



## Trade Secret and/or Infrastructure Form

*(Attachment to Application Section F-1.1)*

This form must be signed by an individual who may legally sign for the Applicant. The form must be printed and signed with an original, wet-ink signature. Electronic or digital signatures are not acceptable. Scan and attach a copy of the signed form, in PDF format, in response to Question F-1.1 of the online Application.

Business Name of Applicant:

Applications that are submitted may or may not be public records and subject to disclosure under the Ohio Sunshine Laws. (O.R.C. 149.43) While there are exceptions to production in Ohio statutes, federal law, and common law privileges, the Board of Pharmacy cannot guarantee that any or all data in the application will remain confidential at all times. Further, the Board of Pharmacy may use or disclose information contained in the application submission to the extent provided by law. Applicants are strongly encouraged to review the applicable law prior to submitting an application as the Board of Pharmacy is unable to provide legal advice as to the absolute confidentiality of the data received.

Applicants that assert that some or all of the application are trade secrets, as defined in O.R.C. 1333.61, or who wish to submit an express statement to comply with O.R.C. 149.333(C) and that do not want such information used or disclosed other than for the evaluation of this proposal shall:

- A. Clearly mark every page of trade secret materials in the application submission at the time the proposal is submitted with the words "TRADE SECRET" and/or "INFRASTRUCTURE RECORD," as appropriate, in capitalized, underlined, and bold type of at least 20 pt.
- B. Acknowledge that the State of Ohio does not assume liability for the use or disclosure of unmarked or unclearly marked trade secret information



C. Fill out and submit the attached "Trade Secret & Infrastructure Record Notification Form," specifying the pages of the application submission that are to be restricted and justifying the trade secret designation or infrastructure designation for each item. If no material is designated as trade secret information or as an infrastructure records, a statement of "None" should be listed on the form; and

D. Satisfy the burden established by statute and legal precedent.

The Board of Pharmacy may reject a claim that any particular information in an application submission is trade secret information if it determines that the Applicant has not met the burden of establishing the content to be trade secret information under any circumstance. Use of generic trade secret language encompassing substantial portions of the application submission or simple assertions of trade secret interest without substantive explanation of the basis therefore will not be sufficient to create a trade secret designation. Applicants should understand that the Board of Pharmacy will err on the side of disclosure of information to comply with O.R.C. 149.43.

The Applicant must defend any action seeking release of the materials that it believes to be trade secret information, and indemnify and hold harmless the State, its agents, and employees, from any judgments against the State in favor of the party requesting the materials, and any and all costs connected with that defense. This indemnification survives the State's award of a license. In submitting an application, the Applicant agrees that this indemnification survives as long as the trade secret information is in the possession of the Board of Pharmacy.

Printed Name of Authorized Representative

Signature

Date



Question Number	Attachment Reference	Justification for Excluding as Trade Secret