

Institutional Animal Care and Use Committee (IACUC)

TITLE: Confidentiality Agreement	Effective Date: 07-March-2022
IACUC POLICY: 005 REVISION: 0	Last Revised:
SCOPE: This process applies to confidentiality	Review Date:
PURPOSE: To outline the Radford University IACUC's procedure regarding confidentiality of protocol information and IACUC deliberations.	
KEYWORDS: IACUC, Confidentiality	
Policy Owner: Research Compliance Office Radford University	
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1. BACKGROUND

Radford University is required to ensure all persons involved in animal care and treatment are qualified and provide training where necessary ([9 CFR § 2.32\(a\)](#)). In light of this, IACUC member training must ensure all attendees understand their responsibilities under the AWA, including the requirement to maintain confidentiality. PHS Policy / [Public Law 99-158](#), "Animals in Research", requires a research entity shall not publicly disclose trade secrets or commercial or financial information which is privileged or confidential (Sec. 495 (e); ref. 3). Therefore, the Public Health Service (PHS) requires that all material reviewed by IACUCs should be treated as confidential. The institution should ensure that new IACUC members understand and meet their responsibility to maintain confidentiality.

For covered species, the Animal Welfare Act; [AWA 7 U.S.C. §2157](#), states "it shall be unlawful for any member of the Institutional Animal Committee to release any confidential information of the research facility including information that concerns or relates to - - (1) the trade secrets, processes, operations, style of work, or apparatus; or (2) the identity, confidential statistical data, amount or source of any income, profits, losses, or expenditures, of the research facility." The AWA's provision on protecting confidential information is broad and applies to IACUC members regardless of whether a principal investigator elects to share information about his/her research. IACUC members and guest attendees must maintain confidentiality and not disclose trade secrets or proprietary information about activities and species regulated under AWA, or they risk exposure to penalties and damages for disclosing any such information. Penalties include removal from such Committee, and a fine of not more than \$1,000 and imprisonment of not more than one year, or if such violation is willful, a fine of not more than \$10,000 and imprisonment of not more than three years (§ 2157 (c); ref. 1). The principal investigator and/or research facility may also pursue action to recover damages incurred as a result of the violation (§ 2157 (d); ref. 1). AWA [9 CFR 2.32\(c\)4](#) states "Methods whereby deficiencies in animal care and treatment are reported, including deficiencies in animal care and treatment reported by any employee of the facility. No facility employee, Committee member, or laboratory personnel shall be discriminated against or be subject to any reprisal for reporting violations of any regulation or standards under the Act."

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2. POLICY

To protect the integrity of the institution and its researchers, IACUC members must not: a) Disclose confidential or proprietary information (protocol or investigator specific information) to any non-IACUC member or, b) discuss or disclose any details of IACUC business (e.g., protocol reviews, non-compliance discussion, subcommittee investigations or reviews, etc.) to third parties without the consent of the IACUC Chair/designee. To adequately evaluate the humane and ethical use of animals, it is necessary to have a free and open exchange of information. However, material provided to the IACUC for their review shall be considered confidential information and the members must, therefore, assure the confidentiality of the data contained therein.

All IACUC applications and other sensitive materials must be filed in a secure location, returned to a designated IACUC administrator, or otherwise disposed of in an appropriate manner, e.g. shredding. Members attending meetings via teleconference must ensure that they are in a secure location in which the audio and video of the meeting cannot be seen or heard by non-IACUC members.

IACUC members and guest attendees must ensure confidentiality at all times and avoid discussion of topics addressed during meetings and related communications beyond the IACUC membership.

No IACUC business shall be conducted and no information about the proceedings and deliberations of the IACUC discussed in a location that allows the inadvertent release of verbal information.

During the process of initial or continuing review of an activity (including, but not limited to, any annual reviews or protocol amendments), material provided to the Institutional Animal Care and Use Committee shall be considered privileged information, and the IACUC shall assure the confidentiality of the data contained therein.

Resources:

1. Animal Welfare Act as Amended. 7 USC. Chapter 54.
2. Animal Welfare Act regulations. 9 CFR. Chapter I, Subchapter A.
3. Office of Laboratory Animal Welfare. Health Research Extension Act of 1985. National Institutes of Health Office of Extramural Research. <http://grants.nih.gov/grants/olaw/references/phspol.htm#HealthResearchExtensionActof1985> (1985).
4. Garnett, N. & Potkay, S. Use of Electronic Communication for IACUC Functions. ILAR J. 37, 190–192 (1995).

REVISION HISTORY:

Revision	Summary of Revisions	Revision Date



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**Confidentiality Agreement
Institutional Animal Care and Use Committee**

I, _____, member / guest attendee of the Radford University Institutional Animal Care and Use Committee recognize that:

Information gained during my appointment to the Radford University Institutional Animal Care and Use Committee is confidential. Specifically, information about researchers, animals used in research, and any material discussed in the course of IACUC business shall be confidential and not discussed outside of Radford University Institutional Animal Care and Use Committee meetings except where it directly relates to legitimate business or research purposes.

Radford University Institutional Animal Care and Use Committee members and guest attendees must ensure confidentiality at all times and avoid discussion of topics addressed during meetings and related communications beyond the IACUC membership. During the process of initial or continuing review of an activity (including, but not limited to, any annual reviews or protocol amendments), material provided to the Radford University Institutional Animal Care and Use Committee shall be considered privileged information, and the IACUC shall assure the confidentiality of the data contained therein.

At the end of appointment to the Radford University Institutional Animal Care and Use Committee, the member and/or guest attendee shall not take with him or her, without first obtaining written consent of the chairperson of the IACUC, any drawing or other document, whether an original or a reproduction, or any tangible evidence of confidential information or data belonging to or under the control of Radford University or a researcher.

I have read and understand the above information and agree not to view, obtain or release any information except as required by my membership on the Radford University Institutional Animal Care and Use Committee. I understand to do so will be considered a serious breach of confidentiality.

Member / Guest Attendee Signature

Date

Witness Signature

Date