

NATIONAL WORK GROUP ON LEAK DETECTION EVALUATIONS

Policy Memorandum #5 Confidential Materials submitted to NWGLDE August 1, 2016

The National Work Group on Leak Detection Evaluations (NWGLDE) is an independent Work Group comprised of 11 members: 10 of whom represent various states and 1 from the U.S. EPA. From time to time material may be submitted to the NWGLDE at the request of the NWGLDE or its individual members or may be submitted voluntarily from parties outside the group. For various reasons, the person or organization submitting such material may wish for it to be kept confidential or not be shared with other parties other than the NWGLDE membership and may express that desire either in writing or verbally.

While working on NWGLDE business, individual members continue to be employees of individual states. Each individual state has laws and regulations which govern the validity of a claim of confidentiality of material submitted to their employees. Such rules determine how an individual NWGLDE member would be required to treat such material. There is no guarantee of consistency of such rules among the NWGLDE member's states. Furthermore, NWGLDE membership is subject to change from time to time. Since material submitted to an NWGLDE member would be subject to the confidentiality rules which govern a particular member; there is likewise no guarantee of consistency in application of such rules from member to member. For example a document which could be considered confidential when sent to one member, under the rules of that member's employer state, might be considered a public record when it is shared with another member in a different state. In fact if a document is held to be confidential in one member's state, rules in that state may preclude that member from sharing it with any other party, including another NWGLDE member.

Therefore, any person or organization submitting materials of a written, printed, or electronic nature must be aware that state rules may not allow such material to be considered confidential even when accompanied with a claim of confidentiality, and the party submitting such information should have no expectation that materials will be held confidential by the NWGLDE or individuals members of the NWGLDE.