

State Public Records Law Regarding "Public Records" Definition, Trade Secrets, and Proprietary Records

State	Public Records Definition	Trade Secrets	Proprietary Records
Alabama	<p>“Public records” shall include all written, typed or printed books, papers, letters, documents and maps made or received in pursuance of law by the public officers of the state, counties, municipalities and other subdivisions of government in the transactions of public business. Ala. Code § 41-13-1.</p>	<p>No express protection for trade secrets in public records law.</p>	<p>No express protection for proprietary records in public records law.</p>
Alaska	<p>"Public records" means books, papers, files, accounts, writings, including drafts and memorializations of conversations, and other items, regardless of format or physical characteristics, that are developed or received by a public agency, or by a private contractor for a public agency, and that are preserved for their informational value or as evidence of the organization or operation of the public agency; "public records" does not include proprietary software programs. AS § 40.25.220.</p>	<p>Records that constitute proprietary, privileged, or trade secret information under the Alaska Gasline Inducement Act (AS 43.90.150 or 43.90.220(e)) are not open to inspection. 40.25.120(12).</p> <p>"Trade secret" means information that (A) derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use; and (B) is the subject of efforts that are reasonable under the circumstances to maintain its secrecy. AS 45.50.940.</p>	<p>Records that constitute proprietary, privileged, or trade secret information under the Alaska Gasline Inducement Act (AS 43.90.150 or 43.90.220(e)) are not open to inspection. 40.25.120(12).</p> <p>"Proprietary," when used to describe information, means that the information is treated by an applicant as confidential and the public disclosure of that information would adversely affect the competitive position of the applicant or materially diminish the commercial value of the information to the applicant. AS 43.90.900.</p>
Arizona	<p>All officers and public bodies shall maintain all records, including records as defined in section 41-151.18, reasonably necessary or appropriate to maintain an accurate knowledge of their official activities and of any of their activities which are supported by monies from this state or any political subdivision of this state.</p> <p>"Records" means all books, papers, maps, photographs or other documentary materials, regardless of physical form or characteristics, including prints or copies of such items produced or reproduced on film or electronic media pursuant to section 41-151.16, made or received by any governmental agency in pursuance of law or in connection with the transaction of public business and preserved or appropriate for preservation by the agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations or other activities of the government, or because of the informational and historical value of data contained in</p>	<p>No express exemption in public records law.</p>	<p>No express exemption in public records law.</p> <p>Proprietary information in bids and proposals must remain confidential. A.R.S. § 41.2533(D), 41.2534(D).</p>

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	the record, and includes records that are made confidential by statute. Library or museum material made or acquired solely for reference or exhibition purposes, extra copies of documents preserved only for convenience of reference and stocks of publications or documents intended for sale or distribution to interested persons are not included within the definition of records as used in this article. 41-151.18.		
Arkansas	"Public records" means writings, recorded sounds, films, tapes, electronic or computer-based information, or data compilations in any medium required by law to be kept or otherwise kept and that constitute a record of the performance or lack of performance of official functions that are or should be carried out by a public official or employee, a governmental agency, or any other agency wholly or partially supported by public funds or expending public funds. All records maintained in public offices or by public employees within the scope of their employment shall be presumed to be public records. 25-19-103.	No express protection for trade secrets.	No express protection for proprietary data. Law does exempt the production of information "that, if disclosed, would give advantage to competitors or bidders." 25-19-105.
California	"Public records" includes any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics. "Public records" in the custody of, or maintained by, the Governor's office means any writing prepared on or after January 6, 1975. Cal. Gov't. Code § 6252(e).	Records that are trade secrets pursuant to Section 6276.44, or Article 11 (commencing with Section 1060) of Chapter 4 of Division 8 of the Evidence Code, including without limitation, instructions, advice, or training provided by the State Compensation Insurance Fund to its board members, officers, and employees regarding the fund's special investigation unit, internal audit unit, and informational security, marketing, rating, pricing, underwriting, claims handling, audits, and collections. Cal. Gov't. Code § 6254. Then links to a list.	Exempts information the disclosure of which is "exempted or prohibited pursuant to federal or state law." Cal. Gov't. Code § 6254(k).
Colorado	"Public records" means and includes all writings made, maintained, or kept by the state, any agency, institution, a nonprofit corporation incorporated pursuant to section 23-5-121 (2), C.R.S., or political subdivision of the state, or that are described in section 29-1-902, C.R.S., and held by any local-government-financed entity for use in the exercise of functions required or authorized by law or administrative rule or involving the receipt or expenditure of public funds. 24-72-202	Custodian to deny: Trade secrets, privileged information, and confidential commercial, financial, geological, or geophysical data, including a social security number unless disclosure of the number is required, permitted, or authorized by state or federal law, furnished by or obtained from any person. 24-72-204 (3)(a)(IV).	Custodian to deny: Trade secrets, privileged information, and confidential commercial, financial, geological, or geophysical data, including a social security number unless disclosure of the number is required, permitted, or authorized by state or federal law, furnished by or obtained from any person. 24-72-204 (3)(a)(IV).

