NWO-DANS Data Contracts

Information about the mandatory set of data to be made available from studies carried out with support from the NWO programs for Humanities and Social Sciences
NWO-DANS Data Contracts
Foreword

The Hague, April 2015

This brochure is intended primarily for individuals and institutions to which the Netherlands Organisation for Scientific Research (NWO) has awarded funding to carry out a research project. This funding is in many cases provided on the condition that after termination of the project the resulting data files be deposited in a robust and reliable data archive. In this way research data will be kept permanently available for further scientific research.

DANS agrees the terms of this sustained storage with you, the researcher / project leader, in a data contract. This brochure provides further explanation as to why a data contract should be concluded. It also gives a brief explanation of the actual depositing of data and highlights some legal aspects of depositing and using data.

We would like to ask prospective depositors to contact DANS at an early stage, prior to actual data collection. This helps to ensure that the final data transfer can be carried out as efficiently as possible and at the lowest possible cost.

This brochure provides basic information; do not hesitate to contact us if you have any further questions.

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Online archiving with EASY: http://easy.dans.knaw.nl

Contents

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Why enter into an NWO-DANS Data Contract</td>
</tr>
<tr>
<td>2.</td>
<td>Data Contract options</td>
</tr>
<tr>
<td>3.</td>
<td>The questionnaire for the Data Contract</td>
</tr>
<tr>
<td>4.</td>
<td>Data management and the depositing of data in the DANS archive</td>
</tr>
<tr>
<td>4.1</td>
<td>Data management during research</td>
</tr>
<tr>
<td>4.2</td>
<td>EASY</td>
</tr>
<tr>
<td>4.3</td>
<td>Surveydata.nl</td>
</tr>
<tr>
<td>4.4</td>
<td>Other archiving systems</td>
</tr>
<tr>
<td>5.</td>
<td>Legal aspects of depositing and using data</td>
</tr>
<tr>
<td>5.1</td>
<td>License agreement and access to the deposited dataset</td>
</tr>
<tr>
<td>5.2</td>
<td>DANS Terms of Use for reusing deposited data</td>
</tr>
<tr>
<td>5.3</td>
<td>Privacy-sensitive data</td>
</tr>
<tr>
<td>5.4</td>
<td>Image and sound data</td>
</tr>
<tr>
<td>Appendix 1.</td>
<td>Data Seal of Approval (DSA) guidelines</td>
</tr>
<tr>
<td>Appendix 2.</td>
<td>References and links to web pages</td>
</tr>
</tbody>
</table>
1. Why enter into an NWO-DANS Data Contract

The Netherlands Organisation for Scientific Research (NWO) and Data Archiving and Networked Services (DANS) want to encourage long-term storage of research data and their sustained availability for further research. Once collected, data are not only of importance for the primary researchers, they can be used by others for further analysis. Also, the public nature and therefore the verifiability of scientific research will be enhanced.

NWO has therefore established a procedure in close cooperation with DANS to ensure that data resulting from research carried out with financial support from NWO are archived carefully. This procedure requires investigators, among other things, to conclude an NWO-DANS Data Contract immediately after the award of funding by NWO. This contract contains agreements on archiving and availability of the data and is intended to ensure the quality and long-term accessibility of the data. Awarded funding will be paid by NWO only after a Data Contract has been concluded.

Your contact at DANS for concluding Data Contracts:
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At present the obligation to conclude a data contract applies to the NWO Medium (Middelgroot) and NWO Large (Groot) grants in the fields of Humanities and Social Sciences, Change Studies (Veranderingsstudies) and Violence against psychiatric patients (Geweld tegen psychiatrische patiënten).


2. Data Contract options

The NWO DANS data contract offers two options for archiving and data availability. In either case, the project leader shall deposit the data files containing research data and research information in a trusted digital repository (TDR) within three months of completion of the research project. This repository shall meet all the criteria of the Data Seal of Approval (DSA). You will find a list of DSA-certified repositories (TDRs) on [http://www.datasealofapproval.org/en/assessment/](http://www.datasealofapproval.org/en/assessment/).

Option 1. You deposit your documented research materials with DANS in their online archiving system, EASY: [http://easy.dans.knaw.nl](http://easy.dans.knaw.nl). DANS will subsequently ensure safe archiving and sustained availability to third parties.

Option 2. You deposit your documented research materials with another TDR. This repository will then make the data files available to third parties.
The data contract contains explanations of these options, which clarify situations surrounding privacy-sensitive data, the use of an inaccessible “dark archive” and the division of roles between different TDRs as to dissemination and sustained archiving.

- **SUGGESTION: Findability and visibility of your data**
  The visibility of your datasets is greatly increased if they can be found in national aggregators like NARCIS.¹ The metadata of datasets stored in EASY (also the “dark archive”) are harvested by NARCIS. The same applies to data sets stored at 3TU.Datacentrum. If researchers store their data in other repositories, they might not be traceable through NARCIS, unless the relevant repository is harvested by NARCIS.

