

Access to Digital Research Data from Public Funding: Parallel worlds of lawmaking, policymaking and research?

By Peter Schröder¹

Informational openness has always been a central characteristic of democratic societies. Their political systems, market economies and education and science systems are all based on an open exchange of ideas, knowledge, information, commodities and services.

The use of contemporary Information and Communication Technologies (ICT) in principle enhances openness. ICT have opened up a broad range of information sources to new audiences at relatively little cost. Consequently most democracies have formulated general information policies to enable citizens to participate as fully as possible in the emerging 'information society'.

ICT have changed democracies in many ways but it often would be hard to demonstrate a significant relation between the information policy measures taken and these changes.

Ironically, the information policies invariably entailed legislation and regulation that restricts access to certain information in the new ICT environment. Legislation to protect for example the privacy of citizens and the intellectual property of industry.

Again it will not be easy to demonstrate a positive correlation between the new legislation and the current level of protection of these legitimate interests. (Cynics see much verbiage, far away from everyday life, heavily discussed in a closed circuit of academic scholastics.)

In the meantime, one thing has become clear lately: many functionaries in the organisations of our societies, especially in the public sector, are convinced that a decent fulfilment of their normal informational tasks is becoming illegal. It often takes quite some legal advice to help them to learn the new customs by which they can perform their important duties.

In many respects the accommodation of our public research organisations to the latest versions of copyright- database- and intellectual property law follows this pattern. At the moment it may be quite a job for researchers to find the right, legal and responsible way to handle scientific data, information and knowledge. Lawyers may help to solve specific problems, but authoritative formal guidelines at the institutional level can have a much stronger impact on the research practice. International guidelines on access to research data from public funding can act as an effective counterbalance to the (often unintentional) restrictive effects of recent IPR legislation. These guidelines should underpin the traditional openness of science in the ICT environment of our open democratic societies.

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