ACTRIS access and service policy

Prepared by: ACTRIS ERIC Head Office

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Contents

1. Purpose

The purpose of this access and service policy document is to give guidelines and describe the general principles for access provided by ACTRIS to Users.

2. Definitions

"Access" means the legitimate and authorised physical, remote and virtual admission to, interactions with and use of Research Infrastructures and to services offered by Research Infrastructures to users.

"ACTRIS data" means ACTRIS data from observational National Facilities and exploratory National Facilities complying with the procedures established within ACTRIS.

A more detailed definition of ACTRIS data is given in the ACTRIS data policy.

"ACTRIS tools" mean both digital and non-digital tools for data and instrument operation offered by ACTRIS to users.

"Background" means data, databases, data products and data related tools or any other intellectual property rights generated before the access activities at the Central Facilities or National Facilities started.

"Competitive access" means access to the ACTRIS Central Facility and National Facility services through a selection process via SAMU.

"Excellence-driven access mode" means access primarily depending on the scientific excellence of an application.

"FAIR principles" means guiding principles to make data Findable, Accessible, Interoperable and Re-usable.

"Free access" means free-of-charge access for Users.

"Market-driven access mode" means access defined through an agreement between the ACTRIS ERIC and the User, which may be tailored to the User needs.

"Technical need-driven access mode" means access primarily depending on the technical needs of the User to increase the performance and quality of its research activities.

"Physical access" means physically access of Users to the services of an ACTRIS Central Facility or National Facility.

"Remote access" means access to an ACTRIS Central Facility or National Facility without Users physically visiting the facility.

"SAMU" means the Service Access Management Unit of the ACTRIS Head Office.

"Side-ground" means data, databases, data products and data related tools or any other intellectual property rights generated at the same time the access activities at the Central Facilities or National Facilities take place but which are not generated as part of the access activities.

"User" means a person, a team, or an institution from any sector, including public and private sector, making use of ACTRIS data or other ACTRIS services, including access to ACTRIS facilities.

"Virtual access" means Free access provided through communication networks.

"Wide access" means free and broadest possible access to ACTRIS data and digital services to guarantee maximum availability and visibility of the data and services provided by the Data Centre.

For other definitions see ACTRIS glossary (reference in section 9).

3. Guiding principles

ACTRIS ERIC shall provide Physical access, Remote access and Virtual access to resources and services for the science community to conduct research and foster innovation. ACTRIS promotes open access to the services provided by the ACTRIS Central Facilities and National Facilities for all Users in order to conduct scientific experiments, use the state-of-the art research instruments and equipment, and benefit from technical services (e.g., calibrations), expert support, and training and educational services, or access specific ACTRIS Data Centre services. ACTRIS is committed to provide access to its services and resources according to the User needs but within the limits of the facilities' capacities.

Virtual, Physical and Remote access to the Central Facilities and National Facilities is centrally coordinated by the ACTRIS ERIC. Users will access the ACTRIS services through a single entry point. Virtual access is Wide access to ACTRIS data and digital tools and does not require a selection process. Competitive access is Physical or Remote access to the ACTRIS Facilities, including access to specific services offered by the Data Centre and shall be managed by the SAMU and requires a selection process.

ACTRIS aims at providing Free access for users, where possible. Virtual access to ACTRIS data and digital tools is Free access, and is given in compliance with the ACTRIS data policy. Virtual access to other ACTRIS tools may also be freely accessible. Competitive access to ACTRIS services is made on User demand and might involve User fees. Detailed guidelines shall be given in the ACTRIS Access Management Plan.

Wide publicity measures and outreach activities will be implemented to advertise the opportunities of ACTRIS services.

A mechanism for User feedback will be implemented by SAMU to regularly collect information from the User on the range and quality of the ACTRIS services and to properly tailor them according to evolving User needs.

All Topical Centres and the Data Centre shall provide either Physical or Remote access or both, although the level of services may vary. National Facilities may also provide access.

ACTRIS standards as defined in the ACTRIS ERIC Technical and Scientific Description or ACTRIS ERIC internal rules shall be applied to all access services.

