



PART IV - ATTACHMENT K
CLAIM OF BUSINESS CONFIDENTIALITY
RETURN WITH YOUR PROPOSAL

Trade Secrets and Confidential Commercial or Financial Information Protection against disclosure of trade secrets is one of the several protections prescribed by the Open Meetings Act in Miss. Code Ann. §§25-61-9 (1) - (4) (1996). Even more specific protection for trade secrets is spelled out in Miss. Code Ann. §§75-26-1 through 75-26-19 (1990), known as the Mississippi Uniform Trade Secrets Act. Beyond trade secrets, moreover, the Public Records Act extends protection to “ private parties who may be in possession of information regarding their financial status and business practices that they would legitimately consider confidential, even though that information might not meet the strict test of being a trade secret as that term is defined in the Trade Secrets Act or previous judicial opinions.”⁵⁴ It thus protects a broader range of information than the Trade Secrets Act.

§25-61-9 (1) provides that 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” until notice to the third parties has been given, “but such records shall be release within a reasonable period of time” unless the third parties obtain a court order protecting such records as confidential.

§25-61-9 (3) expressly protects from disclosure under the Public Records Act “trade secrets and confidential commercial and financial information of a proprietary nature developed by a college or university under a contract with a firm, business, partnership, association, corporation, individual or other like entity.”

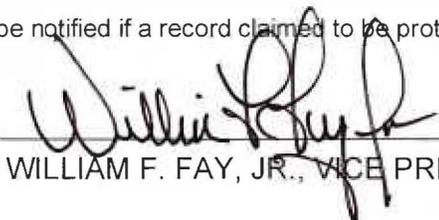
The Mississippi Uniform Trade Secrets Act similarly but with much greater specificity provides for protection of trade secrets from misappropriation, authorizing injunctive relief against actual or threatened misappropriation of trade secrets, §75-26-5, damages for misappropriation, §75-26-7, protection of trade secrets during the pendency of a lawsuit, §75-26-11. The Act also allows the court under §75-26-7 to award a reasonable royalty for a misappropriator’s unauthorized disclosure or use of a trade secret, and under §75-26-9 to award reasonable attorneys fees incident to either a bad faith claim of misappropriation or a willful and malicious misappropriation. Definitions of key terms such as trade secret, improper means, and misappropriation are set forth in 75-26-3.

This statement of reasons supporting the claim of business confidentiality applies to the following information in this proposal:

Page	Paragraph	Reason - BID SUBMISSION INFORMATION
		TECH ITEM #15 - QUALITY ASSURANCE MANUAL
		TECH ITEM #1 - CUSTOMER REFERENCE LETTERS
		TECH ITEM #9 - CORROSION PROTECTION
		TECH ITEM #12 - CUSTOMER CARE SUPPORT NETWORK STAFF NAMES
		TECH ITEM #13 - CUSTOMER CARE TRAINING STAFF NAMES

Please use additional sheets if needed.

You will be notified if a record claimed to be protected herein

Signed:  Date JUNE 6, 2025
 WILLIAM F. FAY, JR., VICE PRESIDENT, SALES