

# TERN Data Licensing Policy

**V3.0**

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## Release Authorisation

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## Document History

Version	Date	Approved By	Change Log	Document Author
1.0	2012	TERN IIDDG	Created the first version of TERN data licencing policy document	Alison Bradshaw
2.0	April 2015	TERN IIDDG	The second version: support for CC 4.0 international	Alison Bradshaw
3.0	Oct 2015	TERN IIDDG	The document is simplified with core data sharing principles, endorses the CC BY 4.0 international as default licence, de-commissioned the use of TERN suite of licences for future data publications.	Siddeswara Guru



## Introduction

This document is an over-arching TERN-wide policy on data licensing. As a public document, this Policy is the primary, authoritative reference point for TERN Facilities, stakeholders, partners and collaborators about TERN's data access and publication. The current version of the document is a refinement from the previous versions of data licensing policy. The updated data licensing policy applies to all new datasets created or acquired by TERN and its Facilities, and published. All the datasets previously published in agreement with the previous policy are valid and will not breach any TERN data licensing policy.

## Purpose

The [Terrestrial Ecosystem Research Network](#) (TERN) is a project funded under the Australian Government's National Collaborative Research Infrastructure Strategy (NCRIS). As a publicly funded national infrastructure, any datasets published by TERN and Facilities should be openly available for maximum reuse. Hence, TERN is committed to releasing all datasets for reuse by different stakeholders to improve, study and understand Australian terrestrial ecosystem.

To drive data-driven innovation, TERN has a clear principle promoting open access to data. TERN has a default position to provide open access to data with the exception only if required for privacy, security, sensitivity or confidentiality reasons.

The data licensing policy has been developed to implement the principle of open access to terrestrial ecosystem data published by TERN and its Facilities. The objective of the policy is to ensure that:

- **All data generated, provided (data provided by external parties) and published through TERN will be made freely and openly accessible by the relevant Facility, noting that:**
  - **Users will be required to attribute the source of the data; and**
  - **Justifiable conditions protecting sensitivities of data will be allowed.**
- **The rights and obligations of the use of data will be made explicit to the data users at the time of data access.**

## Scope

The data licensing policy will apply to all datasets and information created and acquired from external data sources by TERN. Access and publication of TERN data are guided by the open access principle, except where restrictions are required due to privacy, security, sensitivity or confidentiality reasons.

## Responsibilities

The data licensing policy applies to all TERN Facilities and employees representing TERN and Facilities. All TERN Facilities must implement the policy requirements to all newly created and acquired datasets, which are published under new data provider deeds. Any data provider deeds made prior to the existence of this policy is still valid. Facility Directors and Data Managers must ensure that the policy is applied to the licensing of all the datasets published both for internal and external use.



## Policy Principles

The TERN is committed to publishing all publicly funded terrestrial ecosystem research data to a wider community by easy access for possible re-use. All data published by TERN will be appropriately described, discoverable and accessible with least restrictions. After consultation with TERN Facilities and stakeholders, TERN management has determined that the following data licensing policy principles will be applied to TERN and its Facilities:

### Principle 1: Identify ownership of Intellectual Property

Before licensing any data, Facilities should identify who owns the Intellectual Property Rights (IPR) associated with the data. Any Intellectual Property Rights (IPR) associated with TERN-generated data or products lie with the generating agency. If data is acquired from external parties or organisations, they may own some or all IPR on the data. Any pre-existing IPR [in data] will be recognised and respected and will only be used as authorised by the owner of the IPR or as permitted under Law.

### Principle 2: Identify any restrictions on distribution

TERN Facilities should identify any restrictions on the use of data due to privacy, security, sensitivity or confidentiality reasons. Publication of sensitive data should meet the commonwealth and state government legislative requirements.

### Principle 3: Apply least restrictive licence

TERN endorses the Australian Governments Open Access and Licensing (AusGOAL) Framework for licensing information. In particular, TERN has adopted the Creative Commons 4.0 International suite of the licences. TERN and its Facilities should apply most open licence possible, which requires attribution while observing any restrictions identified in Principle 2. ***The Creative Commons – Attribution 4.0 International (CC BY 4.0) is the default data licence supported by TERN because it is the most open of all Creative Commons licences, which requires attribution.*** The Creative Commons By Attribution lets others distribute, remix, tweak, and build upon other's work, even commercially, as long as they credit the original creator. The CC BY is the most accommodating of licences available, recommended for maximum dissemination and reuse of licensed data where creators get credit for their creation.

Other Creative Commons licences or similar licence can be applied to the datasets in exceptional cases such as:

- Pre-existing licence conditions on the data;
- Privacy, security, sensitivity and confidentiality concerns.

### Principle 4: Rights and obligations for use of data are clearly presented

To maximise appropriate re-use of data made available through TERN Facilities, the rights and obligations attaching to the data will be made clear to the data users, preferably in the metadata about that data. The licence information will also be displayed explicitly including:

- The URL of the Creative Commons licence used;



- The creators name;
- The year of creation;
- Attribution statement to cite the dataset.

