

## Department of Planning and Budget 2018 Fiscal Impact Statement

**1. Bill Number:** HB904

<b>House of Origin</b>	<input checked="" type="checkbox"/> Introduced	<input type="checkbox"/> Substitute	<input type="checkbox"/> Engrossed
<b>Second House</b>	<input type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input type="checkbox"/> Enrolled

**2. Patron:** Roxann L. Robinson

**3. Committee:** General Laws

**4. Title:** Virginia Freedom of Information Act (FOIA); general exclusion for trade secrets.

**5. Summary:** Creates a general record exclusion for trade secrets submitted to a public body. The bill provides that a record is eligible for exclusion as a trade secret if the submitted information qualifies as a trade secret of the submitting entity as defined in the Uniform Trade Secrets Act (Â§ 59.1-336 et seq.) and requires the submitting entity to make a written request to the public body (i) invoking such exclusion upon submission of the trade secret information for which protection from disclosure is sought, (ii) identifying with specificity the trade secret information for which protection is sought, and (iii) stating the reasons why protection is necessary. The bill permits a requester filing a FOIA petition challenging a record's designation as an excluded trade secret to name the submitting entity or its successor in interest, in addition to the public body, as a defendant. The bill also permits the public body to request that the court add the submitting entity as an additional defendant in the action. The bill provides that the general exclusion for trade secrets shall not be construed to authorize the withholding of such information that no longer meets the definition of a trade secret under the Uniform Trade Secrets Act. This bill is a recommendation of the Virginia Freedom of Information Advisory Council.

**6. Budget Amendment Necessary:** No.

**7. Fiscal Impact Estimates:** None.

**8. Fiscal Implications:** No fiscal impact to state agencies.

**9. Specific Agency or Political Subdivisions Affected:** All public bodies or entities with a public record.

**10. Technical Amendment Necessary:** No.

**11. Other Comments:** None.