

SOME FRIENDLY ADVICE ABOUT RESPONDING TO REQUESTS FOR INFORMATION AND RECORDS PERTAINING TO ANIMAL RESEARCH

APA Committee on Animal Research and Ethics (CARE)

Requests for information and records pertaining to animal research have become more and more common. The request may be addressed to the university, an individual researcher and/or the Institutional Animal Care and Use Committee (IACUC). Public access to university records is largely determined on a state-by-state basis. However, there are also cases where federal laws may apply. For example, the Freedom of Information Act may be applicable in some instances. These state and federal laws need to be read, however, in conjunction with court decisions, which interpret them. It is also essential to recognize that the specific application of these laws will differ depending on the unique facts of each situation. This paper suggests some general approaches to dealing with the subject of requests for information on and records of animal research. It is not intended as a substitutive for obtaining legal and other appropriate advice and assistance in dealing with specific situations.

Preparation

Some proactive steps can be taken in anticipation of a request for information or records about animal research programs at your institution. You should be aware of some of the possibilities for public disclosure as you engage in the research process. Consultation with the university administration, legal counsel, and IACUC can provide useful background information.

By taking some preliminary steps to become informed about applicable state and federal laws and institutional policies and by consulting with university administration, you can be prepared for the possibility of requests for animal research-related records. It may also be wise to proceed as if all records, correspondence, research protocols, etc., were information open to public scrutiny.

! *Learn About the Law*

In large part, individual state laws determine the level of public access to institutional records. Federal statutes may also apply. It is useful to learn both state and federal laws and when they might apply. The application of particular laws may also depend on the status of the institution--public or private university, and the type of information being requested.

Two key features of many state laws that may warrant special attention are the definitions and exemptions. The definitions may establish what parts or bodies of the institution fall under the legislation and what type of information is considered public (e.g., faculty meetings, IACUC meetings and minutes, etc). These definitions may be very specific, identifying the appropriate institutional entities by name, or they may be more general. Exemptions may specify what types of information or activities are not covered under the law (e.g., not subject to public disclosure). Your institution's legal counsel should be consulted regarding the applicability of specific laws to your institution and specific research projects.

! *Know or Establish an Institutional Policy*

Your institution may have an established policy regarding the storage and release of university records. Consult the Information Officer to determine if such a policy exists. Generally such policies state explicitly how and what records are to be kept, for how long and by whom. Compliance with these procedures is important and any failure to do so could result in problems. The Institutional Animal Care and Use Committee (IACUC) should also be aware of this policy as well as any state laws that apply to their work. If your institution does not have such policies, it might be a good idea to explore whether they should be considered.

! *Keep Your Institution Informed*

It is always good practice to work with the administration, the public affairs office, and your IACUC to keep them informed of ongoing research projects, publications or presentations about your research, and new grants or projects. The more the administration knows about your research, the better prepared it will be to assist you in dealing with issues that might arise.

Response

When you receive a request for records or information about your research you should consult with the administration and legal counsel if there are any questions about how to respond. In preparing a response, you may find it necessary to address questions such as:

- ! **Do** you have the requested information? Do the requested records exist, and where? Some records may be in your possession, others may be in the university's possession, and yet others may be elsewhere, for example, they may be the property of your funding agency.
- ! **Are** you required to obtain it? If the records are not in your or your university's possession, you may need to determine whether you have an obligation to obtain them. This is an area where laws may vary, so be certain of the obligations in your particular case.
- ! **Are** there any restrictions on the requested information? Are all or some of the information or records protected from disclosure, that is, would disclosure violate any obligations concerning confidentiality?
- ! **What** compensation for time and materials are you entitled to? Who is required to bear the financial costs of obtaining, copying, and sending the requested information?