3. **The questionnaire for the Data Contract**

DANS assesses whether the completed contract meets the conditions for storage and access of data, also with a view to the longer term. Below is a brief explanation of the main items.

**Probable date of deposit**
After the project DANS checks whether the conditions of the data contract have been met.

**Access**
Open Access is gaining ground fast in the scientific world. NWO and DANS are all for free availability of research data. In some cases Open Access is not an option. Therefore DANS offers the possibility of making files available with the permission of the original researcher only (Restricted Access). In general, we advocate a policy of “Open if possible, restricted if necessary”. The choice of Open Access or Restricted Access may be indicated in the questionnaire, but this can always be changed at a later time.

The information below is only relevant for this contract if you use EASY as your trusted digital repository.

**Statement of file formats used**
To ensure sustainability wherever possible DANS uses so-called “preferred formats”. Data files in a preferred format can be converted in time to a new version or a different format, which guarantees the long-term usability of deposited files. Accepted file formats which are not “preferred” are still being held in EASY, but without DANS ensuring their long-term preservation. For an overview of preferred and accepted data formats that can be stored in EASY, see [http://www.dans.knaw.nl/en/deposit/information-about-depositing-data/](http://www.dans.knaw.nl/en/deposit/information-about-depositing-data/).

**Documentation**
An overview of the documentation files to be supplied at the time of depositing is necessary to enable the data to be understood and analysed without the intervention of the original researchers. The documentation may involve, for instance, code books, methodology reports, versioning records, anonymization

¹ http://www.narcis.nl
actions, data encryption, a content description of all the files, a list of sources used, and any other documents necessary for a proper understanding of the dataset.

Anonymizing
If applicable, you must specify how account will be taken of the legal provisions regarding the protection of personal data.

4. Data management and the depositing of data in the DANS archive

4.1 Data management during research

You may have been asked to include a data management paragraph in your application for funding. Based on this section you could develop a research data management plan (RDM). Comprehensive guidelines prepared by DANS can be found in Appendix 2.

4.2 EASY

Upon completion of the research project the data files and the associated documentation files are uploaded to the online archive system, EASY: http://easy.dans.knaw.nl. At the same time the metadata can be completed, i.e. a selection of items from the Dublin Core metadata standard. In principle, EASY can accommodate all data types and data formats included in the list of preferred formats.

EASY offers a choice of providing the data under the categories of Open Access (CC0 Waiver), Open Access for Registered Users or Restricted Access. These categories are described in Section 5.

EASY automatically assigns Persistent Identifiers (including a DOI) to a deposited and publicly accessible data set. This means that references to the dataset are made permanently, despite changing Internet addresses.

EASY offers online help during uploading. A detailed explanation of all aspects of depositing data can be found here: http://www.dans.knaw.nl/en/deposit/information-about-depositing-data/data-contract. There are also guidelines for the various disciplines: https://easy.dans.knaw.nl/ui/deposit.

After the data have been deposited, the project leader receives a license agreement containing all the arrangements made with DANS. When downloading files, the user must agree to the DANS Terms of Use, which ensure fulfilment of the conditions of the license agreement. This is explained in Section 5.

4.3 Surveydata.nl

If the material to be stored consist of (longitudinal) survey data, the data can also be made accessible together with the corresponding survey instruments via
surveydata.nl. Surveydata.nl is a collaboration between DANS and CentERdata. The survey data and accompanying tools are accessible at surveydata.nl through CentERdata’s online application Questasy. Questasy makes it possible to search and browse for variables and question texts. The software is based on the international DDI (Data Documentation Initiative)² standard. In consultation surveydata.nl can make a dedicated or a shared server available for your research material. You yourself may determine how access to your data is managed. The various Questasy “question bases” (vragenbanken) are also accessible through the surveydata.nl portal, allowing an end user to search multiple survey studies at once. For the sake of sustainability, the data are placed in EASY’s dark archive. Since this is a labour intensive approach, it is recommended that a certain amount be reserved for this in the budget. For additional information, please contact DANS.

4.4 Other archiving systems

More specific archiving systems for other scientific disciplines are currently under development. For additional information, please contact DANS.

5. Legal aspects of depositing and using data

Both the depositing and the use of data are subject to agreements based on Dutch and European legislation and guidelines for the use of scientific data, all of which are embodied in the License Agreement and the DANS Terms of Use. Both documents can be found on the legal information page of the DANS website: http://www.dans.knaw.nl/en/about/organisation-and-policy/legal-information.

The main elements of these legal documents are described below. Attention will also be paid to privacy-sensitive data and files containing images and sound.

