

OTA Confidentiality Policy

This Confidentiality Policy of the Massachusetts Office of Technical Assistance and Technology (OTA) is intended to clarify the applicability of public disclosure laws to information provided by facilities receiving services from this office.

The Toxics Use Reduction Act states that “Any information or record, in document or electronic format, received by the office in the course of providing technical assistance to a toxics user shall be kept confidential and not considered to be a public record pursuant to section 10 of chapter 66, unless: (i) the toxics user agrees in writing that such information may be made available to the department; or (ii) the office determines at its discretion, the information pertains to an imminent threat to public health or safety, or to the environment; or (iii) disclosure to the department is required by law.” M.G.L. c. 21I, §7(H).

Under this provision, OTA is prohibited by law from revealing to anyone, including representatives of other Commonwealth agencies, information obtained while providing technical assistance with the exceptions specified above. This prohibition relates to all information obtained by OTA, whether oral or written, including but not limited to information concerning the operations or processes employed by facilities receiving assistance from OTA. Information obtained by OTA in the course of providing technical assistance is not subject to the provisions of the Massachusetts Public Records Act, M.G.L. c. 66, §10 and c. 4, §7.

As it promotes pollution prevention, energy efficiency, renewable energy and water conservation activities in the Commonwealth, OTA may through workshops and conferences release generic information about toxics use reduction and conservation efforts undertaken by certain facilities. No specific information can be revealed without the prior written consent of the facility. Similarly, OTA may believe that referral of a facility to the Department of Environmental Protection for assistance may be desirable in a given case, but such referral would not be permitted without the express written permission of the facility.

OTA takes great care in protecting information it receives and has written internal guidelines governing the handling and disposal of confidential material.

Because the confidentiality of information obtained by OTA is governed by statute rather than by individual agreements, OTA staff members are not allowed to sign non-disclosure agreements with facilities with whom they work.

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