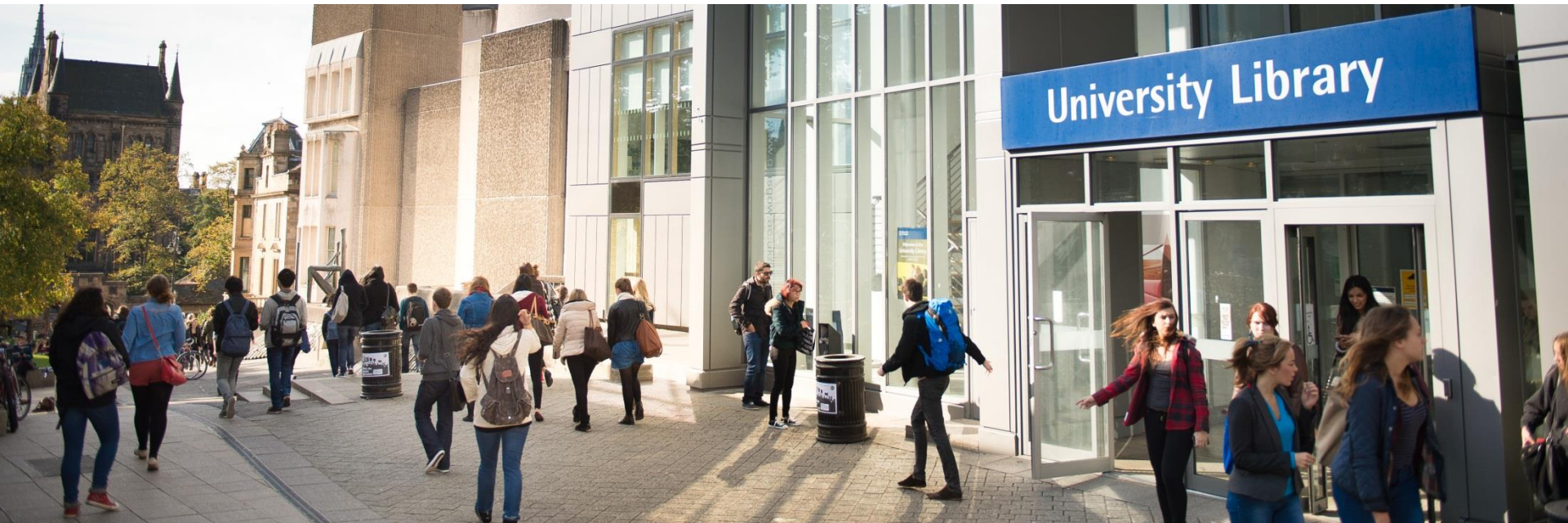


# Delivering a Research Data Management Service – Legal Problems?

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@mccutchv



# Help!

**Freedom of Information and Data Protection**

**Contracts Team**

**Intellectual Property and  
Commercialisation Team**

**CReaTe**

# Benefits of being open



+ Integrity

<https://casrai.org/credit/>



+ Environment

Not just for Research Excellence Framework

## Enlighten: Research Data

[About](#) [Latest Additions](#) [Search](#) [Browse](#) [Research Data Management](#) [My Research Data](#)

### Digitising the Edwin Morgan Scrapbooks Project

[Deazley, R.](#), [Patterson, K.](#)  and [Stobo, V.](#)  (2017) *Digitising the Edwin Morgan Scrapbooks Project*. [Data Collection]

Datacite DOI: [10.5525/gla.researchdata.394](https://doi.org/10.5525/gla.researchdata.394)

#### Collection description

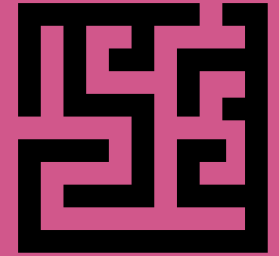
The spreadsheet records data about the individual cuttings from printed material such as newspapers and magazines in the 30 page sample of Scrapbook 12. This includes the physical description as well as information about the source, creator, date and copyright status (if known).

