



ADMINISTRATIVE RULES OF MONTANA



38.2.5030 CONFIDENTIAL INFORMATION--REMOVAL OF PROTECTION, RETURN TO PROVIDER

- (1) Confidential information remains protected permanently, whether or not returned to the provider, unless:
 - (a) the commission otherwise orders following notice and opportunity to be heard;
 - (b) the provider agrees otherwise, in writing, communicated to each person having obtained access to the confidential information; or
 - (c) a court having jurisdiction over the subject matter and persons affected otherwise orders.
- (2) Removal of protection relieves all persons having access to the confidential information from ongoing compliance with the governing protective order and these rules.
- (3) Except for the commission and consumer counsel and unless the provider agrees to another disposition, all persons having obtained confidential information will return the confidential information to the provider within 45 days of final action, including court action, in the proceeding in which the information was designated confidential, or, in instances where confidential information has been obtained outside a commission proceeding, confidential information shall be returned to the provider within 30 days of obtaining the confidential information. Return of confidential information does not relieve the receiving party or any person having access to the confidential information from ongoing compliance with the governing protective order and these rules. The commission and the consumer counsel may maintain confidential information permanently. The consumer counsel, in its discretion, may return confidential information to the provider. The commission may return or destroy confidential information, when no longer required to be maintained by the commission in accordance with laws governing records retention by state agencies.

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

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

History: NEW, 2000 MAR p. 2037, Eff. 7/28/00.