



JRC TECHNICAL REPORT



JRC Data Policy

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Abstract

The work on the JRC Data Policy followed the task identified in the JRC Management Plan 2014 to develop a dedicated data policy to complement the JRC Policy on Open Access to Scientific Publications and Supporting Guidance, and to promote open access to research data in the context of Horizon 2020. Important policy commitments and the relevant regulatory basis within the European Union and the European Commission include: the Commission Decision on the reuse of Commission documents, Commission communication on better access to scientific information, Commission communication on a reinforced European research area partnership for excellence and growth, Commission recommendation on access to and preservation of scientific information, and the EU implementation of the G8 Open Data Charter.

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Executive summary

The work on the JRC Data Policy followed the task identified in the JRC Management Plan 2014 to develop a dedicated data policy to complement the JRC Policy on Open Access to Scientific Publications and Supporting Guidance, and to promote open access to research data in the context of Horizon 2020.

Important policy commitments and the relevant regulatory basis within the European Union and the European Commission include: the Commission Decision on the reuse of Commission documents,¹ Commission communication on better access to scientific information², Commission communication on a reinforced European research area partnership for excellence and growth³, Commission recommendation on access to and preservation of scientific information,⁴ and the EU implementation of the G8 Open Data Charter.⁵

The objectives for adopting and implementing the JRC Data Policy include:

- Share and use data on the basis of the JRC Open Data principles: fully, freely, openly and timely;
- Establish a transparent mechanism to restrict access to data when sharing them on the basis of the JRC Open Data principles is impossible;
- Provide a coordinated approach to the acquisition of data by the JRC;
- Facilitate management, broaden access and use of the JRC data;
- Reinforce goals of Horizon 2020;
- Support EU implementation of the G8 Open Data Charter;
- Continuously support evidence-based decision making and research;
- Ensure that JRC data are made available through the EU Open Data Portal.

For a successful implementation process, the JRC Data Policy lays down implementation principles with respect to responsible entities, overall implementation guidelines, and their individual elements like data management plans, as well as the monitoring of its implementation.

¹ 2011/833/EU of 12 December 2011.

² COM (2012) 401.

³ COM (2012) 392.

⁴ COM (2012) 4890.

⁵ 31 October 2013. Online:

http://ec.europa.eu/information_society/newsroom/cf/dae/document.cfm?doc_id=3489.

Preamble

The objective of the JRC Data Policy is two-fold:

- (1) provide free, full, open and timely access to more JRC data by outlining general Open Data principles governing access to and use of the JRC data, driven by the aims of transparency, efficiency and contribution to innovation;
- (2) provide a basis for better management of the JRC data by formulating essential principles in this regard.

Recitals

Having regard to:

- (1) Article 15, 16 of the Treaty on the Functioning of the European Union;
- (2) Articles 41, 42, 8 of the Charter of Fundamental Rights of the European Union;
- (3) Regulation (EC) No 1049/2001 of May 30, 2001 of the European Parliament and of the Council regarding public access to European Parliament, Council and Commission documents;
- (4) Regulation (EC) No 1367/2006 on the application of the provisions of the Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters to Community institutions and bodies;
- (5) Commission Delegated Regulation (EU) No1159/2013 supplementing Regulation (EU) No 911/2010 of the European Parliament and of the Council on the European Earth monitoring programme (GMES) by establishing registration and licensing conditions for GMES users and defining criteria for restricting access to GMES dedicated data and GMES service information;
- (6) Directive 2007/2/EC of the European Parliament and of the Council of 14 March 2007 establishing an Infrastructure for Spatial Information in the European Community (INSPIRE) and related Implementing Rules;
- (7) Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information and repealing Council Directive 90/313/EEC;
- (8) Directive 2013/37/EU of the European Parliament and of the Council of 26 June 2013 amending Directive 2003/98/EC on the re-use of public sector information;
- (9) Commission Decision of 12 December 2011 on the reuse of Commission documents (2011/833/EU);
- (10) Staff Regulations of officials of the European Union and the conditions of employment of other servants of the European Union, in particular Article 18;
- (11) European Charter for Researchers, which has been endorsed by the JRC, in particular its provisions on dissemination and exploitation of results;
- (12) JRC Code of Conduct (Ethical Guidelines), in particular Article 2.2. regarding transparency;
- (13) JRC Policy on Open Access and Supporting Guidance, 6 January, 2014;
- (14) Commission Recommendation of July 17, 2012 on access to and preservation of scientific information. C(2012) 4890 final;
- (15) Communication from the Commission of 12 December, 2011 to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, "Open data: An engine for innovation, growth and transparent governance", COM(2011) 882 final.

