

**STATE OF** \_\_\_\_\_

**COUNTY OF** \_\_\_\_\_

**AFFIDAVIT OF [PERSON] IN SUPPORT OF  
CLAIM[S] THAT INFORMATION IS PROTECTED  
UNDER GEORGIA LAW FROM DISCLOSURE TO THE PUBLIC**

PERSONALLY APPEARED before the undersigned officer, authorized to administer oaths, [ PERSON], Affiant who, first being duly sworn, testifies as follows:

1. My name is [PERSON]. I am of the age of majority and am competent in all respects to give this Affidavit. My testimony herein is based on personal knowledge and upon documents maintained in the files of the [COMPANY].

2. The [COMPANY] is [DESCRIPTION] headquartered in [CITY, STATE]. I am the [POSITION HELD] of [COMPANY] with primary responsibility for [\_\_\_\_\_]. In my role as [POSITION HELD], I am authorized to provide this Affidavit on behalf of the [COMPANY].

3. On [DATE], the [COMPANY] submitted a “Redacted Copy” and a “Protected Copy” of [DESCRIBE – For example, report, plan, permit application, supporting document, correspondence, photo, drawings, etc.] (referred to hereinafter as the “Submittal”) to the [BRANCH] of the Georgia Environmental Protection Division (“EPD”) in compliance with EPD’s Procedures for Submitting Information Pursuant to a Claim that Information in the Submittal is Protected Under Georgia Law from Disclosure to the Public. I affirmatively declare that information contained in the Submittal to EPD is protected under the Georgia Open Records Act, O.C.G.A. § 50-18-70, *et seq.*, [AND OTHER GEORGIA LAW, if applicable] from disclosure to the public and that the Redacted Copy is submitted to EPD for disclosure to the public as is. Support for this declaration, including citation to the specific provision[s] of Georgia law, is included below.

[CLAIM UNDER THE TRADE SECRETS PROVISION OF THE GEORGIA OPEN RECORDS ACT]

4. The Georgia Open Records Act provides in pertinent part that –

(a) Public disclosure shall not be required for records that are:

(34) Any trade secrets obtained from a person or business entity that are required by law, regulation, bid, or request for proposal to be submitted to an agency. An entity submitting records containing trade secrets that wishes to keep such records confidential under this paragraph shall submit and attach to the records an affidavit affirmatively declaring that specific information in the records constitute trade secrets pursuant to Article 27 of Chapter 1 of Title 10. O.C.G.A. § 50-18-72(a)(34).

5. The Georgia Trade Secrets Act, O.C.G.A. § 10-1-760, *et seq.*, provides that a -

(4) 'Trade secret' means information, without regard to form, including, but not limited to, technical or nontechnical data, a formula, a pattern, a compilation, a program, a device, a method, a technique, a drawing, a process, financial data, financial plans, product plans, or a list of actual or potential customers or suppliers which is not commonly known by or available to the public and which information:

(A) Derives 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

(B) Is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

O.C.G.A. § 10-1-761(4).

6. The Submittal was required to be submitted to EPD pursuant to [CITE to Georgia statute(s) and/or rule(s)].

7. On behalf of the [COMPANY], I affirmatively declare that [DESCRIBE the SPECIFIC TYPE(S) of information; for examples *see* O.C.G.A. § 10-1-760(4) above] in the Submittal constitute trade secrets pursuant to the Georgia Trade Secrets Act as shown herein.

8. The [SPECIFIC TYPE of information identified above; include separate paragraphs for different SPECIFIC TYPE(S) of information] constitutes a trade secret, because [DESCRIBE HOW the specific type of information meets the requirements for a trade secret].

[CLAIMS THAT INFORMATION IS PROTECTED FROM DISCLOSURE UNDER OTHER PROVISIONS OF THE GEORGIA OPEN RECORDS ACT

(and Other Georgia Law, if applicable) should follow the format outlined above. Specifically, such claims should cite to the provision(s) of the Georgia Open Records Act (and other Georgia Law, if applicable) and describe how the information meets the requirements of that provision or those provisions.]

9. The [COMPANY] understands that receipt by EPD of this Affidavit and the Submittal does not mean that EPD agrees or has made a determination that the information identified in this Affidavit is protected under the Georgia Open Records Act from disclosure to the public. However, for claims made in this Affidavit that information in the Submittal constitute trade secrets pursuant to the Georgia Trade Secrets Act, I understand that Section 50-18-72(a)(34) of the Georgia Open Records Act proscribes a procedure for producing such information in response to a request under that Act.

FURTHER Affiant saith not.

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[NAME]  
[TITLE]  
[COMPANY]  
[COMPANY ADDRESS]  
[TELEPHONE #]  
[EMAIL ADDRESS]

Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 2015.

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[NAME of Notary Public]

My Commission expires: