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## **Access to and Retention of Research Data Rights and Responsibilities**

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Access to and Retention of Research Data: Rights and Responsibilities focuses on effective practices for the management of research data. The text describes an aspect of management, e.g., ownership, restrictions, sharing, and is followed in many instances by a case scenario or study.

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# **ACCESS TO AND RETENTION OF RESEARCH DATA: Rights and Responsibilities**

Scientific and technical data generated by research and other scholarly activities are the currency of the intellectual capital that researchers and scholars create and share to advance the research enterprise. Both investigators and research institutions have rights and responsibilities with respect to research data. Among the responsibilities of institutions and investigators are shared obligations regarding retention of and providing access to research data.

This Guide, **Access to and Retention of Research Data: Rights and Responsibilities**, focuses on effective practices for the management of research data. The text describes an aspect of management, e.g., ownership, restrictions, sharing, and is followed in many instances by a case scenario or study. The text is presented as a single document; the case scenarios as both separate and a single document. There are links within the text to the individual cases. More information about the Guide and links to federal regulations and institutional policies are provided below. As always, we welcome your comments and suggestions ([MemberServices@cogr.edu](mailto:MemberServices@cogr.edu))

**[CLICK TO VIEW ACCESS TO AND RETENTION OF RESEARCH DATA GUIDE](#)**

**[CLICK TO VIEW CASE SCENARIOS](#)**

## **IN THIS GUIDE: THE CONTEXT**

In this guide, we deal with data in the most comprehensive sense. While the federal government has not developed a uniformly accepted definition of “research data” or “scientific data,” we have based our definition on the guidance provided by the US Office of Management and Budget in its grants management circular, Circular A-110. OMB defines research data as “the recorded factual material commonly accepted in the scientific community as necessary to validate research findings.”

## **IN THIS GUIDE: THE CONTENT**

This guide complements the COGR brochure on rights in technical data that deals primarily with federal requirements for intellectual property rights in agreements.<sup>1</sup> This guide examines the broader context of data stewardship using case scenarios to illustrate various data management questions and offering suggestions for addressing these questions. While the technical data brochure focuses on federal agency expectations, this guide examines the institution’s obligations irrespective of the outside funding source and regardless of the type of funding mechanism selected.

Some institutions have formal policies and procedures for access to and retention of research data. This guide and its component case studies are intended to assist the stakeholders in

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<sup>1</sup> A detailed description of these responsibilities is found in the COGR online publication entitled “*Technical Data and Computer Software – A Guide to Rights and Responsibilities Under Federal Contracts, Grants and Cooperative Agreements*” (June 2004). <http://www.cogr.edu/restricted/docs/RITD3.htm>

recognizing situations where roles or policy need to be clarified, to identify issues that may need to be addressed, and to review options for defining responsibilities with respect to access and retention of research data.

As with other COGR guidance documents, it is important to recognize that missions and cultures of research institutions vary. As a result, this guidance must be placed into the context of individual institutions. While policies must be articulate and clear when sponsored funding dictates regulations or requirements, standards with respect to access and retention to institutional data will vary widely.

## **USING THE GUIDE:**

The earlier version of this document was published on paper. In order to provide greater access and streamline the process of updates, the “publication” of this guide is entirely online. This approach allows the inclusion of web links to the principal regulatory documents and to the case scenarios associated with the various sections. The Case Scenarios are presented as a separate set of documents. Users can print each set of scenarios separately or all the scenarios as a single document. Links to Federal regulations are provided below as well as within the text. Generally the web links are to main or home pages and the user will need to search for a specific document. These external links will be checked periodically. In addition, we’ve provided links to university policies that may be helpful to other institutions considering the development of their own policies. The section on institutional policies begins with a 2002 comparison developed by Gunta Liders (University of Rochester). We invite institutions to help update this list/comparison by providing links and information (send information to [cblum@cogr.edu](mailto:cblum@cogr.edu)).

Users may print the entire text as a single file and each group of case scenarios individually, or the entire set of scenarios as single file. If a user prints this document, the external links should be compared with the online version to ensure they are accurate.

COGR appreciates the contribution of all its members in providing information that strengthened these documents. The working group’s unflinching dedication and commitment benefits all the members.

Peter Dunn, Purdue University  
Todd Guttman, Ohio State University  
Gunta Liders, University of Rochester  
Carol Blum, COGR

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## **LINKS TO FEDERAL POLICIES AND REGULATIONS**

The links provided below access various federal regulations and policies for your information.