ACTRIS ERIC shall respect and comply with any European and national legislation as applicable regarding the protection of personal data and privacy, environmental science data as well as health and safety at work.

ACTRIS ethics policy approved by the ACTRIS ERIC General Assembly for ACTRIS shall be applied to this Access and service policy.

4. Existing European legal frameworks and policies

This access policy takes into account the overall European legal framework related to environmental data, information and databases, health and safety at work, in particular the

- Aarhus Convention (access to environmental data),
- Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work,
- Directive 2007/2/EC of the European Parliament and of the Council of 14 March 2007 on establishing an Infrastructure for Spatial Information in the European Community (INSPIRE) (sharing of the spatial information among public sector organisations and access to the spatial data),
- Directive 96/9/EC of the European Parliament and of the Council of 11 March 1996 on the legal protection of databases,
- Directive 2009/24/EC of the European Parliament and of the Council of 23 April 2009 on the legal protection of computer programs,
- Directive 2003/98/EC of the European Parliament and of the Council of 17 November 2003 on the re-use of public sector information and amendments to it,
- European Charter for Access to Research Infrastructures (principles and guidelines for access policies), and
- OECD Principles and Guidelines for Access to Research Data from Public Funding.

This access and service policy acknowledges the ongoing work of the European Commission to foster the FAIR principles for data access, sharing and use. This access policy also acknowledges the relevant international initiatives for the observation of the Earth System (e.g. GEOSS) and national policies and legislations with the aim of full and open exchange of data and metadata and providing access to elaborated data products with minimum time delay and at possible no costs.

5. Access management

Physical access and Remote access of the Users to ACTRIS services is centralized via the SAMU. SAMU provides information about the access and represents the interface between the Users and the services offered. SAMU shall be responsible for establishing and managing the competitive access process during all its relevant phases. SAMU shall interact with the Central Facilities and National Facilities to maintain the portfolio of the ACTRIS services.

In order to be granted access to ACTRIS services, Users shall submit an application to the SAMU. The selection process may involve multiple stages. Applications shall be i) validated by the SAMU for eligibility, ii) validated by the access providers to check availability of services the existing capacity, as well as the feasibility and timing of the access request, iii) selected according to defined criteria and access modes (Excellence-driven access mode, Technical need-driven access mode, and Market-driven access mode). In case of peer-review, a specific panel will be set up for scientific and technical evaluation. The composition and the functioning of the panel are based on principles of transparency, fairness and impartiality.

SAMU shall inform the applicants on the acceptance or rejection of their request, as well as any revisions that may be needed to the applications. After the application has been approved, SAMU shall assist the Users to have access to the applied services. SAMU collects feedbacks from Users and provides information about the results and publications to all interested.

Detailed information about the access management and process shall be provided in the ACTRIS Access and Management Plan and be available on the ACTRIS website.

6. Access to facilities

In case of Physical and Remote access, the Central Facilities and National Facilities shall provide the requested services in accordance with the approved application and shall ensure smooth access to services and logistics for Users, supported if needed by the SAMU. On-site support and guidance shall be provided to Users. Virtual access is not competitive and will be provided directly by the ACTRIS ERIC.

Users are responsible for complying with any applicable national legislations and host institutions regulations, especially safety regulations.

Users shall be responsible for their own insurances. The hosting institutions have the right to request that certain insurances are taken and also to request proof for that.

Users are encouraged to disseminate the results from work done through the provided access in peer-reviewed publications and shall acknowledge the contribution and support provided by ACTRIS. In accordance with good scientific practice, Users are expected to acknowledge the use of the facility and the contribution of those persons working at the ACTRIS facilities. Users are normally expected to make their publications available through open access repositories.

ACTRIS ERIC promotes FAIR principles which shall be applied to data resulting from access services. Central Facilities and National Facilities shall contribute to ensure the quality of the data. ACTRIS ERIC shall offer the Users the possibility to submit their data resulting from the access to the ACTRIS Data Centre where it will be archived and made available in accordance with the ACTRIS Data Management Plan and the ACTRIS data policy immediately or after an agreed period of time.

