JRC DATA POLICY

Joint
Research
Centre

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EU Science Hub
https://ec.europa.eu/jrc

JRC115832

Ispra: European Commission, 2019

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How to cite this document: A. Friis-Christensen, J. P. Triaille, *JRC Data Policy*, European Commission, Ispra, 2019, JRC115832

Table of Contents

Executive summary 1

Introduction 3

Recitals 5

Chapter I 7
Article 1. Purposes 7
Article 2. Definitions 7
Article 3. Scope 7
Article 4. Beneficiaries 8

Chapter II. Substantive principles 9
Article 5. Open Data principles 9
Article 6. Attribution condition for the use of the JRC data 9
Article 7. Registration condition for access to the JRC data 9
Article 8. Exceptions to access to and use of the JRC data 9
Article 9. Principles applying to third-party data 10
Article 10. Principles applying to confidential data 10
Article 11. Principles applying to personal and private data 10
Article 12. Acquisition of data from third-parties 11
Article 13. Obtaining data from Member States or non-EU countries 11
Article 14. Accessibility and publication 12
Article 15. Metadata 12
Article 16. Storage, maintenance and preservation 12
Article 17. Warranty and liability 13

Chapter III. Implementation principles 14
Article 18. Responsible entity within the JRC 14
Article 19. Implementation Guidelines 14
Article 20. Data Management Plans 14
Article 21. Monitoring of implementation 14
Article 22. Future review 14

List of Acronyms 15

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 information[2], Commission communication on a reinforced European research area partnership for excellence and growth[3], 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 Open Data principles: fully, freely, openly and timely;
- Provide a coordinated approach to the acquisition of data by the JRC;
- Facilitate management, broaden access and use of the JRC data, in line with FAIR Data principles (Findable, Accessible, Interoperable, Reusable);
- 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.

This new version of the JRC Data Policy is the result of the first review (2018) of the initial Policy adopted in 2015.

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

Introduction

The **OBJECTIVE OF THE JRC DATA POLICY** is two-fold:

- provide free, full, open and timely access to 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 research and innovation;

- provide a basis for better management of the JRC data by formulating essential principles in this regard, in line with FAIR Data principles.

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:

Overall **EU POLICY GOALS** include:

a. Sharing and use of data on the basis of Open Data: fully, freely, openly and timely;
b. Ensure availability of publicly funded research data to citizens;
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. Support of innovation and further research;
h. Reinforcing goals of EU research programs such as Horizon 2020;
i. Support of EU implementation of the G8 Open Data Charter.

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. Recognition and guardianship of interests, rights and concerns in the JRC data;
g. Avoidance of duplicating efforts, and ensuring optimal use conditions for data, when purchasing data from third parties.

Recitals

Having regard to:

(1) Article 15, 16, 179 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) Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data;
(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 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;
(10) Commission Decision of 12 December 2011 on the reuse of Commission documents (2011/833/EU);
(11) Staff Regulations of officials of the European Union and the conditions of employment of other servants of the European Union, in particular Article 18;
(12) European Charter for Researchers, which has been endorsed by the JRC, in particular its provisions on dissemination and exploitation of results;
(13) JRC Code of Conduct (Ethical Guidelines), in particular Article 2.2. regarding transparency;
(14) JRC Policy on Open Access and Supporting Guidance, 6 January, 2014;
(15) Commission Recommendation of 25 April 2018 on access to and preservation of scientific information, C(2018) 2375 final;
(16) 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

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. Definitions

For the purposes of this Policy, 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 it 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 other than the European Commission; it includes the Member States, private entities, other Community or non-Community institutions and bodies and third (non-EU) 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; it also includes "reuse" in the sense of article 3 (2) of the Commission Decision on the reuse of Commission document.
8. User means any natural person or legal entity, or their association.