**Office of Management and Budget (OMB)** <http://www.whitehouse.gov/omb/>  
Circular A-110: Uniform Administrative Requirements for Grants and Agreements With  
Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations  
<http://www.whitehouse.gov/omb/circulars/a110/a110.html>

**From National Institutes of Health (NIH) Office of Extramural Research**

<http://grants1.nih.gov/grants/oer.htm>

Statement on Sharing Data Policy

(Notice # NOT-OD-03-032; Released February 26, 2003)

[http://grants1.nih.gov/grants/policy/data\\_sharing/index.htm](http://grants1.nih.gov/grants/policy/data_sharing/index.htm)

NIH Grants Policy, Part II Subpart A, Availability of Research Results: Publications, Intellectual  
Property Rights, and Sharing Biomedical Research Resources.

[http://grants.nih.gov/grants/policy/nihgps\\_2001/part\\_ii\\_a\\_6.htm](http://grants.nih.gov/grants/policy/nihgps_2001/part_ii_a_6.htm)

Public Health Service Policy Relating to Distribution of Unique Research Resources Produced  
with PHS.

<http://grants.nih.gov/grants/guide/notice-files/not96-184.html>

Sharing Biomedical Research Resources: Principles and Guidelines for Recipients of NIH  
Research Grants and Contracts.

[http://ott.od.nih.gov/policy/rt\\_guide\\_final.html](http://ott.od.nih.gov/policy/rt_guide_final.html)

*Policy on Enhancing Public Access to Archived Publications Resulting from NIH-Funded  
Research*

<http://publicaccess.nih.gov/>

**From the National Science Foundation (NSF)**

Grant Policy Manual (NSF 05131)

[http://www.nsf.gov/pubs/manuals/gpm05\\_131/index.jsp](http://www.nsf.gov/pubs/manuals/gpm05_131/index.jsp)

§734. Dissemination and Sharing of Research Results

**From the Federal Acquisition Regulations (FAR)**

<http://www.arnet.gov/far/>

48 CFR Part 27

(For contracts awarded by the Federal government)

§27.403 Data rights—general

52.227.14 Rights in Data – General (Clauses & Forms)

## **LINKS TO UNIVERSITY POLICIES:**

A comparison of some university data policies was prepared by COGR member, Gunta Lidars in  
May 2002 (Link Below). The comparison should be used with caution, however, because  
policies may have changed since the project was completed. Some of the links may no longer be  
active as well. If you have a policy that is not listed here and can provide web access, please

forward the URL to Carol Blum at [cblum@cogr.edu](mailto:cblum@cogr.edu).

**2002 Comparison of University Policies:** [Click here to view](#)

**University of California,** <http://www.ucop.edu/raohome/>

Release of Research Data Requested by the Public under Federal Grants via Federal Freedom of Information Act Procedures (March 2000)

<http://www.ucop.edu/raohome/cgmemos/00-02.html>

**Dartmouth College,** <http://www.dartmouth.edu/~osp/>

Research Data Retention (March 2000)

[http://dcis-oracle.dartmouth.edu/dag/display\\_pol.php?pol\\_num=2001](http://dcis-oracle.dartmouth.edu/dag/display_pol.php?pol_num=2001)

**Duke University,** <http://www.ors.duke.edu/>

Policy on Data Retention and Access (May 1994)

[http://www.provost.duke.edu/pdfs/fhb/FHB\\_App\\_P.pdf](http://www.provost.duke.edu/pdfs/fhb/FHB_App_P.pdf)

**Emory University,** <http://www.osp.emory.edu/>

Data Sharing

[http://www.osp.emory.edu/share/policies/data\\_sharing.pdf](http://www.osp.emory.edu/share/policies/data_sharing.pdf)

Guidelines for the Responsible Conduct of Scholarship and Research (March 1993)

[http://www.osp.emory.edu/share/policies/resonsible\\_conduct.pdf](http://www.osp.emory.edu/share/policies/resonsible_conduct.pdf)

**Harvard University**

Faculty Policies for Integrity in Science (October 2000)

Guidelines for Investigators in Scientific Research

II. Data Gathering, Storage, and Retention

<http://www.hms.harvard.edu/integrity/scientif.html>

**University of Kentucky** <http://www.rgs.uky.edu/>

Data Retention and Ownership Policy (July 1999)

<http://www.rgs.uky.edu/ori/data.htm>

**University of Massachusetts** <http://www.umass.edu/research/ora/>

Policy on Retention of and Access to Research Data (No Date)

<http://www.umass.edu/research/ora/data1.html>

**University of Rochester** <http://www.rochester.edu/orpa>

(Interim Policy) Access to and Retention of Research Data (No Date)

<http://www.rochester.edu/orpa/policies/retent.pdf>