FDP Data Stewardship Updates and Feedback Session

Jennifer Murphy – Brown University
Christopher Martin – Rutgers University
Kris McNitt – Pennsylvania State University
Diana Boeglin – University of Iowa

FDP Meeting – May 2024
Agenda

• Data Stewardship Updates
• DTUA Working Group Updates
• Open Mic Comments
Data Stewardship Updates
Thank You to our Working Group members!
DTUA Working Group Updates

• Samples!
  • COVID/Public Health Emergency
  • PI Transfer – to be posted soon

• Templates!
  • Amendment Template
  • Updated One-Way DTUA (+ change summary)

• Guidance!
  • FAQ revisions – in progress
Do not use COVID-specific DTUA anymore

Replaced COVID-19 with Public Health Emergency throughout the sample

Only to be used during US Federal Public Health Emergency Declaration
DTUA For Scientists Transferring Institutions

Key Elements:

• To facilitate PIs moving between universities

• Sample – expect changes per institution policy
  • Red text highlights text most likely to change

• Only 1 PI listed
  • Can indicate a Custodian at Provider institution

• No Attachment 3
  • Article 6: “If Recipient is permitted to share Data under Attachment 1 of this Agreement, such sharing shall be under terms and conditions no less restrictive than those contained herein.”

• Attachment 1 allows for multiple data sets
  • ONLY include data generated at Provider institution
DTUA For Scientists Transferring Institutions

FDP Data Transfer and Use Agreement ("Agreement")
For Scientists Transferring Institutions

<table>
<thead>
<tr>
<th>Provider:</th>
<th>Recipient:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Provider Custodian: □ applies □ does not apply</td>
<td>Transferring Scientist</td>
</tr>
<tr>
<td>Name:</td>
<td>Name:</td>
</tr>
<tr>
<td>Email:</td>
<td>Email:</td>
</tr>
<tr>
<td>Agreement Term</td>
<td></td>
</tr>
<tr>
<td>Start Date: Date of last signature below</td>
<td>Please refer to Attachment 1 for a full list of datasets, their descriptions, and data types.</td>
</tr>
<tr>
<td>End Date:</td>
<td></td>
</tr>
<tr>
<td>□ none</td>
<td></td>
</tr>
<tr>
<td>□ (insert date) ________________</td>
<td></td>
</tr>
<tr>
<td>□ ___ years after start</td>
<td></td>
</tr>
</tbody>
</table>

Attachment 1
Data Transfer and Use Agreement
For Scientists Transferring Institutions
Description of Dataset(s)

**NOTICE:** This table is provided for convenience if transferring many datasets. Table may be edited or substituted with a different format as appropriate for your transaction. Providers are responsible for clearly indicating which dataset(s) may be resharred, and for attaching the appropriate Attachment 2(s).

<table>
<thead>
<tr>
<th>Dataset Name</th>
<th>Provider IRB# (or n/a)</th>
<th>Supporting Funded Award (or n/a)</th>
<th>Applicable Attachment 2</th>
<th>Resharing Permitted? (y/n)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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<td></td>
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<tr>
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<td></td>
</tr>
</tbody>
</table>
DTUA Amendment

Key Elements:

• To facilitate common adjustments to active DTUAs
• Programmed to insert Attachments as selected
  • CAUTION: Programming is not yet perfect. Select Attachments in order. Check your full document prior to signing.
• Only 1 PI can be changed by Amendment
  • DTUA WG determined that if both PIs changed, a new agreement was needed.
# FDP Data Transfer and Use Agreement Amendment

<table>
<thead>
<tr>
<th>Provider</th>
<th>Recipient</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name:</td>
<td>Name:</td>
</tr>
</tbody>
</table>

## Project Title:

<table>
<thead>
<tr>
<th>Original Start Date:</th>
<th>Agreement Reference #:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(if applicable)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Effective Date of Amendment:</th>
<th>Amendment No.:</th>
</tr>
</thead>
</table>

## Amendment(s) to Original Terms and Conditions

- [ ] Change of End Date:
  - This DTUA End Date is amended to:

- [ ] Change of Provider or Recipient Scientist
  - The **Choose One** is hereby changed to:

- [ ] Modification to Attachment 1
  - Attachment 1 is hereby deleted in its entirety and replaced with the attached:

- [ ] Modification to Attachment 2
  - Attachment 2 Data Type is hereby deleted in its entirety and replaced with the attached:
  - **De-Identified Data about Human Subjects**

- [ ] Modification to Attachment 3
  - Attachment 3 is hereby deleted in its entirety and replaced with the attached:

- [ ] Other (see below):

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*Insert automatically when selected*
One-Way DTUA Revisions

Formatting changes include larger text fields, more options for determining end dates.