5.1 License agreement and access to the deposited dataset

When a data set is deposited into EASY, a license agreement is concluded with the project leader. This agreement contains both parties’ rights and obligations regarding the storage and use of the dataset. The main points are:

- DANS is granted a non-exclusive license to store the dataset and make it accessible according to the access category specified by the project leader. This means that the holder of rights to the data retains the right to deposit the data and/or make them accessible elsewhere. No waiving of copyrights or database rights is involved, all of which remain with the project leader / researcher.
- The project leader certifies that he/she, or the organisation to which he/she is affiliated, are holder of rights to the data set and/or is entitled to act in the present matter with the permission of other parties that hold rights.

² http://www.ddalliance.org/
One of the most important parts of the license agreement is the access category. It specifies who may access the data and in what way. Within a dataset different access categories can be assigned to different files. As an advocate of the Open Access movement, DANS encourages the unrestricted availability of research data and publications as much as possible. There may, however, be good reasons why research data should not (or not immediately) be accessible unrestrictedly, such as the occurrence of personal data, a temporary embargo because of an impending dissertation or other publication, contractual obligations towards third parties, etc. In addition to Open Access, DANS therefore also offers the possibility of granting Restricted Access to research data. It is also possible to create a temporary embargo.

Access categories at a glance:

- **Open Access (CC0 Waiver)**
The dataset is made available without restriction to all users of EASY, registered or unregistered, according to the terms of the Creative Commons Zero Waiver.
Note: This constitutes a waiver of any rights that may pertain to the dataset, especially copyrights and database rights.

- **Open Access for Registered Users**
The dataset is made exclusively available to all registered users of EASY, without further restriction. Any existing copyrights and/or database rights will be respected.

- **Restricted Access**
The dataset is made exclusively available to those registered users who have received permission of the project leader. The project leader will receive an email from DANS with the name of the person seeking access to the dataset, and can then determine whether that person will be granted access. Any existing copyrights and/or database rights will be respected. In addition, a special arrangement can be made whereby DANS assesses the access requests. For archaeological datasets, for example, access can be restricted to Dutch archaeologists at the discretion of DANS.

**PLEASE NOTE!**
When Restricted Access has been assigned, requests for access to the dataset are submitted to the email address provided by the project leader upon registration of the project. This should be a stable, permanent email address, preferably a fixed departmental address, for example an information desk.

5.2 **DANS Terms of Use for using deposited data**

The DANS Terms of Use stipulate the rules, developed in conjunction with the license agreement, governing the use of data.

Key elements of these terms refer to citing the data files as completely as possible in publications and to respecting any copyrights and/or database rights to the dataset. In the case of existing copyrights and/or database rights to the dataset, the data may not be disseminated over the Internet or by other means without permission from the owner. This does not apply to datasets in the Open Access
(CC0 Waiver) category, where all copyrights and/or database rights have been waived. However, even in this category the data files should be cited as fully as possible.

DANS requests all users to supply the bibliographic information regarding all publications using datasets from EASY by email through info@dans.knaw.nl. DANS will then ensure inclusion of those data in EASY.

**Personal data:** For datasets containing personal data as defined in the Personal Data Protection Act of the Netherlands (WBP), special provisions apply. See also the following section.

### 5.3 Privacy-sensitive data

It is possible that a dataset, for example from social or socio-medical research with an ethical review requirement, contains personal data, i.e. information about identified or identifiable living individuals. Under the Personal Data Protection Act of the Netherlands (WBP), such data may be used for scientific, statistical or historical research only. DANS requires users of data sets with personal data to follow the VSNU Code of Conduct for the use of personal data in scientific research ([http://www.vsnu.nl/code-pers-gegevens.html - available in Dutch](http://www.vsnu.nl/code-pers-gegevens.html)). This code is an elaboration of the Personal Data Protection Act. Researchers, including at Dutch universities, NWO and KNAW institutes, are obliged to adhere to this Code of Conduct. There is a complaints procedure which provides for sanctions against researchers who are in breach of the Code of Conduct. Under certain conditions, researchers may gain access to data files containing personal data.

Such datasets cannot in any case be made freely available over the Internet. If the files in a dataset are anonymized, these restrictions do not apply. The law recognizes different types of personal data, to which more or less stringent regimes apply in respect of processing. A stricter regime applies to sensitive personal data. Under the WBP, such sensitive data are, for example, those referring to sexual orientation, health, religion, race, etc. The processing of such data is subject to stricter rules than the processing of data such as someone’s name and address.

The law is confined to living persons. Personal data of deceased persons are outside the scope of the WBP. This is particularly relevant for historical data files with data on people born well before the twentieth century. This does not mean, however, that all information about deceased persons may be made available over the Internet. Data on the deceased should be handled carefully and the privacy of surviving relatives respected; medical data must be handled extremely reluctantly. Medical professional confidentiality does apply even after death. Limitations imposed by a public archive or similar institution must always be respected when depositing data.

