

## Freedom of Information Act

### Purpose

The University, typically via the Office of Sponsored Research Services (OSRS), periodically receives notifications from federal agencies that have received requests under the Freedom of Information Act (FOIA) for various information (including research plans, progress report summaries, cost projections, email communications, etc.) related to certain grant or contracting activities.

Under FOIA, federal agencies are required to release the information. FOIA Law dictates that the federal agencies release all documents in the possession of the government. However, federal agencies can withhold or redact certain information which is protected under the exemptions to FOIA. Federal agencies may reach out to a PI and/or the institution to seek input on whether there is information that may qualify for an exemption. The exemptions which apply to funding applications are Exemptions 4 and 6, which are detailed below.

Exemption 4 protects any commercial or proprietary information. The PI must identify such information and the funding agency will review the request. The information, if released, must have the potential to cause commercial harm to the PI or Washington University. The fact that information is unpublished, alone, does not protect it from release. The PI must articulate to the funding agency the harm that would be caused if the federal agency released the information. The PI and PI's department administrators should review the records and identify any specific information which could be justified as needing to be protected under Exemption 4. The PI should consult with the Washington University Office of Technology Management as needed related to intellectual property protections. The PI should highlight (not blacked out or lined out) any requested redactions along with providing a letter that lists and clearly justifies the items to be withheld and the explanation of the harm that would be caused.

Exemption 6 covers personal information, the release of which would violate an individual's personal privacy. This includes but is not limited to institutional base salary, date of birth, social security number, and home address. The funding agency is responsible for identifying any information that would be covered under Exemption 6.

The federal agency will give a date by which a response from the PI is required. If the PI does not respond in the timeframe requested, by law, the federal agency may move forward with releasing the document(s). The federal agency may be contacted if there are questions or more information is needed or to request an extension of time to respond.

### Procedure

- OSRS will send all FOIA requests to:
  - Associate Vice Chancellor for Research Integrity and Ethics (AVCRIE) (i.e. Jeneane Braden)
  - Office of General Counsel (OGC) (i.e. Blythe Burkhardt)
- The AVCRIE and OGC will communicate with the PI and department administrator to discuss the request, the FOIA process and provide advice, if requested.
- The PI will draft a response letter that includes a) requested redactions and justification for such redactions, if any or b) a statement that no redactions are requested.
- The AVCRIE and OGC will review the PI's requested redactions and justification letter and provide feedback as needed.
- Typically, the addressee of the FOIA request will sign off on the response letter. In most cases, it is also appropriate for OSRS to sign the letter after it is vetted by the AVCRIE and OGC.