

# **POLICY ON THE CUSTODY and STEWARDSHIP OF DATA**

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Federal policy recognizes the public interest in gaining access on occasion to any data generated by research that is funded by federal grants. This policy outlines guidelines for custody and stewardship of such data.

The Cary Institute's responsibility for stewardship of research data, including access to data, derives from the Office of Management and Budget (OMB) Circular A-110, Subpart C. 53 (Retention and access requirements for records), as implemented by federal funding agencies. This policy applies to data derived from research that is funded "wholly" or "partially" by federal funds. The procedures are outlined below. A full copy of the OMB Circular described here is available from <http://www.whitehouse.gov/omb/circulars/index.html>

## **I. Definitions of Data**

- A. As used in this policy, the definition of "data" is the one that has been put forth in OMB Circular A-110, Subpart C .36 (d) (2) (i) and defined in the Grants Policy Statements of the National Science Foundation and the National Institutes of Health.<sup>1</sup>
- B. Research data do not include drafts of scientific papers, future research plans, peer reviews or communications with colleagues; trade secrets, commercial information or materials necessary to be held confidential by a researcher until they are published, or similar information protected under law; personnel, medical and similar information, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. (OMB Circular A-110, Subpart C .36 (Intangible property) (d) (2) (i).)

## **II. Other Definitions**

- A. Principal Investigator – Any individual (s) who holds primary responsibility for the research project/activity for which data will be collected.
- B. Senior Personnel – Any individual involved in the design, conduct, data collection or reporting of research/project activity at or under the auspices of the Cary Institute.

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<sup>1</sup> OMB Circular A-110, Subpart C .36 (d) (2) (i)

(2) The following definitions apply for purposes of paragraph (d) of this section:

Research data is defined as the recorded factual material commonly accepted in the scientific community as necessary to validate research findings, but not any of the following: preliminary analyses, drafts of scientific papers, plans for future research, peer reviews, or communications with colleagues. This "recorded" material excludes physical objects (e.g., laboratory samples). Research data also do not include:

- (A) Trade secrets, commercial information, materials necessary to be held confidential by a researcher until they are published, or similar information which is protected under law; and
- (B) Personnel and medical information and similar information the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, such as information that could be used to identify a particular person in a research study.

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"Data" means recorded information, regardless of the form or media on which it may be recorded, and includes writings, films, sound recordings, pictorial reproductions, drawings, designs, or other graphic representations, procedural manuals, forms, diagrams, work flow charts, equipment descriptions, data files, data processing or computer programs (software), statistical records, and other research data.

- C. Others – Any individual (example: visiting scholar, collaborating scientist or postdoctoral fellow) who holds primary responsibility for a research project/activity for which data will be collected at or under the auspices of the Cary Institute.

### **III. Ownership of Data**

- A. Federal policy presented in OMB Circular A-110 and federal granting agencies gives grantees the right of ownership to data and inventions arising from funded research. However, the Federal awarding agency reserves a royalty-free, nonexclusive and irrevocable right to reproduce, publish, or otherwise use the work for Federal purposes, and to authorize others to do so. (OMB Circular A110, Section .36 – Intangible Property)
- B. Principal investigators shall have custody of the data, and in so doing will retain physical possession and direct responsibility for protecting research data, including accurate recording and proper retention, maintenance, access, sharing and disposition of the data.
- C. The Cary Institute shall be the steward of the data and as such is responsible for developing, maintaining and ensuring adherence to appropriate policies for data ownership and management.
- D. Each Principal Investigator must ensure that the Cary Institute, as award grantee, has access to all data collected at or under the auspices of the Cary Institute. An authorized Institute official must grant such access upon request. Should a Principal Investigator leave Institute employment, he or she will give the Cary Institute electronic copies of and access to all data necessary to fulfill its obligations to the granting agency.

### **IV. Agreements to Control Ownership or Restrict Access to Data**

- A. The Cary Institute might be a participant in research projects in which the ownership, control or access to research data may be stipulated or where restrictions on the communication or reporting of research results have been agreed to. In rare instances, the sponsor may share proprietary information as part of a project. Any proprietary information must be identified and conditions of access and use clearly set forth in the agreement and agreed to by the Cary Institute and the sponsor.
- B. Work that is identified as proprietary or restricted will only be made publicly available in accordance with terms of the executed agreement.

### **V. Retention of Data**

- A. OMB Circular A-110, Section .53 requires all records, including scientific data, be maintained for a minimum of 3 years after the final close-out of the award or until any claim or audit is resolved. The Cary Institute of Ecosystem Studies requires that

all records and data arising from research be maintained for a minimum of three years after the final close-out (all reports filed and audits completed) of the award occurs.

- B. During the retention period, access to the data must be provided to appropriate Institute officials or administrators; coauthors; co-investigators, collaborators or fellows involved in the research; and to representatives of external sponsors or designated government officials, as required to fulfill federal regulatory requirements.
  
- C. If a custodian of research data transfers to a new institution during the retention period, project data generated by that individual may also be transferred with the permission of the Cary Institute and on the condition that the Cary Institute retains copies of all data for a minimum of three years after final close-out of the award. Copies of any project data still within the three-year record retention period will be placed on file in the Grants Office prior to departure and this transfer documented as part of an exit interview.