
CITY OF CHICAGO

RULES



RULES FOR THE PROTECTION OF TRADE SECRETS



Mayor Brandon Johnson

Commissioner Allison Arwady, M.D.

BY AUTHORITY VESTED IN THE COMMISSIONER OF THE DEPARTMENT OF PUBLIC HEALTH PURSUANT TO SECTIONS 2-112-070, 2-112-110(B)(6), AND 11-4-310 AND THE GENERAL PROVISIONS OF THE MUNICIPAL CODE OF CHICAGO, THE FOLLOWING RULES FOR THE PROTECTION OF TRADE SECRETS ARE ADOPTED HEREIN.

BY ORDER OF THE COMMISSIONER:

Signed: 
ALLISON ARWADY, M.D.

Date: June 23, 2023

Publication/Effective Date: July 5, 2023

**CITY OF CHICAGO
DEPARTMENT OF PUBLIC HEALTH**

**RULES
FOR THE PROTECTION OF TRADE SECRETS**

WHEREAS, pursuant to the authority granted by Sections 2-112-070 and 2-112-110(b)(6) of the Municipal Code of Chicago (“the Code”), the Commissioner of Health (“the Commissioner”) is authorized to issue rules necessary or proper for the implementation of environmental ordinances and to accomplish the purposes of Chapter 11-4 of the Code, and is further authorized to make reasonable administrative and procedural regulations or rules interpreting or clarifying the requirements which are specifically prescribed in Chapter 11-4 of the Code; and

WHEREAS, Section 11-4-310 of the Code provides that the Commissioner shall adopt regulations which prescribe: (1) procedures for evaluating whether a device, material or process is a trade secret; and (2) procedures to protect the confidentiality of a trade secret; now, therefore,

I, ALLISON ARWADY, M.D., Commissioner, City of Chicago Department of Public Health, issue the following rules:

1.0 Scope and Purpose. The purpose of these rules is to: (i) set forth procedures for evaluating whether a device, material, or process is a trade secret; and (ii) protect the confidentiality of trade secrets, including but not limited to information submitted as part of an application for a permit issued by the Chicago Department of Public Health (“CDPH”).

2.0 Definitions. For purposes of these rules, the following definitions shall apply:

- 1) “Confidential Business Information” means Trade Secret.
- 2) “Trade Secret” means any scientific or technical information, design, process, procedure, formula or improvement, or business plan which is secret in that it has not been published or disseminated or otherwise become a matter of general public knowledge, and which has competitive value.

3.0 Procedures for evaluating whether a device, material or process is a trade secret. Companies wishing to assert a claim that information submitted to CDPH is a trade secret or confidential business information (“CBI”) must provide the following items at the time the information is submitted to CDPH:

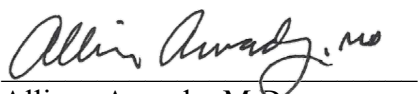
- 1) A copy of the information with a clear delineation, through highlighting or underlining, that identifies the specific portion of the document that the company claims is a trade secret or CBI, as well as a cover page with the words “Confidential Business Information” in red lettering in a large conspicuous font

and, for electronic files, the file name shall begin with the words “CONFIDENTIAL BUSINESS INFORMATION” in all capital letters;

- 2) A second copy of the information from which the portion of the document that the company claims is CBI has been redacted and which copy can be made public;
- 3) An affidavit signed under penalty of perjury pursuant to Illinois law that the submitted information is being furnished under a claim that it is either proprietary, privileged or confidential, that disclosure of the trade secrets or commercial or financial information would cause competitive harm to the person or business, as defined by 5 ILCS 140/7(1)(g), and how the disclosure would cause harm to such person or business;
- 4) A detailed explanation outlining how and why disclosure of the information would cause competitive harm to the business, using language that CDPH may directly quote in response to any request for the records under the Illinois Freedom of Information Act (“FOIA”); and
- 5) A signed agreement by the company, in a form provided by CDPH, (“CBI Agreement”), certifying that, in the event CDPH withholds the records pursuant to FOIA Section 7(1)(g):
 - a. The company will intervene in any action against CDPH based on the withholding of the records in order to defend the claim of exemption;
 - b. The company will indemnify the City from all fees and costs associated with the action, in the event the requestor prevails, or the company fails to intervene in a timely manner; and
 - c. The company acknowledges that if it fails to intervene within 60 days of receiving notice from the City or sooner if required by the court, the City may release any and all documents that were claimed as CBI or Trade Secrets without further notice to the company.

4.0 Procedures for protecting the confidentiality of a trade secret. Upon determining that a company has satisfied all of the requirements set forth in Section 3.0 above, CDPH will implement procedures to protect the confidentiality of the company’s CBI in accordance with CDPH’s documented internal Policy for Protecting the Confidentiality of Trade Secrets.

I, Allison Arwady, M.D., hereby promulgate the foregoing Rules for the Protection of Trade Secrets on this 23 day of June 2023.



Allison Arwady, M.D.
Commissioner of Health
City of Chicago