

**Sec. 31-371-9. Trade secrets**

(a) Section 31-381 of the Act provides: "All information reported to or otherwise obtained by the Commissioner or his representatives in connection with any inspection or proceeding under this Act which contains or which might reveal a trade secret shall be considered confidential, provided such information may be disclosed to other officers or employees concerned with carrying out this Act or when relevant in any proceeding under this Act. In any such proceedings the Commissioner, the Review Commission or the Court shall issue such orders as may be appropriate to protect the confidentiality of trade secrets."

(b) At the commencement of an inspection the employer may identify areas in the establishment which contain or which might reveal a trade secret. If the inspecting officer has no clear reason to question such identification, information obtained in such areas including all negatives and prints of photographs and environmental samples shall be labelled "confidential-trade secret" and shall not be disclosed except in accordance with the provisions of section 31-381 of the Act.

(c) Upon the request of an employer, any authorized representative of employees in an area containing trade secrets shall be an employee in that area or an employee authorized by the employer to enter that area. Where there is no such representative or employee, the inspector shall consult with a reasonable number of employees who work in that area concerning matters of safety and health.

(Effective September 11, 1974)