College / School:	<a href="#">College of Social Sciences</a> > <a href="#">School of Law</a> > <a href="#">CREATe</a>
Date Deposited:	15 Mar 2017 16:07
Funder's Name:	<a href="#">Arts and Humanities Research Council (AHRC)</a>
URI:	<a href="http://researchdata.gla.ac.uk/id/eprint/394">http://researchdata.gla.ac.uk/id/eprint/394</a>

#### Available Files

Data

 [EMAdatasheet\\_open.xlsx](#)



# Policy Stack

Funders

Publishers

Research Organisations

Service providers

Contracts

Repository Agreements?

# The University of Glasgow Code of Good Practice in Research

## Section 3.1 Compliance with policies:

- staff and students should be familiar with University Policies
- university expects researchers to observe policies of funders and professional bodies

## Section 3.6 Documenting Results, Storing Data and its Future Use:

- keep clear and accurate records of research
- prepare a data management plan for projects which will generate data
- contextualise research data by **keeping sufficient metadata**
- **store data of long-term value for at least 10 years post project**
- **deposit a copy of data generated using University resources when member of staff / student leaves.**
- deposit data underpinning publications in a trusted repository
- when possible, **make deposited data openly available**



## Section 3.7 Publishing Research

- include a data citation in published work

[http://www.gla.ac.uk/media/media\\_227599\\_en.pdf](http://www.gla.ac.uk/media/media_227599_en.pdf)



# FUNDERS' DATA REQUIREMENTS

## UK Research and Innovation

‘Publicly funded research data are a public good, produced in the public interest, which should be made openly available with **as few restrictions as possible** in a timely and responsible manner that does not harm intellectual property.’

<https://www.ukri.org/funding/information-for-award-holders/data-policy/common-principles-on-data-policy/>

 E·S·R·C  
ECONOMIC  
& SOCIAL  
RESEARCH  
COUNCIL

- policy is mandatory for funded research staff
- work with their funded researchers to support compliance
- have the potential to resort to financial sanctions



Data management plan required as part of application



Data should normally be publicly available at the point of publication. Include a data citation in your publication



Data must be deposited in an appropriate repository (normally the UK Data Archive) within 3 months of the end of the award. The data centre will ensure secure preservation of data.



**Describe your data using appropriate metadata** to enable other researchers to find, cite and understand it



# Lack of Clarity

**What are the requirements exactly?**

**What are the legal or moral  
implications?**

**2.10** Researchers, research participants and research regulators must ensure that **within the regulatory requirements of the law, opportunities for new uses are maximised**. Potential research benefits to patients and the public should outweigh identified risks. Risks such as inappropriate disclosure of personal information must be **managed in a proportionate yet robust manner**



# Ethics, Consent (and General Data Protection Regulation)

Any research involving human participants, material or data requires approval from an appropriate Ethics Committee (College, University or NHS). There is usually a subject consent form.

**Consent is not a lawful basis for using personal data – it is about informed consent**

**There may be moral and reputational issues**

(Other parts of the law do demand that consent is in place before research can take place e.g. Human Tissue Act, Medicines for Human Use (Clinical Trials) Regulations)

**If consent form does not state what data sharing is agreed we won't share the data**

**If data is anonymised participants cannot withdraw consent**

**It is not a legal contract but it might be perceived as one**

There is a special recognition in GDPR that research data should be kept for longer than other kinds of personal data.

**Seek clear and unambiguous ethical consent for all planned uses of your data, including the long-term storage and sharing of the data.**



### UK Data Service best practice guidance

An excellent source of information on:

- Legal issues
- Consent for data sharing
- De-identification
- Access control

<http://ukdataservice.ac.uk/manage-data/legal-ethical>



Specific info on data sharing for  
population and patient studies

<http://www.mrc.ac.uk/research/research-policy-ethics/data-sharing/data-sharing-population-and-patient-studies/>

