
Report Card

STATE	GRADE	STATE	GRADE
Alabama	D	Montana	F
Alaska	C	Nebraska	C
Arizona	D	Nevada	D
Arkansas	F	New Hampshire	D
California	C	New Jersey	B
Colorado	C	New Mexico	F
Connecticut	C	New York	D
Delaware	A	North Carolina	F
District of Columbia	D	North Dakota	C
Florida	D	Ohio	B
Georgia	B	Oklahoma	C
Hawaii	C	Oregon	C
Idaho	C	Pennsylvania	A
Illinois	B	Rhode Island	B
Indiana	B	South Carolina	B
Iowa	D	South Dakota	B
Kansas	C	Tennessee	C
Kentucky	D	Texas	D
Louisiana	C	Utah	B
Maine	A	Vermont	C
Maryland	C	Virginia	B
Massachusetts	D	Washington	D
Michigan	C	West Virginia	B
Minnesota	D	Wisconsin	D
Mississippi	B	Wyoming	C
Missouri	D		

Grading Criteria

The grading of states for the purposes of this report is a subjective rather than an objective exercise. While there are some common themes, the statutory regime in each state varies considerably and the protections offered for research records under these regimes do not fall into easily defined categories. In addition to the varying statutory regimes, courts in different states often take vastly different approaches to similar or even virtually identical factual situations.

In preparing this report, we attempted to analyze these factors and give grades based on how these various factors intersect. In many instances, the difference between a state receiving a grade of B and a grade of C or D is slight, with ambiguity and lack of court decisions or interpretations of a provision providing the key differential. In the instances where there is little clarification or interpretation as to what the legislature intended to cover with the exemption, we have interpreted the exemptions most narrowly (as is the presumption under open records laws in general) and have therefore awarded the lower of two or even three potential grades.

The following provides a general overview of how we awarded grades based on statutory provisions, court decisions, and other open records opinions (*e.g.*, attorney general opinions, state open records board decisions):

A – State universities excluded (constituting entirety or majority of major state research institutions).

B – Strong statutory exemption that details specific records protected; statutory exemption with case law applying the exemption.

C – Statutory exemption until publicly released/published with no relevant case law; deliberate process exemption with potentially relevant case law; balancing test that has been used to exclude research records from disclosure.

D – Protection only for sponsored research/research with potential commercial value; research disclosed to a university by a private person or entity; deliberate process exemption narrowly applied or with no relevant case law; balancing test with no relevant application.

F – No statutory protection; no relevant common law exemption.

At-a-Glance

State	Grade	Analysis	Relevant Tests & Exemptions
Alabama	D	The Alabama Public Records Law offers no statutory protection from disclosure for research. Absent a specific exemption, Alabama courts will apply a common law rule of reason balancing test to determine if the public interest in disclosure outweighs the public interest in withholding the records. The courts must apply this test strictly, with a presumption in favor of disclosure and with the decision based on the facts of the specific case.	<ul style="list-style-type: none"> • Balancing test (no relevant case law yet)
Alaska	C	The Alaska Public Records Act does not protect research from disclosure. However, the Alaska Education, Libraries, and Museums Statute contains a Confidentiality of Research Law that protects proprietary information generated by the University of Alaska until it is publicly released. Alaska also has a common law deliberative process exemption.	<ul style="list-style-type: none"> • Statutory exemption for research until publicly released/ published (no relevant case law yet) • Deliberative process exemption (no relevant case law yet)
Arizona	D	The Arizona Public Records Law contains no protection for research. A different statute section, found in the Arizona Education statute, protects university research from disclosure, but contains a provision that states the protection will not apply if the subject matter of the records becomes available to the general public. The term “subject matter” is not defined, and the interpretation of this provision has been under litigation in an open records case seeking the emails of two University of Arizona researchers. Arizona also has a common law balancing test that can be used to protect records where the disclosure would be contrary to the best interests of the state. In evaluating the disclosure of University of Arizona researchers’ emails, the trial court held that the disclosure of university research emails is not contrary to the best interests of the state.	<ul style="list-style-type: none"> • Statutory exemption for research until publicly released/ published (issue under litigation) • Balancing test
Arkansas	F	The Arkansas Freedom of Information Act offers no statutory protection from disclosure for research. Arkansas has very little in the way of other statutory or case law that could be used to protect research. However, Arkansas’s FOIA does have	<ul style="list-style-type: none"> • No statutory protection • No relevant common law exemption

