

Brussels, 12 December 2017

## **Consultation on the Review of the Directive on the Re-Use of Public Sector Information**

# **Science Europe Response**

*Science Europe is an association of public European Research Funding Organisations (RFO) and Research Performing Organisations (RPO). It represents a total of 44 organisations in 27 European countries. Science Europe promotes the collective interests of its member organisations. It supports them in their efforts to foster European research. It will strengthen the European Research Area (ERA) through its direct engagement with key partners.*

Science Europe welcomes the possibility to provide input to the European Commission's reflections on the review of the Directive on the Re-use of Public Sector Information (PSI). Research data and research institutions do not fall in the scope of the current directive. Therefore, the Science Europe contribution will focus on the section in part II of the consultation dealing with issues of data held by educational and research establishments and scientific information.

Science Europe in general supports the principle that research data should be as open as possible and as closed as necessary. However, the particularity of research data as well as of data about research activities requires careful consideration on which aspects are better dealt with by legislative acts or by guidelines developed by the research sector.

### **Data held by educational and research establishments/scientific information**

#### **Documents of administrative nature**

Research Performing Organisations (RPOs) and Research Funding Organisations (RFOs) collect and use data about their own activities from various and heterogeneous sources. This kind of data gives information about research activities and is different from research data generated by researchers and is stored in research information systems. Research information systems store data on research activity, such as scientific publications and other outputs, data about researchers, research budgets and projects, research institutions, research funding applications and reviews.

RPOs and RFOs use research information systems for a variety of different purposes, such as monitoring and evaluating research activities and outputs, allocating funding, supporting decision making on their policies and strategies, tracking researchers' careers and describing their systemic role to policy-makers, stakeholders and the public.

As a result, decision makers and research organisations increasingly depend on indicators, reports and studies that draw data from research information systems. Powerful analyses can be derived when different datasets are linked. The reliability, reach and comprehensiveness of these analyses is a function of the quality of the underlying data, their mutual compatibility and their interoperability.

Research information systems' data should be available for external use – in line with the principle 'as open as possible, as closed as necessary' and EU Directive 2013/37/EU.<sup>1</sup> Their processing should never require the loss of ownership in underlying raw data by the originating institution. Research information systems also should foster the findability, accessibility, interoperability, and re-usability of the data they store by implementing the FAIR Guiding Principles<sup>2</sup> for research activity data.

These principles should always be implemented in light of the applicable legal and ethical standards relevant for data handling where the research information system is located. Limitations to the application of these principles may arise due to privacy protection, security and other legitimate concerns. Such limitations should always be applied only insofar as needed to address a valid concern.

Due to the particularity of the data held in research information systems it is essential that legal and ethical obligations are carefully taken into account and that no provisions are created that limit scientific freedom.

### **Documents that constitute the scientific output of a research establishment or university**

The aim of Open Access is to make scientific publications available to users via the Internet, where they can be used without technical or legal restriction. This opens new possibilities for researchers to access knowledge and information, and it improves knowledge transfer in society, policy, and the economy. Science Europe has a long-term commitment in supporting the implementation of Open Access in the research publishing system in an efficient and sustainable way. Its member organisations are committed to ensuring that publicly-funded research and innovation in Europe has the maximum impact, leading to new discoveries, and providing solutions that deliver societal benefit and guaranteeing free, transparent and independent scientific research systems.

Research publications are one of the main results of the research process. It is crucial to move to a system of Open Access, in order to increase both the impact of publications and the cost efficiency of the publication system. In line with the Berlin Declaration on Open Access to Knowledge in the Sciences and Humanities (22 October 2003), Open Access is defined here as unrestricted, online access to scholarly research publications (including books, monographs and non-traditional research materials) for reading and productive re-use, not impeded by any financial, organisational, legal or technical barriers. Ideally, the only restriction on use is an obligation to attribute the work to its author.

However, not all kinds of scientific outputs and in particular data are as suitable as others for re-use (e.g. due to legal restrictions) and open access. It is essential that privacy, confidentiality and consent are respected. Therefore, aspects such as the protection of confidential/personal data, IP related information and ethical questions always need to be taken into account.

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1. Directive 2013/37/EU amending Directive 2003/98/EC on the re-use of public sector information: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:175:0001:0008:EN:PDF>

2. <https://www.force11.org/group/fairgroup/fairprinciples>

Moreover, due to the special nature of research data, it is essential that no provisions are established that would limit scientific freedom. A high degree of flexibility when dealing with research data needs to be assured at all times.

Also, a legally binding policy on access to and re-use of scientific information, containing a legal obligation to release research data for productive re-use, will be difficult or even impossible to implement in some member states. For instance the German constitution guarantees scientific freedom. This prohibits an open access obligation.

Science Europe will be closely monitoring the progress on this important file and is ready to offer its support as a partner of the European Commission, by providing further input in the course of the review process.