

Johnston in Law360 on Legal Issues Surrounding Preservation of Trade Secrets Amid Freedom of Information Act Requests

March 3, 2025 Lee Johnston

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The Freedom of Information Act protects trade secrets from public disclosure. Haynes Boone Partner [Lee Johnston](#) spoke to *Law360* about the legal issues surrounding the act, including the effects of staffing shortages and ensuring documentation occurs at every step of the process.

Read an excerpt below:

It is a crime for federal workers to mishandle or publicly release trade secrets, and the Freedom of Information Act exempts trade secrets from disclosure. The possibility of facing criminal prosecution makes it unlikely that Musk would cross the line with his work of downsizing government, said Lee Johnston, a partner at Haynes Boone.

"Honestly, I take him at his word that that's not part of what he's doing and [that he's not] trying to steal somebody's trade secrets," he said.

Johnston said his bigger concern is making sure that assurances of confidentiality from government agencies are documented and precise when his clients receive a civil investigative demand and that agencies know that the information they are receiving is exempted from FOIA requests.

One concern about staffing shortages at downsized agencies is that FOIA requests will not be handled appropriately or that the remaining employees will lack proper training, but Johnston said he does not anticipate that leading to inadvertent disclosures of trade secrets.

"My guess is that you'll see more denials of requests versus just opening up in the floodgates," he said.

[Read the full article here.](#)