



# University of California Research Data Policy

<b>Responsible Officer:</b>	Vice President of Research and Innovation
<b>Responsible Office:</b>	Office of Research and Innovation
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<b>Effective Date:</b>	[Effective Date]
<b>Last Review Date:</b>	
<b>Scope:</b>	This policy (“Policy”) applies to all Research Data created during the course of University Research.

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## I. POLICY SUMMARY

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Ownership of Research Data by the UC Regents is a long-standing precept originally articulated in Regulation 4 ([Academic Personnel Manual 020](#)) where it states “Notebooks and other original records of the research are the property of the University.” Regulation 4 was issued in 1958 and is still in effect. The intent of this Policy is to clarify the ownership of and responsibility for Research Data generated during the course of University Research, encourage active data management practices, and provide guidance with respect to procedures when a researcher leaves the University.

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## II. DEFINITIONS

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**Principal Investigator(s) (PI):** The University-affiliated or employed Researcher(s) primarily responsible for a research project, including design, conduct and reporting, regardless of the source of funding. For the purpose of this Policy, the term PI is used whether or not it is a formal title designated by an external research sponsor.

**Research Data:** Recorded information reflecting original observations and methods resulting from a scientific inquiry, regardless of the form or the media on which they may be recorded. Research Data include material contained in laboratory notebooks (whether physical or electronic), but are separate from Scholarly & Aesthetic Works that are defined in the UC Copyright Ownership Policy. See FAQs #1-5 of this Policy for more information.

**University Research:** Research conducted within the course and scope of a Principal Investigator or University Researcher’s assigned or assumed duties, using University resources, or funded by or through the University.

**University Researchers:** The University-affiliated or employed persons involved in the design, conduct or reporting of research regardless of the funding source, including academic appointees, staff, postdoctoral scholars, research trainees, and medical center staff and clinicians. For the purpose of the Policy, students who participate in the design, conduct or reporting of a Principal Investigator’s research project are subject to this Policy.

### III. POLICY TEXT

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Exercising rights established by federal<sup>1</sup> and state<sup>2</sup> laws and University of California Regulation No. 4 (APM-020)<sup>3</sup>, the Regents of the University of California retain ownership of Research Data created by or at the direction of University Researchers or Principal Investigators during the course of University Research, unless specifically agreed otherwise by the University under sponsorship or other related agreements. Principal Investigators and University Researchers shall have a right to use Research Data for University purposes that they have generated or collected in the course of their University Research. This includes using Research Data for publishing the outcome of their research, creating scholarly works, and transmitting a copy of Research Data to others, unless precluded by law, policy or contract and subject to approval by the Principal Investigator.

As stewards of Research Data, Principal Investigators are responsible for ensuring that Research Data, whether generated by them or their research team, are recorded, stored, and used in accordance with the standards of their respective discipline, data management plan if applicable, campus department, and any requirements of applicable federal or state law or regulations, University policies and guidelines, and University contractual commitments.

The University, through the campus Vice Chancellors for Research or their designee(s), has an obligation to ensure that its resources are used appropriately and that there are effective systems in place for the maintenance, preservation, and accessibility of Research Data.

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### IV. COMPLIANCE / RESPONSIBILITIES

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#### A. Vice Chancellors for Research

At each campus, the Vice Chancellor for Research or their designee(s) is responsible for the interpretation, implementation, and oversight of this Policy and shall:

- Establish local policies or procedures as necessary for implementing this Policy, such as proposed minimum retention policies.
- Provide guidance to assure campus compliance with Research Data obligations arising by law, regulation or agreement.

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<sup>1</sup> Title 17, Section 201 of the Federal Copyright Act states: “(b) Works Made for Hire.—In the case of a work made for hire, the employer or other person for whom the work was prepared is considered the author for purposes of this title, and, unless the parties have expressly agreed otherwise in a written instrument signed by them, owns all of the rights comprised in the copyright.”

<sup>2</sup> California Labor Code §2860 provides that everything that an employee acquires by virtue of his/her employment (except compensation) belongs to the employer whether acquired during or after the term of employment.

<sup>3</sup> Issued in 1958, University of California Regulation No. 4 (APM-020) states, “Notebooks and other original records of the research are the property of the University.” This Policy elaborates on expectations established in Regulation No. 4.

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- Have unfettered access to Research Data for University purposes, including for the purposes of carrying out University responsibilities (including sequestration, as may be needed) related to conducting an inquiry or investigation pursuant to University obligations, such as research misconduct investigations, or in response to agency inquiries or legal process.
- Implement local procedures to manage the transfer of Research Data or copies of Research Data, for example upon the separation or death of a University Researcher or when a University Researcher can no longer fulfill responsibilities. (See Section V.)
- Implement local policies and procedures to settle disputes over control, use, and publication of Research Data among University Researchers and their collaborators, according to established campus, academic discipline, and journal standards.

