

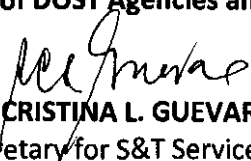
Republic of the Philippines

DEPARTMENT OF SCIENCE AND TECHNOLOGY

JUL 14 2015

Memorandum

FOR : All Heads of DOST Agencies and Regional Offices

FROM :  **ROWENA CRISTINA L. GUEVARA, Ph.D.**
Undersecretary for S&T Services

SUBJECT : ADOPTION OF THE DOST DATA SHARING POLICY

DATE : 13 July 2015

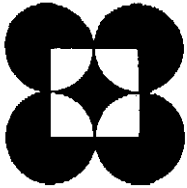
We are transmitting herewith the **Administrative Order No. 003** dated 8 April 2015 on the **Adoption of the Department of Science and Technology Data Sharing Policy**. It has been filed in the UP Law Center on 15 April 2015 and was published in the Official Gazette on 15 June 2015.

Please take note that the Policy takes effect fifteen (15) days after the satisfaction of the publication requirements. As such, the DOST A.O. No. 003 s. 2015 has took effect starting 1 July 2015.

For agencies that give grants, kindly inform your cooperators, partners, researchers, proponents, and those who will be affected by this Policy.

Please be guided accordingly.

Thank you.



Republic of the Philippines

DEPARTMENT OF SCIENCE AND TECHNOLOGY

OFFICE OF THE SECRETARY

APR 08 2015

DOST Administrative Order No. 003
Series of 2015

**SUBJECT: ADOPTION OF THE DEPARTMENT OF SCIENCE AND TECHNOLOGY
DATA SHARING POLICY**

1. RATIONALE

- 1.1 Consistent with the rationale of the Joint Memorandum Circular No. 2014-01 dated 22 January 2014 or the Open Data Philippines (ODP) issued by the Office of the Presidential Spokesperson (OPS), Department of Budget and Management (DBM) and the Presidential Communications Development and Strategic Planning Office (PCDSPO), the DOST firmly affirms the principles that *"data is a valuable resource to the government, its partners, and the public"*; that *"the government of the Philippines should take full advantage of its data resources"*; and that all *"government agencies, in managing data as an asset throughout its life cycle, must promote openness and reusability"*.
- 1.2 Moreover, the DOST adheres to the precept that publicly-funded research data are produced in the public interest and should therefore be accessible to the maximum extent possible.
- 1.3 The social benefits from sharing publicly-funded research data include the maximization of returns to public R&D investments, formulation of relevant and informed public policy and the advancement of public services based on timely and accessible national and local research data.
- 1.4 Consistent also with Republic Act No. 10055 or the Philippine Technology Transfer Act of 2009, the policy recognizes intellectual property rights and the need to restrict the release of proprietary information that may compromise such rights.

2. COVERAGE

- 2.1 This data sharing policy shall cover all DOST agencies and DOST-funded programs and projects.

2.2 This data sharing policy covers research data including research records, samples, scientific papers, and R&D roadmaps. This data sharing policy further covers analyzed data and metadata.

For consistency purposes, definition of terms used in this Policy is provided in Annex 1.

3. POLICY STATEMENT

3.1 This policy advocates the access and sharing of all research output and requires research data arising from DOST-funded programs and projects to be accessible to the public in a timely and responsible manner keeping in mind the protection of intellectual properties.

3.2 The DOST-GIA grantees and the DOST Agencies are expected to set in place data management schemes and to make data available for re-use.

3.3 The DOST-GIA grantees and the DOST Agencies are expected to share with the public the research data and supporting materials created or generated from public funds within a reasonable time.

3.4 The DOST-GIA grantees and DOST Agencies are expected to make all hazard-related real-time and historical data from DOST-funded programs and projects accessible to the public.

3.5 This policy recognizes the need for proper attribution for the DOST-GIA grantees, DOST Agencies and contributors for their scientific input and investment in data generation and should therefore be appropriately acknowledged.

3.6 Any data sharing management issues that may prevent or delay sharing of data should be resolved by the Heads of Agencies and, if unresolved, by the Office of the Secretary.

4. EXEMPTIONS

4.1 This data sharing policy does not include (a) intellectual properties such as trade secrets, commercial information and proprietary information until it was made public, published, or protected under law; (b) personnel, medical and other similar information that when disclosed constitutes unwarranted invasion of personal privacy; (c) names of commercial establishments and entities whose collaborations in DOST-funded programs and projects warrants a protection of their rights to anonymity; and (d) results of testing and analytical services provided by DOST agencies to clients.

4.2 This policy shall allow DOST-GIA grantees and DOST Agencies to restrict the release of proprietary data, maintain confidentiality of proprietary information, including research results for a reasonable time and manner, secure and retain



legal rights to intellectual property generated from public funds and to provide incentives for the dissemination and commercialization of research results that enhance its usefulness and accessibility.

4.3 This policy shall allow DOST-GIA grantees and DOST Agencies to restrict the release of personal information and identities of commercial entities for the protection of privacy from DOST-funded programs and projects.

4.4 This policy shall allow DOST-GIA grantees and DOST Agencies to restrict the release of results of testing and analytical services provided to clients.

4.5 This policy shall allow DOST-GIA grantees and DOST Agencies to restrict the release of hazard-related real-time and historical data from DOST-funded programs and projects that has bearing on national security.


