

HOUSE No. 6506

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, November 24, 1986.

The committee on Commerce and Labor, to whom was referred the petition (accompanied by bill, House, No. 6452) of David P. Magnani for legislation to ensure confidentiality of trade secrets of commercial and financial information, reports recommending that the accompanying bill (House, No. 6506) ought to pass.

For the committee,

DAVID P. MAGNANI.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Six.

AN ACT TO ENSURE CONFIDENTIALITY OF TRADE SECRETS OF COMMERCIAL
AND FINANCIAL INFORMATION.

1 *Whereas*, The deferred operation of this Act would tend to
2 defeat its purpose, which is to immediately expand available
3 funding and increase the competitiveness of Massachusetts
4 businesses by financing new product development and technology
5 transfer, therefore it is hereby declared to be an emergency law,
6 necessary for the immediate preservation of the public
7 convenience.

*Be it enacted by the Senate and House of Representatives in General
Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Chapter 40J, as appearing in the 1984 Official
2 Edition, is hereby amended by inserting after subsection g of
3 Section 12 the following:

4 Any documentary materials or data made or received by any
5 Director or employee of the Corporation, to the extent that such
6 material or data consist of trade secrets or commercial or financial
7 information regarding the operation of any business conducted
8 by an applicant for, or recipient of, any form of assistance which
9 the Corporation is empowered to render, or regarding the
10 competitive position of such applicant in a particular field of
11 endeavor, shall not be deemed public records and shall not be
12 subject to the provisions of section ten of chapter sixty-six. Any
13 discussion or consideration of such trade secrets or commercial
14 or financial information, may be held by the MCEC Board, or
15 by any of the various technology boards, or by any subcommittee
16 of the above boards, in executive session closed to the public,
17 notwithstanding the provisions of such eleven A and one-half of
18 chapter thirty A; provided, however, that the purpose of any such
19 executive session shall be set forth in the official minutes of the

20 Corporation and business which is not directly related to such
21 purpose shall not be transacted, nor shall any vote be taken during
22 such executive session.

1 SECTION 2. Chapter 40K, as appearing in the 1984 Official
2 Edition, is hereby amended by inserting after Section 10 the
3 following section: Any documentary materials or data made or
4 received by any Director or employee of the Corporation, to the
5 extent that such material or data consist of trade secrets or
6 commercial or financial information regarding the operation of
7 any business conducted by an applicant for, or recipient of, any
8 form of assistance which the Corporation is empowered to render,
9 or regarding the competitive position of such applicant in a
10 particular field of endeavor, shall not be deemed public records
11 and shall not be subject to the provisions of section ten of chapter
12 sixty-six. Any discussion or consideration of such trade secrets
13 or commercial or financial information, may be held by the
14 MPDC Board, or by any subcommittee of the above boards, in
15 executive session closed to the public, notwithstanding the
16 provisions of such eleven A and one-half of chapter thirty A;
17 provided, however, that the purpose of any such executive session
18 shall be set forth in the official minutes of the Corporation and
19 business which is not directly related to such purpose shall not
20 be transacted, nor shall any vote be taken during such executive
21 session.

THE UNIVERSITY OF CHICAGO
DEPARTMENT OF THE HISTORY OF ARTS
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