**Section 107.5 Request for Confidential Treatment**

a) If any person filing a document with the Division claims that some or all the information contained in the document should be exempt from public disclosure, and if that person requests the Division not to disclose the information, that person shall file together with the document a second copy of the document from which has been deleted the information for which confidential treatment is claimed. The person shall indicate in the original document that it is confidential or contains confidential information and shall file a statement specifying the justification for which confidential treatment is claimed. If the person states that the information constitutes trade secrets or commercial or financial information, that person must include a statement as to why the information is privileged or confidential.

b) The Division retains the right to make its own determination with regard to any claim of confidentiality. The determination of confidentiality will be based upon one or more of the following:

1) The information submitted to the Division under paragraph (a);

2) The applicable provisions of any State or Federal statute which requires the information to be kept confidential;

3) Whether such information constitutes trade secrets or commercial or financial information;

4) Whether the information should be kept confidential in view of ongoing compliance actions;

5) Whether release of the information could commercially or personally harm any person. Notice of a decision by the Division to deny the claim, in whole or in part, and an opportunity to respond shall be given to any person claiming confidentiality of information, no less than five days prior to its public disclosure.