



Independent Insurance Agents
& Brokers of America, Inc.

OFFICE OF THE GENERAL COUNSEL

SAMPLE NOTICE PURSUANT TO THE DEFEND TRADE SECRETS ACT OF 2016

Prepared June 2016

**IMPORTANT DISCLAIMER. THIS DISCLAIMER MUST
BE READ BEFORE USING THE SAMPLE NOTICE.**

This Sample Notice Pursuant to the Defend Trade Secrets Act of 2016 ("Sample Notice") has been prepared for IIABA member agencies to use as a template when notifying employees, contractors, and consultants of the immunity provisions in the Defend Trade Secrets Act of 2016.

By providing this Sample Notice to member agencies, IIABA does not intend to provide, and is not providing, a legal opinion or legal advice. The states where your agency conducts business may have legal, regulatory, contractual, or other requirements that provide for additional or different notices. Moreover, this Sample Notice includes only general information and comments, and is not intended to provide specific advice about individual legal, business, or other questions. If specific legal or other expert advice is required or desired, the services of an appropriate, competent professional, such as an attorney, should be sought.

Purpose: *For use in any contract or agreement with an employee, contractor, or consultant that governs the use of a trade secret or other confidential information and that was entered into or updated after May 11, 2016.*

The federal Defend Trade Secrets Act of 2016 provides [you] with immunity from criminal and civil liability under federal and state trade secret laws if [you] disclose a trade secret:

- (1) in confidence to a federal, state, or local government official, either directly or indirectly, or to an attorney, but in either case only if the disclosure is solely for the purpose of reporting or investigating a suspected violation of law; or
- (2) in a complaint or other document filed in a lawsuit or other proceeding, if such filing is made under seal.

Moreover, if [you] file a lawsuit for retaliation by an employer for reporting a suspected violation of law [you] may disclose the trade secret to [your] attorney and use the trade secret information in the court proceeding if you file any document containing the trade secret under seal and do not disclose the trade secret, except pursuant to court order.