An Explanation for Sponsors

The Michigan Freedom of Information and the Confidential Research and Investment Information Acts


The Confidential Research and Investment Information Act (CRIIA) http://legislature.mi.gov/doc.aspx?mcl-Act-55-of-1994 has protections available for sensitive materials provided by our research partners and sponsors. CRIIA extends the ability of the University to promise confidentiality beyond what is usually allowed by the Freedom of Information Act. Section 3 of the Act (MCLA 390.1553) declares that the following information is exempt from disclosure under the Freedom of Information Act:

*Trade secrets, commercial information, or financial information, including that information as it relates to computer hardware and software, that is provided to a public university or college by a private external source and that is in the possession of the public university or college in the performance of a lawful function.*

Before the information may be kept confidential, however, the following four conditions must be met:

1. The information must be used exclusively for research, testing, evaluation, and related activities.

2. The third party must clearly designate the information as confidential before or at the time it is received by the University. The information cannot be designated as confidential after it has been received by the University.

3. The University and the third party must enter into an agreement to keep the information confidential.

4. Once the confidentiality agreement is authorized, a document containing a general description of the information to be kept confidential, the term of the confidentiality agreement (the start and end dates), the name of the third party with whom the confidentiality agreement was made, and a general description of the nature of the intended use for the information must be recorded and maintained in a central place and made available to the public upon request. The University Freedom of Information Office maintains these documents and provides them to the public when requested.

The standard nondisclosure agreement (NDA) is intended to expedite the process for exchanging and protecting a sponsor’s confidential information prior to entering into a sponsored clinical trial agreement. Often the parties are simply exploring the possibility of a clinical trial that may or may not result in the University and sponsor establishing an agreement. Our goal is to provide a fair and balanced NDA that protects the sponsor’s information and also meets the needs of the University as a public body.

For additional information contact the University FOIA Office, the Office of Research and Sponsored Projects, or the Office of the General Counsel.