

SODHA ACCESS AND REUSE POLICY

According to the legislative framework specified below, SODHA applies the following policy regarding the reuse of the research data entrusted to it as a deposit.

1. Description of SODHA

The State Archives manage the Social Sciences and Digital Humanities Archive (SODHA), which is a data archive for research data that must meet the quality and service standards of the Consortium of European Social Science Data Archives (CESSDA ERIC) of the Digital Research Infrastructure for the Arts and Humanities (DARIAH ERIC).

2. Definitions

In the present policy, **reuse** is defined as “the use by natural persons of research data held by the SODHA infrastructure, a public sector body of the Belgian federal state, for commercial or non-commercial purposes other than the initial purpose for which the research data were produced before being deposited at the SODHA infrastructure.”¹

The **SODHA infrastructure** comprises the DATAVERSE software application for repository management and reuse of research data, and a metadata model compliant with the international Data Documentation Initiative (DDI) standard.

A **user** of this infrastructure is any natural person who has or has not been registered via institutional login or any other login and who is acting in a peer-to-peer capacity with the depositor or is acting within his professional or commercial activity.

For the present policy, **research data** are “documents in a digital form, other than scientific publications, which are collected or produced in the course of scientific research activities and are used as evidence in the research process, or are commonly accepted in the research community as necessary to validate research findings and results.”²

Metadata means the content of all fields of the archives management system that must be filled in to describe the dataset upon deposit. They can be consulted through the SODHA infrastructure.

The **depositor** is the natural person who has deposited the research data at the SODHA infrastructure, thereby agreeing to the [deposit contract](#) between him or her and the State Archives.

3. Open or Restricted Access to research data

3.1 Open Access

The research data deposited at the SODHA infrastructure are in principle accessible without any access restrictions.³

¹ See article 2, 11) of [Directive 2019/1024 about open data and the reuse of public sector information](#). The definition was adapted to the specific reuse of research data by natural persons via the SODHA data archive.

² Article 2, 9) of [Directive 2019/1024](#).

³ See article 1, 1., c) of [Directive 2019/1024](#) in conjunction with article 3, 1. of [Directive 2019/1024](#). See also article 10, 1. of [Directive 2019/1024](#) which stipulates that research data must be made available by a adopt-

3.2 *Restricted Access*

In accordance with the principle of ‘as open as possible, as closed as necessary’⁴, depositors may restrict access to their research data. Depositors are obliged to detail their restrictions while depositing their research data.

Two cases of access restriction can typically occur.

i. *Embargo*

In the SODHA infrastructure, depositors can request a renewable embargo for a fixed period of 1 year on research data.

The purpose is twofold:

- 1) To enable depositors to already create a safety copy of their research data (whether at an intermediary or definitive stage of data collection and elaboration) in the SODHA infrastructure pending a publication (of an article, a book, a thesis...);
- 2) To signal the existence of their research even before the data are published, thus informing other scientists in the field that research is currently being undertaken on this particular subject although the data will be published at a later date.

For those reasons, SODHA recommends the following course of action: depositors should create a dataset on the SODHA platform, deposit data files alongside the metadata and submit their dataset for publication yet, at the same time, restrict access to their data files and not enable access requests.

This means that potential reusers will not be able to click the button *Request Access* for the data files comprised in the dataset, although the safety copy will be available for the depositor and the existence of the research and the data will be advertised via publication of the metadata. This method will benefit depositors by not only providing them with a safety but also by making their research known to the scientific community.

After 1 year following the initial deposit, SODHA will contact depositors to suggest publication of the data. Depositors will then have the possibility of submitting their data for publication or of renewing their embargo.

ii. *Depositor authorisation for reuse*

Depositors can opt to restrict access to their data on grounds of privacy, confidentiality or security concerns with regard to personal data or commercial interests, especially in relation to agreements signed with third parties or other duly motivated motives. These reasons and motives are made explicit in the metadata.

The SODHA infrastructure makes these data records or parts thereof only accessible to users of the SODHA infrastructure (with the exception of sensitive data within the meaning of the privacy laws)

ing a national open access policy following the principle of ‘open by default’. At the time of writing the present reuse policy the Belgian federal State had no open access policy yet.

⁴ See article 10, §1 of [Directive 2019/1024](#).

under the condition that they have previously requested the authorisation to access these data and that the depositor has given this authorization and the user signs a non-disclosure agreement.

The SODHA infrastructure facilitates the contacts between the depositor and the user who wishes to access the data, but cannot be held accountable for the decision of the depositor to authorise or refuse access to the data or for any particular condition the depositor may impose.

