

Tex. Civ. Prac. & Rem. Code § 134A.006

This document is current through the 2023 Regular Session; the 1st C.S.; the 2nd C.S.; the 3rd C.S. and the 4th C.S. of the 88th Legislature; and the November 7, 2023 general election results.

*Texas Statutes & Codes Annotated by LexisNexis® > Civil Practice and Remedies Code > Title 6
Miscellaneous Provisions (Chs. 121 — 150E) > Chapter 134A Trade Secrets (§§ 134A.001 — 134A.008)*

Sec. 134A.006. Preservation of Secrecy.

(a) In an action under this chapter, a court shall preserve the secrecy of an alleged trade secret by reasonable means. There is a presumption in favor of granting protective orders to preserve the secrecy of trade secrets. Protective orders may include provisions limiting access to confidential information to only the attorneys and their experts, holding in camera hearings, sealing the records of the action, and ordering any person involved in the litigation not to disclose an alleged trade secret without prior court approval.

(b) In an action under this chapter, a presumption exists that a party is allowed to participate and assist counsel in the presentation of the party's case. At any stage of the action, the court may exclude a party and the party's representative or limit a party's access to the alleged trade secret of another party if other countervailing interests overcome the presumption. In making this determination, the court must conduct a balancing test that considers:

- (1) the value of an owner's alleged trade secret;
- (2) the degree of competitive harm an owner would suffer from the dissemination of the owner's alleged trade secret to the other party;
- (3) whether the owner is alleging that the other party is already in possession of the alleged trade secret;
- (4) whether a party's representative acts as a competitive decision maker;
- (5) the degree to which a party's defense would be impaired by limiting that party's access to the alleged trade secret;
- (6) whether a party or a party's representative possesses specialized expertise that would not be available to a party's outside expert; and
- (7) the stage of the action.

History

Enacted by Acts 2013, 83rd Leg., ch. 10 (S.B. 953), § 1, effective September 1, 2013; Acts 2017, 85th Leg., ch. 37 (H.B. 1995), § 5, effective September 1, 2017.

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