

## **Trade Secret Law and Information Systems: Can Your Students Keep a Secret?**

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### **ABSTRACT**

The impact of intellectual property (IP) law on information systems (IS) professionals in business cannot be overstated. The IS 2010 model curriculum guidelines for undergraduate IS programs stress the importance of information security and knowledge about IP. While copyright and patents are the most well-known types of IP, another, trade secrets, which involve confidential information generated by business to secure financial success, poses a unique challenge partly because IS professionals are often less familiar with trade secrets as a form of IP. Just as important is the crucial role IS plays in actually creating trade secrets. Information must not only be vital and proprietary but also its secrecy must be actively protected and maintained against data security challenges, including unethical behavior by disgruntled employees, corporate espionage, and inadvertent disclosure. Failure to do so results in a determination that information is not legally a protected trade secret. Unlike copyrights and patents, information cannot publically be designated as a trade secret prior to a challenge. Instead, organizations must prove the information is actually a trade secret. Critical to this proof are processes and internal systems businesses use to maintain information secrecy, which determine whether legal remedies exist if the trade secret is wrongfully divulged. This paper discusses trade secret law, methods used to secure trade secrets, and the role of IS in supporting and/or developing those methods. A class exercise provides IS students with insights into trade secret law and acceptable, ethical conduct of IS professionals who protect trade secrets.

**Keywords:** Intellectual property, Information assurance and security, Instructional pedagogy, Team-oriented problem solving, Active learning