

Regular Session, 2012

SENATE BILL NO. 426

BY SENATOR MARTINY

ECONOMIC DEVELOP DEPT. Extends confidentiality to any proprietary or trade secret information submitted for economic development purposes. (7/1/12)

1 AN ACT

2 To amend and reenact R.S. 44:3.2(C), (D), and (E) and to enact R.S. 44:3.2(F), relative to
3 economic development; to provide for the confidentiality of any proprietary or trade
4 secret information submitted to the Department of Economic Development for
5 economic development purposes; to provide for an effective date; and to provide for
6 related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 44:3.2(C), (D), and (E) are hereby amended and reenacted and R.S.
9 44:3.2(F) is hereby enacted to read as follows:

10 §3.2. Proprietary and trade secret information

11 * * *

12 **C. Nothing in this Chapter shall be construed to require the disclosure**
13 **of proprietary or trade secret information which has been submitted to the**
14 **Department of Economic Development for economic development purposes.**

15 ~~C.†~~ **D.(1)** All records containing proprietary or trade secret information
16 submitted by a developer, owner, or manufacturer to a public body pursuant to
17 Subsection A, ~~or B,~~ **or C** of this Section shall contain a cover sheet that provides in

1 bold type "DOCUMENT CONTAINS CONFIDENTIAL PROPRIETARY OR
2 TRADE SECRET INFORMATION". The developer, owner, or manufacturer shall
3 clearly mark each instance of information which is, in his opinion, proprietary or
4 trade secret information. However, the determination of whether such information
5 is in fact proprietary or trade secret information shall be made by the custodian
6 within thirty days of a submission; however, if a custodian receives a public records
7 request during the period of thirty days, the determination shall be made within the
8 time period provided in R.S. 44:32(D) and 33(B).

9 (2) A custodian who receives a request pursuant to this Chapter for any
10 information which has been marked by the developer, owner, or manufacturer as
11 proprietary or trade secret information shall, prior to the disclosure of the
12 information, immediately notify such developer, owner, or manufacturer of the
13 request and of the custodian's determination of whether or not the information so
14 requested is subject to disclosure.

15 ~~D.~~ E. General information relating to the identity of the developer, owner,
16 or manufacturer and any agreement or contract that such person or legal entity has
17 entered into with the public body shall be subject to public review.

18 ~~E.~~ F. Nothing in this Section shall be construed in a manner as to prevent the
19 public examination or reproduction of any record or part of a record which is not
20 proprietary or trade secret information.

21 Section 2. This Act shall become effective on July 1, 2012.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Alan Miller.

DIGEST

Present law establishes the Public Records Law which requires the disclosure of public records upon request.

Proposed law creates an exemption for proprietary or trade secret information submitted to the Dept. of Economic Development for economic development purposes.

Present law requires all records containing proprietary or trade secret information submitted by a developer, owner, or manufacturer to a public body pursuant to present law to contain a cover sheet that provides in bold type "DOCUMENT CONTAINS CONFIDENTIAL PROPRIETARY OR TRADE SECRET INFORMATION". Present law further requires the

developer, owner, or manufacturer to clearly mark each instance of information which is, in his opinion, proprietary or trade secret information.

Proposed law retains present law.

Present law provides that the determination of whether such information is in fact proprietary or trade secret information shall be made by the custodian within 30 days of a submission; however, if a custodian receives a public records request during the period of 30 days, the determination shall be made within the time period provided in present law.

Proposed law retains present law.

Present law requires a custodian who receives a request for any information which has been marked by the developer, owner, or manufacturer as proprietary or trade secret information to immediately notify, prior to the disclosure of the information, such developer, owner, or manufacturer of the request and of the custodian's determination of whether or not the information so requested is subject to disclosure.

Proposed law retains present law.

Present law provides that general information relating to the identity of the developer, owner, or manufacturer and any agreement or contract that such person or legal entity has entered into with the public body shall be subject to public review.

Proposed law retains present law.

Present law provides that nothing in present law shall be construed in a manner as to prevent the public examination or reproduction of any record or part of a record which is not proprietary or trade secret information.

Proposed law retains present law.

Effective July 1, 2012.

(Amends R.S. 44:3.2(C), (D), and (E); adds R.S. 44:3.2(F))