Chapter I. General provisions

Article 1. Purposes

The purposes of the JRC Data Policy are to:

1. Define the principles, conditions and exceptions governing access to the JRC data and their management in such a way as to increase access to such data, to facilitate their wider reuse, and to avoid unnecessary administrative burdens for users;
2. Lay down rules for effective and efficient implementation of the principles, conditions and exceptions to access and use of the JRC data;
3. Promote transparent and good administrative practice in order to improve management of and access to the JRC data, and thereby reinforce the overall goals of greater transparency, accountability and democracy.

Article 2. Rationale – the goals and aims

1. This Policy is reinforced by the overall EU policy goals with regard to use of its institutions' documents and consequently of the JRC data, as well as by JRC-specific goals, and aims at achieving them as fully as possible.
2. Overall EU policy goals include:
 - a. Sharing and use of data on the basis of Open Data: fully, freely, openly and timely;
 - b. Citizen participation in governance and civil society / transparency;
 - c. Access to quality data;
 - d. Facilitation of re-use for economic growth (private value-adding activities);
 - e. Ensuring reproducibility of accessible data;
 - f. Contribution to implementation of the relevant policies of the European Union;
 - g. Recognition and guardianship of interests, rights and concerns in the JRC data;
 - h. Support of innovation;
 - i. Reinforcing goals of Horizon 2020;
 - j. Support of EU implementation of the G8 Open Data Charter.
3. JRC-specific goals include:
 - a. Continuous support of evidence-based decision making and research;
 - b. Facilitating the dissemination and uptake of scientific knowledge;
 - c. Facilitating and broadening access to and use of data for which the JRC is responsible;
 - d. Contribution to the successful positioning of the JRC at the heart of EU policy making;
 - e. Improvement of the visibility of JRC as a scientific reference centre;
 - f. Establishment of a transparent mechanism to restrict access to data when sharing them on the basis of Open Data is impossible;
 - g. Avoidance of duplicating efforts, and ensuring optimal use conditions for data, when purchasing data from third parties;

Article 3. Scope

1. This Policy applies to data produced, received or otherwise acquired by the JRC or by public and private entities on its behalf. Pursuant to Article 2(1) of the Commission Decision on the reuse of Commission documents, this Policy applies both (1) to data which have been published by the Commission or by the Publications Office on its behalf through publications, websites or dissemination tools and (2) to data which have not been published for economic or other practical reasons.

2. Any type of the JRC data use, both commercial and non-commercial, falls within the scope of this Policy.
3. This Policy does not apply to the following data:
 - a. JRC publications, to the extent they fall into the scope of the JRC Policy on Open Access;
 - b. Administrative documents;
 - c. Subject-matter exempted from the obligation to allow reuse, as per Article 2(2) of the Commission Decision on the reuse of Commission documents;
 - d. Documents exempted from the obligation to provide access to, as per Article 9 Regulation 1049/2001 regarding public access to Commission documents;
 - e. Data access to which is restricted in accordance with provisions of Chapter 3 Delegated Regulation 1159/2013;
 - f. Any other data the access to or the reuse of which is restricted due to any other existing legal provisions which are incompatible with this Policy.

Article 4. Beneficiaries

Any natural or legal person or any association of legal or natural persons, including research users, shall have a right of access to the JRC data, subject to the principles, conditions and exceptions defined in this Policy.

