

**Orders issued by the commission.**

- (A) The commission upon receipt of a petition requesting the disclose of information claimed as a trade secret or upon a review initiated by the commission, shall make a determination within thirty days.
- (1) The commission may extend the period for review one hundred eighty days.
  - (2) If the commission does not make a determination within two hundred seventy days, until such a determination is made, the information submitted shall be protected.
- (B) If the commission determines either that the claimant's substantiation filed in support of a trade secrecy claim is insufficient or that the claimant's trade secrecy claim is invalid, the commission shall issue an order pursuant to section 3750.18 of the Revised Code that the information is not protected as a trade secret. The commission may issue a notice of intent to release the information pursuant to rule 3750-60-90 of the Administrative Code.
- (C) If the commission determines that the claimant's substantiation filed in support of a trade secrecy claim is sufficient or that the claimant's trade secrecy claim is valid, the commission shall issue an order pursuant to section 3750.18 of the Revised Code that the information is protected as a trade secret.
- (D) The commission shall appoint a reviewing committee only of members who are public officials of the commission to determine the sufficiency and the validity of the trade secrecy claim based upon information submitted to the commission.
- This committee shall report its findings and recommendations to the commission whom shall approve or disapprove the committee's findings.
- (E) The committee established in paragraph (D) of this rule may contract with a consultant pursuant to division (C)(4) of section 3750.02 of the Revised Code to aid the committee in determining sufficiency and validity of the trade secrecy claim provided such consultant signs a confidentiality agreement to refrain from disclosing the trade secret information to others.

Effective: June 30, 1993

Original signed by: Kenneth A. Schultz, Acting Chairman, State  
Emergency Response Commission  
Certification

June 11, 1993  
Date

Promulgated under: R.C. Chapter 119  
Rule amplifies: R.C. Section 3750.09  
Rule authorized by: R.C. sections 3750.02(B)(1)(i),  
3750.02(B)(2)(d), 3750(B)(5), and 3750.02(B)(14)  
Prior effective dates: None