

SSHOC Workshop



Copyright Issues in Secondary Data Use

Day 2: 25 January 2022

Most interesting thing/fact you've learned

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1961 4412



Project:



Horizon 2020
European Union Funding
for Research & Innovation

Type of action & funding:
Research and Innovation action
(INFRAEOSC-04-2018)

Partners: 47

(20 beneficiaries + 27 LTPs)

SSH ESFRI Landmarks and Projects
& international SSH data infrastructures

Project budget:
€14,455,594.08

Duration: 40 months
(January 2019 – 30 April 2022)

Project website:
www.SSHOpenCloud.eu



Objectives:

- creating the social sciences and humanities (**SSH**) part of European Open Science Cloud (**EOSC**)
- maximising **re-use** through **Open Science** and **FAIR** principles (standards, common catalogue, access control, semantic techniques, training)
- interconnecting existing and new infrastructures (clustered cloud infrastructure)
- establishing appropriate **governance model** for SSH-EOSC

HOUSEKEEPING NOTES

- **The presentations are being recorded.** All participants will receive a link to the recording shortly after the event
 - Please keep your camera and microphone off, if you do not wish to appear on the recording – Q&A and exercises sessions will not be recorded
- **Slides are available at** <https://tinyurl.com/7jenbekc>
- **Questions:** Write them in the chatbox, ask them during the Q&A sessions or use our Questions Padlet
<https://padlet.com/dcmagd/7brhk1u1m1d7o85>
- **Post-event feedback:** <https://forms.gle/pwPv3kbYJE3ASmPSA>

SPEAKERS



Hina Zahid
UKDA



Cristina Magder
UKDA



Anca Vlad
UKDA/CRUK



RECAP OF DAY 1

History of copyright

Introduction to basic copyright concepts

- publications
- teaching
- research data

Secondary data key concepts and terminology

Main copyright issues in secondary data use



Day 2 Programme





9:30 – 9:40 Welcome to Day 2
9:40 – 9:55 Menti Exercise
9:55 – 10:15 Data licencing and copyright
10:15 – 10:35 Copyright exceptions and infringements
10:35 – 10:45 Break
10:45 – 10:55 Copyright in the international context
10:55 – 11:05 Copyright and social media
11:05 – 11:20 Q&A
11:20 – 11:30 Break
11:30 – 12:00 Activity and group discussion
12:00 – 12:05 Resources/checklists
12:05 – 12:15 Showcases
12:15 – 12:30 Q&A, close and feedback

Thank you for your attention!

Please share your thoughts about the event:

<https://forms.gle/pwPv3kbYJE3ASmPSA>



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Copyright Issues in Secondary Data Use



DATA LICENCING AND COPYRIGHT

Cristina Magder

UK Data Archive, UK Data Service

SHARING DATA BENEFITS

Researchers	Funding Bodies	Public	Research Participants
increases visibility of scholarly work and increase citations (DOI)	make optimal use of publicly funded research	advance science to the benefit of society	allow maximum use of their contributed data/information
archiving provides long-term safe storage for data	avoid duplication of data collection	adoption of emerging norms –‘open access’ publishing	minimise data collection on the hard-to-reach (e.g. ill, elites)
assists in implementing publishers’ data retention policies and enables collaborations	maximise return for investment	compliance with laws and regulations (transparency, openness, accountability)	enable participants’ experiences to be understood as widely as ethically possible

LICENCING DATA BENEFITS



ACCESS

USE

SHARE

STANDARD DATA LICENCES

- Creative Commons

- founded in 2001 with support from the Center for the Public Domain
- first release in December 2002, currently at version 4

- Open Data Commons

- founded in 2007 to replace the Talis Community Licence
- specifically designed for databases (overcoming shortcomings of previous versions of CC licences v1, v2 and v3)

- Government Licences such as:

- Open Government Licence - UK Government Licensing Framework, September 2010
- Licence Ouverte/ Open Licence - Etalab from France, October 2012

