

FASEB Scientists Warn Officials about the Potential Dangers of Proposed FOIA Changes

Last Fall, Congress directed the Office of Management and Budget (OMB) to amend Circular A-110 to require federal awarding agencies "to ensure that all data produced under an award will be made available to the public through the procedures established under the Freedom of Information Act" (FOIA). On February 4, 1999, OMB published a Notice of Proposed Rule Making in the federal register and gave the public 60 days to comment on it. (See *FASEB Newsletter* February and April 1999 issues for more details.)

On March 17, FASEB President William R. Brinkley, PhD, sent an alert to members of FASEB societies urging them to write to OMB and express their concern about the proposed rules. Over 250 scientists responded to this call, sending letters that pointed out a variety of potential problems, including how:

- Proposed changes will add new regulatory burdens to the collection, maintenance, and publication of scientific information which could slow the research process, raise the cost of scientific progress, and discourage many investigators and subjects from collaborating with publicly funded researchers
- Providing sufficient documentation to enable public use of scientific data will be costly in terms of both resources and researchers' time
- Proposed rule changes raise serious questions about what types of information will be covered and for what periods of time
- Even the possibility of disclosure - no matter how remote or how minimal - will discourage participation of human subjects in research
- Rules on disclosure may jeopardize the ability to obtain patents and protect intellectual property. These risks will discourage collaborations between industry-based scientists and federally funded researchers
- The laboratory environment will be drastically altered as concerns about possible future disclosure dominate and replace the current ethos of openness and the enthusiasm for exploration
- Access to research tools and analytic databases are best promoted by facilitating the emergence of standards for data sharing in various fields of science. The public interest will be best served by working to develop sound standards for publication, replication, and validation, and not by encouraging litigation over raw data in a costly and adversarial manner that will have a deleterious impact on the culture of research.

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