HB1678 – to amend and reenact § 2.2-3705.6 (Roxann L. Robinson)

SUMMARY AS INTRODUCED:

Virginia Freedom of Information Act (FOIA); trade secrets submitted to the Department of Mines, Minerals and Energy. Excludes from the mandatory disclosure provisions of FOIA trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), submitted to the Department of Mines, Minerals and Energy that identify chemical ingredient names, the chemical abstracts number for a chemical ingredient, the amount or concentration of chemicals or ingredients used to stimulate a well pursuant to § 45.1-361.29 or Department regulations concerning such ground-disturbing activities. The bill requires that for such records to be protected, the submitting party must (i) invoke this FOIA exclusion upon submission of the data or materials for which protection from disclosure is sought, (ii) identify the data or materials for which protection is sought, and (iii) state the reasons why protection is necessary. The bill requires the Department to determine whether the information claimed to be a trade secret is entitled to such protection.

Actual Bill Text Change:

257 29. Trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), submitted to the
258 Department of Mines, Minerals and Energy pursuant to requirements for disclosure of chemical
259 ingredient names, the chemical abstracts number for a chemical ingredient, or the amount or
260 concentration of chemicals or ingredients used to stimulate a well pursuant to § 45.1-361.29 or
261 regulations promulgated under § 45.1-361.27. In order for such trade secrets to be excluded from the
262 provisions of this chapter, the submitting party shall (i) invoke this exclusion upon submission of the
263 data or materials for which protection from disclosure is sought, (ii) identify the data or materials for
264 which protection is sought, and (iii) state the reasons why protection is necessary. The Department shall
265 determine whether the information claimed to be a trade secret is entitled to such protection.

HB1679 - to amend and reenact § 45.1-361.29 (Roxann L. Robinson Dist-27)

SUMMARY AS INTRODUCED:

Well permit applications; disclosure of trade secrets. Authorizes the Department of Mines, Minerals, and Energy (Department) to require disclosure of chemical ingredient names, chemical abstracts numbers, or the amount or concentration of chemicals or ingredients used to stimulate a well notwithstanding exclusion from mandatory disclosure under the Virginia Freedom of Information Act as a trade secret. The bill authorizes the Director of the Department of Mines, Minerals and Energy (Director) to disclose such information to additional Department staff or state or local officials to assist the Department in responding to an emergency. The bill prohibits such individuals from disseminating such information further. The bill requires the Director to notify the party that submitted the trade secret of disclosure as soon as practicable. The bill prohibits orders issued pursuant to § 45.1-361.27 from including trade secret information.

Actual Bill Text Change:

79 J. The Department may require an application for a well, a supplement thereto, and a well
80 completion report to include chemical ingredient names, the chemical abstracts numbers for chemical
81 ingredients, or the amount or concentration of chemicals or ingredients, used to stimulate a well
82 provided there is an exclusion from mandatory disclosure under the Virginia Freedom of Information
83 Act (http://law.lis.virginia.gov/vacodefull/title2.2/chapter37/) applicable to the extent that such information meets the definition of a trade
84 secret set forth in the Uniform Trade Secrets Act (§ 59.1-336 et seq.). The applicant or permittee, as
85 applicable, shall provide, or cause the trade secret claimant to provide, the required trade secret
86 information to the Department. The Director may disclose information regarding the specific identity of
87 a chemical, the concentration of a chemical, or both the specific identity and concentration of a
88 chemical, claimed to be a trade secret to additional Department staff or any relevant state or local
89 government official to the extent that such disclosure is necessary to assist the Department in
90 responding to an emergency resulting in an order pursuant to subsection D of § 45.1-361.27. No such
91 Department staff or state or local official shall disseminate the information further. Any information so
92 disclosed to Department staff or state or local officials shall at all times be considered confidential and
93 shall not be construed as publicly available. If the Director discloses such information to any state or
94 local government official, then the Director shall notify the party that submitted the trade secret
95 information of that disclosure as soon as practicable. No order issued pursuant to § 45.1-361.27 shall
96 include trade secret information.
SB1291 - to amend and reenact § 45.1-361.29 (A. Benton “Ben” Chafin)

