

**AFFIDAVIT CERTIFYING CONFIDENTIAL, TRADE SECRET, OR  
PROPRIETARY INFORMATION**

**STATE OF** \_\_\_\_\_

**PARISH/COUNTY OF** \_\_\_\_\_

I (Affiant's name), \_\_\_\_\_, being first duly sworn under oath, and  
representing \_\_\_\_\_ (Insurer), hereby truthfully declares:

1. I am an officer or authorized representative of the Insurer and have its full authority to execute and submit this AFFIDAVIT CERTIFYING CONFIDENTIAL, TRADE SECRET, OR PROPRIETARY INFORMATION (AFFIDAVIT).
2. Pursuant to SERFF TRACKING NUMBER \_\_\_\_\_, the Insurer is submitting rate filings, supplemental rate information, and/or related documents or materials to the Louisiana Department of Insurance (LDI) in compliance with the provisions articulated in La. R.S. 22:1451, et seq. I am further aware that state agencies in Louisiana are statutorily required to permit the public to examine or reproduce records, whether in whole or in part, that are in an agency's possession, except for records or parts of a record that are protected from disclosure by applicable law. I understand and acknowledge that the LDI is statutorily obligated to review any assertion that a record, or portion thereof, is exempt from disclosure on the grounds that it constitutes confidential, trade secret, or proprietary information.
3. I have sufficiently reviewed the provisions of Louisiana's Public Records Law, codified as La. R.S. 44:1.1, et seq., and its interpreting jurisprudence, and I understand that rate filings, supplemental rate information, and supporting documentation filed with the LDI are recognized as public records and therefore subject to disclosure upon request, unless such records merit protection from disclosure in accordance with one or more of the exceptions recognized by statute. I further understand that records containing confidential, proprietary, or trade secret information are exempt from the disclosure requirements in accordance with La. R.S. 44:3.2.
4. I acknowledge that the Insurer has the burden and is responsible for protecting any confidential, trade secret, or proprietary information contained within a rate filing from disclosure by complying with the requirements provided in La. R.S. 44:1.1, et seq., La. R.S. 22:1451, et seq., and Regulation 137.
5. In addition to satisfying the specific requirements set forth in La. R.S. 44:3.2(D)(1), I understand that to assert a claim that a record or part of a record is exempt from disclosure, the Insurer must:
  - (a) clearly identify each record or specific information claimed as confidential, trade secret, or proprietary;
  - (b) provide a legal basis for the claim and a legal analysis of the provision of law that purportedly protects the disclosure of the record or information; and
  - (c) provide a factual explanation, confirming each of the following:
    - (i) The confidential, trade secret, or proprietary record or information is not generally known to the public or readily ascertainable by proper means.

- (ii) The confidential, trade secret, or proprietary record or information derives independent economic value from not being generally known.
  - (iii) The Insurer has taken reasonable measures to maintain the secrecy of the confidential, trade secret, or proprietary record or information.
  - (iv) Public disclosure of the record or information would cause competitive or economic harm to the Insurer.
  - (v) The confidential, trade secret, or proprietary record or information is not otherwise subject to disclosure under any provision of Louisiana law, federal law, or federal regulation.
6. With respect to the rate filings, supplementary rate information, and/or supporting information made the subject of this AFFIDAVIT, I hereby affirm that any and all confidential, trade secret, or proprietary information has been clearly identified as such and is accompanied by the appropriate cover sheet referenced in La. R.S. 44:3.2(D)(1). Additionally, the supporting legal basis, legal analysis, and factual explanation for each of the confidential, trade secret, or proprietary claims are presented with sufficient specificity in the form of Exhibits attached to this AFFIDAVIT. I certify that this has been done for each asserted claim for disclosure protection.
7. I understand that any portion of a filing that is not properly identified and supported in accordance with applicable law and the requirements of Regulation 137 shall be subject to public inspection, examination, or reproduction under the Louisiana Public Records Law without further notice to the filer or an opportunity to cure any deficiency.

Records that, in the opinion of the LDI, do not meet all the requirements of the above will be available for public inspection, including any copyrighted materials.

\_\_\_\_\_  
**Affiant's Signature**

Signed and sworn to before me on \_\_\_\_\_ by \_\_\_\_\_ (Affiant).

Notary Public for the State of: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

**Person of Contact:**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_