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Arkansas (continued)	F	general exemption for records that, if disclosed, would give advantage to competitors.	
California	C	The California Public Records Act offers no statutory protection from disclosure for research. California does have a general statutory balancing test that exempts records where the public interest in withholding the records is found to be greater than the public interest in disclosing them. This balancing test has been used to deny disclosure of pre-publication communications related to an academic study, and to deny disclosure of university records related to research on animals, where such records could be used to threaten or harm scientists named within.	<ul style="list-style-type: none"> • Balancing test (has been used to exclude research records from disclosure) • Deliberative process exemption (subject to balancing test; no relevant case law yet)
Colorado	C	<p>The Colorado Open Records Act (CORA) protects some research from disclosure, categorizing all requests into (1) those that shall be denied versus (2) those that may be denied. Requests for “specific details of bona fide research projects being conducted by a state institution” may be denied if disclosure to the requester would be contrary to the public interest. The application of this exemption has not been reviewed by the courts.</p> <p>CORA also has a statutory deliberative process exemption that will exempt records that are predecisional and deliberative. The statute provides that these records shall be denied if the disclosure of such records is likely to stifle honest and frank discussion within the government. However, Colorado courts tend to interpret this exemption narrowly with a strong presumption in favor of disclosure.</p>	<ul style="list-style-type: none"> • Statutory exemption for research (subject to balancing test; no relevant case law yet) • Deliberative process exemption (no relevant case law yet)
Connecticut	C	The Connecticut Freedom of Information Act offers no statutory protection from disclosure for research. However, Connecticut courts have applied a statutory exemption for preliminary drafts to exclude a variety of other university records so long as (1) they are both predecisional and deliberative, and (2) the public interest in withholding the records outweighs the public interest in disclosing them. One court found that course presentations prepared by instructors in a university master gardener program were excluded from the definition of public records and therefore not subject to disclosure.	<ul style="list-style-type: none"> • Deliberative process exemption (potentially relevant case law)

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Delaware	A	The Delaware Freedom of Information Act (FOIA) contains strong protection for university research. The statute excludes the activities of the University of Delaware and Delaware State University from the definition of public records, although it does consider university documents relating to the expenditure of public funds to be public records. There is no Delaware case law evaluating the exclusion of the University of Delaware and Delaware State University from the definition of public records under FOIA.	<ul style="list-style-type: none"> • State universities excluded from open records law
District of Columbia	D	The District of Columbia Freedom of Information Act does not protect research from disclosure. The statute contains an inter/intra-agency memorandum exemption, which encompasses a deliberative process exemption, but there are no cases in which these exemptions have been invoked to protect research or other university records. D.C.'s FOIA also contains a broad trade secret exemption that protects from disclosure commercial information provided to the government by an outside party if such disclosure would result in harm to the competitive position of that outside party. This trade secret exemption could be used to protect sponsored research at a university or research records disclosed to a university by an outside entity.	<ul style="list-style-type: none"> • Deliberative process exemption (no relevant case law yet)
Florida	D	The Florida Public Records Act protects certain records, but the state offers very limited protection from disclosure for research. Florida's Education Code protects sponsored state university research records relating to (1) potentially patentable material, (2) potential or actual trade secrets, and (3) business transactions or proprietary information. Florida recently passed a statute providing limited protections for animal researchers and their records. There is no general statutory protection for preliminary or deliberative materials, although some materials may be withheld if a court decides that they do not fall under the definition of a public record.	<ul style="list-style-type: none"> • Statutory protection for sponsored research/research with potential commercial value

