

Title 14 Independent Agencies

Subtitle .01 Prescription Drug Affordability Board

Chapter .01 General Provisions

.04 Confidential, Trade-Secret and Proprietary Information

A. Collection of Records and Information.

(1) Identification.

(a) A person submitting information, including data and records, for the Board's consideration under this Subtitle and Health General Article, Title 21, Subtitle 2C, Annotated Code of Maryland, shall:

(i) clearly designate the specific information the person considers to be confidential, trade-secret or proprietary; and

(ii) submit a form certifying that the information so designated is not otherwise publicly available and has been handled and maintained to preserve its confidential, trade-secret or proprietary nature.

(b) The Board may also determine that information it has received is confidential, trade-secret, or proprietary.

(c) The Board may seek additional information regarding whether the information is confidential, trade-secret, proprietary, or not otherwise publicly available from:

(i) the person submitting the information; or

(ii) to the extent the Board is able to determine who created the document or information, the person who created the document or information.

(2) Designation.

(a) The information and data obtained by the Board under this Subtitle and Health General Article, Title 21, Subtitle 2C, Annotated Code of Maryland, that is not otherwise publicly available, is:

(i) Considered to be a trade secret and confidential and proprietary information; and

(ii) Is not subject to inspection or disclosure under the Public Information Act.

B. Management of Information Received by the Board.

(1) Access to Information.

(a) Confidential, trade-secret, or proprietary information obtained by the Board under this Subtitle and Health General Article, Title 21, Subtitle 2C, Annotated Code of Maryland, may be accessed only by:

(i) Board members; and

(ii) Board staff including a qualified independent third party that has contracted with the Board and is subject to a nondisclosure agreement prohibiting disclosure of such information.

(b) Any person with access to confidential, trade-secret, or proprietary information shall maintain the confidentiality of the information in accordance with State Government Article, § 10-617, and Health-General Article, § 21-2C-10, Annotated Code of Maryland.

(2) Consideration by Board.

(a) The Board shall consider confidential, trade-secret and proprietary information in a closed session.

(b) The Board will not disclose confidential, trade-secret, or proprietary information in an open meeting, its public meeting materials, or its summary report of a cost review study.