

## THE FREEDOM OF INFORMATION ACT AND STATE OPEN RECORDS LAWS

updated 2/9/05

The Freedom of Information Act (FOIA), as well as state open records laws, are powerful tools with which individuals can learn more about what goes on behind the closed doors of a biomedical research laboratory in the United States. Despite claims by biomedical research laboratories that the nonhuman animals they use are treated humanely, that biomedical research on nonhumans is vitally important, and that they are proud of the work done by the lab, research laboratories are closed-mouth about what is actually done to the nonhuman animals in the name of science, and how the animals are housed and cared for. The public is not allowed access to these institutions, despite the fact that the public funds most biomedical research on nonhuman animals. Even employees of a laboratory are often unaware of the full scope of the research that takes place at their institution, or of any failures by their institution to comply with the Animal Welfare Act (AWA). By using federal and state open records laws, we can gain some access and insight into the true nature of biomedical research on nonhuman animals.

Federal agencies that conduct and fund biomedical research (such as the National Institutes of Health (NIH)), as well as the US Department of Agriculture (USDA) which inspects laboratories for compliance to the AWA, are all subject to FOIA. Individuals may submit FOIA requests to these agencies for copies of documents related to a particular research grant, or a particular institution. Public state universities, many of which conduct biomedical research on nonhuman primates, are often subject to the open records laws of their particular state. Individuals may request internal documents such as Institutional Animal Care and Use Committee (IACUC) records, animal health records, etc. from these state-run research laboratories. Unfortunately, such internal documents from federally funded labs affiliated with private universities or other private institutions are often protected from open records laws, despite the fact that they are largely supported by taxpayer money. However, we encourage you to submit FOIA requests to these "private" institutions supported by federal funds, as well as to the facilities' IACUCs. Point out that their federal funding makes them subject to FOIA. If your request is denied, follow up with the Department of Justice and ask them how you can appeal the decision or determine if the denial is legal. In addition, LPAG would be interested in receiving copies of any denials of FOIA requests you may receive from research institutions.

There are a number of excellent web sites (listed below) with more details about FOIA, state open records laws, and tips for filing requests for information. We urge you to visit these sites, and begin filing information requests. Share any information and documents you obtain with other individuals and groups concerned

about animal welfare and animal rights. Obtaining such documents is not free (an agency or institution is allowed to charge fees for labor and copying costs), and there is often a long wait before receiving requested documents. Sharing documents will help all individuals concerned about the suffering of nonhuman animals in biomedical research save both money and time.

## **FOIA Information**

Department of Justice Freedom of Information Act Guide  
<<http://www.usdoj.gov/oip/foi-act.htm>>

University of Missouri-Columbia Freedom of Information Center  
<<http://web.missouri.edu/%7efoiwww/index.html>>

UoM-C Government FOIA Web Sites and Electronic Reading Rooms  
<<http://web.missouri.edu/%7efoiwww/govurls.html>>

National Freedom of Information Coalition <<http://www.nfoic.org>>

US Department of Health and Human Services Guide to Information Resources  
<<http://www.hhs.gov/about/infoguid.html>>

NIH Freedom of Information Act Office <<http://www.nih.gov/icd/od/foia/index.htm>>

USDA Freedom of Information Act Home Page (please note that you can file FOIA requests with the USDA online. Click on the "Request" tab at the top of the page)  
<<https://foia.aphis.usda.gov>>

## **State Open Records Laws**

The Reporters Committee For the Freedom of the Press: Tapping Official's Secrets  
<<http://www.rcfp.org/tapping/index.cgi>>

UoM-C FOI Statues By State <<http://web.missouri.edu/%7efoiwww/citelist.html>>

NFOIC's State and National Freedom of Information Resources  
<<http://www.nfoic.org/web/index.htm>>