

## DEPARTMENT OF TOXIC SUBSTANCES CONTROL

400 P STREET, 4TH FLOOR  
 P.O. BOX 806  
 SACRAMENTO, CA 95812-0806



SAMPLE LETTER  
 ATTACHMENT 7

Certified Mail  
 Return Receipt Requested

Date

Facility Name  
Address

Dear \_\_\_\_\_:

PUBLIC RECORDS REQUEST FROM \_\_\_\_\_ DATED \_\_\_\_\_  
 DTSC PR \_\_\_\_\_

The Department of Toxic Substances Control (Department) has received a public records request from \_\_\_\_\_ which requested disclosure of records related to your (facility/site) located at \_\_\_\_\_.

On (insert dates) the Department inspected your facility. Pursuant to Health and Safety Code § 25185(a), 25285.5(d) and 25358.1(e) the Department is notifying you that it will disclose (facility records, photographs, sampling reports, etc.) to the public records requestor unless you notify the Department prior to (insert the date that is ten calendar days from the date that the Department received the public records request) that you wish to review the records in the Department's files to determine if one or more of the records contains trade secret information or reveals facility security. If you desire to review the records for trade secret or facility security information, the Department will maintain the confidentiality of the records for up to an additional ten days from the aforementioned date.

"Trade secret" is defined in Health and Safety Code §25173 to include process, tool, mechanism, compound, procedure, production data, or compilation of information, which is not patented, or which is known only to certain individuals within a commercial concern who are using it to fabricate, produce, or compound an article of trade or a service having commercial value, and which gives its user an opportunity to obtain a business advantage over competitors who do not know or use it. Trade secret protection is explained in Uribe v. Howie (1971) 19 Cal.App.3d 194.

If you review the records and decide to assert a claim of trade secret with respect to one or more of the records you must provide the following specific information in writing to the Department for each record:

ATTACHMENT 7



1. To what extent is there knowledge of the information conveyed by the photograph outside your business?
2. To what extent is there knowledge of the information conveyed by the photograph by employees and others in your business?
3. To what extent have measures been taken to guard the secrecy of the information?
4. Is the information valuable to competitors? If so, why?
5. Has there been substantial monetary expenditure in the development of the information?
6. Could the information be easily and properly acquired or duplicated by others?

The Department will review this information to determine if the records should be treated as trade secrets and notify you accordingly.

If you have any questions about this matter, please contact (insert name of staff person) at (insert phone number).

Sincerely,

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cc: PRC

ATTACHMENT 7 (CONTINUED)