

**TITLE 2 - Nevada System of Higher Education CODE**

**CHAPTER 9**

**CONFIDENTIALITY OF CERTAIN RECORDS**

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## Section 9.1 Definitions

9.1.1 For the purposes of all approved Board policies and procedures, the following are deemed to be restricted access research, and are therefore confidential, such that unauthorized disclosure is prohibited:

- (a) "Classified Research" is research conducted with or on behalf of a government agency, or service provided to or on behalf of a government agency, that will require government-issued security clearances for participation;
- (b) "Sensitive but not Classified Research" is research conducted with or on behalf of a government agency, or service provided to or on behalf of a government agency that is treated as confidential by state or federal law or regulation;
- (c) "Proprietary Research" includes, but is not limited to, trade secrets, confidential business information, and all other intellectual property, inventions and copyrightable works. As used in this section:
  - (1) "Trade Secret" means information, including, without limitation, a formula, pattern, compilation, program, device, method, technique, product, system, process, design, prototype, procedure, computer programming instruction or code that: (a) Derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means, by the public or any other persons who can obtain commercial or economic value from its disclosure or use; and (b) Is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.
  - (2) "Confidential Business Information" means any private financial or commercial information relating to the amount or source of any income, profits, losses or expenditures of a person, including data relating to cost, price, or customers. "Confidential business information" does not include the financial terms of a contract or the identity of a contractor, except in extraordinary circumstances where state or federal law or regulation may require the non-disclosure of such information.
  - (3) "Intellectual Property" as defined in Title 4, Chapter 12.
  - (4) "Inventions" as defined in Title 4, Chapter 12.
  - (5) "Copyrightable Works" as defined in Title 4, Chapter 12.

(B/R 6/07)

- (d) "Confidential Research Information" includes, but is not limited to any and all records of an institution that have been created, developed, discovered, disclosed to, or received by or on behalf of faculty, staff, employees, or students of the institution concerning research that have not been published, patented or otherwise disclosed, such as:

- (1) Information contained in research proposal funding applications and human, animal, or clinical research protocols;
  - (2) Preliminary research data and memorandum discussions regarding preliminary data;
  - (3) Unpublished manuscripts or unpublished lecture notes, data, and other information relating to research;
  - (4) Creative works in process; or
  - (5) Intellectual property disclosures, laboratory notebooks and computer records associated with confidential research information, and scholarly correspondence prior to official publication of research results.
- (e) Nothing in this policy shall be construed to require release of any confidential patient or other medical records in violation of federal and state privacy laws.  
(B/R 10/07)

## **Section 9.2 Internal Audit Department Working Papers**

- 9.2.1. All working papers from an NSHE internal audit are confidential and may be destroyed by the NSHE chief internal auditor five years after the report is issued, except that the chief internal auditor:
- (a) Shall release such working papers when subpoenaed by a court of competent jurisdiction;
  - (b) Shall make such working papers available for inspection by the members of the Audit Committee upon his or her request; and
  - (c) May make such working papers available for inspection by an authorized representative of a governmental entity for an official matter.
- (B/R 9/14)