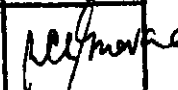
5. EFFECTIVITY

Public release of data should be at the earliest reasonable time depending on the nature of the research data but no more than two (2) years after the data are generated. Release, accessibility and retention of data in the public domain shall be jointly agreed upon by the DOST as funding agency and the Heads of Agencies as implementing agencies. In any case, the release of data shall not prejudice the protection of intellectual properties.

This Administrative Order shall take effect fifteen (15) days after publication in the Official Gazette and upon filing at the UP Law Center.



MARIO G. MONTEJO
Secretary

PDPD CHIEF	PES DIRECTOR	USEC
		

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Annex 1. Definition of Terms

For purposes of this Administrative Order, the following terms shall be defined as follows:

1. **"DOST Agencies"** refer to all the DOST- Agencies as stipulated in Executive Order No. 128, including that of PCAARRD, which was merged from the then PCARRD and PCAMRD; PCIEERD, which was merged from the then PCIERD and PCASTRD; and the newly-attached DOST Agency, the Information and Communication Technology Office (ICTO).
2. **"DOST-Funded Programs and Projects"** refer to DOST programs and projects funded under either the General Appropriations Act (GAA) or the DOST-Grants-in-Aid (DOST-GIA) Program.
3. **"DOST - Grants-in-Aid (DOST-GIA)"** refers to funds allocated to programs/projects by the DOST and all its grant-giving units, including its Regional Offices and Sectoral Councils.
4. **"DOST-GIA Grantees"** refer to any of the institutions, including DOST Agencies, receiving grants and implementing DOST-GIA- funded programs and projects.
5. **"Intellectual Property"** is the term used to describe intangible assets resulting from the creative work of an individual or organization. IP also refers to creations of the mind, such as inventions, literary and artistic works, and symbols, names, images, and designs used in commerce. IP can also refer to future tangible and/or intangible assets that may be recognized as intellectual property.
6. **"Intellectual Property Rights (IPRs)"** refer to those rights recognized and protected in Republic Act No. 8293, otherwise known as the "Intellectual Property Code of the Philippines", as amended. IPRs shall also include Plant Variety Protection as the term is defined under Title II, Sec 3(j) of Republic Act No. 9168.
7. **"Metadata"** is structured data about data, of any sort in any media, that imposes order on a disordered information universe. In database management systems, metadata are index files and data dictionaries that store administrative information.
8. **"Program"** refers to a group of interrelated or complementing S&T projects that require an interdisciplinary or multidisciplinary approach to meet established goal(s) within a specific time frame.



9. **“Project”** refers to the basic unit on the investigation of specific S&T problem(s) with predetermined objective(s) to be accomplished within a specific time frame.
10. **“Proprietary Information”** is information a company wishes to keep confidential. Proprietary information can include secret formulas, processes, and methods used in production. It can also include a company’s business and marketing plans, salary structure, customer lists, contracts, and details of its computer systems. In some cases, the special knowledge and skills that an employee has learned on the job are considered to be a company’s proprietary information.
11. **“Public Domain”** refers to the status of a literary work or an invention whose copyright or patent has expired or that never had such protection and it also refers to property that is available or accessible to the public.
12. **“Research and Development (R&D)”** refers to creative work undertaken on a systematic basis in order to increase the stock of knowledge, including knowledge of man, culture and society, and to use this stock of knowledge to devise new applications.
13. **“Research Data”** is data that is collected, observed, or created, for purposes of analysis to produce original research results. Research data can be generated for different purposes and through different processes, and can be divided into the following categories:
- **Observational:** data captured in real-time, usually irreplaceable (e. g., sensor data, survey data, sample data, neurological images)
 - **Experimental:** data from lab equipment, often reproducible, but can be expensive (e. g., gene sequences, chromatograms, toroid magnetic field data)
 - **Simulation:** data generated from test models where model and metadata are more important than output data (e. g., climate models, economic models)
 - **Derived or compiled:** data is reproducible but expensive (e. g., text and data mining, compiled database, 3D models)
 - **Reference or canonical:** a (static or organic) conglomeration or collection of smaller (peer-reviewed) datasets, most probably published and curated (e.g., gene sequence databanks, chemical structures, or spatial data portals).

Research data may include all of the following:

- Text or Word documents, spreadsheets
- Laboratory notebooks, field notebooks, diaries
- Questionnaires, transcripts, codebooks
- Audiotapes, videotapes



- Photographs, films
- Test responses
- Slides, artifacts, specimens, samples
- Collection of digital objects acquired and generated during the process of research
- Data files
- Database contents including video, audio, text, images
- Models, algorithms, scripts
- Contents of an application such as input, output, log files for analysis software, simulation software, schemas
- Methodologies and workflows
- Standard operating procedures and protocols

14. "Trade Secret" is defined as a plan or process, tool, mechanism or compound known only to its owner and those employees to whom it is necessary to confide it.

Sources:

1. DOST-GIA Guidelines (DOST Administrative Order No. 005), 2013.
2. Philippine Technology Transfer Act of 2009 (Republic Act No. 10055) and its Implementing Rules and Regulations (Joint DOST-IPO Administrative Order No. 02-2010).
3. *What is "Research Data"?* Retrieved from <http://www.bu.edu/datamanagement/background/whatisdata/>
4. *Proprietary Information.* Retrieved from <http://www.inc.com/encyclopedia/proprietary-information.html>
5. *Public Domain.* Retrieved from <http://dictionary.reference.com/browse/public+domain> and from <http://www.duhaime.org/LegalDictionary/P/PublicDomain.aspx>