



POLICY AND PROCEDURES — CONFIDENTIALITY OF INFORMATION

1. GENERAL POLICY STATEMENT

It is the policy of the Guyana Public Utilities Commission (PUC) that informed participation by the public adds value to the regulatory process and Commission's deliberations by providing a broad range of perspectives and insights for consideration by the Commission in its decision-making process. The PUC shall:

- a) Foster transparency in the regulatory process by assuring that the public and customers have open access to information necessary to formulate an informed judgment on issues before the Commission.
- b) Protect the competitive interests of the licensee from unwarranted disclosure of commercially sensitive information.
- c) That section 83 of the PUC Act No. 10 of 1999 prescribes that all information and documents provided to the Commission are to be made publicly available. However, the Act cautions that the Commission is obligated to take reasonable care to protect and not publish, make publicly available the trade secrets or third party confidential information, or information that may aid a competitor of a public utility.

2. DESIGNATION OF CONFIDENTIAL INFORMATION

- 2.1 All information received by the PUC from any party shall be open to the public unless otherwise determined by the Commission.
- 2.2 If the licensee, or party submitting information to the PUC, deems any such information as confidential, it must specifically mark the information as "Confidential" and specifically requests the Commission to designate it as confidential, and provide a justification for such designation upon initial submission to the PUC.
- 2.3 The requesting party must demonstrate that the designated confidential information meets the following criteria:
 - a) The information is commercially sensitive information and which may harm the competitive business interests of the licensee if disclosed.
 - b) That the information is a trade secret.

- c) The requesting party has made a reasonable effort to maintain the secrecy or confidentiality of the information, and/or
 - d) The harm from disclosure would outweigh the public interests in disclosure.
- 2.4 Within three (3) days of a licensee designating information as confidential, the Commission shall notify interested parties that the claim has been made and provide a description of the type and nature of the information.
- 2.5 Within five (5) days of the above notification, interested parties may object to the designation and request an opportunity to argue against the claim. The opportunity shall be provided through one or all of the following means:
- a) Written comments, and/or
 - b) Oral arguments at a Commission hearing.
- 2.6 The designated information shall not be disclosed until a determination of confidentiality is made by the Commission. If the Commission determines that the designated information does not meet the criteria for confidentiality, it shall be immediately available to the public.

3. ACCESS TO CONFIDENTIAL INFORMATION

- 3.1 If information is determined to be confidential by the Commission, the Chairman and Commissioners and PUC staff may have access to the information in the course of their duties, but such information shall not be disclosed to the public.
- 3.2 Access to confidential information shall be granted to any person approved by the party designating the information as confidential.
- 3.3 Authorized representatives of interested parties participating in PUC proceedings and consultations may request authorization from the Commission to review confidential information. The Commission may authorize such access to confidential information under the following conditions:
- a) Take into consideration what the requested party claiming confidentiality has stated and section 83 of the Public Utilities Commission Act No. 10 of 1999.
 - b) Conclusion that the interested party requires access in order to make adequate arguments before the Commission on an issue for which the information is relevant.

- c) Written argument by the authorized representative that the information will not be disclosed to any other individuals not previously authorized access or to the general public, and that any violation of the agreement will be subject to penalties.
- 3.4 If the Commission determines that the non-disclosure agreement has been violated, the Commission shall have the authority to bar the violating authorized representative from:
- a) Participation in the Commission's consultative process, except for individual testimony presented at public hearings.
 - b) Future access to any confidential information.

4. DISCLOSURE OF PRIVATE INFORMATION

- 4.1 Private consumer information includes the consumer's name, address, telephone number and any other personally identifying information, as well as information related to the quantity, technical configuration, type, destination, and amount of use of service or products subscribed to by a customer of a licensee that is available to the licensee solely by virtue of the customer-licensee relationship.
- 4.2 The consumer may at any time write to the Commission requesting that their information not be disclosed and reasons for same.
- 4.3 The Commission shall determine whether such information shall not be disclosed to the public.