Article 5. Definitions

For the purposes of this Policy, and in addition to the definitions contained in Article 6, the following definitions shall apply:

1. **JRC data** mean content produced or otherwise acquired by the JRC within its sphere of responsibility.
2. **Metadata** mean description of the data that allows their inventory, discovery, evaluation or use.
3. **Licence** means permission to use data under specific conditions, such as under a proprietary licence scheme or under an open licence scheme.
4. **Research** means creative work conducted on a systematic basis in order to increase the stock of knowledge, and the use of this stock of knowledge to devise new applications, and includes basic research, applied research and experimental development.
5. **Research user** means a natural person or legal entity, or their association who conducts research.
6. **Third party** means any natural person or legal entity, or any entity outside the European Commission, including the Member States, other Community or non-Community institutions and bodies and third countries.
7. **Use** means utilisation of data by users for commercial or non-commercial purposes other than the initial purpose for which the data were produced or acquired. Use includes but is not limited to such acts as reproduction, communication to the public, adaptation, modification, combination with other data and information, distribution of the data with or without any modifications by the user, as well as any combinations of such acts.
8. **User** means any natural person or legal entity, or their association.

Chapter II. Substantive principles

Article 6. Open Data principles

1. The JRC data shall be made available for use under the conditions of free, full, open and timely access, subject to the conditions and exceptions laid down in this Policy and in the JRC Data Policy Implementation Guidelines.
2. *Free* means without charge, subject to the provisions laid down in Article 9 of the Commission Decision on the reuse of Commission documents, in Article 10 of Regulation 1049/2001 regarding public access to Commission documents or in other relevant binding legal provisions.
3. *Full* means that the JRC data are made available for both commercial and non-commercial use.
4. *Open* means without the need to make an individual application.
5. *Timely* means that data are released as quickly as they are produced or acquired, or as soon as they can be made available to the users.
6. Metadata shall by default be open for access, even if access to and use of the underlying data is restricted.

Article 7. Attribution condition of use of the JRC data

A user shall acknowledge the source of the JRC data. The copyright owner is the European Union if no further information is provided in the legal notice. Further instructions will be given in the JRC Data Policy Implementation Guidelines.

Article 8. Registration condition of access to the JRC data

In specific exceptional cases, such as what is provided in Article 7 of the Commission Decision on the reuse of Commission documents, the user may have to register to access or use the JRC data or send an individual application.

Article 9. Exceptions to access to and use of the JRC data

1. Exceptions to free, full, open and timely access to the JRC data may be imposed for the reasons referred to in the Commission Decision on the reuse of Commission documents, in Regulation 1049/2001 regarding public access to Commission documents or in other relevant legal binding provisions. These reasons include: protecting the public interest in security, defence and military matters, international relations, financial, monetary or economic policy of the European Union; privacy and the integrity of the individual; commercial interests of natural or legal persons, intellectual property, court proceedings and legal advice, and for the purpose of inspections, investigations and audit.
2. The principles of Article 4 Regulation 1049/2001 regarding public access to Commission documents will, by analogy, be applied to assess whether access and use of the JRC data need to be restricted.
3. The JRC Data Policy Implementation Guidelines will contain further specifications regarding exceptions to access to and use of JRC data.

Article 10. Principles regarding acquisition of data by the JRC

1. Acquisition of data by the JRC from third parties shall, where possible and feasible, be governed by the Open Data principles, and all efforts shall be made to avoid imposition of restrictions to their access and use by the JRC and subsequent users.
2. In cases where such acquisition of data by the JRC is not possible without imposing restrictions, the latter shall be as minimal as possible not to unreasonably hinder application of the Open Data principles.

3. Minimum scope of rights granted to the JRC with regard to the data acquired from third parties shall, where possible and feasible, allow access to them by the entire JRC and the European Commission.
4. Licences with third parties on acquisition of data shall, where possible and feasible, allow access to research users.
5. Licences with third parties on acquisition of data shall, where possible and feasible, not restrict use of derivative output produced by the JRC using the acquired data.
6. The Open Data principles and the strategies laid down in points 1-5 above also apply, where possible and feasible, to data produced within the framework of cooperation agreements signed by the JRC with external partners, e.g. in the context of Horizon 2020.
7. The JRC Data Policy Implementation Guidelines will contain further specifications regarding acquisition of data by the JRC.