CREATIVE COMMONS

Licence	Use and Share	Attribute the work (copyright)	Use commercially	Adapt/create derivatives	Change licence
CC0	✓	✗	✓	✓	✓
CC BY	✓	✓	✓	✓	✓
CC BY-SA	✓	✓	✓	✓	✗
CC BY-NC	✓	✓	✓	✗	✓
CC BY-NC-SA	✓	✓	✗	✓	✗
CC BY-ND	✓	✓	✓	✗	✓
CC BY-NC-ND	✓	✓	✗	✗	✓

Source - [CESSDA DMEG: Licensing your data](#), inspired by Foter, 2015

OPEN DATA COMMONS

- Open Data Commons Open Database License ([ODbL](#))
 - share, create, adapt – attribute, share-alike, keep open
- Open Data Commons Attribution License ([ODC-By](#))
 - share, create, adapt – attribute
- Open Data Commons Public Domain Dedication and License ([PDDL](#))
 - share, create, adapt

BESPOKE LICENCES

- Used by national and institutional repositories, and data archives to complement open licences and support the distribution of data that cannot be shared under an open licence
 - [GESIS Usage regulations](#) (France)
 - [DANS Data Licence](#) (Netherlands)
 - [FSD General Terms and Conditions for Data Use](#) (Finland)
 - [ADP Terms of Use](#) (Slovenia)

UKDS 3 TIER LICENCE AND ACCESS FRAMEWORK

Open

- No real disclosure risk. Under open licences (CC BY variations, OGL, OPL); almost no restrictions on reuse

Safeguarded

- Zero to low real disclosure risk. Requires authentication and authorisation e.g. registered user and End User Licence Agreement

Controlled

- Real disclosure risk. Requires project approval, user vetting and training; access via a safe setting; output checking

UKDS DEPOSIT AGREEMENT

All data owners who share data via UKDS must agree to our deposit agreement

Data depositors must confirm:

- the owner of the copyright and associated intellectual property rights in the whole Data Collection or am otherwise lawfully entitled to grant this licence on behalf of each and every owner
- the Data Collection is not and shall be in no way a violation or infringement of any copyright, trademark, patent or intellectual property right whatsoever of any person(s) or organization
- Grant a non-exclusive, royalty-free licence to hold, make copies of, and disseminate copies of the Data Collection, in accordance with the specified access conditions

UKDS END USER LICENCE

By agreeing to the UKDS EUL, the researcher (registered user) must comply with a number of conditions relating to how the data is used. These include, but are not limited to:

- Not sharing the data with anyone who isn't registered with the UK Data Service
- Keeping passwords secure
- Preserving the confidentiality of individuals, households or organisations in the data
- Use the correct methods of citation and acknowledgement in publication(s)
- Send the UK Data Service bibliographic details of any published work based on our data collection

CONSIDERATIONS WHEN LICENCING DATA

Ownership

Contents of data (anonymized, residual disclosure risk, de-identified)

Commercial/Non-commercial users

Share with/without permission

Thank you for your attention!



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This project is funded from the EU Horizon 2020 Research and Innovation Programme (2014-2020) under Grant Agreement No. 823782

Copyright in the International context



National variation in copyright

A quick question...

Which country are you from?

Please go to www.menti.com and use the code

2757 3608



Berne Convention (1886) – A recap!

- Oldest and most important treaty, signed in **1886** (but has been revised many times since)
- 179 countries covered under Berne Convention
- Establishes minimum standards of protection
 - Types of works protected
 - Duration of protection
 - Scope of exceptions
 - Limitations
 - Principles such as “**national treatment**”
 - Principles such as “**automatic protection**”