Article 3. Scope

1. This Policy applies to data produced by the JRC or by public and private entities on its behalf, as well as to data received by the JRC or acquired against payment. 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. 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 data;
   c. Data exempted from the obligation to allow reuse, as per Article 2(2) of the Commission Decision on the reuse of Commission documents;
   d. Data 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 of 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 binding and incompatible with this Policy.
3. The Open Data principles defined in Article 6 do not apply, or apply only partly, to the following types of data:
   a. Third-party data, as is further explained in Article 9;
   b. Confidential data, such as some nuclear data, as is further explained in Article 10;
   c. Personal and private data, as is further explained in Article 11.

Article 4. Beneficiaries

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

Chapter II. Substantive principles

Article 5. 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:
    a. 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.
    b. Full means that the JRC data are made available for both commercial and non-commercial use.
    c. Open means without the need to make an individual application.
    d. 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.
2. Metadata shall by default be open for access, even if access to and use of the underlying data is restricted, except if the metadata or the existence itself of the data should be considered as confidential data in the sense of Article 10.
3. To the extent the following does not already derive from the Open Data principles, the JRC data shall, to all possible extent, be managed and made available in accordance with the FAIR Data principles (Findable, Accessible, Interoperable, Reusable), subject to the conditions and exceptions laid down in this Policy and in the JRC Data Policy Implementation Guidelines.

Article 6. Attribution condition for the use of the JRC data

A user shall acknowledge the source of the JRC data, except if the copyright notice or the licence accompanying the data authorises the user not to mention the source, such as in the case of public domain dedication. The copyright owner is the European Union if no further information is provided in the copyright notice. Further instructions are given in the JRC Data Policy Implementation Guidelines.

Article 7. Registration condition for access to the JRC data

In principle, access to the JRC data is open, and no registration is required. Only in 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 or send an individual application in order to access or use the JRC data.

Article 8. 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 of 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 contains further specifications regarding exceptions to access to and use of JRC data.
4. In addition, special rules apply to third-party data, to confidential data and to personal and private data, as is further explained in the following articles.

Article 9. Principles applying to third-party data

The Open Data principles do not apply to data owned by a third-party and only licensed to the JRC, except if the agreement under which the data were obtained allows for their application.

The Open Data principles only apply to data co-owned by the JRC and a third-party if the agreement governing the co-ownership allows for their application.
In the situations described in the two paragraphs above, where the Open Data principles can be partly applied, they should be applied to that extent.

Article 12 further defines the principles applying to the negotiation of such agreement.
This Article does not impact possible internal rules regarding documentation and identification of third-party data.

Article 10. Principles applying to confidential data

This Policy does not apply to data which must be considered as confidential, as a result of a confidentiality agreement, of an applicable legal rule or a well-established and justified practice. All due care shall in particular be applied to data in the nuclear field or in relation to security aspects.

This Article does not impact possible internal rules regarding documentation and identification of confidential data within the limits of Article 5.2.

Article 11. Principles applying to personal and private data

Where the data qualify as personal data in the sense of the applicable data protection legislation, the Open Data principles will only apply to the extent that this complies with all the provisions of such data protection legislation. Where the Open Data principles can be made applicable, or partly applicable, for instance through technical measures such as anonymization of the data, such technical measures shall be duly considered whenever relevant. In addition, users may sometimes benefit from less restrictive provisions on the processing of personal data, in cases where the processing takes place in the context of scientific research.

Article 12. Acquisition of data from third-parties

In case of acquisition of data against payment, before acquiring a new dataset, the acquirer shall first verify:

1. whether the data is not already available for the intended use, by using the available verification procedures as further described in the JRC Data Policy Implementation Guidelines;

2. whether other JRC services may be interested to join the procurement process, by using the available verification procedures as further described in the JRC Data Policy Implementation Guidelines.

In cases of acquisition of data against payment, if this is reasonable and proportionate from a financial point of view, the following guiding principles should be followed for the negotiation of the licence agreement with the data provider:

1. the licence agreement should be governed by the spirit of the Open Data principles, and all reasonable efforts should be made to avoid imposition of restrictions to their access and use by the JRC and subsequent users;
2. in cases where the acquisition of data is not possible without accepting restrictions, the latter should be as minimal as possible not to unreasonably hinder the application of the Open Data principles;
3. the rights of use granted to the JRC should allow access to the data by the entire JRC and the European Commission, to the extent this is reasonable and possible;
4. the licence agreement should not restrict use of derivative outputs produced by the JRC using the acquired data.

