



# Enabling Open Access to Research Data in Europe

Legal & ethical issues

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EUDAT 2014



@RECODE\_Project

<http://recodeproject.eu>

# Contents

- Introduction: RECODE project
- Focus on work package 3: Legal & Ethical Issues to Open Research Data (Licensing)

# Open data



# Benefits & Challenges

## BENEFITS

- Further research
- Solves global challenges
- Improves transparency & trust
- Reduces cost
- Facilitates inter-disciplinary enquiry
- Can help validate results
- Inform decision making
- Development of new products & services

## CHALLENGES

- Poorly defined roles & responsibilities
- Lack of infrastructure
- Lack of career incentives
- Lacks of skills/education
- Ethical considerations
- Intellectual property and licensing issues
- Disciplinary differences
- Funding
- Data-gap

# Project overview

## Policy recommendations on open access to research data in Europe

### Duration

24 months (Feb 2013 – Jan 2015)

### Total Budget

€1,147,484.70; EC contribution: €949,488.50

### Co-ordinator

Trilateral Research & Consulting (UK)





The screenshot shows the RECODE project website. The header reads "Policy RECOMMENDATIONS for Open Access to Research Data in Europe". Below the header is a navigation menu with links for Home, Partners, Research, Events, Resources, Outreach, and Contact. The main content area is titled "Home" and contains a paragraph about the project's goals: "The Policy RECOMMENDATIONS for Open Access to Research Data in Europe (RECODE) project will leverage existing networks, communities and projects to address challenges within the open access and data dissemination and presentation sector and produce policy recommendations for open access to research data based on existing good practice." Below this is another paragraph: "The open access to research data sector includes several different networks, initiatives, projects and communities that are fragmented by discipline, geography, stakeholder category (publishers, academics, repositories, etc.) as well as other boundaries. Many of these organisations are already addressing key barriers to open access to research data, such as stakeholder fragmentation, technical and infrastructural issues, ethical and legal issues, and state and institutional policy fragmentation. However, these organisations are often working in isolation or with limited contact with one another. RECODE will provide a space for European stakeholders interested in open access to research data to work together to provide common solutions for these issues. It will provide over-arching recommendations for a". To the right of the website content is a Twitter feed showing a tweet from @RECODE\_Project dated 7 Jan, and a tweet from Richard Poynder (@RickyPo) dated 22 Dec, which mentions the MedOAnet Guidelines for implementing Open Access Policies in the Mediterranean Open Access Network (Medoanet).