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Georgia	B	<p>The Georgia Open Records Act exempts the proprietary research of state universities and other governmental agencies. It also exempts state university research-related records (research notes and data, research protocols, and methodologies) until the records are published or made publicly available. A Georgia court has held that if research records meet the standards of these two exemptions, then they must be withheld. It is worth noting that the language of Georgia's research exemption is nearly identical to the language of the Virginia statute that was used to prevent disclosure of a professor's emails in the Virginia case <i>American Tradition Institute v. Rector and Visitors of the University of Virginia</i>, 756 S.E.2d 435 (Va. 2014). However, compared to the Virginia statute, the Georgia statute is broader: the Virginia statute applies only to records of public institutions of higher education, while the Georgia statute applies to the records of both state institutions of higher learning and to other governmental agencies.</p>	<ul style="list-style-type: none"> • Strong statutory protection for research
Hawaii	C	<p>The Hawaii Uniform Information Practices Act offers no statutory protection from disclosure for research and there are no cases that address academic research. The above statute does incorporate a common law deliberative process exemption that has been applied to exempt from disclosure non-research university records that are both predecisional and deliberative.</p>	<ul style="list-style-type: none"> • Deliberative process exemption (potentially relevant case law)
Idaho	C	<p>The Idaho Public Records Act protects all records relating to academic research if the release of the records could reasonably affect the conduct or outcome of the research until such research is publicly released, copyrighted, or patented or until the research is completed or terminated. There is no case law evaluating the application of this statute section.</p>	<ul style="list-style-type: none"> • Statutory exemption for research until publicly released/ published (no relevant case law yet)

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Illinois	B	<p>The Illinois Freedom of Information Act exempts research data that, when disclosed, could reasonably be expected to produce private gain or public loss.</p> <p>Illinois’s FOIA also exempts course materials or research materials used by faculty members, but there is no case law evaluating this exemption.</p> <p>In addition, there is a common law deliberative process exemption, which has been applied to deny disclosure of non-academic university records that are both predecisional and deliberative.</p>	<ul style="list-style-type: none"> • Strong statutory protection for research • Deliberative process exemption (potentially relevant case law)
Indiana	B	<p>Indiana broadly exempts any information concerning research, which has been used to exempt university research materials from disclosure.</p> <p>In addition, an exemption for inter/intra-agency records that are deliberative or advisory, and communicated for the purpose of decision-making, has been applied to non-academic university records.</p>	<ul style="list-style-type: none"> • Strong statutory protection for research • Deliberative process exemption (potentially relevant case law)
Iowa	D	<p>The Iowa Open Records Law protects tentative, preliminary, draft, speculative, or research material from disclosure prior to completion for the purpose that it was intended and in a non-final form. This exemption became effective in 2013; to date, there is no case law evaluating its application.</p>	<ul style="list-style-type: none"> • Deliberative process exemption (no relevant case law yet)
Kansas	C	<p>The Kansas Open Records Act has a broad exemption for research data in the process of analysis, as well as memoranda and other records in which opinions are expressed. There is no case law evaluating the application of this exemption.</p> <p>However, courts have held that once the final decision/work product is made public, then the exemption for the underlying materials is extinguished; this holding could imply that once the final results of research are made public, all underlying research records must be disclosed.</p>	<ul style="list-style-type: none"> • Statutory protection for research until publicly released/published (no relevant case law yet) • Deliberative process exemption (potentially relevant case law)
Kentucky	D	<p>The Kentucky Open Records Act contains a narrow research exemption for public records confidentially disclosed to an agency and compiled and maintained for scientific research. The exemption has been strictly applied by Kentucky courts, and</p>	<ul style="list-style-type: none"> • Statutory protection only for research disclosed to a university by a private person or entity