**Lack of Delivery**

# Information security guidance

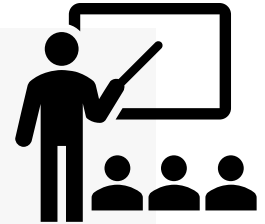
## CONFIDENTIAL DATA

### Best practice in brief

- Confidential data stored in central filestores is on secure servers maintained in secure physical environments
- Confidential data should not be held on local disk storage (e.g. C:drive of a desktop machine)
- Confidential data should not be stored or accessed on mobile phones or tablets unless appropriate security measures are in place

Confidential data must be **encrypted** when:

- Stored on a laptop
- Stored on a memory stick
- Stored or exchanged on portable media such as CDs, DVDs
- Exchanged with external organisations or individuals



<https://www.gla.ac.uk/myglasgow/it/informationsecurity>



# DATA MANAGEMENT PLANS (DMPs)

Data management plans are now a common feature of grant applications. Funders are placing more emphasis on DMPs and we've recently seen some applications returned for revision due to weak plans.

## What is included in a DMP?

- What is the data that will be collected?
- How will it be documented?
- Ethics and Intellectual Property concerns
- Storage and organisation of the data
- Deposit and long-term preservation
- Plans for data sharing\*
- Responsibility for implementation

\*Sharing ≠ open access

**DMPs need regular review! Identify milestones in a project which will trigger a review.**



# Lack of Understanding of Licences



# Choosing a licence

What does your funder/university/project partner require?

What does your chosen repository accept?

## Open access licences:

- Creative Commons licence suite
- Open Data/Public Domain

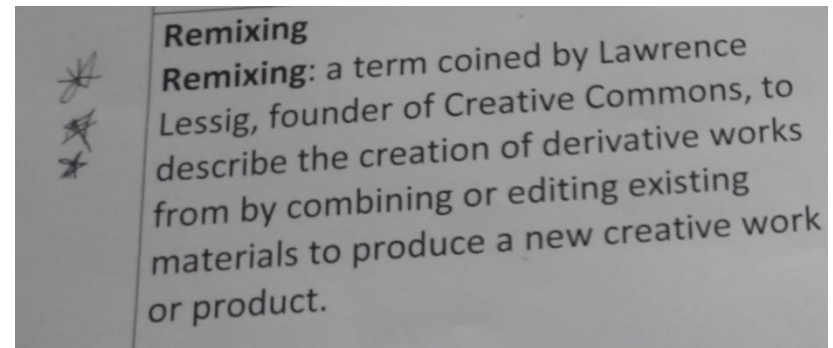
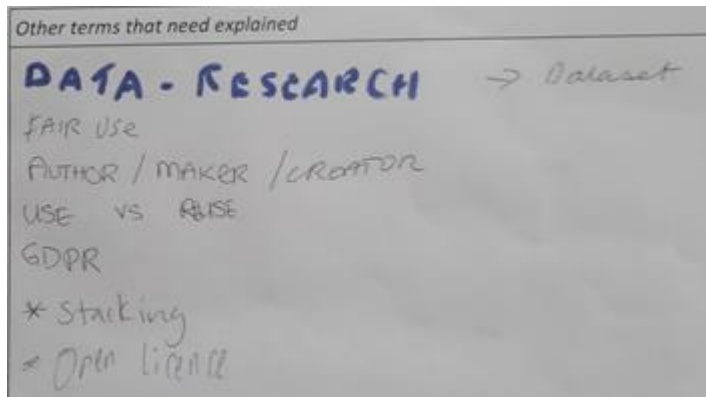
<http://creativecommons.org/>

Bespoke licences sometimes acceptable – can be complicated and costly to administrate.

**Describe your data licensing plans in your Data Management Plan.**

## Jisc

- **Guidance to creators and consumers of data**
- Integrated to Jisc Research Hub repository service
- **Update planned with further workshop**
- We still don't get 'Sui Generis'
- **Engagement?**



## Questions

**Do we need a materials transfer agreement and a data sharing agreement in this case?**

Does a licence stated on a metadata landing page cover it or should it be embedded in the files?

**I have combined data from other sources into a dataset and want to retain it as a dataset and share it am I allowed to post it on the repository openly?**

## Artificial Intelligence stealing your ideas?

Volume 218, 2019

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From the journal:  
**Faraday Discussions**

### Data mining and visualisation: general discussion



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