



## Ohio Administrative Code

### Rule 6121-1-18 Disclosure of public records; trade secrets.

Effective: February 3, 2008

---

(A) Except as otherwise provided by this rule and not otherwise required to be kept confidential by federal or state law, any record, report or other information obtained by the Ohio water development authority ("OWDA") shall be made available to the public upon request.

(B) All requests to inspect, copy, or both, public records as defined under paragraph (A) of the rule obtained by OWDA under this, or any other, chapter of the Ohio Administrative Code shall be directed to Ohio water development authority in care of its Columbus, Ohio office.

(C) Within twenty working days of receipt by OWDA of a request to inspect and/or copy such public records, OWDA shall respond to the requestor. The response shall be in writing if the requestor has made a written request or if the requestor has voluntarily provided information that allows OWDA to transmit a written response to the requestor. The response shall advise the requestor as appropriate:

(1) As to the location of the public records sought and as to a reasonable time during regular business hours of OWDA at which the requested items may be inspected; or

(2) That OWDA does not have in its possession any public records as identified in the request; or

(3) That the request is not sufficiently descriptive to enable OWDA to determine whether OWDA has in its possession the public records sought; or

(4) That the requested records, in whole or in part, contain confidential trade secrets or other confidential material and are therefore, not subject to disclosure to the public or may be subject to redaction; or

(5) To the extent the request seeks copies of public records, the date such copies will be available and the cost to the requestor of such copies. If the total cost of the copies requested is twenty-five dollars or more, OWDA may require prepayment of the copying charge before the copies are



provided to the requestor.

(D) Any denial of public records requested shall include an explanation, including legal authority supporting the denial. If portions of a record are public and portions are exempt from disclosure, the exempt portions shall be redacted and the remainder released. The authority shall notify the requester of the redaction or make the redaction plainly visible. If there are redactions, each redaction shall be accompanied by a supporting explanation, including legal authority for the redaction.

(E) Any party who seeks to protect any record, report or other information, or any part thereof, which, if made public, would disclose methods or processes entitled to protection as trade secrets shall, upon submission of the material to OWDA:

(1) Identify the specific items of information for which exemption from disclosure is claimed by marking with the following (or its reasonable equivalent) upon submission to OWDA: "This material is exempt from disclosure as a public record because it contains records or information relating to secret processes or secret methods of manufacture or the release thereof is otherwise prohibited by state or federal law;"

(2) Identify the specific legal ruling, law or section thereof under which the release of such specific items of information is prohibited; and

(3) Agree to indemnify and hold harmless the OWDA, its agents, officers, members and independent contractors from and against any and all damages, losses, costs, claims and liabilities, including attorneys' fees, arising out of or otherwise incurred by the OWDA in connection with any claim by any person that any specific items of information, or any parts thereof, withheld from disclosure are subject to disclosure under the provisions of Ohio or federal law. The party shall indemnify and hold harmless OWDA as provided in the preceding sentence whether or not the party ultimately prevails on its claim that the information is exempt from disclosure as a public record. At the request and in the sole discretion of the OWDA, the party shall undertake the defense of any claim that any information is exempt from disclosure as a public record.

(F) Notwithstanding the foregoing, OWDA shall give ten days' written notice to any party with



specific items of information that have been requested pursuant to paragraph (B) of this rule, prior to responding in writing to the requestor pursuant to paragraph (C) of this rule.

(G) In the event material submitted to OWDA prior to the effective date of this rule is deemed confidential by the party submitting such material, upon receipt of correspondence from OWDA with respect to a request pursuant to paragraph (B) of this rule, the party shall comply in writing, or agree to comply by affidavit, with paragraph (D) of this rule.

(H) "Trade secret" means information, including the whole or any portion or phase of any scientific or technical information, design, process, procedure, formula, pattern, compilation, program, device, method, technique, or improvement, or any business information or plans, financial information, or listing of names, addresses, or telephone numbers, that satisfies both of the following:

(1) It 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) It is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.