



# DRO DATA MANAGEMENT TOOLKIT FOR RESEARCHERS

Ownership and rights relating to research data will govern how that particular data can be managed into the future. Researchers should document ownership and rights through a data management plan before a research project commences.

This data management toolkit has been designed with researchers in mind. It provides guidelines on implementing a data management plan, and can assist researchers in ascertaining their role and responsibilities in relation to data.

This guide is based on the *Model Data Management Toolkit for Researchers* (2008), Legal Framework for e-Research Project and Open

Access to Knowledge (OAK) Law Project. Available online at:

<http://www.oaklaw.qut.edu.au>

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CRICOS Provider Code: 00113B

Deakin University Library  
Deakin Research Online (DRO)  
Geelong Waterfront Campus, Locked Bag 20001 Geelong Victoria 3220 Australia  
Tel 03 5227 2700 [drosupport@deakin.edu.au](mailto:drosupport@deakin.edu.au) [www.deakin.edu.au](http://www.deakin.edu.au)

Is your data protected by copyright?

**1.1. Is it a:**

- dataset or data compilation?
- database?
- table?
- map?
- visual image? (e.g. still or moving image or photographic collections)
- written material (e.g. report, fieldwork notes, surveys, documented observations)?
- multimedia works (e.g. sound files, videos)

If you ticked any of the boxes above, copyright protection is likely to apply (proceed to 1.2.)

**1.2. When was your data created or compiled:**

- < 25 years -- copyright protection is likely to apply
- < 50 years -- copyright protection is likely to apply
- > 50 years -- copyright protection may apply, or the copyright term may have elapsed. You may need to discover when exactly the data was created or compiled.

**1.3. Was the data created or compiled in Australia?**

- Yes -- copyright protection under Australian law is likely to apply
- No -- Australian copyright law is unlikely to apply. However, copyright protection may be accorded under the law of another jurisdiction.

## 2. Who owns the copyright?

### 2.1. Who created or compiled the data?

<i>Surname</i>	<i>Given name</i>	<i>Staff/student/ visiting scholar/ external</i>	<i>School/Centre/ external affiliations</i>	<i>Role e.g. chief investigator, investigator, research assistant</i>

### 2.2. Was the data created or compiled by an employee during the ordinary course of their employment?

- No -- creator or compiler owns copyright
- Yes -- employing institution may own copyright

Name of employing institution:

### 2.3. Is there an agreement in place between the employer and any employees or contractors about copyright ownership?

If yes, outline the relevant terms of the agreement:

**2.4. Are there any other contractual agreements which may affect copyright ownership (e.g. does your research funding agreement require some or all of the copyright rights (or other rights) to be invested in the funding organisation)?**

If yes, outline the relevant terms of the agreement:

**2.5. Taking into consideration all of the above – who owns copyright to the data?**

### 3. Open access and open copyright licensing

#### 3.1. Is the data to be made openly accessible to the public?

- Yes -- proceed to 3.3.
- No -- proceed to 3.2. and skip 3.3.

#### 3.2. If you selected "No" above, please outline the access restrictions apply to the data so that the data is kept secure:

#### 3.2. If you selected "Yes" above, select only one of the following licence options:

<http://creativecommons.org.au/learn/licences/>

- Creative Commons Attribution Licence

Creative Commons Non Commercial Licence

Creative Commons Attribution Non Commercial Licence

Creative Commons Share Alike Licence

Creative Commons Attribution Share Alike Licence

Creative Commons Attribution Non Commercial Share Alike Licence

Other Licence -- please specify

If you have selected a licence that requires attribution, please specify how you want the data attributed:

#### **4. Confidential information**

##### **4.1. Does the data contain confidential information?**

Yes -- proceed to 4.2. and 4.3.

No -- proceed to 5.

##### **4.2. What confidentiality restrictions have been imposed?**

##### **4.3. What safeguards have been established to prevent disclosure of the confidential information?**

## 5. Will privacy restrictions apply?

### 5.1. Does the data collected contain personal information about an individual, such as personally identifying information or health information?

- Yes -- the Privacy Act 1998 (Cth) or the equivalent state legislation may apply. Proceed to steps 5.2. --5.5.
- No -- privacy legislation will not apply. Proceed to 6.

### 5.2. Do you have consent from the person identified to use or disclose this information?

- Yes -- privacy restrictions will not apply, provided that the data is only used or disclosed within the scope of the consent. Proceed to 6.
- No -- privacy restrictions under the relevant legislation may apply. Proceed to steps 5.3.-5.5.

### 5.3. Has the data been collected or compiled by:

- a Commonwealth government agency or body?
- a private sector organisation?
- employees of a private sector organisation?

If you ticked any of the above boxes then the Privacy Act 1998 (Cth) may apply -- see Deakin University's solicitor for advice ( <http://www.deakin.edu.au/about-deakin/structure/administrative-divisions/university-solicitors-office>)

### 5.4. Has the data been collected or compiled by:

- a State or Territory government agency or body?
- a University institution enacted under a State Act?

If you ticked any of the above boxes State or Territory privacy legislation or protocols may apply -- see Deakin University's solicitor for advice ( <http://www.deakin.edu.au/about-deakin/structure/administrative-divisions/university-solicitors-office>)

Take note of which states or territories are involved in the research project and which legislation or protocols are likely to apply. Deakin University's solicitors will be able to assist in determining which legislation you need to abide by.

### 5.5. If privacy obligations apply, what measures have been put in place to ensure that the relevant data or information is kept private?

## 6. Patents

### 6.1. Does the data relate to an invention?

- Yes -- proceed to 6.2.
- No- proceed to 7.

### 6.2. Do you (or your institution or organisation) want to acquire a patent for the invention to which the data relates?

- Yes -- it is important that you take steps to ensure that the information is not publicly disclosed without ensuring that it is properly protected, e.g. under a confidentiality agreement.
- No -- proceed to 6.3.

### 6.3. Do you want to share your data and keep the data free of legal restrictions?

- Yes -- you may want to release your data openly into the public domain, which may be enough to preclude patent applications by other parties. Proceed to 7.
- No -- you may want to control access to your data with an access agreement. However, you should consider the benefits of sharing your data.

## 7. Contractual agreements

### 7.1. Have you fulfilled all contractual obligations relating to the data?

Obligation	Yes	No

## 8. Policy and administrative requirements

### 8.1. Have you fulfilled all policy and administrative requirements within your own organisation that relate to the data?

Restriction/Obligation	Yes	No

## 9. Depositing data descriptions

### 9.1. Do you understand the process for depositing descriptions of your data into Deakin University's open access institutional repository, Deakin Research Online (DRO)?

Yes -- proceed to 9.2.

No -- contact repository staff to assist you with the deposit process

[drosupport@deakin.edu.au](mailto:drosupport@deakin.edu.au)

### 9.2. Have you:

Completed the relevant [proforma \(docx, 101kb\)](#)?

## 10. Final checklist

**Have you:**

- Ascertained whether copyright subsists in the data?
- Determined who owns copyright in the data?
- Licensed the data under an appropriate licence (e.g. a Creative Commons Attribution Licence), with the consent of the copyright owner?
- Determined (and specified) how the data is to be attributed by users under the appropriate licence?
- Determined whether any privacy obligations apply?
- Ascertained whether the dataset/collection contains confidential information and, if it does, adopted safeguards to prevent its unauthorised disclosure?
- Determined whether patent law will apply?
- Identified, understood and complied with all your contractual obligations?
- Satisfied all policy or administrative requirements within your own organisation?
- Familiarised yourself with the process for depositing descriptions of the data into the repository and completed the relevant proforma?