State	Grade	Analysis	Relevant Tests & Exemptions
Kentucky (continued)	D	<p>protection from disclosure has been extended only where the research was disclosed to the university by a third party upon the condition that it remain confidential.</p> <p>Kentucky Attorney General Opinions have found that research generated by a university will not be exempted from disclosure based on the statutory research exemption.</p>	
Louisiana	C	<p>The Louisiana Public Records Law protects research until it is publicly disclosed, patented, or published. This exemption has not been tested in court, but at least one Attorney General Opinion has extended the provision to protect underlying raw data used as the basis for a published study. The legal reasoning used to reach this conclusion is somewhat vague, which raises questions as to how it would be interpreted by a court.</p>	<ul style="list-style-type: none"> • Statutory exemption for research until publicly released/ published (no relevant case law yet)
Maine	A	<p>The Maine Freedom of Access Act excludes from disclosure records of the University of Maine System (which encompasses all public universities in the state), the Maine Community College System, and the Maine Maritime Academy. The exemption is very broad. While the exemption does not specifically reference research, on its face, the exemption should protect all public university research records from disclosure. There is no case law analyzing the exemption.</p>	<ul style="list-style-type: none"> • State universities excluded from open records law
Maryland	C	<p>The Maryland Public Information Act contains a general provision protecting specific details of a research project that an institution of the state is conducting. There is no case law that evaluates this provision.</p> <p>Maryland's PIA also has a statutory deliberative process exemption for predecisional and deliberative records that could potentially be applied to research. There is no Maryland case law evaluating the deliberative process exemption and research records.</p>	<ul style="list-style-type: none"> • Statutory exemption for research (no relevant case law yet) • Deliberative process exemption (no relevant case law yet)
Massachusetts	D	<p>The Massachusetts Public Records Law provides limited protection for proprietary information of the University of Massachusetts, including proprietary information provided by research sponsors</p>	<ul style="list-style-type: none"> • Statutory protection for sponsored research/ research with potential commercial value

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Massachusetts (continued)	D	<p>or private concerns. There is also a statutory protection for inter/intra-agency memoranda or letters relating to policy positions being developed by an agency.</p> <p>There is no Massachusetts case law evaluating these exemptions.</p>	<ul style="list-style-type: none"> • Deliberative process exemption (no relevant case law yet)
Michigan	C	<p>The Michigan Freedom of Information Act has a statutory inter/intra-agency communications exemption known as the frank communications exemption, which applies only to the extent that the public interest in protecting frank communication within a public body exceeds the public interest in disclosure of the record.</p> <p>Michigan also has a research specific statute, the Michigan Confidential Research and Information Act, which has a provision that applies to the disclosure of research records created by or disclosed to a university. Under this statute, records generated by the university are protected until they are published.</p>	<ul style="list-style-type: none"> • Statutory exemption for research until publicly released/published (no relevant case law yet) • Deliberative process exemption (no relevant case law yet)
Minnesota	D	<p>The Minnesota Government Data Practices Act provides very limited protection to research records. Under the statute, proprietary data of the University of Minnesota may only be protected if the disclosure of such data will cause competitive harm to the university. With no statutory or common law definition of “competitive harm,” it is unclear whether this provision could be expanded to protect academic research from disclosure.</p> <p>The University of Minnesota takes the position that trade secrets or intellectual property such as research activities are private/nonpublic.</p>	<ul style="list-style-type: none"> • Statutory protection only for sponsored research/research with potential commercial value
Mississippi	B	<p>The Mississippi Public Records Act of 1983 contains some provisions protecting research, and the Mississippi Education Code also contains stronger protections for various records relating to academic research. While the Education Code’s provision protecting academic records shall not apply to a public record that has been published, copyrighted, trademarked or patented, the language indicates that this applies only to the actual published record and not to the other records generated during the course of the research. There is no Mississippi case</p>	<ul style="list-style-type: none"> • Strong statutory protection for research that details specific records protected

