

Idaho Code § 48-801

Statutes current through all legislation from the 2024 Regular Session and effective prior to July 1, 2024.

Idaho Code > *Title 48 Monopolies and Trade Practices (Chs. 1 — 20)* > *Chapter 8 Idaho Trade Secrets Act (§§ 48-801 — 48-807)*

48-801. Definitions.

As used in this chapter unless the context requires otherwise:

- (1) “Improper means” include theft, bribery, misrepresentation, breach or inducement of a breach of a duty to maintain secrecy, or espionage through electronic or other means.
- (2) “Misappropriation” means:
 - (a) Acquisition of a trade secret of another by a person who knows or has reason to know that the trade secret was acquired by improper means; or
 - (b) Disclosure or use of a trade secret of another without express or implied consent by a person who:
 - (A) Used improper means to acquire knowledge of the trade secret; or
 - (B) At the time of disclosure or use, knew or had reason to know that his knowledge of the trade secret was:
 - (i) Derived from or through a person who had utilized improper means to acquire it;
 - (ii) Acquired under circumstances giving rise to a duty to maintain its secrecy or limit its use; or
 - (iii) Derived from or through a person who owed a duty to the person seeking relief to maintain its secrecy or limit its use; or
 - (C) Before a material change of his position, knew or had reason to know that it was a trade secret and that knowledge of it had been acquired by accident or mistake.
- (3) “Person” means a natural person, corporation, business trust, estate, trust, partnership, association, joint venture, government, governmental subdivision or agency, or any other legal or commercial entity.
- (4) “Computer program” means information which is capable of causing a computer to perform logical operation(s) and:
 - (a) Is contained on any media or in any format;
 - (b) Is capable of being input, directly or indirectly, into a computer; and

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- (c) Has prominently displayed a notice of copyright, or other proprietary or confidential marking, either within or on the media containing the information.
- (5) “Trade secret” means information, including a formula, pattern, compilation, program, computer program, device, method, technique, or process, that:
 - (a) Derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other 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. Trade secrets as defined in this subsection are subject to disclosure by a public agency according to chapter 1, title 74, Idaho Code.

History

I.C., § 48-801, as added by 1981, ch. 240, § 1, p. 483; am. 1987, ch. 67, § 1, p. 121; am. 1990, ch. 213, § 68, p. 480; am. 2015, ch. 141, § 125, p. 379.

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