## cessda eric

Consortium of European Social Science Data Archives. European Research Infrastructure Consortium Copyright, Access Controls and Licensing Data

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Pravni in etični vidiki ravnanja z raziskovalnimi podatki - 11th April 2018

### Overview

Licensing and access controls can help share sensitive and confidential data in a safeguarded way

- » Areas to be covered:
  - » Copyright
  - » Licensing models
  - » Licensing considerations
  - » Access controls models
  - » Access controls in practice
  - » Access and licence control strategies

## Copyright



## Copyright



- » Copyright is internationally recognised form of intellectual property right, which arises automatically as a result of original work such as research
- » Copyrighted output from research could include spreadsheets (and other forms of originally selected and organised data), publications, reports and computer programs
- » Copyright will not cover the underlying facts, ideas or concepts, but only the particular way in which they have been expressed
- » The right will lie with the author of the work, or with their relevant institution different universities will have different policies on intellectual property
- » A copyrighted work cannot usually be published, reproduced, adapted or translated without the owner's permission

## **Copyright - Key Considerations**

#### » Questions to ask:

- » Who the copyright holder of the datasets is?
- » Are you allowed to use them and in what way?
- » Are you allowed to archive and publish them in a data repository?
- » Key considerations
  - » Joint ownership
    - » Datasets created by multiple researchers
    - » Derived datasets
  - » Database rights
  - » Provision in a contract
  - » Repository copyright rules



## **Copyright Scenarios**

#### » Case Study 1 – Copyright of Archived Data

» A researcher uses International Social Survey Programme (ISSP, n.d.) data obtained from ZACAT/GESIS - Leibniz Institute for the Social Sciences in Germany. These data are freely available to registered users. The researcher incorporates some of the ISSP data within a database containing his own research data. Can this database be deposited with another archive?

#### » Case Study 2 – Copyright of Data in the Public Domain

» A researcher studies how health issues around obesity are reported in the media in the last 10 years. Freely available newspaper websites and library sources are used to obtain articles on this topic. Articles or excerpts are copied into a database and coded according to various criteria for content analysis. (i) Can the researcher use such public data without breaching copyright? (ii) Can the database be archived and shared with other researchers?

## **Copyright Scenarios**

- » Case Study 3 Copyright of Survey Questions
- » A researcher wishes to reuse a set of questions from an existing survey questionnaire, to compare results between the newly proposed survey and the original

#### » Case Study 4 – Copyright of Interviews with Stay-at-Home Parents

» A researcher interviews various stay-at-home parents about their careers and produces audio recordings and near verbatim transcripts herself. The researcher analyses this material and offers it to a data archive. The researcher did not get signed copyright transfers for the interviewees' words. What are the rights issues surrounding this offer of data

### Licensing



## Publishing Data – Licensing

» If you publish data with a data repository of your choice, a licence agreement will be applied to your data

