



Declaration on Access to Research Data from Public Funding

**OECD Legal
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Background Information

THE GOVERNMENTS¹ of Australia, Austria, Belgium, Canada, China, the Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Korea, Luxembourg, Mexico, the Netherlands, New Zealand, Norway, Poland, Portugal, the Russian Federation, the Slovak Republic, the Republic of South Africa, Spain, Sweden, Switzerland, Turkey, the United Kingdom, and the United States:

RECOGNISING that an optimum international exchange of data, information and knowledge contributes decisively to the advancement of scientific research and innovation;

RECOGNISING that open access to, and unrestricted use of, data promotes scientific progress and facilitates the training of researchers;

RECOGNISING that open access will maximise the value derived from public investments in data collection efforts;

RECOGNISING that the substantial increase in computing capacity enables vast quantities of digital research data from public funding to be put to use for multiple research purposes by many research institutes of the global science system, thereby substantially increasing the scope and scale of research;

RECOGNISING the substantial benefits that science, the economy and society at large could gain from the opportunities that expanded use of digital data resources have to offer, and recognising the risk that undue restrictions on access to and use of research data from public funding could diminish the quality and efficiency of scientific research and innovation;

RECOGNISING that optimum availability of research data from public funding for developing countries will enhance their participation in the global science system, thereby contributing to their social and economic development;

RECOGNISING that the disclosure of research data from public funding may be constrained by domestic law on national security, the protection of privacy of citizens and the protection of intellectual property rights and trade secrets that may require additional safeguards;

RECOGNISING that on some of the aspects of the accessibility of research data from public funding, additional measures have been taken or will be introduced in OECD countries and that disparities in national regulations could hamper the optimum use of publicly funded data on the national and international scales;

CONSIDERING the beneficial impact of the establishment of OECD Guidelines on the Protection of Privacy and Transborder Flows of Personal Data (1980, 1985 and 1998) and the OECD Guidelines for the Security of Information Systems and Networks (1992, 1997 and 2002) on international policies for access to digital data;

DECLARE THEIR COMMITMENT TO:

Work towards the establishment of access regimes for digital research data from public funding in accordance with the following objectives and principles:

Openness: balancing the interests of open access to data to increase the quality and efficiency of research and innovation with the need for restriction of access in some instances to protect social, scientific and economic interests.

Transparency: making information on data-producing organisations, documentation on the data they produce and specifications of conditions attached to the use of these data, available and accessible internationally.

Legal conformity: paying due attention, in the design of access regimes for digital research data, to national legal requirements concerning national security, privacy and trade secrets.

Formal responsibility: promoting explicit, formal institutional rules on the responsibilities of the various parties involved in data-related activities pertaining to authorship, producer credits, ownership, usage restrictions, financial arrangements, ethical rules, licensing terms, and liability.

Professionalism: building institutional rules for the management of digital research data based on the relevant professional standards and values embodied in the codes of conduct of the scientific communities involved.

Protection of intellectual property: describing ways to obtain open access under the different legal regimes of copyright or other intellectual property law applicable to databases as well as trade secrets.

Interoperability: paying due attention to the relevant international standard requirements for use in multiple ways, in co-operation with other international organisations.

Quality and security: describing good practices for methods, techniques and instruments employed in the collection, dissemination and accessible archiving of data to enable quality control by peer review and other means of safeguarding authenticity, originality, integrity, security and establishing liability.

Efficiency: promoting further cost effectiveness within the global science system by describing good practices in data management and specialised support services.

Accountability: evaluating the performance of data access regimes to maximise the support for open access among the scientific community and society at large.

Seek transparency in regulations and policies related to information, computer and communications services affecting international flows of data for research, and reducing unnecessary barriers to the international exchange of these data;

Take the necessary steps to strengthen existing instruments and – where appropriate – create within the framework of international and national law, new mechanisms and practices supporting international collaboration in access to digital research data;

Support OECD initiatives to promote the development and harmonisation of approaches by governments adhering to this Declaration aimed at maximising the accessibility of digital research data;

Consider the possible implications for other countries, including developing countries and economies in transition, when dealing with issues of access to digital research data.

INVITE THE OECD:

To develop a set of OECD guidelines based on commonly agreed principles to facilitate optimal cost-effective access to digital research data from public funding, to be endorsed by the OECD Council at a later stage.

¹ Including the European Community.

About the OECD

The OECD is a unique forum where governments work together to address the economic, social and environmental challenges of globalisation. The OECD is also at the forefront of efforts to understand and to help governments respond to new developments and concerns, such as corporate governance, the information economy and the challenges of an ageing population. The Organisation provides a setting where governments can compare policy experiences, seek answers to common problems, identify good practice and work to co-ordinate domestic and international policies.

The OECD Member countries are: Australia, Austria, Belgium, Canada, Chile, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Korea, Latvia, Lithuania, Luxembourg, Mexico, the Netherlands, New Zealand, Norway, Poland, Portugal, the Slovak Republic, Slovenia, Spain, Sweden, Switzerland, Turkey, the United Kingdom and the United States. The European Union takes part in the work of the OECD.

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All substantive OECD legal instruments, whether in force or abrogated, are listed in the online Compendium of OECD Legal Instruments. They are presented in five categories:

- **Decisions:** OECD legal instruments which are legally binding on all Members except those which abstain at the time of adoption. While they are not international treaties, they entail the same kind of legal obligations. Adherents are obliged to implement Decisions and must take the measures necessary for such implementation.
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- **Declarations:** OECD legal instruments which are prepared within the Organisation, generally within a subsidiary body. They usually set general principles or long-term goals, have a solemn character and are usually adopted at Ministerial meetings of the Council or of committees of the Organisation.
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