

Legal Interoperability of Research Data Principles and Implementation Guidelines

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Open Science

Research Data Alliance

Research Data Alliance

- Launched in 2013
- Community-driven organization
 - 4300 members from 111 countries
- Provides a neutral space where its members can come together through focused global Working and Interest Groups to develop and adopt infrastructure that promotes data-sharing and data-driven research
- Works via „working groups“ (25) and „interest groups“ (70)
- Helmholtz Association is a member of RDA

RDA/CODATA Legal Interoperability IG

■ CODATA

- The Committee on Data for Science and Technology of the International Council for Science

■ Interest Group

- Subscribed members: Currently 81
- Most active members: about 10
- Regular phone conferences
- Meetings during RDA plenaries
- Currently working on dissemination and endorsement plan for the Principles

Principles and Guidelines on the Legal Interoperability of Research Data

Aspects of legal interoperability

- Covered by current Version of the Principles
 - Copyright
- Not covered by the current Version of the Principles
 - Data Protection law
 - Liability law
 - National security / public order law
 - Labor law
 - Academic freedom
- Current version
 - http://www.codata.org/uploads/Legal%20Interoperability%20Principles%20and%20Implementation%20Guidelines_Final2.pdf

Principles

Principles

1. **Facilitate** the lawful access to and reuse of research data.
2. **Determine** the rights to and responsibilities for the data.
3. **Balance** the legal interests.
4. State the rights **transparently** and clearly.
5. Promote the **harmonization** of rights in research data.
6. Provide proper **attribution** and credit for research data.



Guidelines

Guidelines for Principle 1

Facilitate the lawful access to and reuse of research data.

- A. Access to and reuse of research data should be open and **unrestricted as a default** rule, or otherwise be granted to users with the fewest limitations possible.
- B. Governments, institutions, or researchers can apply one of an **array of legal instruments** to place collections of research data in the public domain, with no restrictions on reuse.
- C. The **CC0** or **PDDL** waivers of rights are the preferred voluntary, nongovernmental approaches to facilitate the legal interoperability of research data. The non-restrictive (“common-use, attribution-only, **CC-BY 4.0**”) license may also be considered when disseminating the data for broad use.
- D. In asserting any rights and in applying access and reuse terms and conditions to any research data made publicly available, all members of the research community should make such data available **equitably** to all users, including the most disadvantaged ones.



Guidelines for Principle 2

Determine the rights to and responsibilities for the data.

- A. Research data disseminators need to **establish who or what entity has the rights** to any given collection of data before the data are disseminated to others.
- B. It is also the responsibility of research data users to **abide by the rights** applicable to the collection of research data, as well as the specific user rights in the jurisdiction that the data are being used.
- C. Representatives of research communities who are also experts in policy and legal issues are encouraged to **participate** in fora that develop and implement laws and other norms governing access to, and the reuse and legal interoperability of, research data.
- D. A well-conceived **educational process** for researchers regarding rights and responsibilities in research data should be developed and adopted by relevant institutions.

Guidelines for Principle 3

Balance the legal interests.

- A. As a default rule, intellectual property **rights** in government or publicly-funded collections of research data **should be waived** as far as possible and distributed in the least restrictive manner.
- B. Governments and public research institutions need to **justify any restrictions** on research data that may be imposed over and above any restrictions on the access and reuse of data that are defined by existing legislation.
- C. Policymakers should **consider public interests** in developing rules for access to and use of publicly generated research data.
- D. Public research funding organizations and the rights holders of public research data sources should **reduce time embargoes** for exclusive personal periods of research use to the minimum necessary.
- E. As a default rule, all rights holders of research data that are partly or fully funded by the public sector need **to avoid the use of individual contracts or agreements that restrict** access to and reuse of the data.



Guidelines for Principle 4

State the rights transparently and clearly.

- A. The use of **standardized electronic statements** regarding the legal rights retained (if any) by the rights holders and providers of research data can greatly assist in their comprehensibility by a wide audience-- including by machines.
- B. The rights holder(s) of any given data used in research should **engage competent legal counsel** when it is necessary to determine the applicable law(s) and to clarify the differences among jurisdictions.
- C. Rights holders should **inform users about any special terms and conditions** of use.

Guidelines for Principle 5

Promote the harmonization of rights in research data.

- A. Research policymakers and practitioners can use both **top-down** and **bottom-up** approaches, and mixes of both, to harmonize rights concerning research data.
- B. **Bottom-up** actions based on voluntary, private law mechanisms, can be an effective approach for research individuals or institutions to take in the absence of government action, but are relatively **fragmented and less harmonized**.
- C. **Top-down** harmonization through “hard” law, such as multilateral treaties or executive agreements, or national legislation or administrative regulation, can work in **some contexts** and can be extremely **useful as a broad harmonization tool**.
- D. **Process-based approaches** such as workflows decision-making charts, decision making apps and tools, or scoreboards might be considered useful tools to promote harmonization.

Guidelines for Principle 6

Provide proper attribution and credit for research data.

- A. Attribution of research data used in any scholarly output should be a **normative convention** established by good research policy and practice, and preferably **not by a legal mandate or a license** requirement.



Herzlichen Dank für Ihre Aufmerksamkeit

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