

### ***Freedom of Information and Privacy Act***

The Freedom of Information Act (FOIA) of 1967 and the Privacy Act of 1974 have significantly affected the NIH review and disclosure processes. Under FOIA, a person may obtain access to any government record, including records about himself or herself, unless the records fall within one of nine exemptions to the Act. The Privacy Act, on the other hand, is limited to records about individuals which are maintained in a “system of records” from which information is retrieved by his or her name or other personal identifier.

For example, under FOIA, third parties may receive copies of awarded grant applications, but they may not receive copies of applications that were scored but not funded or applications that were not recommended for further consideration. Also, under the Privacy Act, Principal Investigators may have access, upon request, to documents generated during the review of their grant applications. Such documents include site visit reports and summary statements, but not individual reviews. Reviewers’ written comments are not retained after their substance has been incorporated into summary statements or site visit reports.