SUMMARY AS INTRODUCED:

Well permit applications; disclosure of trade secrets. Authorizes the Department of Mines, Minerals, and Energy (Department) to require disclosure of chemical ingredient names, chemical abstracts numbers, or the amount or concentration of chemicals or ingredients used to stimulate a well notwithstanding exclusion from mandatory disclosure under the Virginia Freedom of Information Act as a trade secret. The bill authorizes the Director of the Department of Mines, Minerals and Energy (Director) to disclose such information to additional Department staff or state or local officials to assist the Department in responding to an emergency. The bill prohibits such individuals from disseminating such information further. The bill requires the Director to notify the party that submitted the trade secret of disclosure as soon as practicable. The bill prohibits orders issued pursuant to § 45.1-361.27 from including trade secret information.

Actual Bill Text Change:

79 J. The Department may require an application for a well, a supplement thereto, and a well completion report to include chemical ingredient names, the chemical abstracts numbers for chemical ingredients, or the amount or concentration of chemicals or ingredients used to stimulate a well provided there is an exclusion from mandatory disclosure under the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) applicable to the extent that such information meets the definition of a trade secret set forth in the Uniform Trade Secrets Act (§ 59.1-336 et seq.). The applicant or permittee, as applicable, shall provide, or cause the trade secret claimant to provide, the required trade secret information to the Department. The Director may disclose information regarding the specific identity of a chemical, the concentration of a chemical, or both the specific identity and concentration of a chemical, claimed to be a trade secret to additional Department staff or any relevant state or local government official to the extent that such disclosure is necessary to assist the Department in responding to an emergency resulting in an order pursuant to subsection D of § 45.1-361.27. No such Department staff or state or local official shall disseminate the information further. Any information so disclosed to Department staff or state or local officials shall at all times be considered confidential and shall not be construed as publicly available. If the Director discloses such information to any state or local government official, then the Director shall notify the party that submitted the trade secret information of that disclosure as soon as practicable. No order issued pursuant to § 45.1-361.27 shall include trade secret information.

SB1292 - to amend and reenact § 2.2-3705.6 (A. Benton “Ben” Chafin)

SUMMARY AS INTRODUCED:

Virginia Freedom of Information Act (FOIA); trade secrets submitted to the Department of Mines, Minerals and Energy. Excludes from the mandatory disclosure provisions of FOIA trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), submitted to the Department of Mines, Minerals and Energy that identify chemical ingredient names, the chemical abstracts number for a chemical ingredient, or the amount or concentration of chemicals or ingredients used to stimulate a well pursuant to § 45.1-361.29 or Department regulations concerning such ground-disturbing activities. The bill requires that for such records to be protected, the submitting party must (i) invoke this FOIA exclusion upon submission of the data or materials for which protection from disclosure is sought, (ii) identify the data or materials for which protection is sought, and (iii) state the reasons why protection is necessary. The bill requires the Department to determine whether the information claimed to be a trade secret is entitled to such protection.

Actual Bill Text Change:

257 29. Trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), submitted to the Department of Mines, Minerals and Energy pursuant to requirements for disclosure of chemical ingredient names, the chemical abstracts number for a chemical ingredient, or the amount or concentration of chemicals or ingredients used to stimulate a well pursuant to § 45.1-361.29 or Department regulations promulgated under § 45.1-361.27. In order for such trade secrets to be excluded from the provisions of this chapter, the submitting party shall (i) invoke this exclusion upon submission of the data or materials for which protection from disclosure is sought, (ii) identify the data or materials for which protection is sought, and (iii) state the reasons why protection is necessary. The Department shall determine whether the information claimed to be a trade secret is entitled to such protection.