



ADMINISTRATIVE RULES OF MONTANA

38.2.5028 PROTECTIVE ORDER--STANDARD TERMS AND CONDITIONS --ACCESS AND MAINTENANCE OF CONFIDENTIAL INFORMATION--PUBLIC

- (1) A person not a party to a proceeding in which a protective order has been issued may request access to confidential information in accordance with the following procedure.
 - (a) The person shall serve a written request to access confidential information on the commission and legal counsel for the provider. The request must include the name and address of the person, an identification of the information for which access is requested, the reason access is requested, and the intended use of the information if access is granted.
 - (b) Within ten business days of service of the request the provider must either object in writing, clearly stating the reasons for the objection, or indicate in writing that the provider has no objection. An objection and statement of no objection must be served on the person and the commission.
 - (c) If the person and the commission receive a statement of no objection, the person may access the protected information in accordance with the governing protective order.
 - (d) If the person and the commission receive an objection, the person and the provider must attempt to resolve the objection. If unable to resolve the objection, either the person or the provider may apply to the commission for a ruling. Access to the information will not be given to the person pending ruling by the commission.
 - (e) The standard applied by the commission in determining a question of access to confidential information is whether access would be reasonably likely to jeopardize the confidential nature of the information.
 - (f) Dissatisfaction with a ruling by the commission may be appealed to the district court, and, pending appeal, the information must not be disclosed to the designated person.
- (2) Written communications as used in this rule does not include electronic communications. Service of written communications means physical delivery or deposit in the mail.

Authorizing statute(s): 69-3-103, MCA

Implementing statute(s): 69-3-105, MCA

History: NEW, 2000 MAR p. 2037, Eff. 7/28/00; AMD, 2004 MAR p. 2592, Eff. 10/22/04; AMD, 2007 MAR p. 2135, Eff. 12/21/07.