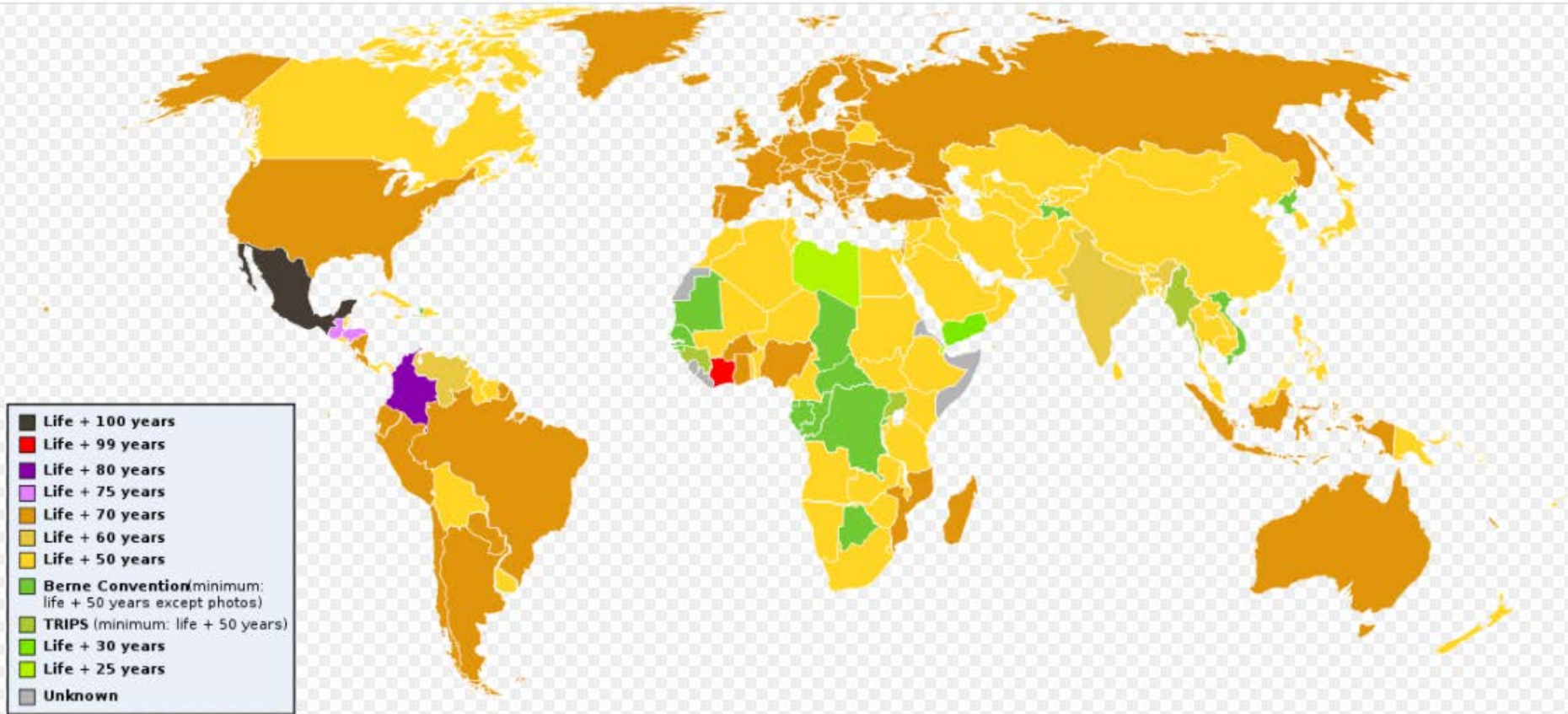
National variation in copyright law

- Country specific laws but built on International principles
- Consensus on basic issues, but differences in
 - Types of works covered (e.g. data sharing)
 - Duration (minimum terms set as life + 50 years)
 - Exceptions (fair dealing)



Map showing copyright duration around the world

(Created by [Balfour Smith](#), [Canuckguy](#), [Badged](#))



Further information:

- [Berne Convention](#)
- [Salient features of copyright law in the EU](#)
- CESSDA Data Management Expert Guide: [European Diversity in copyright](#)



Copyright duration

UK

Depends on the type of work:

- Literary & artistic works it is 70 years from the end of the year of the death of creator
- Sound recordings it is 50 years from date of creation
- Typographical arrangements, it is 25 years from date of publication
- For Crown Copyright the duration can be 50 years from the date of publication or 125 years from the date of creation

Germany

Copyright expires 70 years after the author's death

What is covered?

UK

- Original literary, dramatic, musical or artistic works
- Sound recordings, films, broadcasts or cable programmes
- Typographical arrangement of publications

Germany

Protected works in the literary, scientific and artistic domain include, in particular:

- Literary works, such as written works, speeches, and computer programs
- Musical works
- Pantomimic works, including works of dance
- Artistic works, including works of architecture and of applied art and drafts of such works
- Photographic works, including works produced by processes similar to photography
- Cinematographic works, including works produced by processes similar to cinematography
- Illustrations of a scientific or technical nature, such as drawings, plans, maps, sketches, tables and three-dimensional representations.

