

Collaborative notes for Session 5 - “Legal & organisational interoperability”

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Session overview

Legal interoperability seems sometimes to have been overshadowed by semantic and technical interoperability in the [EOSC interoperability framework](#). However, legal interoperability is of almost importance for realising the [EOSC as a web of FAIR data and related services](#). Legal interoperability is about ensuring that organisations operating under different legal or organisational frameworks, policies and strategies are able to work together. This might require that legislation does not block the establishment of European public services within and between Member States and that there are clear agreements about how to deal with differences in legislation across borders, including the option of putting in place new legislation. In this session we will pick on the issues of legal interoperability in the perspectives of different scientific domains.

Recommendations to be assessed during the session

From the [EOSC Interoperability Framework](#)

Selected legal/organisational interoperability recommendations:

- Organisational
 - Usage recommendations of standardised data formats and/or vocabularies, and with their corresponding metadata.
 - A clear management of permanent organisation names and functions needs to be provided.
- Legal
 - Standardised human and machine-readable licenses, with a centralised source of knowledge and support on copyright and licenses.
 - A clear list of EOSC-recommended licenses and their compatibility with Member States' recommended licenses.
 - Tracking of license evolution over time for datasets.
 - Identification of different parts of a dataset with different licenses.
 - Harmonised policy and guidance to dealing with cases where patent filing or trade secrets may be compromised by disclosure.
 - GDPR-compliance for personal data.
 - Harmonised terms of use across repositories
 - Alignment between Member States national legislations and EOSC.

Preliminary questions and responses received

Project or initiative	1. Are you aware of existing registries, catalogues or vocabularies enabling identification of organisation, use of standardised version of licence name, URISpecification of access rightsDeclaration of special permissions, restrictions
OpenAIRE	
RDA France	
GO FAIR Foundation	
Semantics in Astronomy, Planetary Sciences and Heliophysics	yes for organisation and licence names. Not for the rest.
Reactome database of biomolecular pathways	ROR ID. Creative Commons licences.
A CRIS system for Open Science and FAIR publications	
University of Bologna (FAIR Champion + Data Stewards)	From an institutional perspective, there is awareness of the existence of registries, catalogues and vocabularies relating to e.g. organizations, licenses, etc. However, the implementation of these in actual research practice is uneven at best, with interoperability remaining the most complex aspect of managing data according to FAIR principles.

Project or initiative	1. Are you aware of existing registries, catalogues or vocabularies enabling identification of organisation, use of standardised version of licence name, URISpecification of access rightsDeclaration of special permissions, restrictions
PerSciDo: The French Labex Persyval-Lab (a laboratory of excellence bringing together French laboratories, aiming to promote the emergence of ambitious and internationally visible scientific projects) initiated the development of the research dataset shar	We encourage researchers to specify the usage rights for their datasets through a Creative Commons license. Some datasets have access restrictions: a request for permission is made to the repository owner, and if approved, the requester receives an access token to retrieve the data archive. We are not aware of semantic artifacts for this aspect.
Integrated Carbon Observation System (ICOS)	Organisations: ROR (and OrcID) support registering organisations; ICOS is not quite satisfied with current status Functions: the recently launched RAiD registry will support this, but ICOS doesn't use this yet Licenses: Creative Commons provides standardised labels for their licenses, which ICOS uses Access rights: not sure Special permissions, restrictions, conditions: not sure.
FAIR-IMPACT	Awareness but not necessarily current implementation. We use ORCID's for individual but not yet RORs for organisations. Using standard social science metadata schema DDI which allows limited information on access rights but looking at ODRL in the future for proper interoperability.
BYCOVID, ISIDORE, OSCARS, FAIR Impact Champion, EOSC TF FAIR Metrics and DQ, EOSC TF SI (invited), RDA ig sensitive data and PDS group	Organisations: ROR (and OrcID) support registering organisations; Creative Commons for Licences, and RDA Metadata / FAIRsharing

Project or initiative	1. Are you aware of existing registries, catalogues or vocabularies enabling identification of organisation, use of standardised version of licence name, URISpecification of access rightsDeclaration of special permissions, restrictions
Virtual Atomic and Molecular Data Centre	We are aware of FAIRsharing

