

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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SENATE BILL 385

Short Title: Small Business Assistance Records. (Public)

Sponsors: Senator Hartsell.

Referred to: Commerce.

March 22, 2011

1 A BILL TO BE ENTITLED
2 AN ACT CONCERNING THE CONFIDENTIALITY OF SMALL BUSINESS
3 COUNSELING INFORMATION.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 132-1.1 is amended by adding a new subsection to read:

6 "(g) Personally Identifiable Small Business Counseling Information. – Records
7 maintained by The University of North Carolina's Small Business and Technology
8 Development Centers or the North Carolina Community College System's Small Business
9 Center Network, which contain personally identifiable information from or about an individual
10 seeking business counseling or technical assistance and the materials submitted by individuals
11 or created as a result of that assistance, shall be confidential and shall not be subject to public
12 disclosure pursuant to G.S. 132-6(a). Nothing in this subsection is intended to limit the
13 disclosure of public records that do not contain personally identifiable information, including
14 aggregated data, guidelines, instructions, summaries, or reports that do not contain personally
15 identifiable information or from which it is feasible to redact any personally identifiable
16 information that the record contains."

17 **SECTION 2.** The catch line of G.S. 132-1.1 reads as rewritten:

18 "**§ 132-1.1. Confidential communications by legal counsel to public board or agency;**
19 **State tax information; public enterprise billing information; Address**
20 **Confidentiality Program information. information; confidential small business**
21 **counseling information.**"

22 **SECTION 3.** G.S. 132-1.2 reads as rewritten:

23 "**§ 132-1.2. Confidential information.**

24 Nothing in this Chapter shall be construed to require or authorize a public agency or its
25 subdivision to disclose any information that:

26 (1) Meets all of the following conditions:

- 27 a. Constitutes a "trade secret" as defined in G.S. 66-152(3).
28 b. Is the property of a private "person" as defined in G.S. 66-152(2).
29 c. Is disclosed or furnished to the public agency in connection with the
30 owner's performance of a public contract or in connection with a bid,
31 application, proposal, industrial development project, or the seeking
32 of assistance under or participation in a program administered by a
33 public agency or in compliance with laws, regulations, rules, or
34 ordinances of the United States, the State, or political subdivisions of
35 the State.
36 d. Is designated or indicated as "confidential" or as a "trade secret" at
37 the time of its initial disclosure to the public agency.



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SECTION 4. This act is effective when it becomes law.