### 5.4 Image and sound data

When data contain images, portrait law applies, which relates to recognizable portraying of persons. In addition, image and sound recordings may contain sensitive information, for example in interviews conducted in the context of oral history projects. Such data may occur in the audio files, but also in the image files
or the transcripts. Files containing this type of information may be made available only after the interviewee has granted permission to do so. If there is no consent, the files may only be consulted if there is no infringement of privacy. In practice, this is tantamount to completely anonymizing interviews, such as by replacing names and other identifying data with “beeps”.

Regarding all interviews it is important that those involved explicitly consent to their disclosure. A distinction can be made between use for exclusively scientific research and full disclosure. In the former case only scientists will get to access the file. They will be allowed to publish about the interviewees in an anonymized form only. In the latter case (full disclosure) any user may download and publicize the interviews without further restriction, albeit within the limits of the user agreement concluded with DANS. In both cases, this can be done by preparing and filing a statement. Lacking such a statement, DANS cannot disclose the interview to anyone. The statement must clearly indicate exactly which personal information will be made public. It is also important for those involved to indicate in the statement that they will not invoke their portrait rights when they will be portrayed in a recognizable way. Disclosure of the interviewee’s portrait is also subject to explicit permission.
Appendix 1. Data Seal of Approval (DSA) guidelines

For additional information, see also: http://www.datasealofapproval.org/en/

1. The data producer deposits the research data in a data repository with sufficient information to enable third parties to assess the scientific quality of the research data and compliance with subject-related and ethical standards.

2. The data producer provides the research data in formats that are recommended by the data repository.

3. The data producer provides the research data with the metadata requested by the data repository.

4. The data repository has an explicit mission in the field of digital archiving and propagates it.

5. The data repository exercises due diligence to ensure compliance with statutory regulations and contracts.

6. The data repository applies documented processes and procedures for data storage management.

7. The data repository has a policy for long-term preservation of digital objects.

8. Archiving takes place according to explicit workflows during the entire life cycle of data.

9. The data repository takes over the responsibility for access to and availability of digital objects from the data producers.

10. The data repository allows users to use and refer to the research data.

11. The data repository ensures the integrity of the digital objects and metadata.

12. The data repository warrants the authenticity of the digital objects and metadata.

13. The technical infrastructure explicitly supports the tasks and functions described in accepted international archiving standards such as OAIS.

14. The data consumer complies with the access provisions as determined by the data repository.

15. The data consumer complies with and agrees to all codes of conduct in higher education and research for the exchange and proper use of knowledge and information.

16. The data consumer respects the data repository’s applicable license agreements in relation to the use of the research data.
Appendix 2. References and links to web pages

NWO-DANS Data Contract

Data Management Plan, guidelines from DANS
http://www.dans.knaw.nl/en/about/organisation-and-policy/information-material

Preparing data for sharing, guide to social science data archiving (5th ed.)
Inter-university Consortium for Political and Social Research (ICPSR)
Ann-Arbor, 2012
http://www.icpsr.umich.edu/files/ICPSR/access/dataprep.pdf
(edition for the Netherlands)
The Hague - Inter-university Consortium for Political and Social Research (ICPSR) and Data Archiving and Networked Services (DANS)
DANS Data Guide 8 (2010)

VSNU Code of Conduct for the use of personal data in scientific research
http://www.vsnu.nl/code-pers-gegevens.html (in Dutch)

EASY, the online archiving system from DANS
http://easy.dans.knaw.nl

EASY, an explanation of all aspects of depositing data

EASY, a depositing manual
https://easy.dans.knaw.nl/ui/deposit

NARCIS, the national portal for aggregated scientific information
http://www.narcis.nl

Data Seal of Approval
http://www.datasealofapproval.org/en/
DSA-certified repositories (TDRs)
This is the NWO-DANS Data Contracts brochure. For more information, go to dans.knaw.nl or contact Kees Waterman, senior data manager. He can be reached at +31 6 13 67 35 02 or kees.waterman@dans.knaw.nl.

**Data Archiving and Networked Services (DANS)**

DANS promotes sustained access to digital research data. For this, DANS encourages scientific researchers to archive and reuse data in a sustained form, for instance via the online archiving system EASY (easy.dans.knaw.nl) and DataverseNL (dataverse.nl). With NARCIS (narcis.nl), DANS also provides access to thousands of scientific datasets, publications and other research information in the Netherlands. The institute furthermore provides training and consultancy and carries out research on sustained access to digital information. Driven by data, DANS ensures the further improvement of access to digital research data with its services and participation in (inter)national projects and networks. For more information and contact options, please visit dans.knaw.nl.