

**5210.0960 DETERMINATION PROCEDURE.**

Subpart 1. **Commissioner determination.** On the request of a manufacturer, employer, employee, or employee representative, deemed by the commissioner to have a legitimate health or safety interest in the information, the commissioner must determine whether information registered pursuant to the requirements of this chapter or otherwise reported to or obtained by the commissioner is a trade secret as defined in Minnesota Statutes, section 325C.01, subdivision 5.

Subp. 2. **Notice.** If the commissioner determines that information is not a trade secret, the commissioner must notify the registering manufacturer or employer of the decision by certified mail.

Subp. 3. **Justification response.** The registering manufacturer or employer has 15 days after receipt of notification to provide the commissioner by certified mail with a complete justification and statement of the grounds on which the information is a trade secret.

Subp. 4. **Commissioner review.** The commissioner must review the determination of whether information should be protected as a trade secret within 15 days after receipt of the justification and statement, or if no justification and statement is filed, within 30 days of the original notice, and must notify the appropriate manufacturer or employer and any party who has requested the information of that determination by certified mail.

Subp. 5. **Final notice.** If the commissioner determines that the information is not a trade secret, the final notice must also specify a date, not sooner than 15 days after the date of mailing of the final notice, when the information shall be disclosed to the requesting party.

Subp. 6. **Action for declaratory judgment.** Prior to the date specified in the final notice, the registering manufacturer or employer may institute an action for a declaratory judgment as to whether the information is subject to protection as a trade secret.

**Statutory Authority:** *MS s 182.657*

**History:** *9 SR 56; 17 SR 1279*

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