

29 November 2021

ESRF Data Policy for proprietary or commercial research

Welcoming thousands of scientists from around the world, the ESRF is an international centre of excellence for fundamental and innovation-driven research in condensed and living matter science. The ESRF plays a key role in stimulating innovation and enhancing competitiveness and it is accessible for companies and commercial clients of all sizes from all fields of application. More than a quarter of the ESRF's public research involves industrial participation and over 150 clients ranging from start-ups to major brands have used the ESRF's facilities for confidential research over the last five years.

The operations related to public research are framed by the ESRF Data policy. Article 3.1.3 of this document states that: "All raw data and the associated metadata obtained as a result of proprietary research will be owned exclusively by the client who purchased the access and is not covered by the ESRF data policy". "The term **proprietary research** refers to research done through purchased (commercial) access" (Article 2.6).

The term "client" as used in this document refers to the company or legal entity having purchased the proprietary access. The client is represented by its Delegated Experimentalists who will create the ESRF SMIS account(s) allowing access to the proprietary data resulting from the ESRF access and any further processing. These are usually the researchers of the company or entity named on the ESRF access forms and running the proprietary research. It is the responsibility of the client to modify its list of Delegated Experimentalists by informing the ESRF of any changes. It is the responsibility of the Client to inform the ESRF should one of its Delegated Experimentalists leave the company in order for the ESRF to modify the rights of access in the relevant databases. The ESRF shall not be held liable for any breach of confidentiality which may result due to the failure of the Client to provide the aforementioned information. The data policy for proprietary access is identical to and follows the evolution of the ESRF data policy for peer review public access and in-house research data as published here: www.esrf.fr/datapolicy with the exceptions listed below:

- a) Exclusive rights to data: all raw data and the associated metadata obtained as a result of proprietary research will be owned exclusively by the client who purchased the access.
- b) Embargo period: the results of proprietary research are under permanent embargo, and will not be released in the public domain if not explicitly requested by the client.

- c) DOI and associated high-level metadata are not minted automatically by the ESRF, nevertheless the Delegated Experimentalists running the proprietary research may ask for the generation of DOIs on their datasets.
- d) Data storage: the following sentence, in Article 3.1.3 is not applied:

“Data from proprietary research will be removed after the experiment from ESRF disk storage, unless otherwise agreed with ESRF management before the start of the experiment.”

and is substituted with the following:

“All datasets generated by proprietary experiments are stored on online disks for processing and archived on tapes for long-term preservation following ESRF standard procedure. The Delegated Experimentalists running the proprietary research can, exceptionally, request the ESRF management, before the start of the experiment, not to store the datasets or results collected in their experimental session on the ESRF metadata catalogue and data archives. These requests will be treated on a case-by-case basis. Upon agreement from ESRF Management, the Delegated Experimentalists may then export the data generated on external storage supports (e.g. hard disks) provided by the client. The client accepts full responsibility for any materials that it supplies to the ESRF for this purpose. The ESRF does not assume any responsibility, nor shall it be held liable for any damage and/or loss of any nature incurred, nor for any fault, failure or inability to meet specified requirements of the material supplied by the client.”

All modifications to the ESRF data policy for the public programme would automatically apply to the commercial research. If specific modifications will be needed for proprietary access, a further revision of the present document will be issued specifically.