

 <b>Research &amp; Sponsored Programs</b> UNIVERSITY OF DENVER	<b>Office of Research and Sponsored Programs Policy Manual</b>  <b>Research Data Governance</b>
	Policy Number: ORSP-26
<b>Recommended By:</b> Dean of University Libraries; Manager, Intellectual Property and Technology Transfer <b>Approved By:</b> Senior Vice Provost for Research and Graduate Education	Effective Date: 9/04/2024

## 1. PURPOSE

As the needs for the University’s research enterprise evolve it is necessary to assess how research data is managed, used, distributed, and transferred. The University is committed to securing and protecting Proprietary and Confidential Research Data sets. The Research Data Governance Committee will provide guidance and advise to the University on protection and distribution of Proprietary and Confidential research data sets. The Office of Research and Sponsored Programs (ORSP) will collaborate with the University’s research community and the Division of Information Technology (IT) to provide IT solutions that are aligned with institutional priorities, research needs, and minimize risk to the University.

## 2. DEFINITIONS

- 2.1. Confidential Information is that information that is required to be kept confidential pursuant to the Federal Information Security Management Act (44 USC § 35), Health Information Technology for Economic and Clinical Health Act (Pub. L. 111–5), Confidential Information Protection and Statistical Efficiency Act (44 USC § 3501), Health Insurance Portability and Accountability Act (Pub. L. 104–191), the Family Educational Rights and Privacy Act (20 USC § 1232g), Federal Human Subjects Research Protection Policy (45 CFR § 46), Colorado Privacy Act (CRS § 6-1-1301) and any other laws and policies. Confidential Information includes any book, paper, photograph, tape, recording, slide, data set, methodology, statement, internal report or other documentary materials, regardless of form or characteristic, that is protected by state or federal privacy laws and includes without limitation information defined in any other law or regulation requiring kept confidentially or information defined as confidential by the terms and conditions of a sponsored program agreement.
- 2.2. Faculty is a person appointed to employment by the University to fulfill teaching and/or scholarly activities. Appointment is classified in the [Policies and Procedures Relating to Faculty Appointment, Promotion and Tenure](#).
- 2.3. Proprietary Information is any information not generally made available to the public which includes the whole or any portion or phase of any scientific or technical information; designs, processes and procedures; formulae; improvements; concepts; data; requirements; specifications; hardware, software; interfaces; components; materials compositions; confidential business or financial information; listing of names, addresses, or telephone numbers; or other information relating to a research project.

- 2.4. Research Data includes all data generated from the conduct of any type of research, scholarship and creative work and includes any record necessary for the reconstruction, reproduction, validation, and/or evaluation of reported results of research and the events and processes leading to those results, regardless of the form of the data or the media on which they may be recorded. This includes all information or data even that which is not under the control of the University but that was created by someone acting on behalf of the University or using University resources.
- 2.5. Public Access is the availability of Research Data and the peer reviewed findings resulting thereof to the public at large without restriction or embargo. Public Access is generally required for federally funded research as the research was funded by the people using tax-payor dollars and therefore is to be freely available and publicly accessible to all people.

### 3. POLICY

- 3.1. The [University Policy IT 13.10.051 – Data Classification](#) classifies all electronic data stored by University information technology systems. Research Data classified as internal is considered Proprietary by ORSP. Research Data classified by IT 13.10.051 as Confidential or Restricted meets the definition of Confidential Information as defined in section 2.1 of this policy.
- 3.2. All Research Data gathered with University resources, transferred by written instrument to the University or gathered by a University employee, student or agent is subject to this policy. This includes Research Data owned or held by the University, under the University’s custody, or otherwise present in the University’s network or computing environment. This Research Data may be held on any of the University’s premises or in any external or cloud-based IT infrastructure licensed, rented or contracted by the University or on the University’s behalf. Further, this policy is to apply to Research Data that is not under the University’s physical control but which the University may assert a reasonable claim to exercise authority over, including via a contract or other instrument of agreement.
- 3.3. All Research Data gathered or generated pursuant to Section 3.2 above is subject to this policy, regardless of the storage location of such Research Data or if the Research Data is held in a repository not under the control of the University.
- 3.4. This policy applies to all persons who generate or utilize Research Data at the University including students, Faculty, staff, researchers, contractors, visitors, and any others accessing the University’s Research Data. It applies in all locations where the University conducts its activities without geographical limits, or ownership of the computing facility, subject to applicable local laws and regulations.
- 3.5. Research Data that is governed by a written instrument that contains specific terms or conditions regarding ownership, retention of, and access to data, will be governed by provisions of that instrument and will supersede this policy.
- 3.6. All Research Data will be retained pursuant to the ORSP Policy on Records Retention (ORSP-22) and such storage terms begin upon the completion of the externally funded project or expiration of the agreement with the funding source. If the externally funded sponsored programs agreement requires storage of the Research Data for a period longer than ORSP-22 the sponsored programs agreement will supersede this policy.

