

24 NCAC 06A .0319 PROTECTION OF TRADE SECRETS; CONFIDENTIAL INFORMATION

(a) Any party to a Disciplinary Action may make a claim with respect to the confidentiality of information. Any claim of confidential information, including but not limited to trade secrets or proprietary business information, shall be in writing or on the record if made at a hearing. The claim shall:

- (1) identify the information claimed to be confidential;
- (2) present facts supporting the claim; and
- (3) set forth the relief sought.

(b) Any party wishing to oppose a written claim of confidentiality shall do so within 15 Days, except if the claim is made at a hearing, or if the hearing officer may prescribe a briefer response time. The opposing party shall present facts to support opposition to the claim of confidentiality.

(c) The hearing officer may review the subject information in camera and may, if necessary, receive it ex parte.

(d) If the claim is upheld, the hearing officer shall issue such orders as may be appropriate to protect the confidentiality of the information at issue.

(e) A non-Operator party to a Written Designation Agreement may assert a claim of confidential information with respect to the agreement. Any claim of confidentiality, including but not limited to trade secrets or proprietary business information, shall be asserted on the record if made at a hearing or in writing timely submitted to the Hearing Officer and served on each party in the Disciplinary Action. The claim shall at a minimum:

- (1) identify the information claimed to be confidential;
- (2) present facts and legal basis supporting the claim; and
- (3) set forth the relief sought.

*History Note: Authority G.S. 18C-114(a)(14);
Previously adopted as Rule 1C-019;
Eff. January 8, 2024;
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