FREEDOM OF INFORMATION ACT

Purpose
“The Freedom of Information Act (FOIA)” and the related “Government in the Sunshine Act” (5 USC 552(b), which opened agency meetings, were response to public opinion that many of the government’s records and documents were unavailable to the general public.

Administration
The Offices of Sponsored Programs is responsible for maintenance and review of this Process.

Specific Application
This Act is applicable to information in the possession of the government and does not require recipients of federal funds to permit public access to their records. Federal agencies generally have twenty (20) working days to respond to a FOIA request, but this period may be extended another ten (10) working days when they have the need to contact a third party, such as an awardee, i.e., Stevens. The Act has nine (9) exemptions:

- Classified national defense and foreign relations information
- Internal agency rules and practices
- Information that is prohibited from disclosure by another law
- Trade secrets and other confidential business information
- Interagency or intra-agency communications that are protected by legal privileges
- Information involving matters of personal privacy
- Certain information compiled for law enforcement purposes
- Information relating to the supervision of financial institutions
- Geological information on wells

While colleges and universities generally are not themselves subject to the provisions of a FOIA, materials produced by them and forwarded to the government may be subject to FOIA requests. The following are types of material that federal agencies generally will release:

- Application information after the initial award has been funded
- Notices of grant awards or information including in those notices, such as project title, grantee organization, principal investigator or program director, and amount of award. Generally, the agency also will make available a general description of the project
- Interim and final progress reports
- Financial reports
- Final reports of any audits, surveys, reviews, or evaluation of awardee performance that the awardee has received

Federal agencies generally will disclose to the awardee that a FOIA request has been received, who has made the request and will confirm whether the awardee believes any of the exemptions to FOIA apply.
Awardees (Stevens) generally have ten (10) working days to respond to the federal agency. Most federal agencies will deny access to the following records or documents:

- Pending or disapproved applications for new awards (proposals)
- Financial information pertaining to a specific individual, such as salary information
- Information subject to the provisions of the Privacy Act of 1974
- Information of a confidential nature (personal, medical, or otherwise) that, if disclosed, would constitute a clearly unwarranted invasion of personal privacy
- Opinions expressed in interagency correspondence of government officers, employees, or consultants (including advisory bodies)
- Information that, if released, would adversely affect patent or other valuable commercial rights

INFORMATION AND INSTITUTIONAL REQUIREMENT

- Sections of research proposals submitted to a government agency that contain proprietary information ¹ should be clearly marked/indicated in the proposal body
- Any request for information (or any requestor), from any source, should be forwarded immediately to
  - University legal counsel
  - University internal auditing, or
  - Office of Sponsored Programs
- Individuals outside the above three referenced business functions should not respond to any request for information

¹ Proprietary information = information, processes or other technology covered by a patent or included in a patent disclosure or patent application. Additionally, information that is regarded or maintained by Stevens as a trade secret is regarded as proprietary information.