

By: Vasut

H.B. No. 556

A BILL TO BE ENTITLED

AN ACT

relating to the sealing of certain documents alleged to contain trade secrets.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 22.010, Government Code, is amended to read as follows:

Sec. 22.010. SEALING OF COURT RECORDS. (a) The supreme court shall adopt rules establishing guidelines for the courts of this state to use in determining whether in the interest of justice the records in a civil case, including settlements, should be sealed.

(b) The supreme court shall adopt rules allowing for documents alleged to contain trade secrets to be filed under seal.

The rules must:

(1) require the document to be accompanied by an affidavit that describes the document and the basis for claiming a trade secret privilege with respect to the document;

(2) provide that the affidavit is open to public inspection;

(3) allow any person to move to unseal the document;

and

(4) provide for the unsealing of the document or a portion of the document only on:

(A) a sufficient showing by the moving party of a

1 specific, serious, and substantial interest that clearly outweighs  
2 a presumption in favor of preserving the secrecy of trade secrets;  
3 or

4 (B) a determination by the court that the  
5 document or the portion of the document does not contain a trade  
6 secret.

7 SECTION 2. Not later than January 1, 2024, the Supreme Court  
8 of Texas shall adopt rules implementing Section 22.010, Government  
9 Code, as amended by this Act.

10 SECTION 3. This Act takes effect September 1, 2023.