

353.6606 Treatment of trade secret information in response to open records request.

- (1) The director shall notify the vendor, service provider, or operator, as applicable, within ten (10) days of receipt of a request pursuant to the Kentucky Open Records Act for disclosure of information for which trade secret status has been asserted. The director may request additional information from the vendor, service provider, or operator, as applicable, to determine whether to grant or reject the request for disclosure.
- (2) If the cabinet determines that the information is entitled to confidential treatment and that determination is challenged pursuant to the provisions of the Kentucky Open Records Act, the director may call upon the owner or operators to assist in the defense of that determination.
- (3) If the cabinet makes a determination that the information is not entitled to confidential treatment, notwithstanding KRS 61.870 to 61.884, the director shall:
 - (a) Notify the vendor, service provider, or operator, as applicable, who asserted the trade secret status; and
 - (b) Delay release of the information for a period of ten (10) working days after mailing the notice.
- (4) Judicial review of any determination under this section shall be undertaken in accordance with the Kentucky Open Records Act, and administrative review of the determination to release or to withhold information shall not be required.

Effective: June 24, 2015

History: Created 2015 Ky. Acts ch. 21, sec. 10, effective June 24, 2015.