



**University of
Applied Sciences
St. Pölten**

Open Access & Data Policy

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Preamble

The University of Applied Sciences St. Pölten (short: USTP) recognises the profound importance **Open Access** and commits to the “Berlin Declaration on Open Access to Knowledge in the Sciences and Humanities“. Open Access refers to the free and public digital access to scientific findings. The idea is for users to be able to read, copy, disseminate, and print full texts without limitations, to search them, refer to them, and use them in any other legally conceivable manner without encountering any financial, legal, or technical barriers. Open Access publications are subject to a high degree of public accessibility and availability. Evidence shows that these sources are more frequently read and quoted than publications with limited access.

In addition, the USTP recognises the fundamental importance of **open research data** for guaranteeing and maintaining scientific integrity and high research quality. Easy and unconditional access to research data, taking into account the protection of personality rights and privacy, is a fundamental component of numerous research activities and constitutes a necessity for reviewing and validating research processes and outputs. Research data thus have a sustainable value for science and society. This Policy supports researchers in the processing, storage, alteration, use, dissemination, and erasure of research data, thereby reducing the risks associated with these activities. The USTP attaches great importance to compliance with the **FAIR Principles** for research data: findability, accessibility, interoperability, and reusability.

This Policy builds on the preceding Open Access Policy of September 2017 and the preparatory work of internal working groups of the USTP. The Policy applies to all researchers working at the USTP and to persons conducting research under the name and for the account of the USTP within the framework of research projects. If concrete research activities are funded by third parties, the conditions agreed upon with these partners on intellectual property rights, exploitation rights, access rights, and the storage and publication of research data and outputs take precedence over the provisions of this Policy. Research data shall be processed exclusively in accordance with the applicable national and international legal provisions.

At the time of the adoption of this document, the implementation of a “FAIR Data Center” is evaluated to support hosting, connecting, and using research data both internally and

externally, serve as a point of contact for researchers and students for questions relating to research data management and Open Access, and foster networking with the international Open Science Community ¹

¹ Bsp.: <https://orkg.org/>

Open Access

Open Access is the publishing standard at the USTP. In this context, the following guidelines apply:

For research outputs, the USTP recommends the first publication (also: Gold Open Access) under a free licence (preferably CC BY). Among other things, publishing activities are supported by framework contracts and publishing funds if no third-party funds are available.

The USTP calls on its employees to actively use their secondary publishing rights (also: Green Open Access) and publish all of their research exclusively in repositories, such as established academic repositories or Phaidra, the USTP's institutional long-term repository, simultaneously to or after the expiry of the applicable embargo periods provided that no other legal or contractual obstacles prevent them from doing so. The USTP guarantees authenticity, integrity, and conclusive quotability of publications available on Phaidra. This also ensures worldwide availability and long-term archiving. By storing all master theses and, under certain conditions, all other higher education theses of the USTP in the repository Phaidra, the USTP complies with its legal obligations.

The USTP encourages its employees to claim their copyrights and to transfer only simple exploitation rights to publishing houses when concluding contracts with them. The USTP recommends that its researchers become active as reviewers or publishers of Open Access publications. Self-published research of the USTP is usually published under an open licence (preferably CC BY) if there are no other prohibiting legal framework conditions.

To implement this Policy, the USTP has appointed an Open Access Officer. The Campus Library coordinates the USTPs' Open Access activities and supports and advises staff members by offering suitable services and consultation.

The USTP expressly recommends researchers to use the open, persistent identifier ORCID which guarantees a clear identification of persons and the attribution of publications and research data to them.

Research Data Management

At minimum, archiving is mandatory for all research data that serve as the basis of a publication and that are necessary to ensure transparency of the publication's findings. If the archiving of research data is subject to public interest or of continued scientific or historical research interest, or if the data fulfil statistical purposes, they shall also be archived.

Research data to be archived shall be made available in a suitable form and a non-proprietary format (e.g., CSV) in order to give, at minimum, researchers of the USTP who have a legitimate interest access to the research data to allow them to use the data for answering research questions (e.g., continuing research, validation of transparency, or quality assurance). Research data are to be provided with persistent identifiers, stored, and made available in an appropriate academic or institutional repository (e.g., Phaidra) or archiving system. When archiving research data, researchers are encouraged to declare their affiliation with the USTP.

To ensure the integrity of research data, they are to be stored in an accurate, full, and unadulterated manner. In accordance with the FAIR principles, they shall be findable, accessible, transparent, and interoperable. In addition, any changes are to be made separately from the original data to maintain the latter. When handling any personal data, the applicable data protection provisions are to be considered. If no third-party rights, legal requirements, ethical aspects, or property requirements preclude it, research data shall be licensed under an open licence.