4. Intellectual property rights

All depositors who deposit research data in the SODHA infrastructure retain the intellectual property rights to their research data.

Depositors make their research data available through the SODHA infrastructure using a license by means of which, to the extent legally permitted, they waive their right to take action against users of the SODHA infrastructure to safeguard their intellectual property rights, which does not nullify their intellectual property rights however.

This license may or may not specify conditions by which the users of the SODHA infrastructure must abide. These conditions are stipulated below.

Non-compliance of these conditions may lead to legal action against the user by the depositor. The possible penalties are stipulated below.

5. Reuse⁵

The research data deposited at the SODHA infrastructure are in principle accessible without restrictions for use and reuse. The deposited research data are in principle not subject to any conditions. In this case, a [Creative Commons – CC0 1.0 Universal license](#) applies.

Researchers have invested a lot of work in the elaboration of their research data, therefore it is only logical that they are cited as source by the reuser. Furthermore, this practice substantiates scientific accuracy. It is also a recognition of the work that the researcher has put into his or her research. On these grounds it is justified to impose attribution as a legal obligation. In this case, a [Creative Commons Attribution – CC-BY 4.0 International license](#) applies.

Depositors also have the possibility to restrict the reuse of their research data to scientific research only. In this case, a special [Attribution – Scientific Purpose Only](#) license applies, which can be consulted via the SODHA infrastructure in the Terms section of the metadata.

Should a depositor want to impose more restrictive conditions than specified in the present policy, he or she can only do so in consultation with the administrators of the SODHA infrastructure. Contact: sodha@arch.be.

6. Measures in case of non-compliance

If it is established that a SODHA infrastructure user does not comply with a legal condition, the following actions can be undertaken against the user.

⁵ In accordance with article 8, 1. of [Directive 2019/1024](#).

In the event that a non-compliance is established, the depositor can take legal action against the user, including liability for copyright infringements according to the provisions of the Code of Economic Law [[DE](#)] [[FR](#)] [[NL](#)].

In this case, SODHA reserves the right to deny the user in question access to the SODHA infrastructure for an indefinite period. The user can also be held accountable by SODHA for non-observance of the general conditions governing the SODHA infrastructure and the present policy, and for any other damage resulting from the non-observance of the user. The user shall also warrant SODHA from all claims that could be filed against SODHA by the depositor or any third party regarding any non-compliance by a user.

7. Restitution of research data to the depositor

The depositor has the right to withdraw his deposit at any time according to the withdrawal procedure stipulated in the deposit agreement. In this case, it shall no longer be possible to reuse the research data, but the metadata of the deposited research data shall remain freely accessible.

However, SODHA will no longer communicate contact details from the depositor to users.

8. Reuse of administrative documents

As SODHA is part of a public institution — the State Archives — its administrative documents, other than the deposited research data, are also subject to reuse.⁶ The administrative documents that are most relevant for the user and the depositor shall be freely accessible through the SODHA infrastructure under a [CC0 1.0 license](#).

Should you be looking for another document saved in the SODHA infrastructure but not made accessible through the infrastructure, you may send a reuse request to sodha@arch.be, clearly stating which document(s) you wish to receive and in which format.

9. Version history of this document

Date	Version number	Changes made
07-09-2020	1.0	First version
03-02-2021	2.0	New version history section, minor layout edits, correction of typos
03-03-2021	2.1	Brackets removed from the full name of SODHA
06-05-2021	2.2	Font of the document changed from Arial to Calibri
19-07-2021	3.0	Section 3.2, ii. previously contained a paragraph that suggested SODHA might accept datasets which contain personally identifiable information (PII) provided depositors had secured written consent from concerned individuals. This conflicted with the rule that SODHA does not currently accept sensitive data deposits, as stated in the SODHA Dataset Publishing Policy. The content of section 3.2, ii. has been reverted to the state it was in on 3 March 2021.

⁶ See article 1, §1, a) of federal law of 4 May 2016 on the reuse of public sector information [[DE](#)] [[FR](#)] [[NL](#)].

30-07-2021	4.0	<ul style="list-style-type: none"> • Section 3.2, iii. was also removed for the same reason as that for removal of a passage in section 3.2, ii. • Added links to online versions of texts of law and licenses • Definition of ‘user’ was adapted
17-02-2022	5.0	<ul style="list-style-type: none"> • Typo corrected in changes made 3.0 → 4.0 • Access conditions are now more specific in Section 3.2, ii., regarding access conditions to data in restricted access