

OGRD Memorandum 29

Research Records: Definition, Retention, Ownership, Access, and Storage

WASHINGTON STATE UNIVERSITY

The Office of Research
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Purpose

The University, its faculty, and its trainees have a common interest and a shared responsibility to ensure that research is appropriately recorded, retained for the legally required length of time, and available for review under appropriate circumstances. Original research records are essential to protect intellectual property rights, to answer ongoing questions regarding management of a research program, and to address possible questions that may arise regarding the propriety of research conduct.

Definition of Research Records

Research records are the compiled records generated to document the investigation process and the resulting data, regardless of the form or the media. Research records may also consist of the materials or products generated by the research. To help meet this requirement, the University has adopted a retention schedule for Sponsored Project Records in the All-University Records Retention Schedules (WSU BPPM 90.01). Research investigators and staff must adhere to that retention schedule as well as other applicable retention schedules published in BPPM 90.01.

University administrative and other operational data, as defined by WSU Executive Policy #8 (EP #8; http://www.wsu.edu/~forms/HTML/EPM/EP8_University_Data_Policies.htm), “University Data Policies”, is not covered by this Research Records policy. For security and retention rules for operational data refer to EP #8. Also, refer to WSU Executive Policy #4 (EP #4; http://www.wsu.edu/~forms/HTML/EPM/EP4_Electronic_Publishing_Policy.htm), “Electronic Publishing Policy: Policy on Electronic Publishing and Appropriate Use of Computing Resources, Information Technologies, and Networks” for issues related to appropriate use.

Retention of Research Records

The senior member of a research team (i.e., the “Principal Investigator”) is responsible for the appropriate long-term maintenance of research records of that team. The senior member of a research team has the obligation to ensure that team members understand the elements of a high quality research record and that the members of the team produce

and retain records that adequately document the experimental methods and accuracy of data collection, as well as the methods and accuracy of data interpretation.

If research records are not sponsored-project records, this policy does not create an obligation to retain the research records of the project, except as follows:

- The research involves human subjects or animal use (retain for a minimum of three years after completion of the project)
- The records provide a record of compiled research data gathered in support of a scholarly publication (recommend retaining the records for a minimum of three years after publication)
- The research resulted in protectable intellectual property in which the University may have an ownership interest (retention is usually 6 years)

Records for both sponsored-projects and unfunded research should be retained, regardless of the retention schedule, when:

- any investigation or audit of the research has been initiated or is reasonably anticipated
- The University receives a Litigation hold notice based on a reasonable anticipation of litigation in which the records may be relevant

In the event the senior member of the research team (i.e., the “Principal Investigator”) leaves the University for any reason, he/she must notify his/her supervisor of the location of research records covered by this policy. Other members of the research team may not take original research records with them when they leave the University; however, they may take copies of relevant research records as determined to be appropriate by the Principal Investigator.

The senior member of a research team also must establish and maintain procedures for the protection of essential records in the event of a natural disaster or other emergency. This is particularly important for long-term research projects (WSU BPPM 90.15). In addition, if the senior member believes that the research records rise to the level of historical value contact the Chair/Director, Dean, Urban Chancellor, Vice President for Research and Dean of the Graduate School, and Manuscripts, Archives, and Special Collections in Holland Library (WSU BPPM 90.02).

Ownership and Access to Research Records

The University retains title to the data arising from sponsored projects, research performed at the University, research performed by University personnel in the course of their University employment, and research for which the University provided the funds and/or significant resources.

The University has the right of access to the supporting records for all research for which it retains title or which it must access to fulfill its legal obligations, compliance obligations, or other obligations to research sponsors. To the extent possible, when accessing such records, the University safeguards the confidentiality of sources or human subjects who participated in the research. When possible, the University shall provide reasonable notice of its need to access the records and shall avoid interruption of ongoing research. In all

cases, the University is subject to Washington State laws and regulations including the Washington Public Disclosure Act, RCW 42.56 et seq.

The University's right of access to the data shall continue regardless of the location of the responsible investigator or location of the records.

External research sponsors may have the right to review the data and records resulting from that support.

Co-investigators and trainees who are an integral part of a research project have the right to review all records and data which are part of that project and necessary to perform their duties.

Storage of Research Records

The storage of original research records should be in University owned and maintained files, regardless of whether the records are in hard copy or electronic form. For convenience, an investigator may choose to keep a duplicate copy of the research record on a personally owned computer or portable digital storage device or in their personally owned and maintained filing cabinet, etc., but the original files must be stored in a University digital or paper file. The confidentiality of records retained on privately owned and controlled files must be safeguarded.

If original research records are stored in a digital/electronic medium, the records should be safeguarded using encryption, file backup or other effective method to ensure the records' confidentiality, integrity, reliability, and, accessibility.