

# NERC

NORTH AMERICAN ELECTRIC  
RELIABILITY CORPORATION

# Process for Designating GMD Information as Confidential

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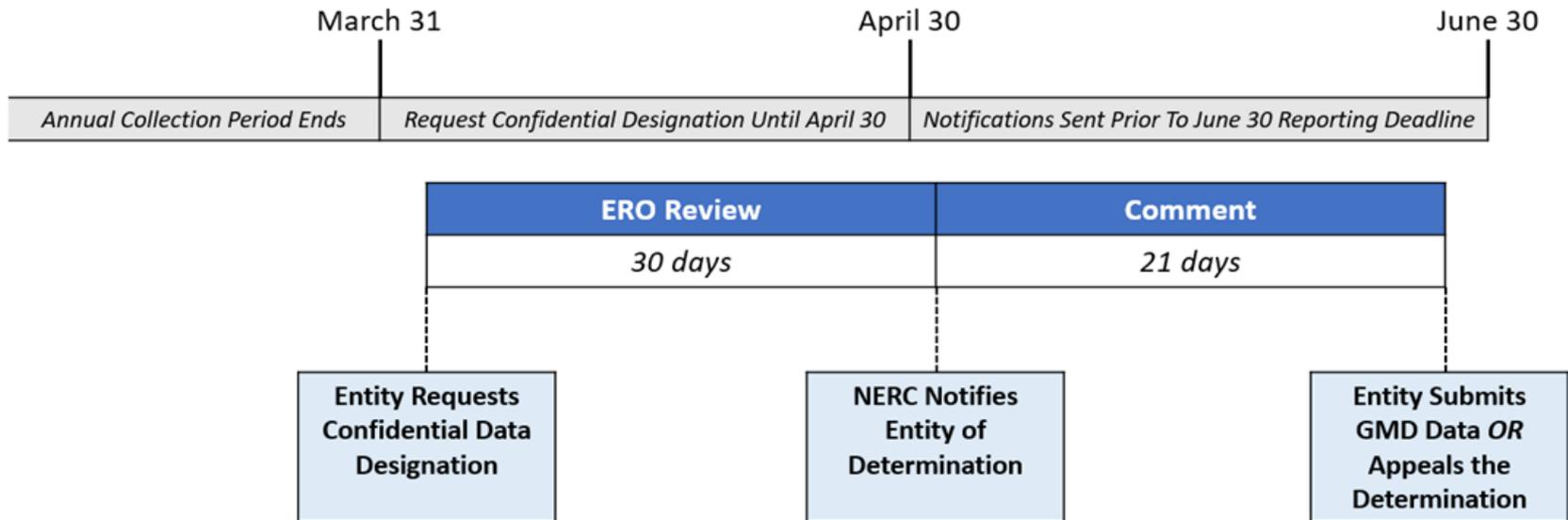


*...as a general matter, the Commission does not believe that GIC monitoring and magnetometer data should be treated as Confidential Information pursuant to the NERC Rules of Procedure. (P 89)*

*...Notwithstanding [the Commission's] findings here, to the extent any entity seeks confidential treatment of the data it provides to NERC, the burden rests on that entity to justify the confidential treatment. (P 95)*

- NERC does not anticipate requested data will contain Confidential Information per approved GMD Data Request
- If a Reporting Entity reasonably believes that any information required to be submitted under the GMD Data Request is Confidential Information, the Reporting Entity shall submit a request for Confidential Information treatment in accordance with FERC's guidance in Order No. 830
  - An entity will request confidential treatment before entering any data
- Data Reporting Instruction Appendix E Contains Guidance
- When data is determined by NERC to be confidential it will be marked accordingly in the data portal by NERC

- Entities submit requests for confidential designation by April 30



- Reporting entities submit Confidential Information designation request by form emailed to NERC ([gmdconfidentialrequest@nerc.net](mailto:gmdconfidentialrequest@nerc.net) )
- Request form will include the following info:
  - Entity Name, NERC I.D., and Contact
  - Date of Request
  - Type of GMD Monitoring Equipment (GIC monitor, magnetometer, both)
  - Device I.D. (if assigned in NERC GMD data system)
  - Narrative Justification providing explanation for why the information should not be released to a GMD data requestor, including:
    - Data fields in the GMD data system that meet Confidential Information definitions in NERC Rules of Procedure Section 1501
    - Category of Confidential Information (e.g., CEII)
    - Specific justification for why the reporting entity believes the information is Confidential Information
  - Date after which the data is no longer considered confidential

- NERC Rules of Procedure Section 1500 Includes the following:

***Critical Energy Infrastructure Information (CEII)***

*CEII means specific engineering, vulnerability, or detailed design information about proposed or existing Critical Infrastructure that (i) relates details about the production, generation, transportation, transmission, or distribution of energy; (ii) could be useful to a person in planning an attack on Critical Infrastructure; and (iii) does not simply give the location of the Critical Infrastructure. See NERC Rules of Procedure Section 1501*

1. NERC Performance Analysis (PA) receives a request for Confidential Information designation via email
  - a. Verifies that all required information has been provided
  - b. Acknowledges receipt to the submitter
2. PA forwards the request for internal review
  - a. Includes NERC Security, E-ISAC, Engineering and Legal staff
3. PA sends response letter to submitting entity
4. Response letters include instructions for appeal

- A Reporting Entity that receives a rejection of their request for confidential designation may appeal the determination to FERC or other applicable Governmental Authority. The Reporting Entity shall submit the appeal in writing within 21 days of NERC's notification and provide a copy of the appeal to NERC.
- NERC's determination regarding confidentiality shall be final within 21 days of the decision, unless the Reporting Entity appeals to the appropriate Governmental Authority.

- Data that is designated as Confidential Information will be appropriately marked and can only be viewed by the submitting entity and ERO GMD Data System administrators.
- Other system users, including public data requestors, cannot view, download, or select data that NERC designates as Confidential Information.