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Connecticut	<p>“Public records or files” means any recorded data or information relating to the conduct of the public’s business prepared, owned, used, received or retained by a public agency, or to which a public agency is entitled to receive a copy by law or contract under section 1-218, whether such data or information be handwritten, typed, tape-recorded, printed, photostated, photographed or recorded by any other method. Conn. Gen. Stat. § 1.200.</p>	<p>Exempt: (A) Trade secrets, which for purposes of the Freedom of Information Act, are defined as information, including formulas, patterns, compilations, programs, devices, methods, techniques, processes, drawings, cost data, customer lists, film or television scripts or detailed production budgets that (i) derive independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from their disclosure or use, and (ii) are the subject of efforts that are reasonable under the circumstances to maintain secrecy; and</p> <p>(B) Commercial or financial information given in confidence, not required by statute. Conn. Gen. Stat. § 1-210.</p>	<p>Exempts "[c]ommercial or financial information given in confidence, not required by statute." Conn. Gen. Stat. § 1-210.</p>
Delaware	<p>“Public record” is information of any kind, owned, made, used, retained, received, produced, composed, drafted or otherwise compiled or collected, by any public body, relating in any way to public business, or in any way of public interest, or in any way related to public purposes, regardless of the physical form or characteristic by which such information is stored, recorded or reproduced. Del. Code. Ann. 29 § 10002.</p>	<p>Exemption: Trade secrets and commercial or financial information obtained from a person which is of a privileged or confidential nature. Del. Code. Ann. 29 § 10002.</p>	<p>Exemption: Trade secrets and commercial or financial information obtained from a person which is of a privileged or confidential nature. Del. Code. Ann. 29 § 10002.</p>
District of Columbia	<p>The term "public record" includes all books, papers, maps, photographs, cards, tapes, recordings, vote data (including ballot-definition material, raw data, and ballot images), or other documentary materials, regardless of physical form or characteristics prepared, owned, used, in the possession of, or retained by a public body. Public records include information stored in an electronic format. D.C. Code Ann. § 2-502.</p>	<p>Exemption: Trade secrets and commercial or financial information obtained from outside the government, to the extent that disclosure would result in substantial harm to the competitive position of the person from whom the information was obtained. D.C. Code Ann. § 2-534.</p>	<p>Exemption: Trade secrets and commercial or financial information obtained from outside the government, to the extent that disclosure would result in substantial harm to the competitive position of the person from whom the information was obtained. D.C. Code Ann. § 2-534.</p>
Florida	<p>“Public records” means all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency. 119.011</p>	<p>Sections do address trade secrets and proprietary information exemptions in relation to energy utilities. 119.0713</p> <p>Case law also suggests trade secrets are exempt. <i>Sepro Corp. v. Fla. Dep't of Env'tl. Prot.</i>, 839 So. 2d 781 (Fla. App. 2003).</p>	<p>Sections do address trade secrets and proprietary information exemptions in relation to energy utilities. 119.0713</p>

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<p>Georgia</p>	<p>"Public record" means all documents, papers, letters, maps, books, tapes, photographs, computer based or generated information, data, data fields, or similar material prepared and maintained or received by an agency or by a private person or entity in the performance of a service or function for or on behalf of an agency or when such documents have been transferred to a private person or entity by an agency for storage or future governmental use. § 50-18-70.</p>	<p>Any trade secrets obtained from a person or business entity that are required by law, regulation, bid, or request for proposal to be submitted to an agency. An entity submitting records containing trade secrets that wishes to keep such records confidential under this paragraph shall submit and attach to the records an affidavit affirmatively declaring that specific information in the records constitute trade secrets pursuant to Article 27 of Chapter 1 of Title 10. § 50-18-72.</p>	<p>Data, records, or information of a proprietary nature produced or collected by or for faculty or staff of state institutions of higher learning, or other governmental agencies, in the conduct of, or as a result of, study or research on commercial, scientific, technical, or scholarly issues, whether sponsored by the institution alone or in conjunction with a governmental body or private concern, where such data, records, or information has not been publicly released, published, copyrighted, or patented. § 50-18-72.</p>
<p>Hawaii</p>	<p>All government records are open to public inspection unless access is restricted or closed by law. § 92F-11. Lists numerous required disclosures.</p>	<p>No specific exclusion for trade secrets, but: "Government records that, by their nature, must be confidential in order for the government to avoid the frustration of a legitimate government function" are excluded. § 92F-13.</p>	<p>No specific exclusion for proprietary records, but: "Government records that, by their nature, must be confidential in order for the government to avoid the frustration of a legitimate government function" are excluded. § 92F-13.</p>
<p>Idaho</p>	<p>"Public record" includes, but is not limited to, any writing containing information relating to the conduct or administration of the public's business prepared, owned, used or retained by any state agency, independent public body corporate and politic or local agency regardless of physical form or characteristics. § 74-101.</p>	<p>Exemption: Trade secrets including those contained in response to public agency or independent public body corporate and politic requests for proposal, requests for clarification, requests for information and similar requests. "Trade secrets" as used in this section means information, including a formula, pattern, compilation, program, computer program, device, method, technique, process, or unpublished or in-progress research that: (a) Derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by other persons who can obtain economic value from its disclosure or use; and (b) Is the subject of efforts that are reasonable under the circumstances to maintain its secrecy. § 74-107.</p>	<p>Relies on "trade secrets" definition and lists various specific industries/areas including investigative records and trademark usage audits of Idaho potato commission, information relating to seed companies, shipping and marketing records, etc. § 74-107.</p>

