Public rights in publicly-funded research

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This presentation

- means adopted in Australia and internationally to establish rights to access and reuse publicly funded research outputs (whether in the form data or publications)

- principles for access and reuse (as described in declarations and resolutions of international bodies)

- how the results of publicly funded research can be managed to give effect to access and reuse requirements – management of rights in research

Benefits of access

- Large research output funded by governments (>$5 B per year in Australia)
- In Australia, most research activity and expenditure is in the public sector: tertiary education, CRCs, government research agencies
- Studies indicate that open access models of scholarly communication increase economic and social returns from public investment in R & D
  - John Houghton et al, 2006, *Research Communication Costs in Australia: Emerging Opportunities and Benefits*
  - John Houghton and Charles Oppenheim, 2009

Access policies in Australia

- University mandates for deposit of copies of publications in online repositories
  - QUT in 2003 mandated that all researchers deposit a copy of their published research in QUT's freely accessible online database

- In 2006, Australian Research Council and National Health and Medical Research Council announced open access guidelines for published papers and research data from funded projects, effective in 2008

- ARC Discovery Project funding rules state:
  - The Australian Government makes a major investment in research to support its essential role in improving the well-being of our society. To maximise the benefits from research, findings need to be disseminated as broadly as possible to allow access by other researchers and the wider community.

- On research publications the ARC says:
  - The ARC acknowledges that researchers take into account a wide range of factors in deciding on the best outlets for publications arising from their research. Such considerations include the status and reputation of a journal or publisher, the peer review process of evaluating their research outputs, access by other stakeholders to their work, the likely impact of their work on users of research and the further dissemination and production of knowledge. Taking heed of these considerations, **the ARC wants to ensure the widest possible dissemination of the research supported under its funding, in the most effective manner and at the earliest opportunity.**

Access policies in Australia

- On data, the ARC rules come closer to a mandate:
  - The ARC encourages researchers to consider the benefits of depositing their data and any publications arising from a research project in an appropriate subject and/or institutional repository wherever such a repository is available to the researcher(s). If a researcher is not intending to deposit the data from a project in a repository within a six-month period, he/she should include the reasons in the project's Final Report.

- ARC policy does not mandate that research outputs *must* be deposited in an open access repository, simply encourages researchers to do so – but, the obligation to justify non-compliance means that, at least as far as research data is concerned, it is little short of a mandate

Access policies in Australia

- The NHMRC's project grants funding policy policy encourages open access for data and publications resulting from the NHMRC funds and requires research outputs that have been or will be deposited in appropriate repositories to be identified in the project's Final Report - but does not require an explanation of reasons why research data will not be deposited in a repository within six months.
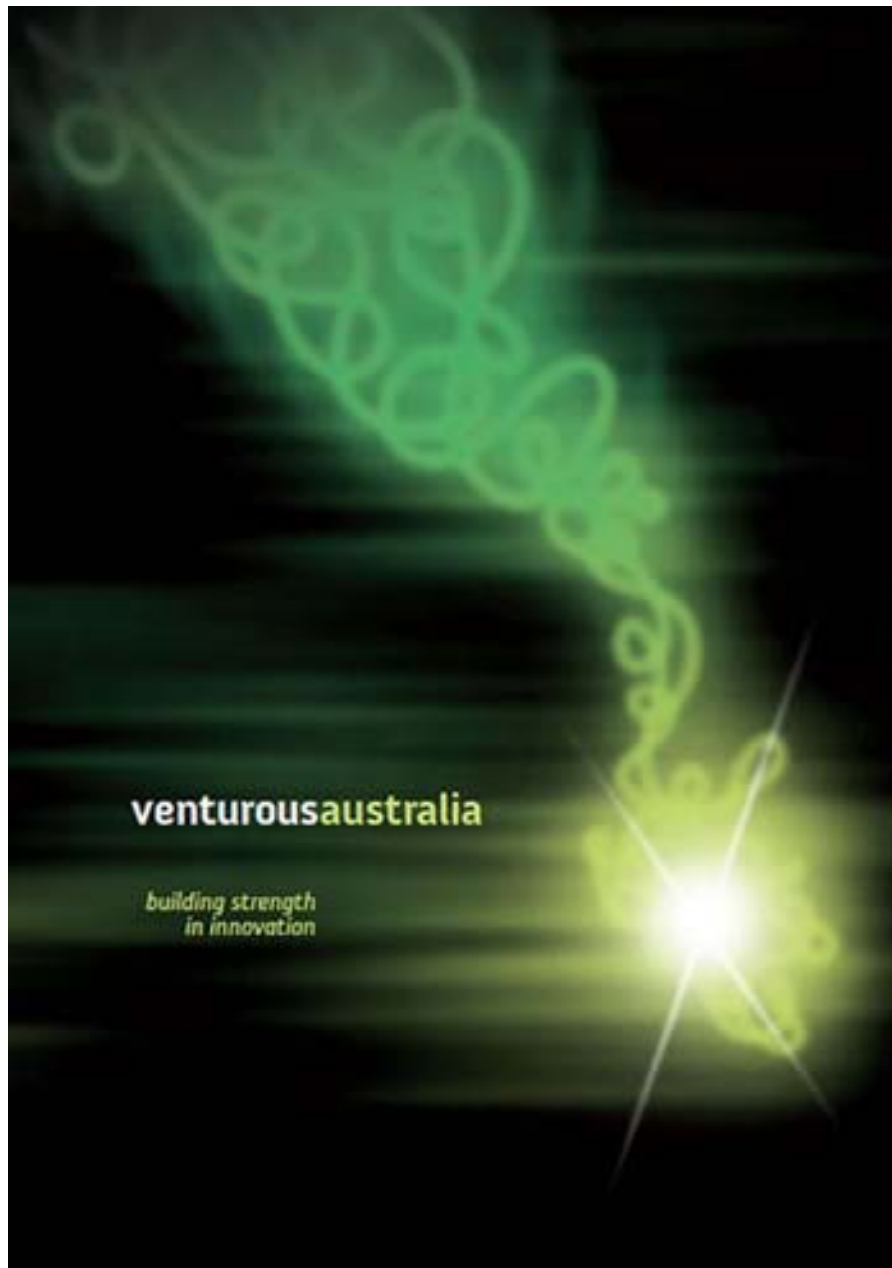
Open access mandates

