verifying the facts set forth in the application for non-disclosure that are not of record in the proceeding; and

5) A waiver of any decision deadline in accordance with Section 130.204.

(Source: Amended at 41 Ill. Reg. 10190, effective July 5, 2017)