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<p>Illinois</p>	<p>"Public records" means all records, reports, forms, writings, letters, memoranda, books, papers, maps, photographs, microfilms, cards, tapes, recordings, electronic data processing records, electronic communications, recorded information and all other documentary materials pertaining to the transaction of public business, regardless of physical form or characteristics, having been prepared by or for, or having been or being used by, received by, in the possession of, or under the control of any public body. 5 ILCS 140/2.</p>	<p>Trade secrets and commercial or financial information obtained from a person or business where the trade secrets or commercial or financial information are furnished under a claim that they are proprietary, privileged or confidential, and that disclosure of the trade secrets or commercial or financial information would cause competitive harm to the person or business, and only insofar as the claim directly applies to the records requested. 5 ILCS 140/7.</p>	<p>Combined under Trade Secrets exemption.</p>
<p>Indiana</p>	<p>"Public record" means any writing, paper, report, study, map, photograph, book, card, tape recording, or other material that is created, received, retained, maintained, or filed by or with a public agency and which is generated on paper, paper substitutes, photographic media, chemically based media, magnetic or machine readable media, electronically stored data, or any other material, regardless of form or characteristics. IC 5-14-3-2.</p>	<p>Records containing trade secrets excepted. IC 5-14-3-4.</p> <p>Definition: "Trade secret" means information, including a formula, pattern, compilation, program, device, method, technique, or process, that:</p> <p>(1) derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use; and</p> <p>(2) is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.</p>	<p>Not specifically addressed, but could fall under "trade secrets" definition.</p>
<p>Iowa</p>	<p>a. "Public records" includes all records, documents, tape, or other information, stored or preserved in any medium, of or belonging to this state or any county, city, township, school corporation, political subdivision, nonprofit corporation other than a fair conducting a fair event as provided in chapter 174, whose facilities or indebtedness are supported in whole or in part with property tax revenue and which is licensed to conduct pari-mutuel wagering pursuant to chapter 99D, or tax-supported district in this state, or any branch, department, board, bureau, commission, council, or committee of any of the foregoing.</p> <p>b. "Public records" also includes all records relating to the investment of public funds including but not limited to investment policies,</p>	<p>Kept confidential: Trade secrets which are recognized and protected as such by law. 22.7</p>	<p>Kept confidential: Financial information, which if released would give advantage to competitors and serve no public purpose, relating to commercial operations conducted or intended to be conducted by a person submitting records containing the information to the department of agriculture and land stewardship for the purpose of obtaining assistance in business planning.</p>

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	instructions, trading orders, or contracts, whether in the custody of the public body responsible for the public funds or a fiduciary or other third party. 22.1		
Kansas	<p>"Public record" means any recorded information, regardless of form, characteristics or location, which is made, maintained or kept by or is in the possession of:</p> <p>(A) Any public agency; or</p> <p>(B) any officer or employee of a public agency pursuant to the officer's or employee's official duties and which is related to the functions, activities, programs or operations of any public agency. 45-217.</p>	<p>Trade secrets not addressed in open records law. There are some specific instances listed.</p> <p>May be covered by Kansas trade secret law (60-3320).</p> <p>60-432. Trade secret. The owner of a trade secret has a privilege, which may be claimed by the owner or his or her agent or employee, to refuse to disclose the secret and to prevent other persons from disclosing it if the judge finds that the allowance of the privilege will not tend to conceal fraud or otherwise work injustice.</p>	Not specifically addressed; same as trade secrets.
Kentucky	<p>"Public record" means all books, papers, maps, photographs, cards, tapes, discs, diskettes, recordings, software, or other documentation regardless of physical form or characteristics, which are prepared, owned, used, in the possession of or retained by a public agency. "Public record" shall not include any records owned or maintained by or for a body referred to in subsection (1)(h) of this section that are not related to functions, activities, programs, or operations funded by state or local authority. KRS 61.870.</p>	Same "confidential" information exemption as "proprietary"	Upon and after July 15, 1992, records confidentially disclosed to an agency or required by an agency to be disclosed to it, generally recognized as confidential or proprietary, which if openly disclosed would permit an unfair commercial advantage to competitors of the entity that disclosed the record. KRS 61.878.
Louisiana	All books, records, writings, accounts, letters and letter books, maps, drawings, photographs, cards, tapes, recordings, memoranda, and papers, and all copies, duplicates, photographs, including microfilm, or other reproductions thereof, or any other documentary materials, regardless of physical form or characteristics, including information contained in electronic data processing equipment, having been used, being in use, or prepared, possessed, or retained for use in the conduct, transaction, or performance of any business, transaction, work, duty, or function which was conducted, transacted, or performed by or under the authority of the constitution or laws of this state, or by or under the authority of any ordinance, regulation,	A. Nothing in this Chapter shall be construed to require the disclosure of proprietary or trade secret information pertaining to any code, pattern, formula, design, device, method, or process which is proprietary or trade secret information which has been submitted to a public body by the developer, owner, or manufacturer of a code, pattern, formula, design, device, method, or process in order to obtain or retain approval of such code, pattern,	A. Nothing in this Chapter shall be construed to require the disclosure of proprietary or trade secret information pertaining to any code, pattern, formula, design, device, method, or process which is proprietary or trade secret information which has been submitted to a public body by the developer, owner, or manufacturer of a code, pattern, formula, design, device, method, or process in order to obtain or retain approval of such code, pattern,

