**Section 130.200 Initiation of a Claim that an Article Represents a Trade Secret**

a) In order to claim an article is a trade secret, the owner of the article must submit to the State agency the claim letter required by subsection (b)(1) at the time the article is submitted to the State agency. If the owner of the article submits the article to the State agency without simultaneously submitting the claim letter required by subsection (b)(1), the article will be considered a matter of general public knowledge and cannot be protected as a trade secret.

b) The owner of an article seeking trade secret protection must submit the following information to the State agency at the time the owner submits the article to the State agency:

1) A claim letter that states the name of the article, briefly describes the article, and states that the article is claimed to represent a trade secret, as defined in 35 Ill. Adm. Code 101.Subpart B and the Act; and

2) A copy of the article marked as provided in Section 130.302.

c) The owner of an article seeking trade secret protection must submit to the State agency a statement of justification for the claim meeting the requirements of Section 130.203. The owner of the article may submit the statement of justification at the time the owner submits the article, or at a later time, but in no event later than the time limit established under Section 130.202.

d) If the State agency is provided with a claim letter required by subsection (b)(1), the State agency must consider the article a trade secret and must protect it from disclosure under Subpart C until the State agency makes a final determination and the appeal time has expired.

e) The owner of an article seeking trade secret protection is not required to serve any other persons with the article or the page or portion thereof for which the owner seeks trade secret protection.

(Source: Amended at 41 Ill. Reg. 10190, effective July 5, 2017)