# Partners

Kicked-off: February 2013



© iMapbuilder

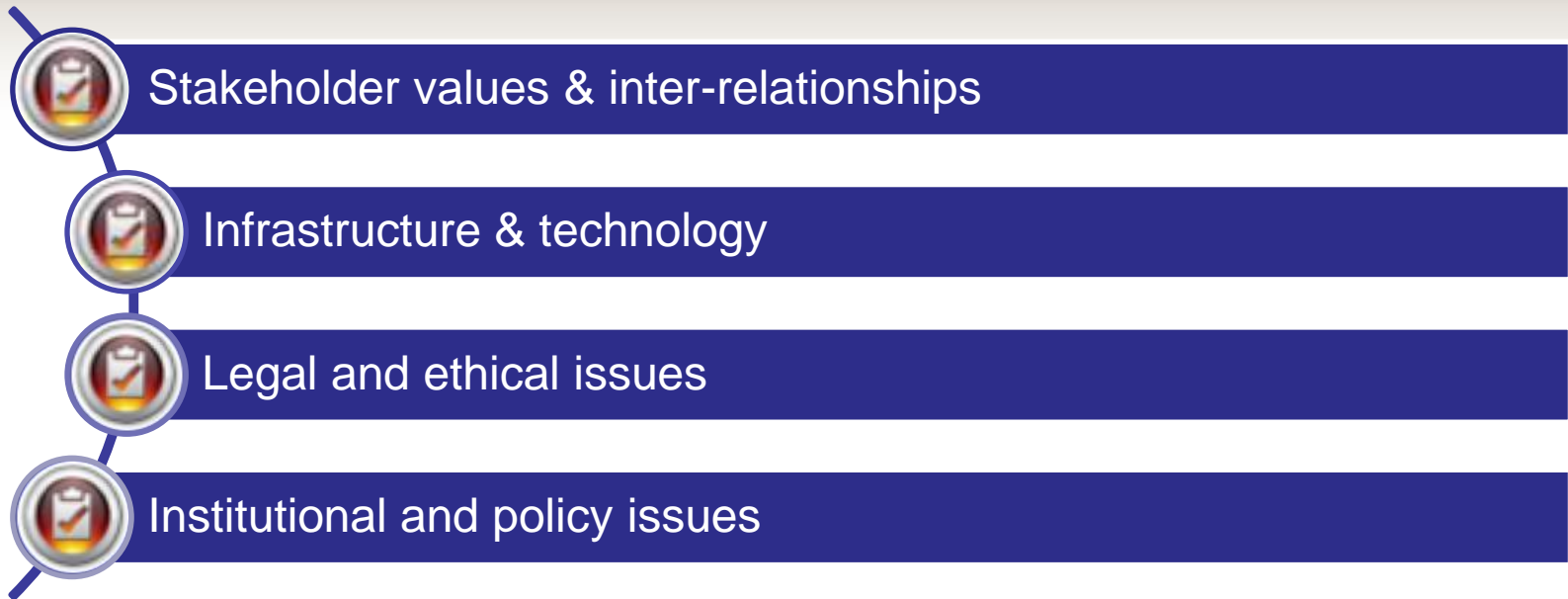
Grant agreement no: 321463



@RECODE\_Project

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# GRAND CHALLENGES



# OBJECTIVES

**Reduce stakeholder fragmentation**

**Identify stakeholder values & inter-relationships**

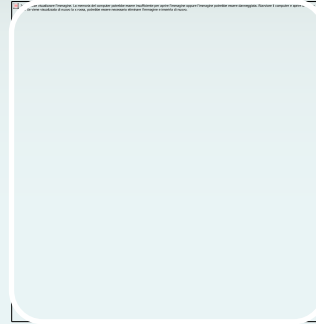
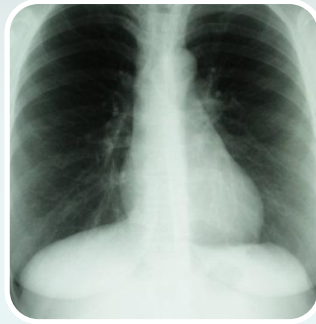
**Evaluate grand challenges using 5 case studies**

**Identify gaps, tensions & good practice solutions**

**Identify and promote overarching good practice policy solutions**

**Produce guidelines**

# Case studies



## Physics

Particle  
Physics and  
Particle  
Astrophysics  
(PPPA) Group

## Health

FP7 Project  
EVA (Markers  
for  
emphysema  
versus airway  
disease in  
COPD)

## Bioengineering

Bioengineering  
Institute,  
Auckland NZ,  
and Virtual  
Physiological  
Human (VPH)  
Community

## Earth Sciences

Global Earth  
Observation  
System of  
Systems  
(GEOSS)

## Archaeology

Open Context

# Focus: Work package 3: Legal and Ethical issues

- Combination of:
  - Literature review
    - Examine existing best practices, policies and strategies
    - Identify barriers and gaps between policies and practices as well as good practices.
  - Interviews
    - 13 interviews (case study representatives)
- Analysis and recommendations
- Final report April 2014

# Legal issues associated with OA to research data

- Intellectual Property Rights
- Data Protection
- Open Access legislation

# Legal Issues

- Intellectual property
  - Copyright
  - Trade secrets
  - Database rights
  - Licensing

# Existing solutions and potential pitfalls

- Licensing models
  - Creative Commons
    - CC0
    - CC 4.0 unported (newest version)
  - Government Open Licences
  - Science Commons: *Protocol for Implementing OA*  
(<http://sciencecommons.org/projects/publishing/open-access-data-protocol/>)

*[I]n the absence of not just international law, but even international disciplinary sensibilities, about how data should be controlled and shared, Creative Commons provides an extremely robust and definitive statement about how we expect things to be used [...] obviously these are public data, we didn't build them, we have provided a bridging ontology but we also make that available through an attribution license, we consider that a published public data set. But we prefer that we be given credit for it. But that's it, it could be reused for any purpose. (Editorial reviewer, Archaeology)*