No warranties are given by the ACTRIS ERIC, the National Facilities, the Data Centre or the Topical Centres and they disclaim any express and implied warranties of non-infringement of third-party intellectual property rights, patentability, safety, industrial or commercial suitability or fitness for a particular purpose of the data, tools, products or services provided in accordance with this policy.

7. Intellectual property rights

7.1 Ownership

Ownership and intellectual property rights to any data or data related tools, databases, software, prototypes, new tools or methodologies or any other products that are generated in relation to the access shall belong

to those who have generated them in accordance with the applicable legislation. Those who have jointly generated work shall have joint ownership and they shall agree separately upon the conditions of the joint ownership.

Those who have generated Background or Side-ground shall own all rights to the Background and Side-ground.

7.2 Third party rights

Third party rights are intellectual property rights which the ACTRIS ERIC, the National Facilities and/or the Central Facilities have not generated themselves and do not own. If ACTRIS ERIC, the National Facilities, or the Central Facilities use such third-party rights as part of their own intellectual property, they have to ensure that the intellectual property rights of the third parties are respected and that they have the authorisation of the right holders to grant access rights in accordance with this policy.

7.3 Access rights for ACTRIS ERIC

If the Users submit their data resulting from the access to the ACTRIS Data Centre, the Users shall give to the ACTRIS ERIC a worldwide, free of charge, perpetual, transferable, non-exclusive right to use for any purpose the data and related documents generated by them within the Physical, Remote or Virtual access. This right includes, but is not restricted to, the right to modify, reproduce, sublicense, incorporate to other data, other databases or other tools as well as produce new developments.

For justified and legitimate reasons ACTRIS ERIC may allow exceptions to the expected access rights, for example, when use of the results by ACTRIS could jeopardize a potential industrial/commercial use, violate the rules on personal data protection or on confidentiality for security reasons, or for any other legitimate reason to be agreed upon in writing case by case basis. Such exceptions are agreed upon with the ACTRIS ERIC.

Access rights to Background and Side-ground are agreed upon separately in writing.

8. Access policy management and review

ACTRIS ERIC shall administer this access and service policy and ensure that it is respected and adopted within ACTRIS by monitoring its implementation.

ACTRIS ERIC shall review and, when needed, update this access and service policy as a part of the regular reviews of the ACTRIS and its operations. Amendments to this policy shall be approved by the ACTRIS ERIC General Assembly.

9. References

Aarhus Convention http://www.unece.org/fileadmin/DAM/env/pp/documents/cep43e.pdf.

ACTRIS Access Management Plan

ACTRIS Data Management Plan https://github.com/actris/data-management-plan/blob/master/DMP/ACTRIS-DMP.md

ACTRIS data policy

ACTRIS ERIC Technical and Scientific Description

ACTRIS ethics policy

ACTRIS glossary https://www.actris.eu/documents/actris-glossary.

Commission working group on FAIR principles http://ec.europa.eu/transparency/regexpert/index.cfm?do=groupDetail.groupDetail&groupID=3464.

Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:31989L0391.

Directive 96/9/EC of the European Parliament and of the Council of 11 March 1996 on the legal protection of databases http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:31996L0009.

Directive 2003/98/EC of the European Parliament and of the Council of 17 November 2003 on the re-use of public sector information and amendments to it http://eur-lex.europa.eu/legal-content/en/ALL/?uri=CELEX:32003L0098, http://eur-lex.europa.eu/eli/dir/2013/37/oj.

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) http://eur-lex.europa.eu/legal-content/en/ALL/?uri=CELEX%3A32007L0002.

Directive 2009/24/EC of the European Parliament and of the Council of 23 April 2009 on the legal protection of computer programs http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32009L0024.

European Charter for Access to Research Infrastructures https://ec.europa.eu/research/infrastructures/pdf/2016_charterforaccessto-ris.pdf.

Force 11 The Fair Data Principles https://www.force11.org/group/fairgroup/fairprinciples.

OECD Principles and Guidelines for Access to Research Data from Public Funding https://www.oecd.org/sti/sci-tech/38500813.pdf.

The FAIR Guiding Principles for scientific data management and stewardship https://www.nature.com/articles/sdata201618.