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# Creating, using, and distributing compliant research data: a model for fulfilling legal and policy requirements

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*GreyNet*

# Creating and documenting compliant data

Identify types of data

```
graph TD; A[Identify types of data] --> B[Identify compliance factors]; B --> C[Identify technical needs]; C --> D[Identify resources];
```

Identify compliance factors

Identify technical needs

Identify resources

# Types of research data

```
graph TD; A[Types of research data] --> B[Quantitative vs Qualitative]; A --> C[Restricted vs Unrestricted]; A --> D[Data content, format and other factors];
```

Quantitative  
vs  
Qualitative

Restricted  
vs  
Unrestricted

Data  
content,  
format and  
other factors

# Compliance factors

```
graph TD; A[Compliance factors] --> B[Legal: International National Local]; A --> C[Policy: Institutional Disciplinary Sponsors & other partners]; A --> D[Other issues: Access & Use Storage Preservation & Curation];
```

Legal:

International

National

Local

Policy:

Institutional

Disciplinary

Sponsors &  
other partners

Other issues:

Access & Use

Storage

Preservation  
& Curation

# Technical needs

```
graph TD; A[Technical needs] --> B[Access & restrictions]; A --> C[Curation & preservation]; A --> D[Other technical support];
```

Access &  
restrictions

Curation &  
preservation

Other  
technical  
support

# Resources for compliance

```
graph TD; A[Resources for compliance] --> B[Human resources]; A --> C[Law & policy resources]; A --> D[Technical resources];
```

Human  
resources

Law & policy  
resources

Technical  
resources

# Restricted and open research data

- Many legal and regulatory requirements for sponsored research involve the extent to which data is restricted or open
- Many government and private sponsors of research require that information, including data, be open and freely available to other researchers
- Much sponsored research also involves data with a wide range of restrictions on access, use, and identification of source
  - HIPAA
  - FERPA

# Selected resources: human & technical

- Human resources: researchers, administrators, counsel, technical and clerical support personnel, other stakeholders; varies widely by institution and organization
- University of Maryland Guide to Writing Data Management Plans: <https://www.lib.umd.edu/data/dmp-guide>
- Research Data Management at Pitt: <https://pitt.libguides.com/managedata>
- SPARC: <https://sparcopen.org>: “SPARC (the Scholarly Publishing and Academic Resources Coalition) works to enable the open sharing of research outputs and educational materials in order to democratize access to knowledge, accelerate discovery, and increase the return on our investment in research and education.”



# Selected resources: law and policy

- Europe/EU:
  - Law & regulation: [https://ec.europa.eu/info/research-and-innovation/law-and-regulations\\_en](https://ec.europa.eu/info/research-and-innovation/law-and-regulations_en)
  - EU Open Data Portal: <https://data.europa.eu/euodp/en/home>
- UK Data Service: <https://www.ukdataservice.ac.uk/manage-data/plan/checklist>
- International Standards Organization (ISO): [iso.org](https://www.iso.org)

# Selected resources: law and policy continued

- FERPA: <https://studentprivacy.ed.gov/?src=fpc>
- HIPAA: <https://www.hhs.gov/hipaa/index.html>
- NSF: <https://www.nsf.gov/bfa/dias/policy/>
- NIH: <https://grants.nih.gov/policy/index.htm>
- NEH: <https://www.neh.gov/grants/manage>
- NEA: <https://www.arts.gov/grants/manage-your-award>
- SPARC directory of federal funder sharing policies: <http://datasharing.sparcopen.org/articles>

# Model: create & document compliant data

Identify types of data

Content, format, restricted, open, etc.

Identify compliance factors

Legal and regulatory obligations for access, use, and storage

Identify technical needs

Secure or open access, ability to manipulate data, etc.

Identify resources

Human, technical, legal and regulatory support

# Compliant research data

- Fulfills statutory and regulatory obligations of institutions, organizations, sponsors, and governments
- Maximizes impact on scholarship because it meets requirements for access, distribution, and re-use
- Documents due diligence on part of researchers

Questions or comments? Daniel Mack:  
[dmack@umd.edu](mailto:dmack@umd.edu)