Programmed to automatically insert the selected Attachment 2.

Reimbursement of Costs was moved from Attachment 1 to the top of Face Page Terms & Conditions.

Article 1 now combines the Reimbursement of Costs from the prior Article 4 of Attachment 1 with Article 2 of the prior Face Page.

<table>
<thead>
<tr>
<th>Agreement ID:</th>
</tr>
</thead>
<tbody>
<tr>
<td>FDP Data Transfer and Use Agreement (&quot;Agreement&quot;)</td>
</tr>
<tr>
<td>Provider:</td>
</tr>
<tr>
<td>Provider Scientist</td>
</tr>
<tr>
<td>Name:</td>
</tr>
<tr>
<td>Email:</td>
</tr>
<tr>
<td>Project Title:</td>
</tr>
<tr>
<td>Agreement Term</td>
</tr>
<tr>
<td>Start Date: Date of last signature below</td>
</tr>
<tr>
<td>End Date: (choose one)</td>
</tr>
<tr>
<td>[ ] 1) years after the Start Date;</td>
</tr>
<tr>
<td>[ ] 2) Completion of the Project; or</td>
</tr>
<tr>
<td>[ ] 3) years after the Start Date or upon completion of the project, whichever occurs first.</td>
</tr>
<tr>
<td>Attachment 2 Type: Select Data Type</td>
</tr>
</tbody>
</table>

Terms and Conditions

1) Reimbursement of Costs: If applicable, Recipient shall reimburse Provider for any costs associated with the preparation, compilation, and transfer of the Data to the Recipient. Costs shall not include payments for research effort by the Provider.

[ ] None

[ ] This Agreement is in support of agreement # ________ , which shall cover reimbursement of costs. In the event of any conflict of terms, this Agreement shall control regarding issues of data transfer and use.

[ ] As set forth herein. 

2) Provider shall provide the data set described in Attachment 1 (the "Data") to Recipient for the purpose of...
One-Way DTUA Revisions

Article 8 was edited to provide additional clarity and to address protection of data when destruction is infeasible.

8) Unless terminated earlier in accordance with this section or extended via a modification in accordance with Section 13, this Agreement shall expire as of the End Date set forth above. Either party may terminate this Agreement with thirty (30) days written notice to the other party’s Authorized Official as set forth below. Upon expiration or early termination of this Agreement, Recipient shall follow the disposition instructions provided in Attachment 1, provided, however, that Recipient may retain one (1) copy of the Data to the extent necessary to comply with the records retention requirements:

I. under any law, regulation, or Recipient institutional policy,
II. for instances where Data disposal is infeasible, and
III. for the purposes of research integrity and verification.

The restrictions set forth in this Agreement (as applicable) shall survive and apply to such archival copy so long as Recipient holds the Data.
Attachment 3 was edited to provide greater clarity that Collaborator Personnel are third-party individuals with permission to receive the Data.

For all purposes of this Agreement, the definition of “Collaborator Personnel” checked below will pertain:

- **None. No third-party collaborators are permitted on the Project. All Authorized Persons using the Data are Recipient Personnel.**

- **The third parties as set forth below and agreed upon between the Parties. To be clear, Collaborator Personnel are not Recipient Personnel.**

/*Sample definition language for the drafter; delete if the first option is checked or after a final definition has been agreed between the Parties:*/
FAQ revisions

Summary of changes:

• Edits & additional questions to address new samples & templates

• Edits prompted by January 2023 survey responses

• Others?

• Estimated completion: Fall 2024
• Data Stewardship Subcommittee
  • Webpage: https://thefdp.org/committees-subcommittees/research-compliance-committee/data-stewardship-subcommittee/
  • Listserv: DataStewardship@thefdp.org

• DTUA Working Group
  • Webpage: https://thefdp.org/demonstrations-resources/dtuas/#tab-id-1
  • Listserv: FDP-DATA-L@LSW.NAS.EDU
Questions? Comments?
Discussion

• What hot topics should the Data Stewardship Subcommittee address?
• What templates/samples would be helpful to your institution?
• What pain points do you experience when negotiating DTUAs? (excluding user error)
• What elements of data storage / usage / disposition does your institution struggle with?
Contact Info

• Jennifer Murphy
  • Brown University
  • jennifer_murphy@brown.edu

• Kristen McNitt
  • Pennsylvania State University
  • krismcnitt@psu.edu

• Christopher Martin
  • Rutgers University
  • cmlld87@research.rutgers.edu

• Diana Boeglin
  • University of Iowa
  • diana-boeglin@uiowa.edu