The Open Data principles and the guiding principles laid down in points 1-4 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 research programs such as Horizon 2020.

The JRC Data Policy Implementation Guidelines will contain further specifications regarding acquisition of data by the JRC.

Article 13. Obtaining data from Member States or non-EU countries

For data obtained from Member States without payment, if this is reasonable, the following guiding principles should be followed for the arrangement with the Member State:

1. the agreement shall be governed by the Open Data principles, and all reasonable efforts shall be made to avoid unjustified or unwarranted imposition of restrictions to their access and use by the JRC and subsequent users;
2. in cases where obtaining the data is not possible without accepting restrictions, the latter should be as minimal as possible not to unreasonably hinder the application of the Open Data principles;
3. the rights of use granted to the JRC should allow access to the data by the entire JRC and the European Commission;

4. the agreement should not restrict use of derivative outputs produced by the JRC using the obtained data.

In case of acquisition of data against payment from Member States, the procedure and the guiding principles described in Article 12 apply, mutatis mutandis.
In all cases, due attention shall always be paid to the need to respect the confidential character of the data, whenever appropriate or legally required, in accordance with Article 10.

In certain cases, the JRC only acts as custodian or hosting service provider in relation to the data obtained from Member States; in these cases, the Open Data principles only apply if this is not in contradiction with the agreement concluded with the Member State(s).

For data obtained from non-EU countries or institutions without payment, the provisions of this Article should also be followed, to the extent this is reasonable and possible.

Article 14. Accessibility and publication

1. Access to the JRC data should be provided and sustained through a single access point at the level of the JRC. This does not prevent access to JRC data via other channels, e.g., via individual or external websites.
2. The JRC single access point shall be the only channel to register JRC data in the EU Open 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 and in line with the FAIR Data principles, be made available in an accepted, platform-independent, machine-readable format via accepted interfaces.

Article 15. Metadata

1. All the JRC data shall, as a matter of principle, be described by metadata in line with the FAIR Data principles.
2. Elements of metadata records are outlined in the JRC Data Policy Implementation Guidelines.
3. Elements of metadata pertaining to specific data types are further specified in the JRC Data Policy Implementation Guidelines.

Article 16. Storage, maintenance and preservation

Each project or activity has the sole responsibility for storing and maintaining its own data, using corporate data management facilities whenever available and suitable. This task may include taking into consideration the standards and rules of different research communities. The Implementation Guidelines contain further recommendations in this respect.

As a general principle, data should be permanently archived and remain accessible with an indefinite retention period, in particular when these data have been used as basis for drawing conclusions in publications. There may, however, be practical reasons for introducing a specific time retention period.

Article 17. 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:

1. 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.
2. 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.
3. 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 18. 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. The responsible entity shall ensure that proper incentives for the staff are in place to encourage an efficient implementation of the JRC Data Policy.

Article 19. Implementation Guidelines

1. The JRC Data Policy Implementation Guidelines further detail and govern the implementation of the provisions laid down in this Policy.
2. The JRC Data Policy Implementation Guidelines 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.

Article 20. Data Management Plans

1. Data management plans shall be integrated in future projects, activities, and apply to the JRC data produced or otherwise acquired while carrying them out.
2. Data management plans shall contain, in particular, details with regard to e.g., acquisition, licencing, documentation and preservation. Further details are provided in the Implementation Guidelines.

Article 21. 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, and thereafter every three years.

Article 22. Future review

1. This Policy shall be reviewed every three years.
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

JRC115832

JRC Mission

As the science and knowledge service of the European Commission, the Joint Research Centre's mission is to support EU policies with independent evidence throughout the whole policy cycle.

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