Project or initiative	2. Licensing and Permissions: What are the licensing terms and conditions of the datasets?
OpenAIRE	
RDA France	
GO FAIR Foundation	
Semantics in Astronomy, Planetary Sciences and Heliophysics	Historically dataset didn't have licences (astronomy alliances started in the early 2000's), but were associated by "rules of the road" documents explaining what should be done when using the data. Depending on the country the rules of licensing are different for data produced by public angevines or public funding. In the USA, all NASA funded work must be released as CC0. French public funded work must follow the Etalab OL-2.0 (https://spdx.org/licenses/etalab-2.0.html), but CC-BY-4.0 can also be used. International agencies, like ESA, have to use another specific CC-BY licence (https://creativecommons.org/licenses/by/3.0/igo/).
Reactome database of biomolecular pathways	CC0, no restrictions for all our data. Important to mention that CC0 does not mean "We don't want citations", only "We don't try to legally enforce citation/attribution". Some restrictive licences in imported/overlayed data mean that some functionality is not available for full copies of our system in some contexts.
A CRIS system for Open Science and FAIR publications	
University of Bologna (FAIR Champion + Data Stewards)	Datasets produced by researchers across the institution usually have clear reuse permissions. While striving for datasets that are "as open as possible, as closed as necessary" it is not uncommon to find some type of restrictions on data use. This is often the result of legal obligations, rather than a deliberate choice (see below).

Project or initiative	2. Licensing and Permissions: What are the licensing terms and conditions of the datasets?
PerSciDo: The French Labex Persyval-Lab (a laboratory of excellence bringing together French laboratories, aiming to promote the emergence of ambitious and internationally visible scientific projects) initiated the development of the research dataset shar	<p>Some metadata allows the definition of the "Creative Commons license" for each deposited dataset. However, this information is not mandatory and is therefore not consistently provided. We aim to extend to other types of licenses.</p>
Integrated Carbon Observation System (ICOS)	<p>ICOS data is licensed under the Creative Commons Attribution 4.0 International licence (CC BY 4.0). In the case of legacy data products originating from non-ICOS projects, other licenses may be applied if necessary – but our intention is free and open access to all digital objects hosted in the Carbon Portal.</p>
FAIR-IMPACT	<p>Data are classified according to their level of detail, their sensitivity and confidentiality. We use the CC framework for open data as well as OGL and OPL.</p> <p>Appropriate data handling and access safeguards are put in place and we provide a spectrum of data access options.</p> <p>https://ukdataservice.ac.uk/help/deposit-data/deposit-in-the-curated-data-repository/curated-data-repository-licensing-and-access-framework/</p>
BYCOVID, ISIDORE, OSCARS, FAIR Impact Champion, EOSC TF FAIR Metrics and DQ, EOSC TF SI (invited), RDA ig sensitive data and PDS group	<p>Restricted mainly based on National rules for BSL4 labs</p>
Virtual Atomic and Molecular Data Centre	<p>We are an international consortium. Each country has his own legal framework and up to now it has been impossible to define a commun license for all the VAMDC consortium</p>

Project or initiative	3. Data Protection and Privacy: Do the datasets contain personal or sensitive data?
OpenAIRE	
RDA France	
GO FAIR Foundation	
Semantics in Astronomy, Planetary Sciences and Heliophysics	No sensitive/personal data in our datasets
Reactome database of biomolecular pathways	No. We only provide open, non-sensitive data.
A CRIS system for Open Science and FAIR publications	
University of Bologna (FAIR Champion + Data Stewards)	The management of datasets containing personal or sensitive data is tackled from different sides within the institution, as the data stewards and the privacy team often collaborate to identify potential issues in the early phases of the research process, thus allowing to put in place all the necessary strategies to balance data protection and sharing. Each dataset is different from the others, in terms of complexity, discipline, objective, potential reuse, and the data protection strategy needs to be tailored to reflect the differences within the appropriate legal framework.
PerSciDo: The French Labex Persyval-Lab	PerSciDo is simply a platform for referencing and permanent storage. PerSciDo does not own the data. Depositors must agree to a document that informs them of their responsibility.
Integrated Carbon Observation System (ICOS)	Our datasets do not contain personal data. The metadata has information of the people who performed the measurements (station PIs) - their name and occupation. This is not data to be anonymized.
FAIR-IMPACT	Yes, we have data considered personal and/or sensitive under the UK GDPR and the DPA. These data is only made available via Controlled access under the Five Safes Framework. https://ukdataservice.ac.uk/help/secure-lab/what-is-the-five-safes-framework/

