



Regional Greenhouse Gas Initiative, Inc.
90 Church Street, 4th Floor
New York, NY 10007
646-591-8559

ADOPTED

Policy for Compliance with Requests for Documents¹ from Participating States

Purpose

RGGI, Inc. anticipates that it may receive requests for documents from participating states in response to public requests under state freedom of information statutes. This policy outlines the procedure for RGGI, Inc. to comply with such requests and is designed to provide appropriate guidance to the Executive Director.

Legal Review

RGGI, Inc. will endeavor to comply with requests for documents from participating states as expeditiously as possible. There is a range of legal issues which RGGI, Inc. will be required to review prior to supplying documents to a participating state. RGGI, Inc. will comply with requests from participating states subject to legal review of the issues identified below:

- 1) Clarification of the information being requested and a determination that the relevant document is a state record under applicable state law and the relevant contract between RGGI, Inc. and the participating state
- 2) Review of the contract between RGGI, Inc. and the participating state with regard to the requirements and procedures for the release of documents as well as the contractual relationship between RGGI, Inc. and the relevant state
- 3) Identification of the potential impact of supplying the requested document on other affected parties:
 - a. contractual obligations of confidentiality between RGGI, Inc. and other participating states
 - b. obligations of confidentiality that may exist between RGGI, Inc. and third parties, including auction participants and/or COATS account holders
 - c. state requirements to notify the parties seeking confidentiality of the request to release the document

Procedure

Immediately upon receipt of a request for a document from a participating state, the Executive Director will alert all participating states of the request.

Within two business days following the receipt of a request from a participating state, the Executive Director will convene a meeting of the Executive Committee to review the request and to identify issues that may require legal review.

¹ For the purpose of this policy the term “document” means any record, file or data in paper or electronic form.

Within three business days following the Executive Committee meeting, the Executive Director will prepare a Compliance Plan and submit it to the Executive Committee and the requesting state. The Compliance Plan will specify the issues for legal review, outline the steps required to obtain information and legal review, and provide a timeline for completion of each step.

At the conclusion of the legal review, the Executive Director will prepare a Compliance Recommendation which will report findings in response to the legal issues identified in the Compliance Plan and will recommend a course of action to the Executive Committee. The Executive Director will submit the Compliance Recommendation to the Executive Committee.

Within five business days following the submittal of the Compliance Recommendation, the Executive Committee will meet to review it and to request any additional information that may be required.

Within ten business days following the Executive Committee review, the Executive Committee will meet again to adopt a Compliance Response which will include the final determination by the Executive Committee and instructions to the Executive Director to comply.

Within two business days following adoption of the Compliance Response, the Executive Director will notify all participating states of the adopted Compliance Response, as may be required in relevant contracts.

Within two business days following the provision of notice to other participating states, the Executive Director will supply the Compliance Response to the requesting state.
