

Title: **Confidentiality of IACUC Deliberations and Protocol Information**

Effective Date: **October 21, 2008**

Revision # **02**

Standard Operation Procedure Number: **IACUC-RVW-007** Last Committee Review: August 8, 2017

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**Purpose/Scope**

The purpose of this Standard Operating Procedure (SOP) is to outline the IACUC's procedure regarding confidentiality of protocol information and IACUC deliberations.

**Reference**

MSU IACUC Confidentiality Agreement (Addendum 1)

Animal Welfare Act (AWA) as amended (7 USC, 2131-2156) (Addendum 2)

**Procedure/Policy**

1. IACUC meetings will be closed to the public. Non-members may be invited to attend the meeting to provide information to the IACUC but they will not be present during deliberation and voting.
2. All members of the IACUC will be provided with a confidentiality agreement to sign annually.
3. In reviewing a protocol, an IACUC member may wish to seek additional information from professional experts either within MSU or external to MSU. Prior to seeking this information, the IACUC member **MUST** gain written approval from the PI in order not to divulge any confidential or proprietary information.
4. No IACUC business will be conducted and no information about the proceedings and deliberations of the IACUC may be discussed in a location that allows the inadvertent release of verbal information.
5. IACUC members who release information may be sanctioned, up to and including dismissal from the committee, or in the case of significant proprietary information, may be federally charged.

**(Addendum 1)**

**Confidentiality Agreement**

I understand and agree that information disclosed orally or in written form or discussed at the meeting may include confidential information that is proprietary to agencies sponsoring the proposed research and/or involves the privacy rights of the individuals.

I agree that I will not disclose or divulge in any manner any confidential or private information revealed at the meeting in any form or manner to any third party for any purpose whatsoever. "Confidential or Private Information" as used in this Agreement shall not include:

1. information or knowledge in my possession prior to disclosure at the IACUC meeting;
2. information generally available to the public or thereafter becomes generally available to the public through a source other than Mississippi State University;
3. information that was rightfully obtained by me from a third party, who, I believe, is under no obligation of confidentiality to Mississippi State University with respect to such information.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Print Name: \_\_\_\_\_

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**(Addendum 2)**

The MSU IACUC will adhere to (7 U.S.C. 2157) Section 27 of Animal Welfare Act (AWA). This section provides descriptions of IACUC related information that can not be divulged and the penalties (fines and jail time) for those who willfully disclose proprietary and/or confidential information. Should this situation arise, it is the responsibility of MSU (not the USDA) to press charges, and these charges will be filed with the U.S. Attorney's office. The administrative sections of the AWA pertain to the Institution (not individual committee members) and are overseen by the USDA. In contrast, this section is considered a criminal section to provide protection for the Institution, and describes the personal culpability of IACUC members. The code is excerpted as follows:

- (a) It shall be unlawful for any member of an Institutional Animal Committee to release any confidential information of the research facility including any 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.
- (b) It shall be unlawful for any member of such Committee—
  - (1) to use or attempt to use to his advantages; or
  - (2) to reveal to any other person, any information which is entitled to protection as confidential information under subsection (a) of this section.
- (c) A violation of subsection (a) or (b) of this section is punishable by—
  - (1) removal from such Committee; and
  - (2) (A) a fine of not more than \$1,000 and imprisonment of not more than 1 year; or  
(B) if such violation is willful, a fine of not more than \$10,000 and imprisonment of not more than 3 years.
- (d) Any person, including any research facility, injured in its business or property by reason of a violation of this section may recover all actual and consequential damages sustained by such person and the cost of the suit including a reasonable attorney's fee.
- (e) Nothing in this section shall be construed to affect any other rights of a person injured in its business or property by reason of a violation of this section. Subsection (d) shall not be construed to limit the exercise of any such rights arising out of or relating to a violation of subsections (a) and (b) of this section.

**Reviewed:**

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IACUC Chairperson

Date

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Research Compliance Director

Date