**Section 130.208 Standards for State Agency Determination**

a) An article will be determined to represent a trade secret if:

1) The owner has complied with the procedures for making a claim and justification as prescribed by this Subpart; and

2) The statement of justification demonstrates that:

A) The article has not been published, disseminated or otherwise become a matter of general public knowledge; and

B) The article has competitive value.

b) There will be a rebuttable presumption that an article has not been published, disseminated or otherwise become a matter of general public knowledge, if:

1) The owner has taken reasonable measures to prevent the article from becoming available to persons other than those selected by the owner to have access to the article for limited purposes; and

2) The statement of justification contains a certification that the owner has no knowledge that the article has ever been published, disseminated, or otherwise become a matter of general public knowledge.

c) The State agency may determine that any page or portion of the article represents a trade secret without finding that the entire article represents a trade secret.