



Tuesday Tips is a new outreach effort by OGCA. The idea behind *Tuesday Tips* is to convey tips, tricks and other helpful information around the area of research administration. Our goal is to post on (almost every) Tuesdays. If there is something you would like to see covered on *Tuesday Tips*, email: UAF-GCReATE@alaska.edu. For more Tips visit [OGCA website](#).

Freedom of Information Act (FOIA)

The Freedom of Information Act (FOIA) of 1967, 5 U.S.C. 552, requires federal funding agencies to release certain grant documents and records requested by members of the public, regardless of the intended use of the information. These policies and regulations apply to information in the possession of the federal agency and do not require grantees or contractors under grants to permit public access to their records. The regulations also indicate types of information that are generally exempt from release. The Freedom of Information Act (FOIA) provides the public the right to request access to records from any Federal agency. It is often described as the law that keeps citizens in the know about their government. Federal agencies are required to disclose any information requested under the FOIA unless it falls under one of nine exemptions which protect interests such as personal privacy, national security, and law enforcement.

The following types of information/materials will generally be released in response to an FOIA request, whether the materials are maintained in paper or electronic format:

- Funded applications;

- Pending and funded non-competing continuations;
- Grant progress reports; and
- Final reports of any audit, survey, review, or evaluation of grantee performance that have been transmitted to the grantee.

The following types of information/records will generally be withheld in response to an FOIA request:

- Pending competing grant applications;
- Unfunded new and competing continuations and competing supplemental applications;
- Financial information regarding a person, such as salary information pertaining to project personnel;
- Information pertaining to an individual, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- Pre-decisional opinions expressed by Government officers, employees, or consultants in inter- or intra-agency memoranda or letters;
- Evaluative portions of site visit reports and peer review summary statements, including priority scores;
- Trade secrets and commercial, financial, and otherwise intrinsically valuable items of information that are obtained from a person or organization and are privileged or confidential;
- Information that, if released, would adversely affect the competitive position of the individual or organization; and
- Patent or other valuable commercial rights of the individual or organization

If the federal funding agency receives an FOIA request and has substantial reason to believe that information in its records could reasonably be considered exempt, the appropriate agency FOIA Officer will notify the grantee before the information is released, allowing the grantee an opportunity to identify potentially patentable or commercially valuable information that should not be disclosed.

After agency consideration of the grantee's response, if any, the grantee will be informed of the agency's decision as to what documents will be released and to whom. If a document contains both disclosable and non-disclosable information, the non-disclosable information will be deleted by a designated agency FOIA Officer, and the balance of the document disclosed.

Federal agencies are required to respond to a FOIA request within 20 business days, excluding Saturdays, Sundays, and legal holidays. For the

Privacy Act, the time limit is 10 business days. This period does not begin until the request is actually received by the FOIA office of the Federal agency.

In addition, a Federal agency may receive a request (not identified as FOIA) for a copy of a grant application (proposal). The awardee institution will be contacted by the Federal agency regarding this request, informing that the proposal will be released with certain person and salary data redacted from the proposal application. These requests are not required to follow the 20-day limitation response time as set forth in the FOIA Act.

All FOIA requests are coordinated with General Counsel and OGCA.

For additional information, visit the [OGCA website](#).