

Small-Scale Food Processing  
Risk Management Plan & Assessment of Risk

**Confidentiality Agreements, Trade Secrets, and Service Disclaimers...Risk Management**

The issue of confidentiality, trade secrets and service disclaimers tend to become more critical as business growth increases. However, it is something that should be in place no matter what the size or profits of the business.

Simple one-page agreements and disclaimers can be drafted to cover the basic concerns of most start-up businesses. However, as the business matures and grows it is advised that legal consul who are well versed in business and food production law be consulted.

Confidentiality and Trade Secret Agreements address the protection of business information that is intended to be kept confidential. Although it is difficult to protect a food formula/process there are other aspects of the business that can be held confidential/secret. Confidentiality can include information related to the business itself or the products created, the supplies obtained, the contacts developed, customer lists, the business owners, their employees etc., etc., etc.

If business assistance and services are provided with or without formal business assistance then it is important that a service disclaimer be developed to hold harmless the entity and individuals providing the service. The disclaimer is designed to provide basis risk management from claims involving the issue of "business failure".

The following are one-page models of a confidentiality agreement and a service disclaimer agreement. They are intended as models only and it is suggested that legal advice be obtained prior to implementing them.

**TO DO**

For further reference:

[http://en.wikipedia.org/wiki/Trade\\_secret](http://en.wikipedia.org/wiki/Trade_secret)

<http://www.uspto.gov/>

<http://www.careeronestop.org/Audience/Businesses/BD/EmploymentLaw.aspx>