

**53B-16-304 Business confidentiality claims.**

- (1)
- (a) Any person who provides to a public institution of higher education a record that the person believes should be protected under a provision listed in Subsection 63G-2-309(1)(b)(i), restricted under Section 53B-16-302, or both protected under a provision listed in Subsection 63G-2-309(1)(b)(i) and restricted under Section 53B-16-302, shall provide the public institution of higher education:
    - (i) a written claim of business confidentiality; and
    - (ii) a concise statement of reasons supporting the claim of business confidentiality.
  - (b) The person described in Subsection (1)(a) shall make the filing at the commencement of:
    - (i) the sponsored research project; or
    - (ii) the technology transfer process.
  - (c) A claim of business confidentiality submitted under this Subsection (1) shall cover all protected and restricted records exchanged during the:
    - (i) sponsored research project; or
    - (ii) technology transfer process.
- (2) The inadvertent failure to make a legally adequate claim of business confidentiality at the time required by Subsection (1) does not prejudice the claimant's right to make a legally adequate claim at a different time before disclosure of the record.

Amended by Chapter 382, 2008 General Session