

# Research and Sponsored Projects Manual (RSP)

## RSP 104: Disclosure of Proposal-Award Information under the Arizona Public Records Act and the Freedom of Information Act

Effective: 1/1/1987

Revised: 11/1/2024

### Purpose

To protect the confidentiality of proposals and awards

### Sources

5 *United States Code* §552, Executive Office of the President of the United States—Office of Administration, Availability of Records under the Freedom of Information Act (FOIA)

*Arizona Revised Statutes* § 15–1640, Public records exemption; intellectual property; historical records; donor records

*Arizona Revised Statutes* §§ 39–101 to –161, Arizona Public Records Act

U.S. Code of Federal Regulations 2 CFR 200.336: Methods for collection, transmission, and storage of information

Office for Research and Sponsored Projects Administration (ORSPA)

### Policy

#### Public Records Act

Arizona State University Office for Research and Sponsored Projects Administration (ORSPA) official records may be obtained and made available to members of the public to the extent permitted by ARS § 15–1640.

#### Confidentiality of proposals

Proposals developed through the initiative of the [principal investigator \(PI\)](#) represent unpublished original ideas or lines of inquiry and are generally protected from disclosure under the Arizona Public Records Act.

#### Access to proposal files

Only ASU employees who have administrative and/or organizational responsibility for the award (e.g., appropriate chairs, deans, vice presidents) and general counsel, plus members of the Board of Regents, may review proposal files on request. Prior to award, proposals are subject to protection under *Arizona Revised Statutes* § 15–1640 and other applicable law.

Other ASU employees or private individuals who request access to a proposal file must process a written request and may review the file only with written permission from the principal investigator or as required by law as determined by university's Office of General Counsel (OGC).

#### Freedom of Information Act (FOIA)

FOIA is a federal law that provides public access to federal records and applies only to federal agencies.

Requests for proposal/award information under FOIA are made directly to the respective sponsoring agency, which contacts ASU if the information requested may be protected under one of FOIA's exemptions.

In compliance with 2 CFR 200.336, the university's responsible PI, in consultation with ORSPA and OGC, will evaluate the information requested to determine whether any of the information should be protected from disclosure under an applicable FOIA exemption.

The FOIA exemptions include:

1. Classified information
2. Information related to internal personnel rules and practices
3. Information prohibited from disclosure specifically exempted by other statutes
4. Trade secrets and commercial or financial information
5. Privileged interagency or intra-agency memoranda or letters
6. Personal information affecting an individual's privacy.

### **Procedures**

The Office of General Counsel processes requests for information under the Arizona Public Records Act and coordinates responses to federal agencies responding to FOIA requests. See their site, <https://ogc.asu.edu/public-records>, for additional information.

See ORSPA's site, [researchadmin.asu.edu > post-submission actions > FOIA Request Processing](https://researchadmin.asu.edu/post-submission-actions/foia-request-processing)[researchadmin.asu.edu > post-submission actions > FOIA Request Processing](https://researchadmin.asu.edu/post-submission-actions/foia-request-processing), for additional procedures.

### **Additional Resources**

For definitions of underlined terms, see the [ORSPA Acronyms and glossary](#) webpage.

### **Cross References**

- [RSP 101](#), "General Research Policy"
- [RSP 103](#), "Principal Investigator Responsibilities"