Project or initiative	3. Data Protection and Privacy: Do the datasets contain personal or sensitive data?
BYCOVID, ISIDORE, OSCARS, FAIR Impact Champion, EOSC TF FAIR Metrics and DQ, EOSC TF SI (invited), RDA ig sensitive data and PDS group	yes but not the core (labs experiments)
Virtual Atomic and Molecular Data Centre	No

Project or initiative	4. Data Sharing Agreements: Have data sharing agreements been established among the data providers?
OpenAIRE	
RDA France	
GO FAIR Foundation	
Semantics in Astronomy, Planetary Sciences and Heliophysics	We used to have "rules of the road" documents for data sharing, and the data was not as open as now. Some of those documents were rather restrictive but still informal (so in a legal document form).. Technical interoperability layers are implemented on open data.
Reactome database of biomolecular pathways	We extensively exchange data with our peer resources, on an open, informal basis.
A CRIS system for Open Science and FAIR publications	
University of Bologna (FAIR Champion + Data Stewards)	The institution gives support to its researchers in establishing data sharing agreements when required, both by giving advice and by providing templates. The issue is addressed primarily from the legal point of view, not focusing on interoperability. Terms and conditions change depending on the project and its nature.

Project or initiative	4. Data Sharing Agreements: Have data sharing agreements been established among the data providers?
PerSciDo: The French Labex Persyval-Lab (a laboratory of excellence bringing together French laboratories, aiming to promote the emergence of ambitious and internationally visible scientific projects) initiated the development of the research dataset shar	No.
Integrated Carbon Observation System (ICOS)	Yes we have a contract with station host organization where they accept the ICOS data policy. As the data is CCBY4, it allows sharing (copy and redistribute the material in any medium or format) and adapting (remix, transform, and build upon the material for any purpose, even commercially). The potential impact to interoperability comes via ensuring that the original data provider is attributed.
FAIR-IMPACT	We have a deposit licence agreement between the data creator and us as the data service provider; and an end user licence agreement between the end user licence and us. https://ukdataservice.ac.uk/app/uploads/licenceform.pdf https://ukdataservice.ac.uk/app/uploads/cd137-enduserlicence.pdf https://ukdataservice.ac.uk/app/uploads/cd140-secureaccessagreement.pdf
BYCOVID, ISIDORE, OSCARS, FAIR Impact Champion, EOSC TF FAIR Metrics and DQ, EOSC TF SI (invited), RDA ig sensitive data and PDS group	No, work in progress throught Data policy statement
Virtual Atomic and Molecular Data Centre	Yes, this is fixed in the Memorandum of Understanding, which rules the VAMDC consortium

Project or initiative	5. Intellectual Property Rights: Are there any intellectual property rights associated with the datasets, such as patents or copyrights?
OpenAIRE	
RDA France	
GO FAIR Foundation	
Semantics in Astronomy, Planetary Sciences and Heliophysics	The rules may differ from country to country. The work are usually published in open access, and there are very few (if any) cases of patents..
Reactome database of biomolecular pathways	No.
A CRIS system for Open Science and FAIR publications	
University of Bologna (FAIR Champion + Data Stewards)	The integrated approach described for data privacy protection is carried out also when dealing with the exploitation of research results. Thus, the KTO of the institution is in charge of promoting and designing strategies for research exploitation. The Data Stewards supporting projects' RDM can detect whether IPR is a relevant topic and connect the KTO and the researchers. Usually, embargo is adopted as a strategy to combine IPR and open science. In the SSH, it is common to reuse sources that are still in copyright, often combining them into larger datasets. This of course entails a non-negligible effort on the part of researchers, who have to clear copyright, sometimes with the support of the University Libraries. Also, the resulting datasets cannot usually be published openly, but include restrictions on data reuse.

