Government Records Access and Management Act

- Business records provided to a governmental entity may be classified as protected records under the Government Records Access and Management Act (GRAMA), found at Utah Code §§ 63G-2-101, et seq.

- This includes trade secrets under Subsection 63G-2-305(1), which are defined as information, including a formula, pattern, compilation, program, device, method, technique, or process, that:
  o 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
  o is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

- Under Subsection 63G-2-305(2), commercial information or nonindividual financial information may also be classified as protected if:
  o 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; and
  o the person submitting the information has a greater interest in prohibiting access than the public in obtaining access.

- In order for this information to be classified as protected the person submitting the information must provide the governmental entity with the information described in Subsection 63G-2-309(1)(a) which includes:
  o a written claim of business confidentiality; and
  o a concise statement of reasons supporting the claim of business confidentiality.

- When this occurs, Subsection 63G-2-309(1)(b) requires the governmental entity to notify the person that:
  o the record has been classified protected; and
  o describe any circumstances under which the information may be disclosed.

You can review the full text of these statutes by going to:
https://le.utah.gov/xcode/Title63G/Chapter2/63G-2-P3.html