

**DEPARTMENT OF COMMERCE AND INSURANCE
EMERGENCY COMMUNICATIONS BOARD**

**CHAPTER 0780-6-1
EMERGENCY COMMUNICATIONS BOARD**

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0780-6-1-.01 DEFINITIONS

- (1) Unless otherwise stated, as used in this chapter and each subsequent chapter of the Rules of the Emergency Communications Board:
 - (a) “Act” means T.C.A. title 7, chapter 86, part 3;
 - (b) “Board” means the emergency communications board created by T.C.A. § 7-86-302;
 - (c) “Producing party” means an individual or entity that created or is in actual physical possession of information which is provided to the board;
 - (d) “Proprietary information” means documents or information, in whatever form, which a producing party in good faith deems to contain or constitute trade secrets, confidential research, development, competitive, or commercial information, and which has been specifically designated in writing as such by the producing party. The term shall also include all supporting information such as summaries, notes, extracts, compilations or any other direct or indirect reproduction of such information.

Authority: T.C.A. §7-86-317. *Administrative History:* Original rule filed June 30, 1999; effective September 13, 1999.

0780-6-1-.02 PURPOSE

- (1) To assist in the completion of its duties mandated by the Act, the Board may receive operational, technical and financial information from commercial mobile radio service providers, 911 service providers, telecommunications service providers, and other persons or entities. Some of this information may be of a confidential nature, and the entities providing it may desire to protect it from unnecessary disclosure to third parties. The purpose of these rules is to ensure that protection from disclosure.

Authority: T.C.A. §7-86-317. *Administrative History:* Original rule filed June 30, 1999; effective September 13, 1999.

0780-6-1-.03 SUBMISSION OF PROPRIETARY INFORMATION

- (1) In order for information submitted to the board to be deemed proprietary information, a producing party must:
 - (a) place the term “CONFIDENTIAL” on the cover of any document containing proprietary information and clearly and specifically mark all proprietary information contained within the document.

(Rule 0780-6-1-.03, continued)

- (b) provide satisfactory proof that the information is competitive and sensitive and its disclosure could be harmful to the producing party. Such proof should be submitted in the form of an affidavit.
- (2) Unless otherwise required by the board, subparagraph 1(b) of this rule shall not apply to a producing party if the information to be submitted concerns costs, revenue, technology, or market and customer data.
- (3) For the purposes of rule 0780-6-1-.04(1) the Board shall treat all information submitted in accordance with paragraph (1)(a) of this rule as proprietary information. If after review however, the Board determines the submitted information fails to otherwise qualify under these rules as proprietary information, that information shall not be utilized by the Board but, instead, shall be returned immediately to the producing party.

Authority: T.C.A. §7-86-317. **Administrative History:** Original rule filed June 30, 1999; effective September 13, 1999.

0780-6-1-.04 ACCESS TO PROPRIETARY INFORMATION

- (1) Proprietary information shall not be open to the public for inspection, notwithstanding the provisions of Tennessee Code Annotated, Title 10, Chapter 7 or any other provision of law to the contrary.
- (2) Proprietary information submitted to the board shall be disclosed only to the following individuals:
 - (a) board members;
 - (b) members of the board's staff, legal counsel and the staff of such legal counsel; and
 - (c) on a need to know basis as determined by the board:
 - 1. consultants and experts employed or engaged by the board; and
 - 2. members of committees appointed by the board under the authority of T.C.A. §§7-86-308 and 309.
- (3) Prior to the disclosure of any proprietary information to any of the individuals listed in paragraph two (2) of this rule, such individuals shall execute and place on file with the board, a written acknowledgment that they:
 - (a) have read these rules concerning proprietary information submitted to the board;
 - (b) agree to be bound by these rules; and
 - (c) understand that the unauthorized disclosure of proprietary information submitted to the board constitutes a violation of these rules.
- (4) All proprietary information submitted to the board shall be used for the sole purpose of implementing the provisions of the Act.
- (5) Under no circumstance shall proprietary information be disclosed to or discussed with anyone associated with the marketing of products, goods or services which are in competition with the products, goods or services of a producing party.

Authority: T.C.A. §7-86-317. **Administrative History:** Original rule filed June 30, 1999; effective September 13, 1999.

(Rule 0780-6-1-.04, continued)

0780-6-1.05 STORAGE OF PROPRIETARY INFORMATION

- (1) All proprietary information in possession of the board shall be maintained in a secure area and in files marked "CONFIDENTIAL."
- (2) All proprietary information submitted to the board shall be returned to the producing party within sixty (60) days of the conclusion of the board's use thereof, and the board shall certify that all summaries, notes, extracts, compilations or any direct or indirect reproductions of such information have been destroyed.

Authority: T.C.A. §7-86-317. **Administrative History:** Original rule filed June 30, 1999; effective September 13, 1999.