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	mandate, or order of any public body or concerning the receipt or payment of any money received or paid by or under the authority of the constitution or the laws of this state, are "public records." La RS 44:1.	formula, design, device, method, or process for sale or use in this state. B. Nothing in this Chapter shall be construed to require the disclosure of proprietary or trade secret information pertaining to any code, pattern, formula, design, device, method, or process which has been submitted to a public body in order to facilitate the further research, development, or commercialization of such code, pattern, formula, design, device, method, or process. RS 44:3.2	formula, design, device, method, or process for sale or use in this state. B. Nothing in this Chapter shall be construed to require the disclosure of proprietary or trade secret information pertaining to any code, pattern, formula, design, device, method, or process which has been submitted to a public body in order to facilitate the further research, development, or commercialization of such code, pattern, formula, design, device, method, or process. RS 44:3.2
Maine	The term "public records" means any written, printed or graphic matter or any mechanical or electronic data compilation from which information can be obtained, directly or after translation into a form susceptible of visual or aural comprehension, that is in the possession or custody of an agency or public official of this State or any of its political subdivisions, or is in the possession or custody of an association, the membership of which is composed exclusively of one or more of any of these entities, and has been received or prepared for use in connection with the transaction of public or governmental business or contains information relating to the transaction of public or governmental business. MRSA 401.	Not specifically exempted except: Records that would be within the scope of a privilege against discovery or use as evidence recognized by the courts of this State in civil or criminal trials if the records or inspection thereof were sought in the course of a court proceeding. MRSA 402(3)(b). Maine Rules of Evidence 507 provides: A person has a privilege, which may be claimed by the person or the person's agent or employee, to refuse to disclose and to prevent other persons from disclosing a trade secret owned by the person, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice.	Not specifically addressed.
Maryland	(1)"Public record" means the original or any copy of any documentary material that: (i) is made by a unit or an instrumentality of the State or of a political subdivision or received by the unit or instrumentality in connection with the transaction of public business; and is in any form, including: 1. a card; 2. a computerized record; 3. correspondence; 4. a drawing; 5. film or microfilm; 6. a form; 7. a map; 8. a photograph or photostat; 9. a recording; or	A custodian shall deny inspection of the part of a public record that contains any of the following information provided by or obtained from any person or governmental unit: (1) a trade secret; (2) confidential commercial information; (3) confidential financial information; or (4) confidential geological or geophysical information. 4-335 (10-617).	Not addressed specifically beyond "trade secrets."

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	<p>10. a tape.</p> <p>(2) "Public record" includes a document that lists the salary of an employee of a unit or an instrumentality of the State or of a political subdivision.</p> <p>(3) "Public record" does not include a digital photographic image or signature of an individual, or the actual stored data of the image or signature, recorded by the Motor Vehicle Administration. 4-101</p>		
Massachusetts	<p>The word "record" in this chapter shall mean any written or printed book or paper, or any photograph, microphotograph, map or plan. 66-3.</p>	<p>Some protection: Trade secrets or commercial or financial information voluntarily provided to an agency for use in developing governmental policy and upon a promise of confidentiality; but this subclause shall not apply to information submitted as required by law or as a condition of receiving a governmental contract or other benefit 4-7</p>	<p>Some protection beyond general "trade secrets" in relation to activities by a governmental body acting as an energy supplier, or the University of Massachusetts.</p>
Michigan	<p>"Public record" means a writing prepared, owned, used, in the possession of, or retained by a public body in the performance of an official function, from the time it is created. Public record does not include computer software. 15.232</p>	<p>Trade secrets or commercial or financial information voluntarily provided to an agency for use in developing governmental policy if:</p> <p>(i) The information is submitted upon a promise of confidentiality by the public body.</p> <p>(ii) The promise of confidentiality is authorized by the chief administrative officer of the public body or by an elected official at the time the promise is made.</p> <p>(iii) A description of the information is recorded by the public body within a reasonable time after it has been submitted, maintained in a central place within the public body, and made available to a person upon request. This subdivision does not apply to information submitted as required by law or as a condition of receiving a governmental contract, license, or other benefit. 15.243.</p>	<p>Likely falls under trade secrets exemption.</p>

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<p>Minnesota</p>	<p>All government data collected, created, received, maintained or disseminated by a government entity shall be public unless classified by statute, or temporary classification pursuant to section 13.06, or federal law, as nonpublic or protected nonpublic, or with respect to data on individuals, as private or confidential. The responsible authority in every government entity shall keep records containing government data in such an arrangement and condition as to make them easily accessible for convenient use. Photographic, photostatic, microphotographic, or microfilmed records shall be considered as accessible for convenient use regardless of the size of such records. 13.03</p>	<p>Trade secret included under "General Nonpublic Data":</p> <p>"Trade secret information" means government data, including a formula, pattern, compilation, program, device, method, technique or process (1) that was supplied by the affected individual or organization, (2) that is the subject of efforts by the individual or organization that are reasonable under the circumstances to maintain its secrecy, and (3) that derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use. 13.37.</p>	<p>No further exemption in addition to trade secret.</p>
<p>Mississippi</p>	<p>"Public records" shall mean all books, records, papers, accounts, letters, maps, photographs, films, cards, tapes, recordings or reproductions thereof, and any other documentary materials, regardless of physical form or characteristics, having been used, being in use, or prepared, possessed or retained for use in the conduct, transaction or performance of any business, transaction, work, duty or function of any public body, or required to be maintained by any public body</p>	<p>Records furnished to public bodies by third parties which contain trade secrets or confidential commercial or financial information shall not be subject to inspection, examination, copying or reproduction under this chapter until notice to third parties has been given, but the records shall be released no later than twenty-one (21) days from the date the third parties are given notice by the public body unless the third parties have filed in chancery court a petition seeking a protective order on or before the expiration of the twenty-one-day time period. Any party seeking the protective order shall give notice to the party requesting the information in accordance with the Mississippi Rules of Civil Procedure. 25-61-9</p>	<p>Trade secrets and confidential commercial and financial information of a proprietary nature developed by a college, university or public hospital under contract with a firm, business, partnership, association, corporation, individual or other like entity shall not be subject to inspection, examination, copying or reproduction under this chapter. 25-61-9.</p> <p>Commercial and financial information of a proprietary nature required to be submitted to a public body, as defined by paragraph (a) of Section 25-61-3, by a firm, business, partnership, association, corporation, individual or other like entity, shall be exempt from the provisions of the Mississippi Public Records Act of 1983; provided, however, that nothing herein shall be construed to deny access to such information submitted to a regulatory agency by a public utility that is related to the establishment of, or changes in, rates regulated by such agency. 79-23-1</p>