Exceptions

UK

- Fair dealing
- Non-commercial research
- Private study

Germany

- Official works (acts, decrees, notices, decisions, official texts)
- Works by authors in employment or service

Q&A



Copyright exceptions and infringements





Copyright exceptions & limitations

Copyright exceptions and limitations

- Copyright restrictions do not apply in certain situations
- Allow limited use of copyright works without seeking the permission of the copyright owner
- Certain exceptions only apply if the use of the work is a 'fair dealing'
- 'Fair dealing' is a legal term used to establish whether a use of copyright material is lawful or whether it infringes copyright

Conditions of using 'fair dealing' exception

- The work must be used solely to illustrate a point
- The use of the work must not be for commercial purposes
- The use must be fair dealing
- It must be accompanied by a sufficient acknowledgement

How much you are allowed under 'fair dealing'?

- Does using the work affect the market for the original work?
- Is the amount of the work taken reasonable and appropriate?
Was it necessary to use the amount that was taken?
- This would be considered on a case to case basis
- Subject to national law

Orphan works

- Copyright works where one of more of the rights holders are unknown or cannot be located
- Diligent search to try to identify and located the right holder
- Things to consider:
 - Is it really necessary to use this work?
 - Is the work really within copyright duration?
 - Who are the right holders?
 - Where did you find the work?
 - Is it already found to be orphan?

Copyright exceptions in educational context

- Non commercial research and private study
- Text and data mining for non-commercial research
- Criticism, review, quotation
- Teaching
- Helping disabled people

Allowed to copy but subject to fair dealing

Points to remember!

- Copying the whole work would not generally be considered fair dealing
- Researchers are allowed to copy whole work/data for their own analysis but they may NOT be allowed to share it
- Majority of uses of copyright materials continue to require permission
- Exceptions to copyright are country specific



Copyright infringements

Copyright infringement

What is copyright infringement?

- Infringement is where someone uses the whole or a substantial part of your work without your permission and none of the exceptions to copyright apply
- A qualitatively significant part of a work even where this is not a large part of the work

Infringement claims: what to consider?

- What do you want to achieve?
- Has a copyright infringement actually occurred?
- Informal contact with the infringer
- Alternative dispute resolution, such as mediation
- Formal legal action as a last resort



Copyright and social media



What is social media?

- The collective name given to Internet-based or mobile applications which allow users to form online networks or communities
- Popular social media platforms:
 - Twitter
 - Reddit
 - Instagram
 - YouTube
 - Pinterest
 - LinkedIn

What does social media data includes?

- Individual posts or tweets
- Comments
- Photos or videos
- Networking connections or social interactions
- Data on ratings
- Interests
- Likes or dislikes



Social media data

- Usually obtained through the application programming interfaces (APIs) of the social media platforms (directly or via resellers)
- Accessing data through APIs provides the most authentic record of social media
- Access to machine-readable data enables researchers to process large samples relatively quickly
- An API acts as an interface between the social media platform and a consumer of social media data. The API defines how the consumer can interact with the platform in technical terms, and may define rules and restrictions on the access provided

Quick questions...

Please go to www.menti.com and use the code
1344 8172



Copyright and social media data

- Content is protected by copyright in the same way as books and journals
- The users have copyright for their own content (e. g. Tweets or Facebook posts)
- But by agreeing to post works on the site, users sign an agreement that gives the site a license to freely use the work for a variety of purposes
- So, researchers using social media data need to abide by the terms and conditions of the platforms or API developers

Challenges when sharing social media data: Twitter

- Sharing of data is prohibited under Twitter's API terms of service
- However, researchers can share the tweet IDs, associated with each tweet, and account IDs associated with each user which can be used by other researchers to obtain Twitter datasets
- Data recreation from an archived twitter data can be a real challenge
- Content modification is not allowed, so the content cannot be anonymised

Social media data collections

- European archives: GESIS and UK Data Service (UKDS) store and disseminate social media data. They offer:
 - Facebook data
 - Twitter data
 - Specific subsets of Wikipedia
- General repositories: [Zenodo](#), [Harvard Dataverse](#) or [Fig share](#) hold limited but increasing number of social media datasets