# Considerations and potential pitfalls

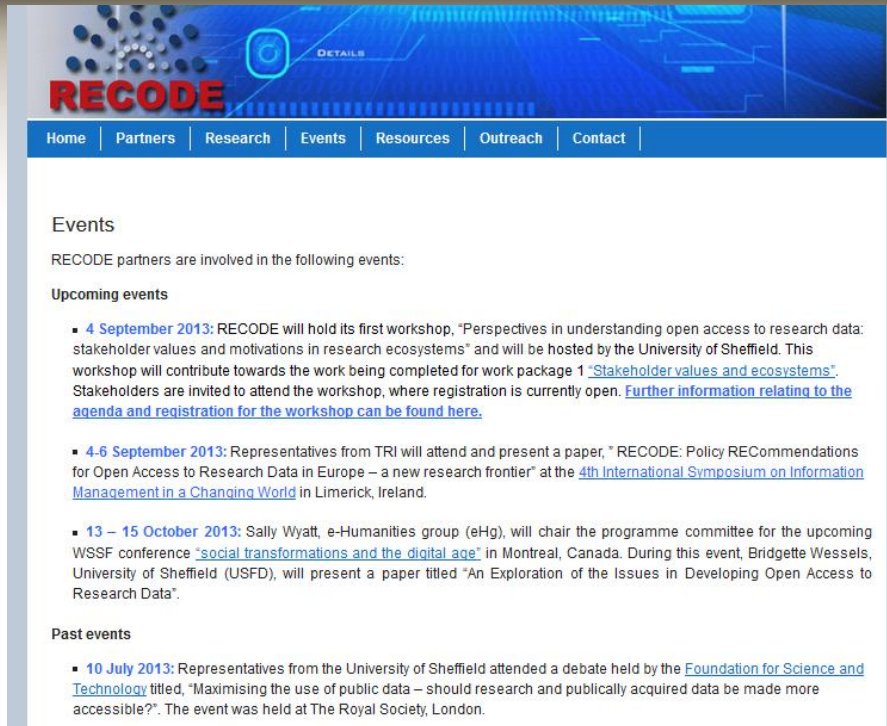
- Creative Commons / GOL
  - Not all licenses are ‘truly’ OA
  - Lack of legislative and judicial backing

*[It's only Creative Commons BY (attribution) and Creative Commons BY-SA (attribution share alike) that are open licences, the others do not enter into the scope of the definition of open access. For instance, Creative Commons licences that have the non-commercial (NC) requirement can not be qualified as open licences. The same for No derivatives (ND). [...] And we have noticed in our committee that scientists in general know relatively little about Creative Commons; [...] especially in the current version, creative commons 4.0. So even trained lawyers are not necessarily aware of all the details of this requirement, [...] And there is relatively little case law related to creative commons. (Legal expert, Earth Science).*

# Recommendations

- Explore the use of licensing to address legal issues
- Consider technical or institutional solutions to legal problems.
- Establish and clarify circumstances where it is lawful and appropriate to provide OA to (personal) data
- Accept that some data cannot be “open”

# Further information



The screenshot shows the RECODE website homepage. At the top, there is a navigation menu with links for Home, Partners, Research, Events, Resources, Outreach, and Contact. Below the menu, the 'Events' section is highlighted. It lists upcoming events, including a workshop on September 4, 2013, and a presentation on September 4-6, 2013. It also lists a past event on July 10, 2013.

**RECODE**

Home | Partners | Research | Events | Resources | Outreach | Contact

## Events

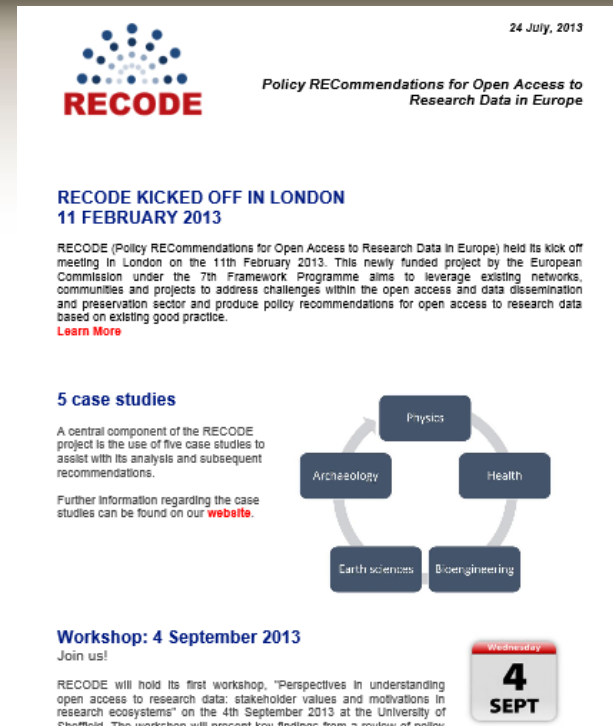
RECODE partners are involved in the following events:

### Upcoming events

- **4 September 2013:** RECODE will hold its first workshop, "Perspectives in understanding open access to research data: stakeholder values and motivations in research ecosystems" and will be hosted by the University of Sheffield. This workshop will contribute towards the work being completed for work package 1 "[Stakeholder values and ecosystems](#)". Stakeholders are invited to attend the workshop, where registration is currently open. [Further information relating to the agenda and registration for the workshop can be found here.](#)
- **4-6 September 2013:** Representatives from TRI will attend and present a paper, "RECODE: Policy RECommendations for Open Access to Research Data in Europe – a new research frontier" at the [4th International Symposium on Information Management in a Changing World](#) in Limerick, Ireland.
- **13 – 15 October 2013:** Sally Wyatt, e-Humanities group (eHg), will chair the programme committee for the upcoming WSSF conference "[social transformations and the digital age](#)" in Montreal, Canada. During this event, Bridgette Wessels, University of Sheffield (USFD), will present a paper titled "An Exploration of the Issues in Developing Open Access to Research Data".

### Past events

- **10 July 2013:** Representatives from the University of Sheffield attended a debate held by the [Foundation for Science and Technology](#) titled, "Maximising the use of public data – should research and publically acquired data be made more accessible?". The event was held at The Royal Society, London.



The page features the RECODE logo and the full name of the project: "Policy RECommendations for Open Access to Research Data in Europe". The date "24 July, 2013" is in the top right corner. The main heading is "RECODE KICKED OFF IN LONDON 11 FEBRUARY 2013". Below this, a paragraph describes the project's kick-off meeting and its goals. A "Learn More" link is provided. The "5 case studies" section lists Archaeology, Physics, Health, Earth sciences, and Bioengineering, with a circular diagram connecting them. A "Workshop: 4 September 2013" section includes a "Join us!" call to action and a calendar icon for Wednesday, 4th September. A final paragraph describes the workshop's focus.

24 July, 2013

**RECODE** Policy RECommendations for Open Access to Research Data in Europe

## RECODE KICKED OFF IN LONDON 11 FEBRUARY 2013

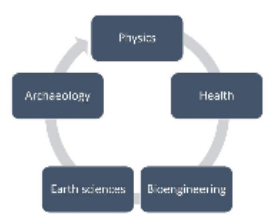
RECODE (Policy RECommendations for Open Access to Research Data in Europe) held its kick off meeting in London on the 11th February 2013. This newly funded project by the European Commission under the 7th Framework Programme aims to leverage existing networks, communities and projects to address challenges within the open access and data dissemination and preservation sector and produce policy recommendations for open access to research data based on existing good practice.

[Learn More](#)

### 5 case studies

A central component of the RECODE project is the use of five case studies to assist with its analysis and subsequent recommendations.

Further information regarding the case studies can be found on our [website](#).



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graph TD; Physics --- Health; Health --- Bioengineering; Bioengineering --- Earth_sciences[Earth sciences]; Earth_sciences --- Archaeology; Archaeology --- Physics;
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### Workshop: 4 September 2013

Join us!

RECODE will hold its first workshop, "Perspectives in understanding open access to research data: stakeholder values and motivations in research ecosystems" on the 4th September 2013 at the University of Sheffield. The workshop will present key findings from a review of policy

Wednesday  
**4**  
SEPT

SIGN UP TO OUR NEWSLETTER...  
[kush.wadhwa@trilateralresearch.com](mailto:kush.wadhwa@trilateralresearch.com)



@RECODE\_Project

<http://recodeproject.eu>



Thank you

For further information, please visit:  
<http://recodeproject.eu>

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