Project or initiative	5. Intellectual Property Rights: Are there any intellectual property rights associated with the datasets, such as patents or copyrights?
PerSciDo: The French Labex Persyval-Lab (a laboratory of excellence bringing together French laboratories, aiming to promote the emergence of ambitious and internationally visible scientific projects) initiated the development of the research dataset shar	Not at the moment. No metadata about patents or copyrights. Datasets are supposed to be opendata, some of them with restricted access.
Integrated Carbon Observation System (ICOS)	There are no IPRs like copyrights or similar attached to ICOS-produced data, and therefore no limitations from this point of view on distribution and reuse. (The only limitation being the acceptance of the ICOS data policy and the required attribution following the CC-BY license.)
FAIR-IMPACT	Copyright must be declared in the deposit licence. Only the copyright owner or the authorised signatory (on behalf of all copyright holders) can issue the licence. https://ukdataservice.ac.uk/app/uploads/licenceform.pdf
BYCOVID, ISIDORE, OSCARS, FAIR Impact Champion, EOSC TF FAIR Metrics and DQ, EOSC TF SI (invited), RDA ig sensitive data and PDS group	yes, mainly based on (private and public ones)
Virtual Atomic and Molecular Data Centre	All the shared data are open

Project or initiative	6. End User Rights: What rights do end users have when using the combined datasets?
OpenAIRE	
RDA France	

Project or initiative	6. End User Rights: What rights do end users have when using the combined datasets?
GO FAIR Foundation	
Semantics in Astronomy, Planetary Sciences and Heliophysics	The data are mostly licensed with CC0 or CC-BY, and the rules of use / community usage is to cite the dataset when it is used in a study.
Reactome database of biomolecular pathways	We are as open as we can for all our content. Some restrictions apply to a small subset of data due to external licence restrictions.
A CRIS system for Open Science and FAIR publications	
University of Bologna (FAIR Champion + Data Stewards)	When discussing licenses with the researchers, CC0 and CC BY are the suggested ones to improve data reusability from others. This is easier to apply when talking about newly generated data, whereas in some disciplines is very frequent to reuse pre-existing data with restrictive licenses, which hinder reusability in the first place.
PerSciDo: The French Labex Persyval-Lab	
Integrated Carbon Observation System (ICOS)	The ICOS data products are provided "as is", without warranty of any kind, express or implied, including but not limited to the warranties of merchantability, fitness for a particular purpose, title and non-infringement. In no event shall the copyright holders or anyone distributing the ICOS data products be liable for any damages or other liability, whether in contract, tort or otherwise, arising from, out of or in connection with the ICOS data products.
FAIR-IMPACT	Depends on the access level, standard CC use and remix, End User Licence conditions at https://ukdataservice.ac.uk/app/uploads/cd137-enduserlicence.pdf

Project or initiative	6. End User Rights: What rights do end users have when using the combined datasets?
BYCOVID, ISIDORE, OSCARS, FAIR Impact Champion, EOSC TF FAIR Metrics and DQ, EOSC TF SI (invited), RDA ig sensitive data and PDS group	Very few at this step, lots of data are highly sensitive
Virtual Atomic and Molecular Data Centre	We do not defined those aspects

Project or initiative	7. What does your project or initiative do to implement legal interoperability?
OpenAIRE	
RDA France	
GO FAIR Foundation	
Semantics in Astronomy, Planetary Sciences and Heliophysics	nothing.
Reactome database of biomolecular pathways	We use well established, external licences for data and software.
A CRIS system for Open Science and FAIR publications	
University of Bologna (FAIR Champion + Data Stewards)	The institution is approving a RDM policy, written with the combined effort of data and legal specialists. The aim is to put FAIR data management within the appropriate legal framework and to highlight to the researchers the composite nature of guidelines, practices, and obligations that they should follow when dealing with data.

Project or initiative	7. What does your project or initiative do to implement legal interoperability?
PerSciDo: The French Labex Persyval-Lab	To be studied if establishing a user agreement between the owner and the user could be relevant in our case. Currently, constraints tend to discourage both depositors and users.
Integrated Carbon Observation System (ICOS)	We provide a data license that all downloaders and users of ICOS data must acknowledge, see https://www.icos-cp.eu/data-services/about-data-portal/data-license
FAIR-IMPACT	Ensuring the use of CC licences whenever possible, however due to the type of data this is not as straightforward. Looking at implementing odrl
BYCOVID, ISIDORE, OSCARS, FAIR Impact Champion, EOSC TF FAIR Metrics and DQ, EOSC TF SI (invited), RDA ig sensitive data and PDS group	working on national rules harmonisations + legal data policy framework for harmonisation processes
Virtual Atomic and Molecular Data Centre	cf. column AD