State	Grade	Analysis	Relevant Tests & Exemptions
Mississippi (continued)	B	law evaluating this exemption. The statute also exempts from disclosure confidential proprietary information generated by a university under contract with a private entity. Mississippi courts have applied this exemption to research information contained in a university's Institutional Animal Care and Use Committee forms.	
Missouri	D	The Missouri Sunshine Law offers very limited statutory protection for research, protecting only those records disclosed to a public institution of higher education by an individual or corporation in connection with sponsored research, the disclosure of which may endanger the competitiveness of a business. Missouri also excludes internal memorandum prepared by a government body that consists of advice, opinions or recommendations but there are no cases that apply this provision.	<ul style="list-style-type: none"> • Statutory protection only for research disclosed to a university by a private person or entity • Deliberative process exemption (no relevant case law yet)
Montana	F	The Montana Public Records Act addresses open records, but the state offers no statutory or common law protection from disclosure for research. The statute has limited protection for confidential information, but it is unclear whether this could be extended to protect scientific research.	<ul style="list-style-type: none"> • No statutory protection • No relevant common law exemption
Nebraska	C	The Nebraska Public Records Law protects academic and scientific work that is in progress and unpublished as well proprietary and commercial information, the disclosure of which could give advantage to business competitors and serves no public purpose. The statutory provision lacks detail and there is no case law evaluating the provision to indicate how broadly it may be applied.	<ul style="list-style-type: none"> • Statutory exemption for research until publicly released/published
Nevada	D	The Nevada Public Records Act offers no statutory protection from disclosure for research and very limited trade secret protection. However, a Nevada court held that there is a general common law deliberative process exemption that could be used to protect nonfactual deliberative records. A common law balancing test is also used in the event that no statutory exemption exists. There is no Nevada case law applying the balancing	<ul style="list-style-type: none"> • Deliberative process exemption (no relevant case law yet) • Balancing test available, if no statutory exemption exists

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New Hampshire	D	The New Hampshire Right-to-Know Law offers no statutory protection from disclosure for research. While there is some protection for internal memoranda and preliminary drafts, as of the writing of this report, that exemption has not been applied by New Hampshire courts to any relevant factual situations.	<ul style="list-style-type: none"> • Deliberative process exemption (no relevant case law yet)
New Jersey	B	The New Jersey Open Public Records Act (OPRA) contains a comprehensive research protection exemption that has been upheld by the New Jersey Government Records Council (GRC). New Jersey courts have also held that case records of a university legal clinic are not subject to OPRA. Additional statutory exemptions exist for inter/intra-agency communications, proprietary information, and trade secrets. A New Jersey court determined that the inter/intra-agency communications exemption (which, in other states, has also been applied to certain factual situations concerning research records) includes a common law deliberative process exemption and can be used to withhold records that are predecisional and deliberative.	<ul style="list-style-type: none"> • All scholarly records excluded • Deliberative process exemption (potentially relevant case law)
New Mexico	F	The New Mexico Inspection of Public Records Act offers no protections from disclosure for research and does not apply a balancing test. New Mexico courts have also held that New Mexico law does not contain a deliberative process exemption. There is an exemption for trade secrets, but no case law applying it.	<ul style="list-style-type: none"> • No statutory protection • No relevant common law exemption
New York	D	The New York Freedom of Information Law offers no statutory protection from disclosure for research. New York does have an inter/intra-agency materials exemption that protects predecisional deliberative materials, which may offer some protection for research-related correspondence or research analyses. However, this exemption explicitly excludes factual tabulations or data, so underlying data would not be protected under this provision.	<ul style="list-style-type: none"> • Deliberative process exemption (narrowly applied)

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North Carolina	F	The North Carolina Public Records Act offers neither statutory nor common law protections from disclosure for research. While there is limited protection for trade secrets (both under the Public Records Act and the trade secret statute), courts have declined to extend exemptions for trade secrets to university research application materials. North Carolina courts have also found that the state does not recognize a deliberative process exemption.	<ul style="list-style-type: none"> • No relevant statutory protection • No relevant common law exemption
North Dakota	C	Effective August 1, 2017, North Dakota enacted a specific protection for university research records, including its data and records, so long as the information has not already been publicly released, published, or patented. There is no true deliberative process exemption, although the disclosure of drafts may be delayed until the final draft is complete.	<ul style="list-style-type: none"> • Statutory protection for research until publicly released/published (no relevant case law yet)
Ohio	C	The Ohio Public Records Act protects intellectual property records, which includes research records of state universities that have not been publicly released, published, or patented. The Ohio courts have found that records shared with other scientists under strict control are exempt from disclosure, as such sharing does not constitute public release. The courts have also found that raw data that was used for publications is protected from disclosure, where the raw data itself had not been shared and thus was not considered publicly released.	<ul style="list-style-type: none"> • Statutory protection for research until publicly released/published (no relevant case law yet)
Oklahoma	C	The Oklahoma Open Records Act has a statutory protection for research that includes any information the disclosure of which could affect the conduct or outcome of research, including research notes, data, results, or other writings about the research. The standard “the disclosure of which could affect the conduct or outcome of the research” suggests the statute may only be applicable to research before it is complete, but no court has interpreted this section and it is possible courts may interpret this standard more broadly. The Oklahoma Open Records Act also has a general protection for notes of a public official	<ul style="list-style-type: none"> • Statutory protection for research until publicly released/published (no relevant case law yet)