Useful checklist (Source: UCL)


- Has Twitter been informed of the proposed work through the Developer API signup mechanism and has it agreed?
- Is any access to Twitter proposed that does not use the API for retrieval (e.g. prohibited methods like scraping)?
- Has the research team read and understood all of the terms that apply to their work?
- Is data to be retained locally? If so, how will this be synchronised sufficiently frequently to reflect the live Twitter data?
- Is data to be shared? If so, does the research protocol for doing so comply with the terms of access?
- How is the informed consent of Tweepers to be gained (or what argument is being used to justify waiving this requirement)?
- Does the informed consent of Subjects need to be considered and if so, how has it been?
- Is publication of individual Tweets anticipated? If so, what forms, process, and information will be used to seek informed consent for publication from Tweepers (and if need be, Subjects mentioned in the Tweets?)?
- Is the intended analysis likely to derive or infer information in the restricted use cases?
- Are any other restricted activities (off-Twitter matching, profiling etc) proposed? If so, how is this justified to balance the potential breach of contract?
- Has a DPIA been undertaken and data protection registration put in place?
- Does the work qualify as profiling under the GDPR?
- Has the safety of the researchers been appropriately considered given the topic and methods?
- Where a proposal being reviewed appears to be close to the edge of what is permitted, has legal advice been sought on contract compliance?
- Is there a reputational risk to UCL through potential breach of contract?

A quick question...

‘A researcher discussed with you that he intends to use content on a social media site. What would you advise him in terms of copyright?’

Please go to www.menti.com and use the code
1344 8172





A researcher discussed with you that he intends to use content on a social media site. What would you advise him in terms of copyright?

Q&A





Copyright Resources and Checklists



Resources

- [Copyright Fact sheet](#)
- [Working with volunteers: Copyright considerations](#)
- [Copyright and social media](#)
- [Copyright and open licensing- A guide](#)
- [CESSDA Data Management expert Guide](#)
- [Copyright \(UK Data Service\)](#)



Resources

- [Orphan works diligent search guidance](#)
- [Copyright Scenarios \(UK Data Service\)](#)
- [Copyright Resources \(UK Data Service\)](#)
- [Other rights \(UK Data Service\)](#)



Checklists

- [Orphan works diligent search checklist: literary works](#)
- [Copyright clearance checklists](#)
 - Tracing right holders checklist
 - Negotiating rights checklists
 - Risk assessment checklist

Copyright Issues in Secondary Data Use

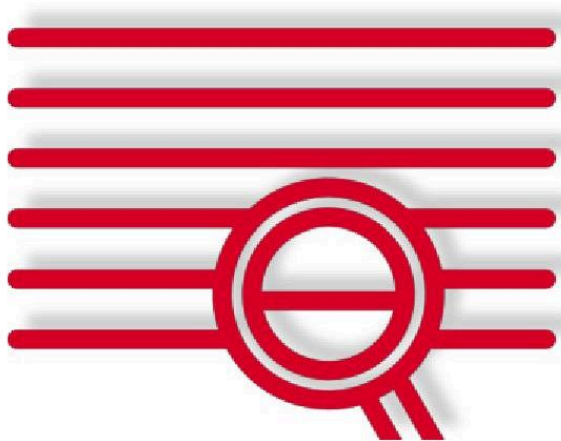


SHOWCASES

Cristina Magder

UK Data Archive, UK Data Service

ARCHIVED DATA UNDER BESPOKE LICENCE



[Image Source](#)

- Repositories (national/institutional) offer different access/licence frameworks
- Data published under bespoke licences can rarely be shared without permission
- Always check the Registration Agreement before sharing data obtained from a repository