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Missouri	"Public record", any record, whether written or electronically stored, retained by or of any public governmental body including any report, survey, memorandum, or other document or study prepared for the public governmental body by a consultant or other professional service paid for in whole or in part by public funds, including records created or maintained by private contractors under an agreement with a public governmental body or on behalf of a public governmental body. 610.010	Not specifically addressed.	Not generally addressed, but exempts some: Meetings and public records relating to scientific and technological innovations in which the owner has a proprietary interest. 610.021
Montana	Public writings are: (a) the written acts or records of the acts of the sovereign authority, of official bodies and tribunals, and of public officers, legislative, judicial, and executive, whether of this state, of the United States, of a sister state, or of a foreign country, except records that are constitutionally protected from disclosure; (b) public records, kept in this state, of private writings, including electronic mail, except as provided in 22-1-1103 and 22-3-807 and except for records that are constitutionally protected from disclosure. 2-6-101.	Records and materials that are constitutionally protected from disclosure are not subject to the provisions of this section. Information that is constitutionally protected from disclosure is information in which there is an individual privacy interest that clearly exceeds the merits of public disclosure, including legitimate trade secrets, as defined in 30-14-402, and matters related to individual or public safety. 2-106-2.	Not addressed further, may be more difficult to exempt outside of trade secret.
Nebraska	Public records shall include all records and documents, regardless of physical form, of or belonging to this state, any county, city, village, political subdivision, or tax-supported district in this state, or any agency, branch, department, board, bureau, commission, council, subunit, or committee of any of the foregoing. 84-712.01.	Trade secrets, academic and scientific research work which is in progress and unpublished, and other proprietary or commercial information which if released would give advantage to business competitors and serve no public purpose. 84-712.05.	Trade secrets, academic and scientific research work which is in progress and unpublished, and other proprietary or commercial information which if released would give advantage to business competitors and serve no public purpose. 84-712.05.
Nevada	"Official state record" includes, without limitation: (a) Papers, unpublished books, maps and photographs; (b) Information stored on magnetic tape or computer, laser or optical disc; (c) Materials that are capable of being read by a machine, including, without limitation, microforms and audio and visual materials; and (d) Materials that are made or received by a state agency and preserved by that agency or its successor as evidence of the organization, operation, policy or any other activity of that agency or because of the information contained in the material. NRS 239.005. "Public Record" used in some areas and not defined.	Not expressly addressed. <i>Donrey of Nevada v. Bradshaw</i> , 798 P.2d 144 (Nev. 1990) laid out a balancing test of the public's need for the document against the confidentiality or privacy interests of the person seeking to prevent disclosure.	Not expressly addressed, but could be exempt under the balancing test.

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<p>New Hampshire</p>	<p>"Governmental records" means any information created, accepted, or obtained by, or on behalf of, any public body, or a quorum or majority thereof, or any public agency in furtherance of its official function. Without limiting the foregoing, the term "governmental records" includes any written communication or other information, whether in paper, electronic, or other physical form, received by a quorum or majority of a public body in furtherance of its official function, whether at a meeting or outside a meeting of the body. The term "governmental records" shall also include the term "public records." 91-A:1-a.</p>	<p>Records pertaining to internal personnel practices; confidential, commercial, or financial information. 91-A:5.</p> <p>Otherwise not addressed.</p>	<p>Records pertaining to internal personnel practices; confidential, commercial, or financial information. 91-A:5.</p> <p>Otherwise not addressed.</p>
<p>New Jersey</p>	<p>"Government record" or "record" means any paper, written or printed book, document, drawing, map, plan, photograph, microfilm, data processed or image processed document, information stored or maintained electronically or by sound-recording or in a similar device, or any copy thereof, that has been made, maintained or kept on file in the course of his or its official business by any officer, commission, agency or authority of the State or of any political subdivision thereof, including subordinate boards thereof, or that has been received in the course of his or its official business by any such officer, commission, agency, or authority of the State or of any political subdivision thereof, including subordinate boards thereof. The terms shall not include interagency or intra-agency advisory, consultative, or deliberative material. C.47:1A-1.1.</p>	<p>Trade secrets and proprietary commercial or financial information obtained from any source. For the purposes of this paragraph, trade secrets shall include data processing software obtained by a public body under a licensing agreement which prohibits its disclosure. C.47:1A-1.1.</p>	<p>Trade secrets and proprietary commercial or financial information obtained from any source. For the purposes of this paragraph, trade secrets shall include data processing software obtained by a public body under a licensing agreement which prohibits its disclosure. C.47:1A-1.1.</p>
<p>New Mexico</p>	<p>"Public records" means all documents, papers, letters, books, maps, tapes, photographs, recordings and other materials, regardless of physical form or characteristics, that are used, created, received, maintained or held by or on behalf of any public body and relate to public business, whether or not the records are required by law to be created or maintained. 14-2-6.</p>	<p>Trade secrets, attorney-client privileged information and long-range or strategic business plans of public hospitals discussed in a properly closed meeting.</p> <p>Not addressed otherwise, but exempts records "as otherwise provided by law." 14-2-1(A)(12).</p> <p>Rule 508 of the Supreme Court Rules of Evidence: "A person may refuse to disclose and may prevent others from disclosing a trade secret owned by him."</p>	<p>Not addressed.</p>
<p>New York</p>	<p>"Record" means any information kept, held, filed, produced or reproduced by, with or for an agency or the state legislature, in any physical form whatsoever including, but not limited to, reports, statements, examinations, memoranda, opinions, folders, files, books, manuals, pamphlets, forms, papers, designs, drawings, maps, photos, letters, microfilms, computer tapes or discs, rules, regulations or codes. § 86(4).</p>	<p>"[A]re trade secrets or are submitted to an agency by a commercial enterprise or derived from information obtained from a commercial enterprise and which if disclosed would cause substantial injury to the competitive position of the subject enterprise." § 87(2)(d).</p>	<p>Not addressed further beyond trade secrets exemption.</p>