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Oklahoma (continued)	C	making a recommendation; this section has not yet been applied to a public university researcher.	
Oregon	C	The Oregon Public Records Law protects writings prepared by faculty members of public universities until published or publicly released. While there is no Oregon case law interpreting this section, several Oregon Attorney General Public Records Opinions have applied a generous standard for published/publicly released, allowing the protection to extend to instances where some research information has been shared or published but ongoing research on the underlying data is continuing. The statute also protects the personal information of researchers working with animals and has been applied by a court. However, both the research exemption and the exemption for researchers working with animals are conditional exemptions, and so the party seeking to withhold the records must show that the public interest in withholding is greater than the public interest in disclosing the records. Oregon also has a deliberative process exemption.	<ul style="list-style-type: none"> • Statutory protection for research until publicly released/ published (some case law) • Deliberative process exemption
Pennsylvania	A	<p>Pennsylvania has strong protection for academic records: four of its major institutions of higher education—Temple University, Pennsylvania State University, the University of Pittsburgh, and Lincoln University—are considered state-related and exempt from the Pennsylvania Right to Know Law (RTKL) because they are not state agencies under the RTKL. However, 14 Pennsylvania universities are considered state-owned and subject to the RTKL, which offers them exemptions for unpublished articles, research-related materials, and scholarly correspondence. There is no Pennsylvania case law evaluating the RTKL protection as it applies to state universities.</p> <p>Pennsylvania also has a deliberative process exemption that it has applied for records that are 1) internal to the agency—maintained internal to one agency or among governmental agencies; 2) deliberative in nature; and 3) predecisional—created prior to a related decision.</p>	<ul style="list-style-type: none"> • Major institutions of higher education excluded from open records law • Strong statutory exemption that details specific records protected • Deliberative process exemption

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Rhode Island	B	The Rhode Island Access to Public Records Act offers protection for preliminary drafts, and in June 2017, Rhode Island amended the statute to add specific protection for university research. The new language gives protection to preliminary drafts, notes, impressions, memoranda, working papers, and work products, including those involving research at state institutions of higher education. There is no Rhode Island case law evaluating either the preliminary drafts or research exemption.	<ul style="list-style-type: none"> • Strong statutory exemption for research that details specific records protected
South Carolina	B	The South Carolina Freedom of Information Act contains detailed protections for both proprietary and nonproprietary research records until published, publicly released, or patented. The exemption for nonproprietary research specifies that it applies to research notes and data, discoveries, research projects, proposals, methodologies, protocols, and creative works. There is no South Carolina case law analyzing this exemption.	<ul style="list-style-type: none"> • Strong statutory exemption that details specific records protected • Deliberative process exemption
South Dakota	B	The South Dakota Public Records Law offers strong statutory protection for research as well as exemptions for correspondence, working papers, and personal correspondence for public officials or employees. There is no South Dakota case law evaluating these statute sections, although in at least once instance, the University of South Dakota has used the research protection statute provision to deny disclosure of records relating to scientific research.	<ul style="list-style-type: none"> • Strong statutory exemption that details specific records protected • Deliberative process exemption
Tennessee	C	The Tennessee Open Records Act contains no protection for research. A separated statute section, found in the Tennessee Education Code, protects sponsored research or research in instances where disclosure would impact the outcome of the research, harm a university's ability to patent or copyright the research, or affect any other proprietary rights. There is no Tennessee case law evaluating this statute, so the application of this language, especially in the case of non-sponsored research, is unknown. While Tennessee courts have applied a common law deliberative process exemption, it has been limited to senior government officials and might not apply to university researchers.	<ul style="list-style-type: none"> • Statutory protection for sponsored research or research where disclosure may impact the outcome of the research • Deliberative process exemption (narrowly applied)

