

Original sponsor: Rules/Governor

Offered: 4/23/82
Referred: Labor & Commerce

1 IN THE SENATE

BY THE STATE AFFAIRS COMMITTEE

2 CS FOR SENATE BILL NO. 652 (State Affairs)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to confidentiality of trade secrets
7 supplied to the Department of Environmental Conserva-
8 tion."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 * Section 1. AS 46.03 is amended by adding a new section to read:

11 Sec. 46.03.865. CONFIDENTIAL INFORMATION. (a) The department
12 shall, upon written request of the person supplying the information,
13 preserve the confidentiality of trade secrets furnished to the depart-
14 ment voluntarily or in compliance with a statute or regulation. The
15 department may refuse a request that information be classified as confi-
16 dential information under this section if the department determines that
17 the information does not qualify as a trade secret. If the department
18 determines that the information does not qualify as a trade secret, it
19 shall notify the requestor of that determination. The notification
20 shall be made as if it were a service of civil process under Rule 4,
21 Alaska Rules of Civil Procedure. The notice shall inform the requestor
22 that the department will classify the information as a public record 30
23 days following receipt of the notice by the requestor. The department
24 shall keep the information confidential until it is classified as a
25 public record. The department may not classify the information as a
26 public record during an appeal of its determination that the information
27 is not a trade secret; appeals shall be under AS 44.62.

28 (b) A trade secret that has been classified as confidential in-
29 formation by the department under this section becomes public informa-

1 tion 20 years following its classification as confidential information
2 unless the person who supplied the information authorizes an earlier
3 release in writing.

4 (c) A trade secret classified as confidential information by the
5 department under this section may be released for valid statistical or
6 other information gathering purposes if

7 (1) material that would tend to identify the person to whom
8 the confidential information pertains is deleted; and

9 (2) release is accomplished in a manner that does not compro-
10 mise or defeat the purposes of this section.

11 (d) A general description of the trade secrets that are classified
12 as confidential information by the department under this section shall
13 be provided to the public upon request.

14 (e) This section does not prohibit the release or production of
15 records or information subpoenaed by a court or by a state or municipal
16 agency.

17 (f) As used in this subsection, "trade secret" means any informa-
18 tion, whether technical, commercial, financial, or otherwise, used in a
19 business, that is not available to the public and that gives the busi-
20 ness a substantial advantage over competitors who do not possess such
21 information.