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<p>North Carolina</p>	<p>"Public record" or "public records" shall mean all documents, papers, letters, maps, books, photographs, films, sound recordings, magnetic or other tapes, electronic data-processing records, artifacts, or other documentary material, regardless of physical form or characteristics, made or received pursuant to law or ordinance in connection with the transaction of public business by any agency of North Carolina government or its subdivisions. Agency of North Carolina government or its subdivisions shall mean and include every public office, public officer or official (State or local, elected or appointed), institution, board, commission, bureau, council, department, authority or other unit of government of the State or of any county, unit, special district or other political subdivision of government. 132-1.</p>	<p>Trade secrets are confidential. 132-1.2.</p> <p>"Trade secret" means business or technical information, including but not limited to a formula, pattern, program, device, compilation of information, method, technique, or process that:</p> <p>a. Derives independent actual or potential commercial value from not being generally known or readily ascertainable through independent development or reverse engineering by persons who can obtain economic value from its disclosure or use; and</p> <p>b. Is the subject of efforts that are reasonable under the circumstances to maintain its secrecy. 66-152.</p>	<p>Nothing further than trade secrets exemption.</p>
<p>North Dakota</p>	<p>Except as otherwise specifically provided by law, all records of a public entity are public records, open and accessible for inspection during reasonable office hours. 44-04-18.</p>	<p>Exempt: Trade secret, proprietary, commercial, and financial information is confidential if it is of a privileged nature and it has not been previously publicly disclosed. 44-04-18.4.</p> <p>"Trade secret" means information, including a formula, pattern, compilation, program, device, method, technique, technical know-how, or process, that:</p> <p>(1) Derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons that can obtain economic value from its disclosure or use; and</p> <p>(2) Is the subject of efforts that are reasonable under the circumstances to maintain the secrecy of the information.</p>	<p>"Proprietary information" includes:</p> <p>(1) Information shared between a sponsor of research or a potential sponsor of research and a public entity conducting or negotiating an agreement for the research.</p> <p>(2) Information received from a private business that has entered or is negotiating an agreement with a public entity to conduct research or manufacture or create a product for potential commercialization.</p> <p>(3) A discovery or innovation generated by the research information, technical information, financial information, or marketing information acquired under activities described under paragraph 1 or 2.</p> <p>(4) A document specifically and directly related to the licensing or commercialization resulting from activities described under paragraph 1, 2, or 6.</p> <p>(5) Technical, financial, or marketing records that are received by a public entity, which are owned or controlled by the</p>

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			<p>submitting person, are intended to be and are treated by the submitting person as private, and the disclosure of which would cause harm to the submitting person's business.</p> <p>(6) A discovery or innovation produced by the public entity that an employee or the entity intends to commercialize.</p> <p>(7) A computer software program and components of a computer software program that are subject to a copyright or a patent and any formula, pattern, compilation, program, device, method, technique, or process supplied to a public entity that is the subject of efforts by the supplying person to maintain its secrecy and that may derive independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons that might obtain economic value from its disclosure or use.</p> <p>(8) A discovery or innovation that is subject to a patent or a copyright, and any formula, pattern, compilation, program, device, combination of devices, method, technique, technical know-how or process that is for use, or is used, in the operation of a business and is supplied to or prepared by a public entity that is the subject of efforts by the supplying or preparing person to maintain its secrecy and provides the preparing person an advantage or an opportunity to obtain an advantage over those who do not know or use it or that may derive independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, a person that might obtain economic value from its disclosure or use.</p>
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Ohio	<p>"Public record" means records kept by any public office, including, but not limited to, state, county, city, village, township, and school district units, and records pertaining to the delivery of educational services by an alternative school in this state kept by the nonprofit or for-profit entity operating the alternative school pursuant to section 3313.533 of the Revised Code. 149.43</p>	<p>Not specifically addressed, but records the release of which is prohibited by state or federal law are exempt. RC 149.43.</p> <p><i>State ex rel. Besser v. Ohio State Univ.</i>, 89 Ohio St. 3d 396, 399 (Ohio 2000) - trade secrets fall under the state and federal law exemption.</p>	Not addressed.
Oklahoma	<p>"Record" means all documents, including, but not limited to, any book, paper, photograph, microfilm, data files created by or used with computer software, computer tape, disk, record, sound recording, film recording, video record or other material regardless of physical form or characteristic, created by, received by, under the authority of, or coming into the custody, control or possession of public officials, public bodies, or their representatives in connection with the transaction of public business, the expenditure of public funds or the administering of public property. 51 § 24A.3</p>	Not addressed generally. There are some instances in which certain trade secrets are exempt. Public utilities is an example - 24A.22.	Not addressed.
Oregon	<p>(a) "Public record" includes any writing that contains information relating to the conduct of the public's business, including but not limited to court records, mortgages, and deed records, prepared, owned, used or retained by a public body regardless of physical form or characteristics.</p> <p>(b) "Public record" does not include any writing that does not relate to the conduct of the public's business and that is contained on a privately owned computer. 192.311.</p>	<p>Exempt unless the public interest requires disclosure in particular instance:</p> <p>Trade secrets. "Trade secrets," as used in this section, may include, but are not limited to, any formula, plan, pattern, process, tool, mechanism, compound, procedure, production data, or compilation of information which is not patented, which is known only to certain individuals within an organization and which is used in a business it conducts, having actual or potential commercial value, and which gives its user an opportunity to obtain a business advantage over competitors who do not know or use it. 192.345</p>	Not addressed outside of trade secrets.
Pennsylvania	<p>"Public record." A record, including a financial record, of a Commonwealth or local agency that:</p> <p>(1) is not exempt under section 708;</p> <p>(2) is not exempt from being disclosed under any other Federal or State law or regulation or judicial order or decree; or</p> <p>(3) is not protected by a privilege.</p> <p>"Record." Information, regardless of physical form or characteristics, that documents a transaction or activity of an agency and that is created, received or retained pursuant to law or in connection with a transaction, business or activity of the agency. The term includes a</p>	<p>Exempt: A record that constitutes or reveals a trade secret or confidential proprietary information. § 708.</p> <p>"Trade secret." Information, including a formula, drawing, pattern, compilation, including a customer list, program, device, method, technique or process that:</p> <p>(1) derives independent economic value, actual or potential, from not being generally known to and not being readily</p>	Exempt: A record that constitutes or reveals a trade secret or confidential proprietary information. § 708.

