

<b>ADMINISTRATIVE DIVISION</b> RSCH Office of Research		<b>POLICY NUMBER</b> RSCH 1.05
<b>POLICY TITLE</b> Data Access, Retention, and Ownership		
<b>SCOPE OF POLICY</b> USC System		<b>DATE OF REVISION</b> March 15, 2018
<b>RESPONSIBLE OFFICER</b> Vice President for Research		<b>ADMINISTRATIVE OFFICE</b> Office of Research

**PURPOSE**

This policy articulates requirements and expectations related to data ownership, sharing and retention.

**DEFINITIONS AND ACRONYMS**

Research Data or Data - information in whatever form (*e.g.*, both physical and electronic) collected and/or generated in the course of a sponsored research project conducted at USC, under the auspices of USC or with university resources. This includes original and derivatives of research data, including recordings of such data. Examples of research data include, but are not limited to:

1. Records necessary for the reconstruction and evaluation of the results of research;
2. Data contained in laboratory notebooks;
3. Data collected using instrumentation or systems and stored in an electronic format;
4. Case report forms and source documentation for human subject research studies.

Record - recorded information of any kind and in any form including writings, drawings, graphs, charts, images, prints, photographs, microfilms, audio and video recordings, data and data compilations, and electronic media, including e-mail.

**POLICY STATEMENT**

The University of South Carolina (USC) has both rights and responsibilities for the retention of research or other data acquired or developed as a result of a grant, contract or other sponsored agreement. Accurate and appropriate research and programmatic records are an essential component of any research endeavor. USC and the Principal Investigator/Project Director (PI) share responsibilities and rights concerning access to, use of and maintenance of original research or scientific data.

- A. Except where precluded by the specific terms of sponsorship or other agreements, tangible research property, including all data and other records conducted under the auspices of USC, belong to USC.
- B. Data produced from federally sponsored research are subject to a variety of requirements and regulations.

- C. This policy shall apply to all USC faculty, staff, students and any other persons at USC involved in the design, conduct or reporting of research at or under the auspices of USC, and it shall apply to all research on which those individuals work, regardless of the source of funding for the project.
- D. USC must retain research and sponsored project data in sufficient detail and for an adequate period of time to enable appropriate responses to questions about accuracy, authenticity, primacy and compliance with laws and regulations governing the conduct of the research. It is the responsibility of the PI to determine what needs to be retained under this policy.
- E. Where research or a sponsored project is funded by a contract that includes specific provision(s) regarding ownership, retention of and access to technical data, the provision(s) of that agreement will supersede this policy.

## **PROCEDURES**

### **A. Ownership and Responsibilities**

1. The university's ownership and stewardship of the scientific record and research data is based on both regulation (2 CFR 200.333) and sound management principles. USC's responsibilities in this regard include, but are not limited to:
  - a. complying with the terms of research agreements;
  - b. ensuring the appropriate use of animals, human subjects, recombinant DNA, etiological agents, radioactive materials, and the like;
  - c. protecting the rights of students, postdoctoral scholars, and staff, including, but not limited to, their rights to have access to data results from research in which they participated;
  - d. securing intellectual property rights; and,
  - e. facilitating the investigation of allegations, such as scientific misconduct.
2. Both the PI and USC have responsibilities and rights concerning access to, use of, and maintenance of original research data. USC can be held accountable for the integrity of the data even after the PI(s) has left the university. Although the original data shall remain within the appropriate USC unit or laboratory, the PI is entitled to retain copies of the research data created by him/her. Also see Section C. below.
3. Research data are to be accessible to members of the university community, external collaborators and others as appropriate (e.g., for patent applications or journal submissions). Where necessary to assure needed and appropriate access (e.g., for research misconduct investigations), the university may take custody of research data in a manner specified by the Vice President for Research.
4. Disputes regarding access to data should be settled at the lowest possible level, i.e.

among the primary parties involved in the generation, analysis, and/or reporting of research data. The next level of arbitration is the Chair of the Department and/or the Dean of the College or School. If disputes about data access cannot be resolved at these levels, the parties, through administrative channels, may request that the Vice President for Research review the issues and render a recommendation for resolution.