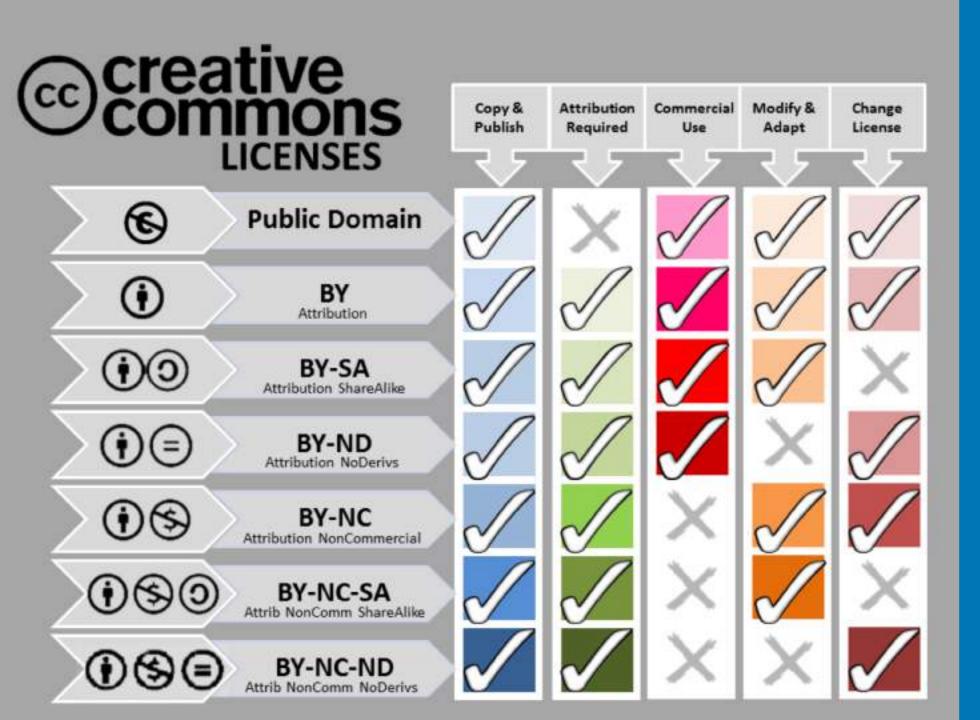
- » A licence agreement is a legal arrangement between the creator/depositor of the dataset and the data repository, signifying what a user is allowed to do with the data
- » To make reuse as likely as possible one should use a licence that:
  - » Makes data available to the widest audience possible; and
  - Makes the widest range of uses possible (as open as possible, as closed as necessary)



### **Creative Commons Licenses**

- » Creative Commons forge a balance inside the traditional "all rights reserved" setting that copyright law creates
- » There are 6 licenses
- » Specifying different requirements
- » All require attribution





### **Creative Commons Licenses – Notes**

#### » CC0

- » CC0 is a completely open CC licence
- » The copyright owner waives all its rights, including the database right and the right to be identified as the creator

#### » Notes

- » A CC licence cannot be revoked once it has been issued
- » The licence choice may be limited or determined by the data repository of your choice

#### In Practice: CC Tool to Help Choose a Licence

Creative Commons > Share your work

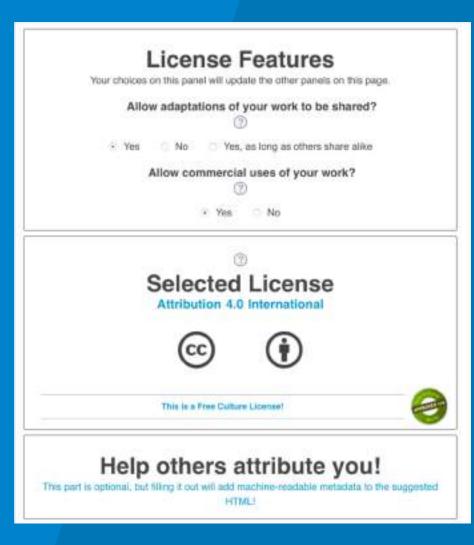
#### Share your work

Use Creative Commons tools to help share your work. Our free, easy-to-use copyright licenses provide a simple, standardized way to give you permission to share and use your creative work — on conditions of your choice. You can adopt one of our licenses by sharing on a platform, or choosing a license below.

#### **Choose a license**

This a human halps your determine which Couston Commune Livense is right for you in a ten easy steps. If you are new to Ownerve Commons, you may also want to read (algorithe Considerations before you an stanted).





## Licensing Considerations

- » Rights and ownership, establish who owns what
  - » Questions to ask:
    - » Were secondary sources used? Are the necessary permissions in place to republish?
    - » Were any of the data purchased? What agreement was in place for the future archiving of the data?