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	document, paper, letter, map, book, tape, photograph, film or sound recording, information stored or maintained electronically and a dataprocessed or image- processed document. § 102	ascertainable by proper means by other persons who can obtain economic value from its disclosure or use; and Pennsylvania's New Right-To-Know Law 7 (2) is the subject of efforts that are reasonable under the circumstances to maintain its secrecy. The term includes data processing software obtained by an agency under a licensing agreement prohibiting disclosure.	
Rhode Island	"Public record" or "public records" shall mean all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, magnetic or other tapes, electronic data processing records, computer stored data (including electronic mail messages, except specifically for any electronic mail messages of or to elected officials with or relating to those they represent and correspondence of or to elected officials in their official capacities), or other material regardless of physical form or characteristics made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency. 38-2-2.	Not included in "public records" definition: Trade secrets and commercial or financial information obtained from a person, firm, or corporation that is of a privileged or confidential nature. 38-2-2.	Not included in "public records" definition: Trade secrets and commercial or financial information obtained from a person, firm, or corporation that is of a privileged or confidential nature. 38-2-2
South Carolina	"Public record" includes all books, papers, maps, photographs, cards, tapes, recordings, or other documentary materials regardless of physical form or characteristics prepared, owned, used, in the possession of, or retained by a public body. 30-4-20.	Public body may exempt from disclosure: Trade secrets, which are defined as unpatented, secret, commercially valuable plans, appliances, formulas, or processes, which are used for the making, preparing, compounding, treating, or processing of articles or materials which are trade commodities obtained from a person and which are generally recognized as confidential and work products, in whole or in part collected or produced for sale or resale, and paid subscriber information. Trade secrets also include, for those public bodies who market services or products in competition with others, feasibility, planning, and marketing studies, marine terminal service and nontariff agreements, and evaluations and other materials which contain references to potential customers, competitive information, or evaluation. 30-4-40	Confidential proprietary information provided to a public body for economic development or contract negotiations purposes is not required to be disclosed. Data, records, or information of a proprietary nature, produced or collected by or for faculty or staff of state institutions of higher education in the conduct of or as a result of study or research on commercial, scientific, technical, or scholarly issues, whether sponsored by the institution alone or in conjunction with a governmental body or private concern, where the data, records, or information has not been publicly released, published, copyrighted, or patented. Private investment and other proprietary financial data provided to the Venture Capital Authority by a designated investor group or an investor as those terms are defined by Section 11-45-30.

