

**Life and Health Division
North Carolina Department of Insurance
Trade Secret / Confidentiality / Proprietary
Filing Protocol
SERFF Filers – Public Copy is required**

Regardless of filing status or method of receipt, all records, reports, forms or rates filed with the Life and Health Division (L&H) are open to the public as required by North Carolina General Statute (NCGS) § 132-1. Under certain circumstance an exception to the public record law can be granted provided the document meets the definition of a trade secret pursuant to NCGS § 132-1.2.

Trade Secret is defined by NCGS 66-152(3), as follows:

"Trade secret" means business or technical information, including but not limited to a formula, pattern, program, device, compilation of information, method, technique, or process that:

- a. Derives independent actual or potential commercial value from not being generally known or readily ascertainable through independent development or reverse engineering by persons who can obtain economic value from its disclosure or use; and
- b. Is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

The existence of a trade secret shall not be negated merely because the information comprising the trade secret has also been developed, used, or owned independently by more than one person, or licensed to other persons.

Please note that the N.C. Department of Insurance accepts no responsibility for the inadvertent release of any trade secret information. Only materials meeting the trade secret definition that are submitted and labeled as "two" distinct "Parts" shall be accepted. Please prepare your submission as follows:

Part 1 – Trade Secret: a complete filing that includes all components of the submission (all public as well as trade secret materials):

- a) The filing letter or transmittal header must clearly state TRADE SECRET submission in the Reference and/or Transmittal Header Title.
- b) Your request to treat the filing under trade secret status must include a statement addressing the following: why the information meets the definition of a trade secret, how the release of the information would cause harm, confirmation that the Department is not held responsible for any unintentional release of the materials, and agreement to bear the cost of defending the Department in the confidential handling of all trade secret materials.
- c) Each page of the trade secret filing must be labeled or stamped TRADE SECRET.

Part 2 – Public Copy: a filing that consists of a cover letter including the reason the filing meets the definition of a trade secret and accepted financial responsibility to protect the Department in holding such materials confidential, all components of the submission that are not trade secrets, with all pages labeled or stamped Public. Premium Rate Calculations shall include an actuarial certification statement that the trade secret rate formula is based on sound actuarial practices. If Provider Payment Methodologies are submitted as trade secret, in lieu of such material in the public copy, there must be a clear statement that such is held as trade secret.