



Data Archiving and Networked Services

Licences at DANS: A Help or an Obstacle in Obtaining Data?

Heiko Tjalsma
Policy Advisor

CESSDA Expert Seminar 2012
Data Acquisition and License Agreements

October 4-5, Tampere, Finland

DANS is an institute of KNAW and NWO

Driven by data



About DANS

- DANS is an institute of the **Royal Netherlands Academy of Arts and Sciences KNAW** and the **Netherlands Organisation for Scientific Research NWO**
- DANS promotes sustained access to digital research data
- DANS provides training and advice on digital curation and preservation of research data
- DANS performs research into digital preservation and access to digital information
- DANS provides access to research information in the Netherlands



Outline

- The DANS Licences
- Hurdles and Problems
- Acquisition



Licences DANS

- **Based on:**

 - Open Access Principles (Berlin Declaration)

 - Codes of Conduct for researchers in the Netherlands

- **Legal Context:**

 - Databases Acts:*

 - Protects the databases itself: sui generis – European Union

 - Copyright Acts:*

 - Protects the contents of the databases: the copyrightable elements

 - Personal Data Protection Acts:*

 - Protects personal data in the databases



Access Categories Standard Licence EASY

- Open Access: unlimited access
- Restricted Access: only with owners permission
- Other Access: not by Internet (personal data)
- Embargo



Licence – Main points

- Contract between “owner” and DANS
- Non-exclusive
- Access category can be changed (Restricted -> Open for example)
- Access becomes Open when “owner” dies (except personal data)
- No “third” rights in datasets (copyright etc.)



User Conditions

- Contract between User and DANS
- Citation of dataset obliged
- Commercial use and distribution not allowed
- No liability by DANS for the content
- Displaying personal data of user



(Legal) Hurdles

- **No Creative Commons Licence yet** - Conflict between legal accuracy and simplicity, differences in national laws and standards concerning rights
- **Legal or contractual restrictions**
- **Reluctance by researchers: restricting to their own discipline**
- **„For academic use“ exceptions:**
 - Not clearly defined
 - Varying from country to country



Problems

- *All categories until now only for registered users!*
- *Category "only for academic use" only for Archaeology*
- *Anonymous downloading*
- *Commercial Use?*





Challenges for Acquisition of data

- Persuading researchers into Open Access
- Restricted Access sometimes second best
- No liability for “misuse” of content
- Anonymous downloading
- No liability for loss of data by DANS
- **‘Open if possible, protected if necessary’**



Acquisition

- Still on individual base
- But mostly by
 - contract (Opinion Polls, Government Agencies)
 - obligation by Funding Organisation
 - obligation by Branche Organisation (Archaeology)
 - Other, for example large-scale research projects



For more information please contact
heiko.tjalsma@dans.knaw.nl