### **B. University Researchers**

As stewards of the University's Research Data, University Researchers shall:

- Securely collect, record, manage, and store Research Data throughout the research life cycle, from design to preservation. University Researchers are encouraged to leverage the California Digital Library, campus libraries, or other campus systemwide resources for advice on documenting and preserving Research Data.
- Manage and share Research Data in accordance with the standards of their scholarly discipline, and/or data management plan, and University policies, legal requirements, and the terms and conditions of applicable third-party agreements (such as sponsored awards, material transfer agreements, or data use agreements).
- Consult with the Principal Investigator and/or Vice Chancellor for Research (or their designee) for clarification of obligations and resolution of disputes related to Research Data.

### **C. Principal Investigators**

Principal Investigators shall, in the conduct of University Research, have the primary responsibility to:

- Follow best academic practices with respect to collecting, recording, managing, and storing Research Data.
- Determine use of the Research Data by other University Researchers and collaborators on the project in accordance with relevant agreements and their scholarly discipline's practices, and taking into account the need for academic progress of academic appointees, post-doctoral scholars, degree candidates, and other students.
- Retain Research Data on behalf of the University. Principal Investigators are responsible for knowing retention requirements of their scholarly discipline, campus departments, funding agencies, and applicable law and regulation, and for following the most stringent of these multiple requirements. Principal

Investigators must take the following key circumstances into account when determining the retention period:

- **Inventions:** Research Data must be kept as long as necessary to protect intellectual property and to complete University patenting and licensing procedures for inventions.
- **Allegations, Investigations and Litigation:** If Research Data are the subject of any allegations, investigations or litigation, the University and University Researchers shall preserve potentially relevant information until the Vice Chancellor for Research (or their designee), in consultation with Campus Counsel, issues instructions regarding disposition.
- **FDA-Regulated Research:** If a research project involves articles regulated by the U.S. Food and Drug Administration (FDA), consistent with 21 C.F.R. §§ 312.6 and 812.140, Principal Investigators must keep records for two years or as long as required following the date a marketing application is approved for the product; or if a marketing application is not filed or FDA-approved, for two years after the investigation is terminated, completed, or otherwise discontinued and the FDA is notified.
- **Student Participation in Research:** If, in advancing to degree, a student participates in the design, conduct or reporting of research, the Research Data connected to that research shall be retained until the student has been awarded a degree, or until the student is no longer working on the project or has otherwise left the University.

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## V. PROCEDURES

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### Procedures in the Event that an Investigator Leaves the University

When University Researchers (other than the Principal Investigator) involved in a University Research project leave the University or the research project, they may take copies of Research Data that they generated or collected in the course of their University Research, subject to approval by the Principal Investigator and any applicable sponsor restrictions. Research Data, however, must be returned to and retained by the Principal Investigator on behalf of the University, absent University approval of a transfer of the Research Data to another institution.

When a Principal Investigator leaves the University and a University Research project is to be moved to another institution, Research Data may be transferred or licensed to the new institution in accordance with a locally developed process that most likely involves approval from the applicable school, department and/or other academic units. The University may impose conditions on such transfer or may require the Principal Investigator to leave copies of the Research Data with the University. In addition, other University investigators associated with a collaborative research project may make copies of Research Data prior to a permitted transfer by the Principal Investigator, unless restricted by the specific terms of an applicable agreement with the sponsor of the research.

Any individual who leaves the University, whether to move to another institution or because of retirement or separation, must arrange with their school, department or center for the storage of any Research Data that remain at the University in accordance with any policy adopted by the applicable school, department or center. When the University permits a Principal Investigator to leave the University with Research Data, they must hold the Research Data in trust for the University. A departing Principal Investigator must return the Research Data to the University if requested. In addition, such Research Data must be available to external sponsors, designated governmental officials and other University investigators who are collaborators with the departing Principal Investigator.

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## VI. RELATED INFORMATION

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### University Policies and Guidance

- [University of California Regulation No. 4](#)
- [UC Copyright Ownership Policy](#)
- [UC Records Retention Schedule](#)
- [Electronic Communications Policy](#)
- [Electronic Information Security Policy](#)
- [California Digital Library – Resources for Faculty](#)
- [Export Control Policy](#)
- [University Policy on Integrity in Research](#)
- [The Faculty Code of Conduct \(APM 015\)](#)

### Federal and State Rules and Regulations

- [Federal Copyright Act](#)
- [California Labor Code § 2860](#)

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## VII. FREQUENTLY ASKED QUESTIONS

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Please refer to the attachment for Frequently Asked Questions. Implementing guidance related to this Policy may be posted on the [UCOP Research Policy Analysis and Coordination](#) (RPAC) website.

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## **VIII. REVISION HISTORY**

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February 11, 2022 – This is a new policy. This policy expands on University of California Regulation No. 4 (APM-020).

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## **IX. APPENDIX**

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N/A

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