- » Any additional copyright considerations?
- » Can you sign a licence on behalf of rights owners?
- » Sharing more disclosive data may require a data sharing agreement and access procedures
- » Depositor licence agreement
  - » Responsibilities and liabilities
  - » Copyright

### Access Controls



### Publishing Data – Access Controls

» Publishing data in a data repository does not automatically make them openly accessible

- » Personal data can still be protected by limiting access to the data
- » Access controls can permit control down to an individual file level, meaning that mixed levels of access control can be applied to a data collection



### **Access Conditions**

» Most data repositories operate a three-tiered approach to data access:

1. Open access

2. Access for registered users (safeguarded)

3. Restricted access

\* Embargo



# In Practice: Managing Access to Data at the UK Data Archive

Open	<ul> <li>available for download / online access under open license without any registration</li> </ul>
Safeguarded	<ul> <li>available for download / online access to logged-in users who have registered and agreed to an End User License (e.g. not identify any potentially identifiable individuals)</li> <li>special agreements (depositor permission; approved researcher)</li> <li>embargo for fixed time period</li> </ul>
• available for remote or safe room access to authorised and authenticated users whose rese proposal has been vetted and who have receive training	

### In Practice: Data with Access Conditions

- » Health and Social Consequences of the Foot and Mouth Disease Epidemic in North Cumbria, 2001-2003 (study 5407 in UK Data Archive collection) by M. Mort, Lancaster University, Institute for Health Research
  - » Interviews (audio and transcript) and written diaries with 54 people
  - » 40 interview and diary transcripts are archived and available for re-use by registered users (Safeguarded)
  - » 3 interviews and 5 diaries were embargoed until 2015 (Safeguarded Embargoed)
  - Audio files archived and only available by permission from researchers (Safeguarded – Special Agreement)
- » Discover.ukdataservice.ac.uk/catalogue/?sn=5407
- » Doc.ukdataservice.ac.uk/doc/5407/mrdoc/pdf/q5407userguide.pdf



### In Practice: Access & Licensing ReShare

#### » Use terms and conditions for open access data

- » Data files deposited as Open Data are licensed under the Depositors choice of one of two Creative Commons Attribution 4.0 licenses:
- » CC-BY-NC-SA Creative Commons Attribution-NonCommercial-ShareAlike 4.0 International
- » CC-BY-SA Creative Commons Attribution-ShareAlike 4.0 International (this licence allows for commercial use)
- » ReShare emphasises that Creative Commons licenses can only be agreed to by the copyright holder(s) and should not be used if there are third party rights holders

#### Add a new file or zip bundle

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### Access Control Strategy

- » When choosing an access category, consider the following:
- » Does the data contain identifiable information?
- » Can the information in this data collection be linked with anything in another data collection which might lead to participant's identities being disclosed?
- » What did participants consent to?
- » If 'restricted access' is to be chosen who will manage the access to this request?



## Strategy for Enabling Safe Access

» Fives safes enables safe access to data that meet the needs of data protection. Yet fulfils the demands for open science and transparency

1. Safe data - treat data to protect confidentiality

2. Safe people - educate researchers to use data safely

3. Safe projects - research projects for 'public good'

4. Safe settings - Secure Lab system for sensitive data

5. Safe outputs - Secure Lab projects outputs screened

» <u>5 Safes Animation</u>



### **Open Metadata for Sensitive Data**

- » Even if data cannot be published in open access, it is always possible to publish the metadata which belongs to the dataset
- » Openly publishing metadata is the only way to make such datasets discoverable
- » Metadata is always freely accessible meaning that:
  - » No registration is needed for searching in the metadata;
  - » No registration is needed for harvesting the metadata (e.g. by search engines)
- » Metadata of sensitive datasets should never contain confidential or identifying elements or characteristics, like names
- » When someone finds a dataset under restricted access, they can submit an access request to the dataset holder. If this is granted, the dataset will be available to download by the user



### **Concluding Remarks**

- » Sensitive and confidential data can be safeguarded by regulating or restricting access to and use of the data
- » Access controls should always be proportionate to the kind of data and level of confidentiality involved
- » When regulating access and licensing data, consider who would be able to access the data, what they are able to do with it, whether any specific use restrictions are required, and for how long the data are to be available for



### Questions

- » Dr Scott Summers
- Collections Development and Producer Relations team
- » UK Data Service
- » University of Essex
- » <u>ukdataservice.ac.uk/help/get-in-touch</u>

