

24 NCAC 03 .0111 PROTECTION OF TRADE SECRETS: CONFIDENTIAL INFORMATION

- (a) Any claim of privileged information shall be in writing or on the record if made at a hearing. The claim must:
- (1) identify the information claimed to be privileged;
 - (2) present facts supporting the claim; and
 - (3) set forth the relief sought.
- (b) Any party wishing to oppose a written claim of privilege must do so within 15 days, except if the claim is made at a hearing, the hearing examiner or Board may prescribe a briefer response time. The opposing party must present facts to support opposition to the claim of privilege.
- (c) The hearing examiner or Board may review the subject information in camera and may, if necessary, receive it ex parte.
- (d) If the claim is upheld, the hearing examiner or Board shall issue such orders as may be appropriate to protect the confidentiality of the privileged information.
- (e) If the claim is rejected, the claimant shall have a right to an order to seal the subject information, pending an interlocutory appeal which shall be given priority consideration by the Board.

*History Note: Authority G.S. 95-135;
Temporary Rule Eff. October 2, 1991 For a Period of 180 Days to Expire on March 30, 1992;
Eff. February 3, 1992;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 16, 2014.*