

RDA-CODATA INTEREST GROUP ON LEGAL INTEROPERABILITY OF RESEARCH DATA

(Original) Working Group Charter:

The proposed Research Data Alliance – CODATA Working Group on Legal Interoperability of Research Data (RDA-CODATA WG), will be established to address and promote the following objectives:

- 1) **Define legal interoperability** of research data and articulate **why it is important** for research.
- 2) Document and analyze up to four **case studies** in the areas of geoscience, biodiversity research, social sciences, and humanities of legal interoperability solutions in interdisciplinary and international contexts.
- 3) Develop and **publish core principles and guidelines of best practices** through which legal interoperability can be achieved, and link to related information resources online.
- 4) Work with key stakeholder groups to get the core principles and guidelines of **best practices adopted**.
- 5) **Generally promote better understanding and greater use** by the stakeholder groups in the research community of the agreed approaches to legal interoperability of research data, focused on highlighting and enabling better integration and reuse of such data.

Draft Principles on the Legal Interoperability of Research Data

Preamble

One: Facilitate the lawful access to and reuse of research data.

Two: Determine the rights to and responsibilities for the data.

Three: Balance the legal interests.

Four: State the rights transparently and clearly.

Five: Promote the harmonization of rights in research data.

Six: Provide proper attribution to the data originator(s) and rights holder(s).

Draft Guidelines on the Legal Interoperability of Research Data

The Guidelines will:

- Offer focused advice on the implementation of the six Principles.
- Provide definitions of terms used.
- Compile Bibliography.
- Co-chairs of Interest Group: Paul Uhler, Enrique Alonso Garcia, Robert Chen. TAB liaison: Peter Fox. CODATA representative: Simon Hodson. 70 IG members listed on RDA website.

Example of draft guidelines

Balance the legal interests.

- **Guideline 3A. Rights holders should not assert intellectual property rights in government or publicly-funded research data.**
- Ethical norms compel all participants in the research process to refrain from reserving intellectual property rights in research data, especially to data obtained partly or fully from publicly funded research (see Principle and Guideline 1.-). If data qualify as copyrightable works, or are protected by a database right or other intellectual property rights, the holder(s) of such rights are urged to place their data in the public domain or allow access to and reuse of those data in the least restrictive manner (See Principle and Guideline 1.-)

Example of draft guidelines

Balance the legal interests.

- **Guideline 3B. Governments and public research institutions need to justify any legally-imposed restrictions on research data.**
- **Guideline 3C. Policymakers should consider public interests in light of open access to knowledge.**
- **Guideline 3D. 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.**
- **Guideline 3E. All rights holders of research data partly or fully funded by the public sector need to avoid individual contracts or agreements that restrict access to and reuse of the data.**

Next Steps

- Testing the Principles and Implementation Guidelines breakout session: RDA P7, March 2nd, 15:00-16:30.
- Completion of Principles and Guidelines in March-April.
- Beta testing/reviewing the Principles and Guidelines in April-July.
- Completing the Principles and Guidelines for RDA and CODATA adoption at P8 in Denver in September.
- Actively disseminating the documents online and at meetings, October 2016-February 2017.

Agenda for Meeting Today

- 1) Present and promote the existing version of the 'Principles' and their 'Implementation Guidelines'. **30 mins.**
Uhlir
-Discussion (*Rapporters: Clement and Hodson*)

- 2) Identify international, data-intensive research projects with which the Principles and Implementation Guidelines will be 'beta-tested'. **50 mins.**
Hodson
-Discussion of examples, methodology, expected outcomes
(*Rapporteurs: Clement and Uhlir*)

- 3) Summary of next steps **10 mins.**
Uhlir

Draft List of Beta Testers/Reviewers (1)

Research Data Consortia/Programs/Non-governmental Organizations

Group on Earth Observations

Global Biodiversity Information Facility

Consultative Group for International Agricultural Research

CERN

GenBank

COMPARE (infectious disease data)

Creative Commons

Task Group on Preservation and Access of S&T Data for Development

CLARIN (linguistic research)

iMarine

OpenAIRE

Others...

Draft List of Beta Testers/Reviewers (2)

International Governmental Entities (Policies and Recommendations)

European Commission

OECD

Global Research Council

G8

UNESCO

UNEP

WHO

WIPO

Treaty-based organizations (Convention on Biological Diversity, International Treaty for Plant Genetic Resources for Food and Agriculture, Antarctic Treaty, Aarhus Convention, UNCLOS III, Stratospheric Ozone Protocol, Outer Space Treaty)

Draft List of Beta Testers/Reviewers (3)

National Governmental Research Institutions--Legislation, Regulation, Policy

US (OSTP, NSF, NIST, NIH, DOE, NOAA, NASA, others?)

UK (RCUK, others?)

Research Ministries in EU Countries (list?)

Chinese Ministry of Science and Technology, Chinese Academy of Sciences

National Science Council of Japan, DST

India (?)

Australia CSIRO, ANDS

South Africa NRF, CSIR

Chile—National Commission for Scientific and Technical Research

Brazil—(?)

Others...(?)

Draft List of Beta Testers/Reviewers (4)

Universities

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Draft List of Beta Testers/Reviewers (4)

Data Repositories

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Draft List of Questions

1. What are their overall strengths and weaknesses from your organization's (unofficial) perspective?
2. Is their structure and presentation effective?
3. Is the Preface/Introduction for each document appropriate?
4. Does each document identify the right terms and issues in an understandable way?
5. Are the Implementation Guidelines useful and actionable?
6. What specific improvements do you recommend?
7. Are there any other comments or edits that you would like to make?