

2026 Regular Session

SENATE BILL NO. 297

BY SENATOR DUPLESSIS

INSURANCE RATES. Provides a process for insurers to assert the right to prevent public inspection of certain filing information based on a claim of trade secret. (8/1/26)

1 AN ACT

2 To amend and reenact R.S. 22:1464(D), relative to insurance rate filings; to provide for
3 transparency in rate filings; to provide for trade secret protection for insurance rate
4 filings; to provide for definitions; to provide for penalties; and to provide for related
5 matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 22:1464(D) is hereby amended and reenacted to read as follows:

8 §1464. Rate filing

9 * * *

10 D.(1) All rates, supplementary rate information, and any supporting
11 information filed pursuant to this Subpart shall be open to public inspection upon
12 expiration of the notification period as applicable pursuant to R.S. 22:1451, or upon
13 disapproval, except for information that is confidential, trade secret, or proprietary.
14 The determination of whether such information is in fact confidential, trade secret,
15 or proprietary shall be made by the commissioner **in accordance with the**
16 **provisions of this Subsection.**

17 ~~(2)(a) If the commissioner receives a request for any information which has~~

1 been marked by the insurer or filer as confidential, trade secret, or proprietary, prior
2 to disclosure, ~~the commissioner shall notify the insurer or filer in writing of the~~
3 request and the commissioner's determination of whether or not the information so
4 requested is subject to disclosure.

5 (b) ~~Within ten days of receipt of the notification, the insurer or filer may~~
6 request a hearing before the division of administrative law in accordance with R.S.
7 22:2191 et seq. In the event of a hearing request, the commissioner's determination
8 as to whether the information is confidential, trade secret, or proprietary shall be
9 stayed.

10 (c) ~~Any action brought pursuant to this Paragraph shall be tried by preference~~
11 and in a summary manner. ~~The court may review the documents in-camera before~~
12 reaching a decision.

13 (3) ~~Nothing in this Subsection precludes the public examination or~~
14 reproduction of any record or part of a record which is not confidential, proprietary,
15 or trade secret.

16 **(2) Any insurer claiming that documents or information filed under the**
17 **provisions of this Section contain trade secrets shall file with the commissioner**
18 **a notice of request for nondisclosure on the basis of trade secret protection.**
19 **Failure to do so constitutes a waiver of any claim that the document or**
20 **information is a trade secret.**

21 **(3) A claim that information is subject to nondisclosure on the grounds**
22 **it is a trade secret shall meet all of the following conditions:**

23 **(a) It shall be information, including a formula, pattern, compilation,**
24 **program, device, method, technique, or process that derives independent**
25 **economic value, actual or potential, from not being generally known to and not**
26 **being readily ascertainable through proper means by other persons who can**
27 **obtain economic value from its disclosure or use, and is the subject of efforts**
28 **that are unreasonable under the circumstances to maintain its secrecy.**

29 **(b) Each page of a document or specific portion of a document claimed**

1 to be a trade secret shall be clearly marked as "trade secret".

2 (c) All material marked as a trade secret shall be separated from all non-
3 trade secret material and submitted in a separate envelope or document clearly
4 marked as "trade secret".

5 (d) In submitting a notice of trade secret to the commissioner, the
6 submitting party shall include a sworn affidavit that states the basis for the
7 claim that the submission qualifies as a trade secret and attests to the truth of
8 all of the following:

9 (i) The affiant considers this information to be a trade secret that has
10 value and provides an advantage or an opportunity to obtain an advantage over
11 those who do not know or use it.

12 (ii) The affiant has taken measures to prevent the disclosure of the
13 information to anyone other than those who have been selected to have access
14 for limited purposes and the affiant continues to take those measures.

15 (iii) The information is and has not been reasonably obtainable by other
16 persons by use of legitimate means without the affiant's consent.

17 (iv) The information is not publicly available elsewhere, and the public
18 release of the information would cause actual, demonstrable harm to affiant.

19 (e) The submission shall include a summary prepared for the public
20 describing the nature of the submission claimed to be a trade secret without
21 disclosing the protected details of the submission.

22 (4) The following items shall not be considered a trade secret and shall
23 be subject to public disclosure:

24 (a) Any financial information, including data, models, or assumptions,
25 used in the calculation or justification for insurance rates.

26 (b) All transactions between an insurer and any affiliate including but
27 not limited to fees, commissions, payments, or profit-sharing agreements with
28 managing general agents, claims adjusters, reinsurers, or third-party
29 administrators.

