**Section 370.60 Request for Confidential Treatment**

a) Under the provisions of the Illinois Freedom of Information Act [5 ILCS 140], an application or notice filed with the Division is considered a public document and available to the public upon request.

b) If the applicant is of the opinion that disclosure of commercial or financial information would likely result in substantial harm to the competitive position of the applicant or that disclosure of information of a personal nature would result in a clearly unwarranted invasion of personal privacy, a request for confidential treatment must be submitted in writing concurrently with the submission of the application or notice and must discuss in detail the justification for confidential treatment. The justification must be provided for each response or exhibit for which confidential treatment is requested.

c) The applicant's reasons for requesting confidentiality should demonstrate specifically the harm that would result from public release of the information. A statement simply indicating that the information would result in competitive harm or that it is personal in nature is not sufficient. A claim that disclosure would violate the law or policy of another state is not, in and of itself, sufficient to exempt information from disclosure. The applicant's demonstration that disclosure would cause competitive harm or would result in an unwarranted invasion of personal privacy must be sufficient to allow the Division to conclude that a Freedom of Information Act [5 ILCS 140] disclosure exemption (e.g., 5 ILCS 140/7(1)(b) or 5 ILCS 140/7(1)(g)) is applicable to the information for which confidential treatment is sought.

d) Information for which confidential treatment is requested should be:

1) specifically referenced in the public portion of the application or notice by reference to the confidential section;

2) separately bound; and

3) labeled "Confidential".

e) The applicant should follow this same confidentiality procedure when filing any supplemental information to the application.

f) The Division will determine whether information submitted as confidential will be so regarded and, when practicable, will advise the applicant of any decision to make available to the public information labeled "Confidential". However, the Division, without prior notice to the applicant, may disclose or comment on any of the contents of the application in the approval issued by the Director in connection with the Division's decision on the application or notice.