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Texas	D	<p>The Texas Public Information Act has limited protection for trade secrets and commercial information where disclosure would cause harm to the person from whom the information was obtained. The Texas Education Code has some additional protections for information that has the potential to be sold, licensed, or traded for a fee. Texas Attorney General Opinions have applied this provision and withheld records that can be shown to have the potential to be sold, licensed, or traded for a fee, but allowed disclosure of records that do not meet this standard.</p> <p>The statute also provides an inter/intra-agency memorandum exemption, which has been used to withhold university evaluation records that reflected a subjective opinion of the responder, where disclosure could prevent candid responses in future evaluations.</p>	<ul style="list-style-type: none"> • Statutory protection for sponsored research or research where disclosure may impact the outcome of the research • Deliberative process exemption (narrowly applied)
Utah	B	<p>The Utah Government Records Access and Management Act (GRAMA) offers very strong statutory protection for research records. GRAMA specifically protects unpublished notes, data, and information relating to research at an institution of higher education, as well as unpublished manuscripts, unpublished lecture notes, and scholarly correspondence. There is no Utah case law evaluating these exemptions, but the wide scope of the exemption and the broad range of records exempted are clearly defined in the statute.</p>	<ul style="list-style-type: none"> • Strong statutory exemption for scholarly records • Deliberative process exemption (no relevant case law yet)
Vermont	C	<p>The Vermont Public Records Act protects research records until they are published or publicly released. This protection extends to research notes and correspondence. There is no Vermont case law evaluating this exemption, and it is unclear whether the protection would remain for prepublication notes and correspondence after the results of research are published.</p>	<ul style="list-style-type: none"> • Statutory exemption for research
Virginia	B	<p>The Virginia Freedom of Information Act protects proprietary information collected by or for faculty or staff of public institutions of higher education. The Virginia Supreme Court interpreted the statute to protect the research emails of a University of Virginia climate science professor, holding that all of his emails fell within the definition of the term</p>	<ul style="list-style-type: none"> • Statutory exemption (applied by court to prevent disclosure of research records)

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Virginia (continued)	B	proprietary for purposes of the statute, and such records were excluded from disclosure.	
Washington	D	The Washington Public Records Act offers very limited protection for research data, the disclosure of which may produce private gain and public loss. The statute provides a deliberative process exemption that has been applied to research records, but Washington courts have taken a very strict approach, holding that once a final decision has been made, the predecisional records relating to that final decision are no longer exempt under the privilege.	<ul style="list-style-type: none"> • Statutory protection only for research with potential commercial value (private gain/ public loss) • Deliberative process exemption (narrowly applied)
West Virginia	B	The West Virginia Freedom of Information Act offers no statutory protection from disclosure for research. The statute does provide an internal memorandum exemption, which has been used successfully in West Virginia courts to prevent disclosure of a professor's drafts, data compilations and analyses, proposed edits, emails, and other communications related to the publication of scholarly articles.	<ul style="list-style-type: none"> • Deliberative process exemption (applied by court to prevent disclosure of research records)
Wisconsin	D	The Wisconsin Public Records Law (PRL) offers no statutory protection from disclosure for research. However, the definition of record under the PRL does not include drafts or notes prepared for the originator's personal use, and this exemption has been applied to notes relating to research, where such notes were for the originator's personal use only. Absent a statutory exemption, Wisconsin courts will use a common law balancing test to determine whether records may be withheld if the public interest in doing so is greater than the public interest in disclosure. There are no cases applying this balancing test to research records.	<ul style="list-style-type: none"> • Deliberative process exemption (narrowly applied to research) • Balancing test, applied absent a statutory exemption (no relevant case law yet)
Wyoming	C	The Wyoming Public Records Act protects research projects being conducted by a state institution, but there is no Wyoming case law analyzing its application. The Wyoming Public Records Act also provides an inter/intra-agency memorandum exemption, which Wyoming courts have found to incorporate a deliberative process exemption. The exemptions have been used to withhold records that are predecisional and deliberative, but, there is no case law applying the exemptions to research or other university records.	<ul style="list-style-type: none"> • Statutory exemption for research project (no case law yet) • Deliberative process exemption (no relevant case law yet)