Article 11. Accessibility

1. Access to the JRC data should be sustained and provided through a single access point at the level of the JRC.
2. The JRC single access point shall be the only channel to make available the JRC data in the data portal set up in accordance with Article 5 of the Commission Decision on the reuse of Commission documents.
3. The JRC data shall, to all possible extent, be made available in an accepted, platform-independent, machine-readable format via accepted interfaces.

Article 12. Metadata

1. All the JRC data shall, as a matter of principle, be described by metadata.
2. Elements of metadata records shall be outlined in the JRC Data Policy Implementation Guidelines.
3. Elements of metadata pertaining to specific data types will be further specified in the JRC Data Policy Implementation Guidelines and individual data management plans.

Article 13. Warranty and liability

Where data are made available by the JRC, except if agreed otherwise, the JRC shall, to all possible extent and where permitted under applicable law, ensure that the following rules are made applicable, subject to further instructions given in the JRC Data Policy Implementation Guidelines:

- a. The JRC data are provided “as is” without warranty of any kind, either express or implied, including, but not limited to, any implied warranty against infringement of third parties' property rights, or merchantability, integration, satisfactory quality and fitness for a particular purpose.
- b. The JRC has no obligation to provide technical support or remedies for the data. The JRC does not represent or warrant that the data will be error free or uninterrupted, or that all non-conformities can or will be corrected, or that any data are accurate or complete, or that they are of a satisfactory technical or scientific quality.
- c. The JRC or as the case may be the European Commission shall not be held liable for any direct or indirect, incidental, consequential or other damages, including but not limited to the loss of data, loss of profits, or any other financial loss arising from the use of the JRC data, or inability to use them, even if the JRC is notified of the possibility of such damages.

Chapter III. Implementation principles

Article 14. Responsible entity within the JRC

Oversight and monitoring of the implementation of this Policy, as well as of the JRC Data Policy Implementation Guidelines shall be assigned to a specific responsible entity within the JRC.

Article 15. Implementation Guidelines

1. The JRC Data Policy Implementation Guidelines will further detail and govern the implementation of the provisions laid down in this Policy.
2. The JRC Data Policy Implementation Guidelines shall contain, in particular, details with regard to the following items:
 - a. Exceptions to access to and use of specific types of the JRC data, based on the principles of Article 8 of this Policy;
 - b. Elements of metadata;
 - c. Data management principles;
 - d. Implementation time frame;
 - e. Costs of implementation.

Article 16. Data Management Plans

1. Data management plans shall be integrated in all future projects, activities, and apply to the JRC data produced or otherwise acquired while carrying them out.
2. Data management plans pertaining to a specific project or activity will further detail this Policy and the JRC Data Policy Implementation Guidelines in full consistency with them.
3. Data management plans shall contain, in particular, details with regard to the following items:
 - a. Data type-, project- or activity-specific exceptions to access to and use of the JRC data when the general principles of Article 8 of this Policy are not detailed enough in the JRC Data Policy Implementation Guidelines, and it is not clear how they apply to the specific data type, project or activity;
 - b. Data type-, project- or activity-specific elements of metadata;
 - c. Specific details with regard to data management principles laid down in the JRC Data Policy Implementation Guidelines.

Article 17. Monitoring of implementation

1. The task of monitoring the implementation process of this Policy and of the JRC Data Policy Implementation Guidelines shall be assigned to a specific responsible entity within the JRC.
2. The responsible monitoring entity shall produce its first report on progress not later than three years after the adoption of this Policy and of the JRC Data Policy Implementation Guidelines.

Article 18. Future review

1. This Policy shall be reviewed three years after its adoption.
2. Upon necessity, a procedure regarding amendment of this Policy or the JRC Data Policy Implementation Guidelines can be initiated.

List of Acronyms

EC	European Commission
EU	European Union
G8	Group of Eight
GMES	Global Monitoring for Environment and Security
INSPIRE	Infrastructure for Spatial Information in the European Community
JRC	Joint Research Centre

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