

FOIA Request FAQs

What is the Freedom of Information Act?

The Freedom of Information Act (FOIA) provides the public the right to access records from federal agencies. Agencies are required to disclose requested information unless they fall under one of the nine exceptions related to personal privacy, national security, and law enforcement (see www.foia.gov for specifics).

Who can be FOIA'ed?

In short, YOU. All researchers, regardless of their research area, should be aware of proper procedures for handling FOIA requests. Any entity that receives federal funding and/or reports to a federal agency can be subject to FOIA requests along with information on USDA-regulated species such as non-human primates, cats, and dogs, and anyone that receives federal funding (NIH, NSF). The most commonly requested information includes: research involving non-human primates, cats, and dogs; neuroscience research; eye movement studies; advanced trauma training using animals; addiction research involving nicotine, alcohol, or other drugs.

What information can be requested?

When an individual or entity submits a FOIA request, they are requesting specific information. The information they request can be any record in the possession of a federal agency (NIH, USDA) or state and local governments, such as public universities.

Commonly requested information from Universities: research protocols, noncompliance complaints, IACUC minutes, IACUC notes, IACUC investigations, sick/dead animal reports, photographic and video records of research, correspondence between the university and a federal agency (including emails), usually regarding a specific grant.

Commonly requested information from NIH: grant applications, progress reports, OLAW investigations, PHS animal welfare assurances, noncompliance complaints, administrative actions, correspondence between the NIH and a particular university of investigator (including emails).

Commonly requested information from USDA: inspection reports, investigations, annual reports, animal use reports, animal care reports, registration applications, correspondence between the USDA and a particular university or investigator (including emails).

What should I do if I receive a FOIA request?

Do not respond on your own, regardless of the complexity of the request. All requests should be forwarded to UNO Editorial and Media Relations (Sam Peshek: speshek@unomaha.edu and unonews@unomaha.edu), UNO Compliance (Drew Nielsen: drewnielsen@unomaha.edu), UNO Records/General Counsel (Erin Busch: ebusch@nebraska.edu), and the Institutional Animal Care and Use Committee (iacuc@unomaha.edu).

Is there anything I can do to protect myself before a FOIA request?

Yes! There are actions that you can take when conducting research to protect yourself.

1. **Understand how animal rights activists target you.** Many animal rights groups/activists use NIH's Research Portfolio Online Reporting Tool and Expenditures Reports (RePORTER) database to identify animal research, and information is then used to file FOIA requests. The use of sensitive search terms when writing grant abstracts may make you more vulnerable to targeting. Search terms commonly used by animal rights activists include: "Macaca," "Monkey," "Primate," "Dog," "Cat" or the names of other species; "Cocaine," "Tobacco," "Alcohol" and names of other drugs; "Eye Coil," "Vision," "Visual" or other terms commonly used in vision research.
2. **Do not post personal information in the public domain.** Animal rights activists commonly obtain PI's information on university Web sites. When possible, refrain from posting on the Internet: pictures of PIs or research animals, personal email addresses, personal phone numbers, home addresses, the name of the Institutional Official.
3. **Always be in full compliance with relevant laws and regulations.** When submitting noncompliance reports to OLAW, review the reports to ensure they include only the required information. Review your institution's PHS assurance to determine what information must be reported.
4. **Apply institutional document retention policies and keep all records required by law or otherwise necessary for business, research, or operational purposes.** For example, supporting documents, statistical records, and all other records pertinent to a grant award are required to be retained by the grant recipient for a period of three years. Animal records should be kept at least 7 years beyond termination of the IACUC protocol.

If you have any questions or comments, please contact the Coordinator of Animal Care (swomack@unomaha.edu 402-554-2943). Information included in this FAQ was adapted from: Responding to FOIA Requests: Facts and Resources, NABR, SfN, FASEB, available from <https://www.sfn.org/-/media/SfN/Documents/OtherDocuments/Responding-to-FOIA-Requests--Facts-and-Resources-Final.pdf>, and information from www.foia.gov.

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