

Policy on Access to IBC Meeting Minutes and Other Records

1.0 Purpose

To detail the agencies that require Virginia Tech to make certain IBC-related information accessible to the public, which types of information are accessible to the public, and how the information can be obtained.

2.0 Policy

In accordance with Section IV-B-2-a-(7) of the NIH *Guidelines for Research Involving Recombinant and Synthetic Nucleic Acid Molecules* and the Virginia Public Records Act (Chapter 7, Section 42.1-76), all Virginia Tech Institutional Biosafety Committee (IBC) meeting minutes and IBC correspondence to or from funding agencies and regulatory agencies are considered public records and are thus available for copying or inspection by any interested member of the public upon request.

Additionally, the Virginia Freedom of Information Act (FOIA), located § 2.2-3700 *et. seq.* of the Code of Virginia, guarantees citizens of the Commonwealth and representatives of the media access to public records held by public bodies, public officials, and public employees. A public record is any writing or recording, regardless of whether it is a paper record, an electronic file, an audio or video recording, or any other format that is prepared or owned by, or in the possession of a public body or its officers, employees or agents in the transaction of public business. All public records are presumed to be open, and may only be withheld if a specific, statutory exemption applies.

The IBC will follow the procedures established by the *NIH Guidelines*, Virginia Public Records Act and the Virginia FOIA Code for responding to requests for IBC documents, and will redact information from IBC documents provided to the public only to the degree necessary to address significant security, privacy, or proprietary concerns (e.g., the Code of Virginia allows any public body to withhold certain records from public disclosure). Virginia Tech's IBC will redact information in its Minutes in accordance with the following exemptions

- National and institutional security issues related to possession, storage, and location of use of Select Agents
- Nuclear Regulatory Commission national security issues related to possession, storage, and location of use of sources requiring increased controls
- Specific, detailed, location of biohazardous materials
- Specific details regarding animal experimentation
- Proprietary faculty research [Code of Virginia § 2.3-3705.4.(3)]

- Trade secret information and other confidential commercial information
- Home telephone numbers and home addresses of IBC members
- Personal information about personnel

As needed, the IBC will consult with the FOIA Officer in the Office of University Relations at Virginia Tech for additional guidance.

3.0 Types of Information that can be requested through an *NIH Guidelines* request

In accordance with Section IV-B-2-a-(7) of the *NIH Guidelines for Research Involving Recombinant and Synthetic Nucleic Acid Molecules* the following information can be requested by the public

- IBC Meeting Minutes
- Incident reports submitted to the NIH Office of Science Policy
- Public comments made on Virginia Tech IBC actions, and the IBC's response to those comments
- Emails to the NIH related to IBC business

4.0 Requests for information

All public requests for information related to IBC business should be submitted to the IBC Program Director. The IBC Program Director will begin compiling the information and reviewing the information for necessary redactions. Simultaneously, the IBC Program Director will forward the request to the Virginia Tech FOIA Officer in the Office of University Relations. The IBC Program Director will not directly contact the requester.

The FOIA Officer will contact the requester throughout the process. The request will ultimately be handled through the Office of University Relations, using the university's FOIA request system. The IBC Program Director will be in continuous contact with the FOIA Officer and will provide all information requested within the required timeframe.

As needed, the IBC Chair and IBC Vice Chair will assist in the review of requested documents to confirm the need to redact any information.