

**§1976. Use of State Government computer system**

**1. Confidentiality.** Computer programs, technical data, logic diagrams and source code related to data processing or telecommunications are confidential and are not public records, as defined in Title 1, section 402, subsection 3, to the extent of the identified trade secrets. To qualify for confidentiality under this subsection, computer programs, technical data, logic diagrams and source code must:

- A. Contain trade secrets, as defined in Title 10, section 1542, subsection 4, held in private ownership; and [PL 2001, c. 388, §14 (NEW).]
- B. Have been provided to a state agency by an authorized independent vendor or contractor under an agreement by which:
  - (1) All trade secrets that can be protected are identified without disclosing the trade secret;
  - (2) The vendor or contractor retains all intellectual property rights in those trade secrets; and
  - (3) The state agency agrees to hold and use the programs, data, diagrams or source code without disclosing any identified trade secrets. [PL 2001, c. 388, §14 (NEW).]

[PL 2001, c. 388, §14 (NEW).]

**2. Public records.** Except as provided in subsection 1, any document created or stored on a State Government computer must be made available in accordance with Title 1, chapter 13. [PL 2007, c. 597, §4 (AMD).]

**3. Violation.**

[PL 2003, c. 176, §2 (RP).]

**4. Penalty.**

[PL 2003, c. 176, §2 (RP).]

**SECTION HISTORY**

PL 2001, c. 388, §14 (NEW). PL 2003, c. 176, §2 (AMD). PL 2007, c. 597, §4 (AMD).

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