

**94-2-14. Procedure to keep business records confidential.** (a)(1) Each party who has confidential financial or trade secret records that are to be admitted into evidence in a court proceeding but who desires to keep the records confidential shall file a motion for a protective order with the court and serve the motion on each party. The party may make the motion orally at the hearing. This motion shall address the following:

(A) Identification of the record to be kept confidential;

(B) the extent to which the information is known outside the business;

(C) the extent to which the information is known to those inside the business, including the employees;

(D) the precautions taken by the holder of the trade secret or confidential commercial information to guard the secrecy of the information;

(E) the savings effected and the value to the holder in keeping the information from competitors;

(F) the amount of effort or money expended in obtaining and developing the information; and

(G) the amount of time and expense it would take for others to acquire and duplicate the information.

(2) In ruling on the motion, the following criteria shall be considered by the court:

(A) What risk of financial or competitive harm the party seeking to prevent disclosure faces;

(B) whether or not disclosure will aid the court in its duties;

(C) whether or not disclosure serves or might harm the public interests; and

(D) whether or not alternatives to full disclosure exist.

(b) If the court grants the motion for protective order, the following procedure shall be followed by the court at the hearing in which the records are considered and admitted:

(1) A formal motion shall be made by a judge to move into executive session to consider either of the following:

(A) Confidential data relating to financial affairs; or

(B) confidential trade secrets of corporations, partnerships, trusts, or individual proprietorships.

(2) The motion shall contain a statement of justification for closure, the subject to be discussed, and the time and the place the court will resume its open meeting.

(3) The motion shall be made, seconded, and carried by a majority of the judges present and hearing the case.

(c) Other procedures to keep business records confidential may be implemented in court proceedings if those procedures are agreed to by all parties, are approved by the court, and are not inconsistent with or contrary to current Kansas law.