ENGLISH LONGITUDINAL STUDY

Coverage and methodology

Dates of fieldwork:	1998 - 2019
Country:	England
Spatial units:	Government Office Regions
Observation units:	Individuals
Observation unit location:	National
Population:	The sample was drawn from households that had previously responded to the Health Survey for England (HSE) between 1998 and 2011. The sample has been refreshed at several subsequent waves so not all respondents have participated since 2002.
Number of units:	Core data: Wave 1: 12,100 cases. Wave 2: 9,433 cases. Wave 3: 9,771 cases. Wave 4: 11,050 cases. Wave 5: 10,274 cases. Wave 6: 10,601 cases; Wave 6 hair cortisol data: 5,328 cases. Wave 7: 9,666 cases. Wave 8: 8,445 cases. Wave 9: core data, IFS DVs and IFS Financial DVs: 8,736 cases; pension data: 11,225 cases; Wave 8 and 9 combined Nurse data: 6,597 cases.
Method of data collection:	Face-to-face interview Physical measurements and tests Self-administered questionnaire: Web-based (CAWI) Clinical measurements Self-administered questionnaire

[Image Source](#)

ELSA began in 1998 and is a longitudinal survey of ageing and quality of life among older people

Main objective is to construct waves of accessible and well-documented panel data which describe health trajectories, disability and healthy life expectancy in a representative sample of the English population aged 50 and over

ELSA ECONOMIC ACTIVITY AND FAMILY HISTORY

Economic activity and family history data management code 2020

Chanfreau, Jenny (2020). *Economic activity and family history data management code 2020*. [Data Collection]. Colchester, Essex: UK Data Service. [10.5255/UKDA-SN-854277](https://ukdataservice.ac.uk/datacatalog/studies/study?id=10.5255/UKDA-SN-854277)

This ESRC-funded PhD project compared cohorts to investigate whether and how differences in women and men's labour market and family patterns have changed over time and educational differences in these patterns.

DATA DESCRIPTION (ABSTRACT)

Collection consists of Stata do files which reformat the economic activity history, partner history and parenthood history variables included in the ELSA life history study (person-level, wide format) into separate long format files (person-activity-spell, person-child and person-partner format respectively). The aim of the project that the code resulted from was to compare the employment and parenthood histories from age 16 reported in ELSA to the employment and parenthood histories of two of the UK birth cohorts (the 1958 National Child Development Study and the 1970 British Cohort Study) and thus some decisions were necessary for the purpose of harmonisation. The accompanying note sets out the decisions taken in the data management process.

Data creators:	Creator Name	Affiliation	ORCID (as URL)
	Chanfreau Jenny	University College London	https://orcid.org/0000-0003-3914-5859
Sponsors:	Economic and Social Research Council		
Topic classification:	Economics Demography (population, vital statistics and censuses) Labour and employment		
Keywords:	LIFE HISTORY, ECONOMIC ACTIVITY, FERTILITY, EMPLOYMENT, PARENTS		
Project title:	Gendered and classed work-family life courses: stability and change over time in the UK		
Grant holders:	Jenny Chanfreau		
Project dates:	From	To	
	1 October 2015	30 September 2018	
Date published:	27 Apr 2020 12:46		
Last modified:	08 Jun 2020 11:59		

[Images source](#)

AVAILABLE FILES

Data

+ [854277_ELSA_history_do_files.zip](#)

Documentation

+ [854277_ELSA_Employment_and_family_histories_note.docx](#)

DOWNLOADS

84 data downloads and **159** page views since this item was published
[View more statistics](#)

Method 1: Archiving code

WHEN ARCHIVING CODE

- code/syntax file are clean and well formatted
- avoid including personal information
- code/syntax file are well commented
- always include the full citation (including the persistent identifier) for the data used
- provide in-depth metadata describing the files and methods used
- provide a ReadMe/Methods document for ease of use for secondary users



OBTAINING PERMISSION AND ATTRIBUTING

House Price per Square Metre in England and Wales, 1995-2021

Chi, Bin and **Dennett, Adam** and **Oléron-Evans, Thomas** and **Morphet, Robin** (2021). *House Price per Square Metre in England and Wales, 1995-2021*. [Data Collection]. Colchester, Essex: UK Data Service. [10.5255/UKDA-SN-855033](https://ukdataservice.ac.uk/10.5255/UKDA-SN-855033)