TERN and its Facilities will manage datasets in accordance with its licence and comply with all the licencing conditions.

### Principle 5: No Warranty on data

TERN, its Facilities, and the data providers will not be required to make any warranty regarding the quality, accuracy, completeness, currency, relevance or suitability for any particular purposes. Data will be made available on the understanding that data users will, at their risk, exercise their skill, judgement and care on their use or reliance on the data.

### Principle 6: Make data widely discoverable

TERN and its Facilities may feed the metadata to national and international repositories to improve discoverability thus, increasing the possible re-use of data.

Figure 1 shows a schematic representation of the application of the TERN Data Licensing Policy.

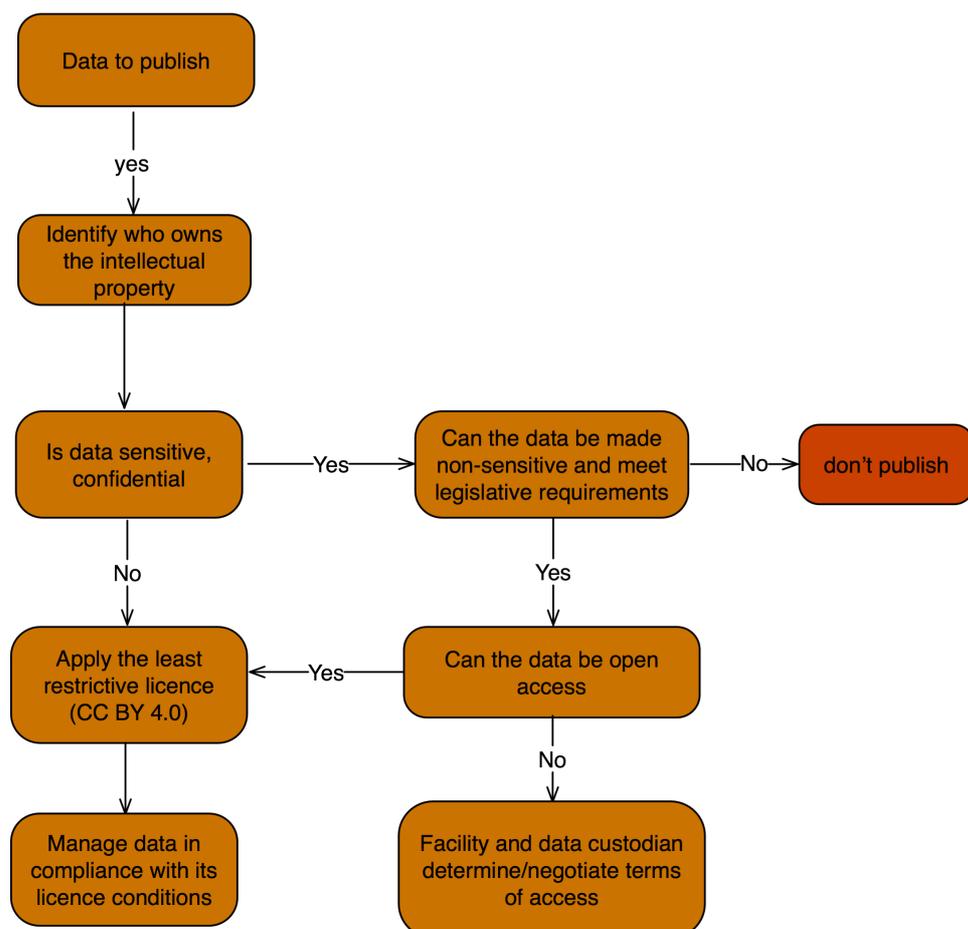


Figure 1: Application of TERN Data Licensing Policy



## Definitions

Data	Information or facts that is made available in a consumable form.
Metadata	A set of contextual information that describes data
Intellectual Property Rights (IPR)	Rights granted to creators over the creation of data. The creator of IP may not be the owner.
External parties	People or organisations not directly funded by TERN but use TERN infrastructure to publish data
Data user	Users of data published by TERN
Data provider	A person or organisation that has a statutory and operational authority over the data.
Sensitive data	Data if published or shared may increase the risk of destruction and/or adverse effect on the species and ecosystem.
Data Publication	The outcome of the data management including data curation, description of data in suitable metadata standards and making the data accessible with least restriction.
Data Licence	Permission granted by data creator or owner to use the data under terms of use.

## Contact Details

The TERN Head Office in consultation with the Facilities manages the data licensing policy. Please contact the TERN Data Integration and Synthesis Coordinator or the TERN Director to provide any feedback or comments.

## Document Control

Policy Location	<a href="http://www.tern.org.au/datalicence">http://www.tern.org.au/datalicence</a> Hardcopies of this document are considered uncontrolled. Please refer to the TERN website for the latest version.
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Contact for queries	TERN Data Integration and Synthesis Coordinator: <a href="mailto:tern.license@tern.org.au">tern.license@tern.org.au</a> TERN Director: <a href="mailto:tern.director@uq.edu.au">tern.director@uq.edu.au</a>