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South Dakota	Public records defined. Unless any other statute, ordinance, or rule expressly provides that particular information or records may not be made public, public records include all records and documents, regardless of physical form, of or belonging to this state, any county, municipality, political subdivision, or tax-supported district in this state, or any agency, branch, department, board, bureau, commission, council, subunit, or committee of any of the foregoing. 1-27-1.1.	Not open to copying or inspection: Trade secrets, the specific details of bona fide research, applied research, or scholarly or creative artistic projects being conducted at a school, postsecondary institution or laboratory funded in whole or in part by the state, and other proprietary or commercial information which if released would infringe intellectual property rights, give advantage to business competitors, or serve no material public purpose. 1-27-1.5.	Included in trade secrets exemption.
Tennessee	"Public record or records" or "state record or records" means all documents, papers, letters, maps, books, photographs, microfilms, electronic data processing files and output, films, sound recordings or other material, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official business by any governmental agency. 10-7-503.	Not addressed generally	Not addressed generally.
Texas	"Public information" means information that is written, produced, collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official business: (1) by a governmental body; (2) for a governmental body and the governmental body: (A) owns the information; (B) has a right of access to the information; or (C) spends or contributes public money for the purpose of writing, producing, collecting, assembling, or maintaining the information; or (3) by an individual officer or employee of a governmental body in the officer's or employee's official capacity and the information pertains to official business of the governmental body. 552.002.	A trade secret obtained from a person and privileged or confidential by statute or judicial decision is excepted from the requirements of Section 552.021. 552.110	Information is excepted from the requirements of Section 552.021 if it is information that, if released, would give advantage to a competitor or bidder. 552.104 Commercial or financial information for which it is demonstrated based on specific factual evidence that disclosure would cause substantial competitive harm to the person from whom the information was obtained is excepted from the requirements of Section 552.021. 552.110
Utah	"Public record" means a record that is not private, controlled, or protected and that is not exempt from disclosure as provided in Subsection 63G-2-201(3)(b). (a)"Record" means a book, letter, document, paper, map, plan, photograph, film, card, tape, recording, electronic data, or other documentary material regardless of physical form or characteristics: (i)that is prepared, owned, received, or retained by a governmental entity or political subdivision; and (ii)where all of the information in the original is reproducible by photocopy or other mechanical or electronic means. 63G-2-103.	"Protected records": trade secrets as defined in Section 13-24-2 if the person submitting the trade secret has provided the governmental entity with the information specified in Section 63G-2-309. 63G-2-305.	"Protected records": Commercial information or nonindividual financial information obtained from a person if: (a) disclosure of the information could reasonably be expected to result in unfair competitive injury to the person submitting the information or would impair the ability of the governmental entity to obtain necessary information in the future; (b) the person submitting the information has a greater interest in prohibiting access

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			than the public in obtaining access; and (c) the person submitting the information has provided the governmental entity with the information specified in Section 63G-2-309
Vermont	"Public record" or "public document" means any written or recorded information, regardless of physical form or characteristics, which is produced or acquired in the course of public agency business. Individual salaries and benefits of and salary schedules relating to elected or appointed officials and employees of public agencies shall not be exempt from public inspection and copying. § 317.	Exempt: trade secrets, including any formulae, plan, pattern, process, tool, mechanism, compound, procedure, production data, or compilation of information which is not patented, which is known only to certain individuals within a commercial concern, and which gives its user or owner an opportunity to obtain business advantage over competitors who do not know it or use it, except that the disclosures required by 18 V.S.A. § 4632 shall not be included in this subdivision.	Not addressed beyond trade secrets.
Washington	"Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics. For the office of the secretary of the senate and the office of the chief clerk of the house of representatives, public records means legislative records as defined in RCW 40.14.100 and also means the following: All budget and financial records; personnel leave, travel, and payroll records; records of legislative sessions; reports submitted to the legislature; and any other record designated a public record by any official action of the senate or the house of representatives. 42.56.010.	Listed under exemption for financial, commercial, and proprietary information. 42.56.270.	Proprietary data, trade secrets, or other information that relates to: (a) A vendor's unique methods of conducting business; (b) data unique to the product or services of the vendor; or (c) determining prices or rates to be charged for services, submitted by any vendor to the department of social and health services for purposes of the development, acquisition, or implementation of state purchased health care as defined in RCW 41.05.011. 42.56.270.
West Virginia	"Public record" includes any writing containing information prepared or received by a public body, the content or context of which, judged either by content or context, relates to the conduct of the public's business. 29B-1-2.	Exempt: Trade secrets, as used in this section, which may include, but are not limited to, any formula, plan pattern, process, tool, mechanism, compound, procedure, production data or compilation of information which is not patented which is known only to certain individuals within a commercial concern who are using it to fabricate, produce or compound an article or trade or a service or to locate minerals or other substances, having commercial value, and which gives its users an opportunity to obtain business advantage over competitors. 29B-1-4.	Likely included under "trade secrets" exemption. Also exempt: Customer proprietary network information of other telecommunications carriers, equipment manufacturers and individual customers, consistent with 47 U.S.C. §222. 29B-1-4.

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<p>Wisconsin</p>	<p>“Record” means any material on which written, drawn, printed, spoken, visual, or electromagnetic information or electronically generated or stored data is recorded or preserved, regardless of physical form or characteristics, that has been created or is being kept by an authority. “Record” includes, but is not limited to, handwritten, typed, or printed pages, maps, charts, photographs, films, recordings, tapes, optical discs, and any other medium on which electronically generated or stored data is recorded or preserved. 19.32.</p>	<p>Trade secrets. An authority may withhold access to any record or portion of a record containing information qualifying as a trade secret as defined in s. 134.90 (1) (c).</p> <p>“Trade secret” means information, including a formula, pattern, compilation, program, device, method, technique or process to which all of the following apply:</p> <ol style="list-style-type: none"> 1. The information derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use. 2. The information is the subject of efforts to maintain its secrecy that are reasonable under the circumstances. 	<p>Likely falls under trade secrets. Not addressed further.</p>
<p>Wyoming</p>	<p>"Public records" when not otherwise specified includes any information in a physical form created, accepted, or obtained by the state or any agency, institution or political subdivision of the state in furtherance of its official function and transaction of public business which is not privileged or confidential by law. Without limiting the foregoing, the term "public records" includes any written communication or other information, whether in paper, electronic, or other physical form, received by the state or any agency, institution or political subdivision of the state in furtherance of the transaction of public business of the state or agency, institution or political subdivision of the state, whether at a meeting or outside a meeting. 16-4-201.</p>	<p>Trade secrets, privileged information and confidential commercial, financial, geological or geophysical data furnished by or obtained from any person. 16-4-203.</p>	<p>Nothing beyond the trade secrets exemption.</p>