

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.