- Open access requirements mandates have been introduced by research funding organisations and research institutions worldwide
    - US National Institutes of Health – strengthened its 2003 voluntary policy in 2008 - *Consolidated Appropriations Act* 2008 introduced an open access mandate for publications resulting from research projects funded by the National Institutes of Health – funded researchers must deposit a copy of their published research in the freely accessible PubMed database
    - UK Research Council
    - Wellcome Foundation (UK)
    - University faculties eg Harvard Arts & Sciences and Harvard Law School

Support for open access

- Productivity Commission (2007)
  - Report, *Public Support for Science and Innovation*
    - supported the introduction of requirements for open access to papers and data from publicly funded research projects
    - Importance of research infrastructure to science and innovation
    - "Research infrastructure" embraces such items as research facilities and equipment (and the services that support them); libraries and ICT networks for storing, moving and accessing research information; and collections, archives, large/complex data sets and records
- Cutler Report, *Venturous Australia,* on the review of the National Innovation System (2008)

Venturous Australia Report

- Promotes the development of a National Information Strategy

Recommendation 7.7

Australia should establish a National Information Strategy to optimise the flow of information in the Australian economy.

The fundamental aim of a National Information Strategy should be to:

- utilise the principles of targeted transparency and the development of auditable standards to maximise the flow of information in private markets about product quality; and

- maximise the flow of government generated information, research, and content for the benefit of users (including private sector resellers of information).

Recommendation 7.14

To the maximum extent practicable, information, research and content funded by Australian governments – including national collections – should be made freely available over the internet as part of the global public commons. This should be done whilst the Australian Government encourages other countries to reciprocate by making their own contributions to the global digital public commons.

venturousaustralia

building strength
in innovation

Innovation Minister Kim Carr

"We want the research conducted in universities and public research agencies to inspire and inform fresh thinking across the community. The more collaboration and interaction there is between researchers and the society around them, the better. It follows that research and research data should be widely disseminated and readily discoverable. .. The results of publicly funded research should be publicly available. ... More accessible information equals more robust debate equals a stronger national innovation system."

International declarations on access to research

- **Budapest Open Access Initiative** (2002) -advocates making research articles in all fiedls freely available on the internet

- **Bethesda Statement on Open Access Publishing** (2003) – requires the published article and all supplemental material (could be data) to be deposited in at least one online repository

- **Berlin Declaration on Open Access to Knowledge in the Sciences and Humanities** (2003) – defined open access contributions to include scientific research results, raw data and metadata – goal is to "promote the internet as a fundamental instrument for a global scientific knowledge base - expanded OA to cover more than just literature and publications

International declarations on access to research

- OECD Declaration on the Future of the Internet Economy (2008)
  - OECD members will adopt policies that:
  - Maintain an open environment that supports the free flow of information, research, innovation, entrepreneurship and business transformation;
  - Make public sector information and content, including scientific data, and works of cultural heritage more widely accessible in digital format.

- Recommendation of the OECD Council concerning Access to Research Data from Public Funding (2006)
  - OECD Council endorsed *Principles and Guidelines for Access to Research Data from Public Funding*, attached to the Recommendation
  - The Principles and Guidelines are to be considered by OECD members in developing policies and good practices related to the accessibility, use and management of research data
  - Set out broad policy recommendations to the government science policy and funding bodies of OECD members on access to research data and public funding - intention is to promote data access and sharing among researchers, research institutions, and national research agencies, while recognising and taking into account, the various national laws, research policies and organisational structures of OECD countries
  - "research data" is defined as: factual records (numerical scores, textual records, images and sounds) used as primary sources for scientific research, and that are commonly accepted in the scientific community as necessary to validate research findings. A research data set constitutes a systematic, partial representation of the subject being investigated.

International declarations on access to research

- *OECD Principles and Guidelines for Access to Research Data from Public Funding:*
  - Openness:
    - Openness means access on equal terms for the international research community at the lowest possible cost, preferably at no more than the marginal cost of dissemination. Open access to research data from public funding should be easy, timely, user-friendly and preferably Internet-based.
  - flexibility
  - Transparency
  - Legal conformity
  - Protection of IP
  - Formal responsibility
  - professionalism
  - Interoperability
  - Quality
  - Security
  - Efficiency
  - Accountability
  - sustainability

Management of rights in research

- Copyright in research publications and data
- Complex legal environment for research data – potential for patents; privacy; confidentiality; other legislative requirements relating to collection and disclosure
- Active management is required for open access
  - Understand and manage copyright in publications
  - Develop and implement data management plans and practical guidance toolkits
  - Use standardised legal documents, provide explanations and appropriately allocate responsibility

References

- Open Access to Knowledge (OAK) Law page at http://www.oaklaw.qut.edu.au

- A Fitzgerald, *Policies and Principles on Access To and Reuse of Public Sector Information: a review of the literature in Australia and selected jurisdictions* (2008) http://www.aupsi.org/publications/reports.jsp

- B Fitzgerald (ed.) *Legal Framework for e-Research: Realising the Potential* (2008) Sydney University Press http://eprints.qut.edu.au

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