## **B. Data Retention**

1. The retention of accurately recorded and retrievable research data is of utmost importance for the progress of scientific integrity. The PI is responsible for the recording, collection, management and retention of research data. These records must include sufficient detail to permit examination for the purpose of replicating the research, responding to questions that may result from unintentional error or misinterpretation, establishing authenticity of the records, and confirming the validity of the conclusions.
2. PIs must adopt an orderly system of data organization and should communicate the chosen system to all members of a research group and to the appropriate administrative personnel, where applicable. Particularly for long- term research, PIs must establish and maintain procedures for the protection of essential records in the event of a natural disaster or other emergency.
3. For studies involving several investigators/collaborators, possibly in more than one laboratory, the (lead) PI must implement a procedure to catalogue the experiments of the whole study and provide the location of other experimental and/or field notebooks, data, and relevant materials stored in other laboratories or other locations.
4. There are state and federal regulations prescribing the length of time researchers must maintain the original data. The times required to retain data vary from three to seven years depending on the governmental organization. Unless a longer period is specified by the State of South Carolina or the sponsor, research data must be kept for a minimum of three years after the project ends or, if funded research, three years after the final project close-out. In addition, any of the following circumstances may justify longer periods of retention:
  - a. data must be kept for as long as may be necessary to protect rights to intellectual property resulting from the work;
  - b. if allegations regarding the research arise concerning scientific, scholarly or financial misconduct, data must be retained until such allegations are fully resolved; and/or,
  - c. if a student is involved, data must be retained at least until the degree is awarded or it is clear that the student has abandoned the work.
5. Beyond the period of retention specified herein, the destruction of research data is at the discretion of the PI and his/her department. Records normally will be retained in the unit where they are produced. Research and sponsored project records must be retained on the USC campus, or in facilities under the auspices of USC, unless specific

permission to do otherwise is granted in writing by the Vice President for Research or his/her designee.

**C. Transfer of Data in the Event a Researcher Leaves USC**

In the event that the PI or other key researcher leaves USC, he/she may negotiate an Agreement for the Disposition of Research Data for projects on which he/she is working.

1. A written Agreement on Disposition of Research Data may be negotiated between the departing investigator and the department chair or dean and approved by the Vice President for Research or his/her designee to allow the transfer of research data. This agreement must be executed prior to the removal of data from USC.
2. If a researcher transfers with a funded project to another institution, ownership of the research data may be transferred to the new institution under a written agreement approved by the departmental chair, dean and Vice President for Research or his/her designee. At minimum, the agreement will establish the following:
  - i. The new institution’s acceptance of custodial responsibilities for the data; and,
  - ii. USC’s access to the data, should that become necessary.
3. All Agreements on Disposition of Research Data must include a provision that USC has the right of access to all research records and materials for reasonable cause after reasonable notice regardless of the location of the researcher(s) for the period of time specified in Section II. B. 4 above.

**Related University Policies**

[UNIV 1.51 Data and Information Governance](#)

[UNIV 1.52 Responsible Use of Data, Technology, and User Credentials](#)

**HISTORY OF REVISIONS**

<b>DATE OF REVISION</b>	<b>REASON FOR REVISION</b>
March 14, 1996	New Policy
June 7, 2005	Policy organization, content, and accuracy reviewed in October 2013; no substantive revision required.
November 8, 2013	Policy organization, content, and accuracy reviewed in October 2013; no substantive revision required.
March 15, 2018	The research environment is changing due to the exponential growth of data, legislative and sponsor mandates on data management, and

	<p>new solutions for data storage. This revision is designed to assure continuing compliance with all applicable laws and regulations and internal requirements with respect to research data management practices, data storage, data security, and sharing and dissemination of research data.</p>
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