

# HOUSE BILL No. 5021

July 28, 1989, Introduced by Reps. Perry Bullard, Honigman, Weeks, Joe Young, Jr. and Leland and referred to the Committee on Judiciary.

A bill to protect from public disclosure certain information concerned with the educational, research, and related activities of public universities.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 1. This act shall be known and may be cited as the  
2 "confidential educational research information act".

3       Sec. 2. The following information concerned with the  
4 research, educational, and related activities of public universi-  
5 ties that is prepared, owned, used, in the possession of, or  
6 retained by a public university, in the performance of a lawful  
7 function, from the time it is created, is exempted from the free-  
8 dom of information act, Act No. 442 of the Public Acts of 1976,  
9 being sections 15.231 to 15.246 of the Michigan Compiled Laws:

10       (a) Trade secrets or commercial or financial information,  
11 including information concerning computer hardware and software,

1 provided to a public university if both of the following  
2 conditions are met:

3       (i) The public university has promised to keep the informa-  
4 tion confidential.

5       (ii) The promise of confidentiality is authorized by the  
6 chief administrative officer of the public university or by a  
7 designee of the chief administrative officer.

8       (b) Intellectual property of a person employed by or under  
9 contract to a public university for purposes that include educa-  
10 tion, research, or related activities until a reasonable opportu-  
11 nity is provided for the information to be published in a forum  
12 intended to convey the information to the academic community.  
13 For the purposes of this subdivision, "intellectual property"  
14 means all original data, findings, or other products of the mind  
15 or intellect commonly associated with claims, interests, and  
16 rights that are protected under trade secret, patent, trademark,  
17 copyright, or unfair competition law.

18       (c) Information determined by the public university to be  
19 potentially patentable or copyrightable, until a reasonable  
20 opportunity is provided for the inventor or author to secure  
21 patent protection or copyright registration.

22       (d) Trade secrets or other proprietary information deter-  
23 mined by a public university to have potential commercial value  
24 which information is owned by the public university or by a  
25 person employed by or under contract to the public university for  
26 purposes that include education, research, or related  
27 activities.

1       (e) Information that, if released, would reveal the identity  
2 of a source of data protected by this act and provided to a  
3 public university or to a person employed by or under contract to  
4 a public university for purposes that include education,  
5 research, or related activities, if a promise of confidentiality  
6 has been given to the source of the data by the public university  
7 or by that person.