



OPEN SCIENCE
AND RESEARCH

Principles on the Legal Interoperability of Research Data

Comment on an upcoming RDA-CODATA deliverable

RDA/CODATA Legal Interoperability IG

- Define legal interoperability of research data and articulate why it is important for data interoperability and reuse.
- 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.
- Develop and publish core principles and guidelines of best practices through which legal interoperability can be achieved, and link to related information resources online.
- Work with key stakeholder groups to get the core principles and guidelines of best practices adopted.
- 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.

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



- The designation of the research dataset in the public domain by the rights holder(s) is the best way to achieve legal interoperability.
- There is an array of legal instruments that can be used by governments, institutions, or researchers to place research datasets in the public domain.
- The use of non-restrictive (“common use”) licenses, with only “some rights reserved” is not recommended for use by the originator(s) or the rights holder(s) of the research data when disseminating the data for broad use.

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



- In asserting any rights and in applying access and reuse terms and conditions to any dataset made publicly available, all members of the research community should make such data available equitably to all users, including the most disadvantaged ones.

Principle Two: Determine the rights to and responsibilities of the data.



- Research data *providers* need to know who or what institution has the rights to the data before they are disseminated to others.
- It is also the responsibility of research data *users* to know the rights of the research data as well as the specific user rights in the jurisdiction that the data are being used.

Principle Two: Determine the rights to and responsibilities of the data.



- Expert representatives of research communities 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.
- A well-conceived educational process should be developed and adopted by relevant institutions, in order that future generations of researchers might be better prepared.

Principle Three: Balance the legal interests



- Rights holders should not assert intellectual property rights in government or publicly-funded research data.
- Governments and public research institutions need to justify any legally-imposed restrictions on research data.
- Policymakers should consider public interests in light of open access to knowledge.

Principle Three: Balance the legal interests



- Policymakers should consider public interests in light of open access to knowledge.
- 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.
- 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.

Principle Four: State the rights transparently and clearly



- Standardized electronic statements regarding the legal rights retained (if any) can greatly assist in their comprehensibility by a wide audience, including by machines.
- The rights holder(s) of any research dataset should make the legal status of that dataset clear to all users.
- The rights holder(s) of any given research dataset used in research should have access to competent legal counsel to determine the applicable law(s) and to clarify the differences among jurisdictions.
- Rights holders should inform users about any special terms and conditions of use.

Principle Five: Promote the harmonization of rights in research data.



- Harmonization approaches for open data should be based on three key factors: a) legal predictability and certainty; b) ease of use and understanding; and c) low costs to users.
- Both top-down and bottom-up approaches, and mixes of both, can be used to harmonize rights concerning research data.

Principle Five: Promote the harmonization of rights in research data.



- 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.
- Process-based approaches such as workflows decision-making charts, decision making apps and tools, or scoreboards (versus substantive harmonization by negotiating common standards) might be considered useful tools to promote harmonization.

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



- Attribution of research data used in any scholarly output should be a normative convention established by good research policy and practice, and not by a legal mandate or a license requirement.
- Authors using research data in scholarly work should give attribution to the data producer(s) and rights holder(s) (if different from the original producers), and unambiguously identify the source by using a citation that conforms to the Joint Declaration of Data Citation Principles.



Data is a resource,
but information is a process

Research Data and Rights in Finland



- National Digital Library
- Open Science and Research Initiative
- Strict legislation with few exceptions for research
- Copyright advances have been made through contract and awareness raising

Research Data and Rights in Finland



- Data policies underway, data ownership becomes an issue
- The acute need for better data management interferes with academic freedom and confidence in research ethics
- What we need is a clear process, which acknowledges the freedom of research (which is inseparable from the freedom of the researcher)

Research Data and Rights in Finland



- The problems are less of technology, more of semantics ... but most of all lack of information and agreements
- Biocenters in Finland have a very good position and rights management
- We will have to enrich metadata with types of restrictions etc

Research Data and Rights in Finland



- Access levels
- Rights statements
 - What one can do with the data
 - What is required of the user
- Grounds for the restriction
- Rights holders and dates

Suggestions for best practice in Finland



- Rights management is a precondition for openness
- Metadata should be provided both human and machine readable with the specific object clearly stated
- If any restrictions (at all) apply, the exact grounds for them should be referred to
- Creative Commons –licenses preferred when dealing with copyright

Open Science and Data Management



- Openness is always the practical way
- It should be the easy way
- What ownership means is vague and can become a problem
- Researchers are the experts on their own research and data, and it is necessary for them to carry the responsibility
- The organizations need to provide training and support