

120-2-2-.25 Trade Secret Assertions

(a) Any entity that is required by law, regulation, bid or request for proposal to submit to an agency records that it wishes to be confidential under O.C.G.A. Section 50-18-72(a)(34), shall attach to the records an affidavit that includes the following:

(1) An affirmative declaration that specific information in the records constitutes trade secrets pursuant to Article 27 of Chapter 1 of Title 10;

(2) An identification of the specific information by page number, document, exhibit or other identifying characteristic;

(3) An affirmative declaration that the entity does not wish the information to be made public;

(4) An affirmative declaration that the information is not commonly known by or available to the public;

(5) An affirmative declaration that the entity derives economic value, actual or potential, from the information not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use; and

(6) An affirmative declaration that the information is the subject of reasonable efforts under the circumstances to maintain its secrecy.

(b) The affidavit must be submitted at the same time that the records are submitted.

(c) Nothing in this rule affects any other protections under the law that may be applicable to records submitted to the Department.

Authority: O.C.G.A. Sections 10-1-761(4), 33-2-9, 33-2-14, 33-13-7, 33-13-8 and 50-18-72.