

Confidential Filing Guidelines

When filing confidential documents with the Records Access Officer (RAO), each filing should include:

1. A filing letter addressed to the Secretary.
2. A copy of the document, with information alleged as confidential redacted, for filing with the Secretary's Office in accordance with the Secretary's filing guidelines at www.dps.ny.gov – Filing Guidelines – Filing Documents with the Secretary.
3. A letter addressed to the RAO requesting confidentiality and making a prima facie case therefor, and
4. A copy of the confidential document.

The first three documents will be filed publically on the Commission's DMM System. The confidential document will be retained as confidential by the RAO in accordance with the Public Officers Law. For every confidential document submitted, a redacted copy must also be submitted.

Please be advised that blanket-redacted documents (completely or substantially blacked-out documents) filed with the Secretary are not acceptable. Only those portions of the document for which confidentiality has been sought may be redacted. (For more information on redaction, refer to the Secretary's webpage.)

Below is additional information regarding filing confidential documents with DPS Records Access Officer.

1. **All documents should be in PDF and/or Excel only.**
2. **Emails that contain filings can be no larger than 25 MB. Also documents can be no larger than 25 MB per item.** If you are submitting larger documents, please divide them and send them in multiple emails, e.g.: 1 of 3, 2 of 3, 3 of 3. We cannot accept encrypted files or zip files.
3. **Please apply OCR – Optimal Character Recognition to all documents for filing.** OCR (also referred to as Text Recognition) allows for visibly impaired person(s) to read documents. Scanned/pdf documents as well as Microsoft documents can be OCR. If you are not familiar with this feature, please speak with your IT department.
4. **The cover letter to the Records Access Officer, which will be posted on our website www.dps.ny.gov, will be considered a public document. This cover letter should be sent as a separate document from the confidential document. The cover letter should include:**
 - The case number or matter number of your filing
 - The title of the case
 - A request for confidentiality citing the appropriate Public Officers Law
 - Your name
 - Your title
 - Your company name
 - Your Address
 - Your email address
 - Telephone number
 - A signature

5. **The following paragraph may be used in a cover letter when requesting protection from disclosure for a document allegedly containing information that is a trade secret or confidential commercial information:**

Re: Request for Confidentiality – Trade Secret

Dear Records Access Officer:

Company X (“X”) respectfully requests that the information in the attached document be treated by the Commission and the Department of Public Service as trade secret information and/or confidential commercial information pursuant to Public Officers Law §§87(2)(d) and 89(5)(a)(1), and the Commission’s implementing regulation, 16 NYCRR §6-1.3. The information in these documents, if made publicly available, would likely cause substantial injury to the competitive position of X. Accordingly, we respectfully request that the attached documents be treated as trade secret and/or confidential trade secret information and afforded all of the protections against public disclosure available for such information, as provided by law.

6. **The following paragraph should be used in the cover letter when requesting protection from disclosure for a document allegedly containing critical infrastructure information:**

Re: Request for Confidentiality – Critical Infrastructure Information (CII)

Dear Records Access Officer:

Company X (“X”) respectfully requests that the information in the attached document be treated by the Commission and the Department of Public Service as confidential pursuant to Public Officers Law §§ 87(2)(f), 86(5) and 89(5)(a)(1)(1-a), and the Commission’s implementing regulation, 16 NYCRR § 6-1.3. This document contains critical infrastructure information regarding systems, assets, places or things, so vital to the state that the disruption, incapacitation or destruction of such systems, assets, places or things could jeopardize the health, safety, welfare or security of the state, its residents or its economy. Accordingly, we respectfully request that the attached un-redacted documents be treated as critical infrastructure information and afforded all of the protections against public disclosure available for such information, as provided by law.

We strongly encourage those who wish to file confidential documents to register as a filer in our Document and Matter Management System (DMM) and file through that system. Please see www.dps.ny.gov for filing guidelines.

If you have any questions, please contact the staff of the Records Access Officer.

Records Access Officer
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