- 3.7. All Research Data will have a steward. The steward of the Research Data will be a full-time employee of the University, either Faculty or staff. The steward of the Research Data will be specifically identified and provide oversight of such data and will see to its proper retention, storage, and Public Access. The steward will be responsible for oversight of the Research Data as long as the University has possession or control over the Research Data. This stewardship responsibility applies to Research data that is preserved by others, but that the University had interest in gathering or generating and is pursuant to Section 3.3 above.
- 3.8. If Research Data is collected by a postdoctoral fellow, student, volunteer, or visitor, the appropriate supervisor of that postdoctoral fellow, student, volunteer, or visitor is the steward of such Research Data pursuant to Section 3.7 above. In addition to any retention requirements of the Research Data pursuant to this policy, Research Data as contemplated in this section must be retained for the duration of postdoctoral fellow, student, volunteer, or visitors time serving the University.
- 3.9. The Research Data contained in the final product which is relied upon to draw conclusions for a federal sponsor or presented peer reviewed publication will be preserved, stored and retained in form and format that is findable, accessible, interoperable and reproduceable by others.
- 3.10. Research Data which is subject to Public Access requirements will be deposited in the appropriate data repository pursuant to the terms and conditions or the sponsored program agreement that funded the generation or gathering of such Research Data. Public Access requirements are in addition to the preservation and retention requirements required pursuant to this policy.
- 3.11. Research Data underlying peer-reviewed scholarly publications resulting from federally funded research programs funded after January 1, 2025, requires Public Access at the time of publication, unless subject to limitations in the specific terms and conditions of the federal award.
- 3.12. Any Research Data that meets the requirements for disclosure to the Office of Intellectual Property and Technology Transfer (OIPTT), specifically written records of early ideas or experiments, will be retained to support possible patent prosecution, for up to twenty (20) years from the most recent issuance.
- 3.13. A Research Data, Services and Ethics Committee will be created and comprised of Faculty and other University employees with expertise in Research Data.

#### **4. PROCESS**

- 4.1. The Vice Provost for Research (Vice Provost) will oversee all Research Data governance and will collaborate with the Deans of the schools and colleges, or their designee, to identify Research Data stewards who will be specifically identified employees with specific responsibilities for the curation of Research Data, from data entry to archive or disposal.
- 4.2. Research Data steward are to oversee their Research Data to assure it can be trusted, with key decisions and actions documented at an appropriate level of detail.
- 4.3. The Research Data, Services and Ethics Committee will:
- 4.3.1. Recommend the development of tools, guidelines, services, principles, and recommend policies as required on topics such as Research Data classification, access, usage, integrity, retention, roles/responsibilities, incident response, and integration.

- 4.3.2. Prioritize Research Data governance initiatives and supporting Research Data management for institutional initiatives.
- 4.3.3. Serve as Research Data management liaisons to foster a culture that provides value to the institution, particularly to Faculty and researchers.
- 4.3.4. Advise on the ethical use of Research Data.
- 4.3.5. The Research Data, Services and Ethics Committee membership will be largely comprised of Faculty in such quantity as the Research Data Committee feels appropriate. The Research Data, Services and Ethics Committee will enact bylaws that will set the size of and appointment to the Research Data, Services and Ethics Committee.

## **5. RESOURCES**

- 5.1. Federal Information Security Management Act – 44 USC § 35
- 5.2. Health Information Technology for Economic and Clinical Health Act – Pub. L. 111–5
- 5.3. Confidential Information Protection and Statistical Efficiency Act – 44 USC § 3501
- 5.4. Health Insurance Portability and Accountability Act – Pub. L. 104–191
- 5.5. Family Educational Rights and Privacy Act – 20 USC § 1232g
- 5.6. Protection of Human Subjects – 45 CFR § 46
- 5.7. Colorado Privacy Act – CRS § 6-1-1301
- 5.8. [University Policy IT 13.10.051 - Data Classification](#)