This repository covers an updated but uncorrected version of the attribute-linked residential property price dataset in UK Data Service ReShare 854240 (<https://reshare.ukdataservice.ac.uk/854240/>). It is also the entire uncorrected version of the open access (limited attribute) house price per square metre dataset published by local authority in the Greater London Authority (GLA) London Datastore (<https://data.london.gov.uk/dataset/house-price-per-square-metre-in-england-and-wales>). This linked dataset contains individual property transactions and associated variables from the Land Registry Price Paid Dataset (LR PPD) linked at address level to all attributes, other than the individual lodgement identifier, address and postcode attributes, contained in Version VI of the Domestic Energy Performance Certificate (EPC) data published by the Ministry for Housing, Communities and Local Government (MHCLG). The linked data in this repository is the uncorrected version, recording over 18 million transactions with 104 variables in England and Wales between 1/1/1995 and 26/2/2021. We have offered technical validation and data cleaning code in UKDA ReShare 854240 to help users evaluate the representation of the linked data for a given time period. The data cleaning code shows our methods for cleaning up unlikely floor size records before using this data in analysis. Users can create their own rules and undertake this clean-up process based on their own experience and research aims. This repository also covers the original LR PPD and Domestic EPCs for the linked data (house price per square metre dataset). The LR PPD in this repository has been added in the field header in the open access LR PPD. Domestic EPCs in this repository has had removed the six variables (individual lodgement identifier, address, address 1, address 2, address 3, postcode) with a newly created unique identifier (id). This id column is newly created for Version VI Domestic EPCs, which is not the same id as in the Domestic EPCs from UK Data Service ReShare 854240.

[Image source](#)

OBTAINING PERMISSION AND ATTRIBUTING

AVAILABLE FILES

Data and documentation bundle

+ NSPL_MAY_2021_UK.zip

Data

+ epc6_id.zip

+ tranall_link_01042021.zip

+ LRPPD_01042021.zip

Documentation

+ 855033_LicenceInformation_for_data_sources_v3.docx

Read me

+ Readme.docx

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ALTMETRIC



Tweeted by 6

Data which are subject to Royal Mail copyright (postcode and address elements), all non-address data is licensed under the Open Government Licence v3.0 - address data is limited to non-commercial use.

HM Land Registry data © Crown copyright and database right 2021. This data is licensed under the [Open Government Licence v3.0](#)

Energy Performance Certificates and Price Paid Data copyright notices

TWITTER DATA (ABIDING BY ToS)

Brexit Twitter data 2017-2019

DATA DESCRIPTION (ABSTRACT)

This is data collected throughout 2017 and 2019 which contains one of a selection of hashtags related to Brexit. The data only contains the tweet id's. The data was collected in order to examine what made people forward facts and counter-facts. The tweets were examined to see how often they had been retweeted and on what time scale. We looked at the content of the tweets and analyzed the tweet metadata. We found that who you are is often more important than what you say with tweets from celebrities and verified users being forward more often. We found that tweets with images were much more likely to be retweeted. We discovered with content related forwards the resonance of an issue was not determined by how many times something was said but by how often something was retweeted and over what period of time.

— Access and Administration

Data sourcing, processing and preparation:

Data as taken from the Twitter API. Files are zipped and contain the tweet ID's in dates defined files.

[Images Source](#)

CONSIDERATIONS WHEN ARCHIVING DERIVED DATA



- Licence – permission or attribution
- Ownership – sole or joint copyright
- Code or data
- Documentation

UK DATA SERVICE VARIABLE LOG



Variable Information Log

Introduction

For datasets being deposited that include secondary data resources, researchers are advised to prepare a descriptive Variable Information Log describing these resources. The Variable Information Log should include the variable name, its source, how it was collected, a brief description, and any restrictions noted on its further use. (See the notes below)

Available at

https://ukdataservice.ac.uk/ukds_variable_information_log_template/

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SSHOC Workshop



Copyright Issues in Secondary Data Use: Close of Day 2

25 January 2022

DAY 1

History of copyright

Introduction to basic copyright concepts

- publications
- teaching
- research data

Secondary data key concepts and terminology

Main copyright issues in secondary data use



DAY 2

Licencing data and copyrighting data

Copyright exceptions and infringements

Copyright in an international context

Copyright and social media

Group Discussion

Showcases



FEEDBACK

Please complete our
post-event feedback:
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3kbYJE3ASmPSA](https://forms.gle/pwPv3kbYJE3ASmPSA)



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