**[SAMPLE TEMPLATE ONLY]**

**Highlighted portions should be completed or deleted (as applicable) by affiant.**

**Use of template does not establish that all requirements set forth under the Georgia Open Records Act are satisfied. Please seek independent legal advice prior to use.**

**TRADE SECRET STATUS AFFIDAVIT**

**STATE OF GEORGIA**

**REQUEST FOR PROPOSAL, REQUEST FOR QUOTE, or REQUEST FOR QUALIFIED CONTRACTOR**

**(INSERT SOLICITATION NUMBER AND TITLE)**

All documents, data, letters and generated information received by the State constitutes a “public record” and is subject to disclosure under the Georgia Open Records Act ("GORA"). O.C.G.A. § 50-18-70 *et seq.* However, pursuant to O.C.G.A. § 50-18-72(a)(34), "[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. § 10-1-760 et seq.].”

O.C.G.A. § 10-1-761(4) defines “Trade secret" as “…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:

1. 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
2. Is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.”

Therefore, the records listed below and attached hereto, that were submitted with \_\_\_\_\_(Supplier’s Name)\_\_\_\_\_\_ response to the State of Georgia Request for Proposal, Request for Quote, or Request for Qualified Contractor [NUMBER AND TITLE] are marked confidential pursuant to O.C.G.A. § 10-1-761(4):

* (List specific information that the supplier wishes to withhold and how that information constitutes a trade secret)
* Additional trade secret information requested to be withheld
* Additional trade secret information requested to be withheld

Under penalty of perjury, acknowledging that O.C.G.A. §16-10-71 provides a penalty of a fine of up to $1,000 and potential imprisonment of one to five years, I attest that the specific information in the records listed above constitutes trade secrets pursuant to O.C.G.A. § 10-1-761(4), and request that the State of Georgia not disclose this protected information under the Georgia OpenRecords Act ("GORA").

Signature:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[Signatory Name in Print]

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[Signatory’s Title]

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[Company Name]

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

SUBSCRIBED AND SWORN BEFORE

ME ON THIS \_\_\_\_\_\_ DAY OF

\_\_\_\_\_\_\_\_\_\_\_\_\_, 202x.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

NOTARY PUBLIC

My Commission Expires: \_\_\_\_\_\_\_\_\_\_\_\_\_\_