Accompanying research documentation must also be archived under an open licence. An erasure has to be completed according to all legal and ethical considerations. Lead researchers are to be informed thereof and they are to be notified of the transfer of the research data. All measures taken shall be documented and accessible for a potential later check.

Responsibilities, Rights, Obligations

Both the USTP and the researchers shall assume the responsibilities for research data management during and after a research activity. The USTP is responsible for:

- Provision and operation of a repository to ensure storage, security, and accessibility of research data;
- Provision of relevant service units and provision of suitable financial means and resources for research support measures to maintain services for the documentation, findability, and registration of research data as well as the training and further education for staff members;
- Provision of templates for data management plans (DMP), trainings, and support for researchers;
- Long-term archiving and security of research data;
- Ensuring access to stored data in agreement with the researchers and in accordance with the law. Whenever possible, any access shall be provided through Open Access licences.

The researchers are responsible for:

- Creating and updating data management plans for the research activities, their registration, and compliance with them. DMPs include the following aspects, in particular:
 - Data collection
 - Documentation
 - Assignment of metadata
 - Archiving, access to, and storage or proper erasure of research data and their documentation
- Planning of possible further use of data
- Transfer of research data to a repository, at the latest, following the completion of the research activity, and appropriate exploitation by publishing
- Compliance with organisational, regulatory, institutional, and other contractual and legal requirements

Support Measures

Currently, the USTP provides its staff members with the necessary infrastructure (e.g., Phaidra), which is continuously further developed, for electronic publishing and archiving. The USTP provides its staff members with organisational support in publishing in Open Access journals and supports the financing of incurred publication costs from the USTP' internal publishing funds. The criteria for the awarding of funds and an overview of the framework contracts can be found on the website of the Campus Library. Buying already published articles in subscription journals back is not supported by the USTP but can be financed by third-party funds. The USTP offers guidance to all staff members in scientific publishing in Open Access journals and offers them support in legal issues.

Open Access publications (Gold & Green Open Access) and collaboration (publishing, editorial board, reviewer activities) in Open Access journals are considered separately by the USTP in the evaluation of the researchers' scientific activities.

Institutional Repository Phaidra

Phaidra (Permanent Hosting, Archiving and Indexing of Digital Resources and Assets), which makes valuable resources digitally accessible for the future, is the digital long-term archiving system in compliance with the OAIS Reference Model (ISO 14721:2012). Whether it is higher education theses, scientific journals, or research outcomes – the institutional repository Phaidra can host every form of digital content and guarantees:

- Long-term availability of stored digital content
- Both open and restricted access via the internet • Persistent quotability of all stored objects in various technologies such as handle link, PURL, and a DOI service
- Legal safety by granting of Creative Commons Licences
- Provision of metadata via open metadata standards such as Learning Object Model and Dublin Core

- Support for data exchange with further systems on standardised APIs such as SOAP, REST, and OAI-PMH

Third-Party Financing

The Austrian Science Fund (FWF) and the Austrian Research Promotion Agency (FFG) fund Open Access publications. Further information (requirements, application, etc.) is available under the following links (last update: 01/08/2023):

- <https://www.fwf.ac.at/de/forschungsfoerderung/open-access-policy>
- https://www.ffg.at/europa/recht-finanzen/h2020-open_access

Legal Issues

Various issues on the topic of copyright may occur in connection with Open Access. Therefore, a short summary of the most important issues is given below. The copyright holder within the meaning of the Austrian Copyright Act (UrhG) is the creator of a work. The copyright holder has to be a natural person. A legal entity, e.g., a GmbH or an association can never be the copyright holder of a work but only acquire licences of the work. Copyright protection arises automatically with the creation of a work and does not need to be claimed or requested by its creator. Work within the meaning of the Austrian Copyright Act (see § 1 UrhG) refers to "...original intellectual creations in the fields of literature, music, fine arts, and film art". In order for a work to be qualified as an original intellectual creation, it must have a certain individuality and level of originality and it has to be the result of a thought process. A work can be exploited by third persons in two ways. Either the utilisation takes place within the framework of the free use of the work or by copyright licencing agreements. If the use is carried out without observing the legal requirements, the copyright holder may demand damages and injunctions from the illegal user. With the copyright amendment 2015, the secondary exploitation right was newly introduced in § 37a UrhG. If a contribution, which has been funded at least half by public funds, has already been published in a journal (and if the journal is published at least twice a year), the contribution can be made available without

restrictions by granting of a right of use of the publisher in the course of Open Access. In line with Open Access, the copyright holder grants other persons free licences. One of the most popular models is the Creative Commons licence. Creative Commons licences are standardised licences. They allow each rights owner to determine the conditions under which their content is made accessible and open for use without a licence fee. Creative Commons licences consist of four modules. The USTP recommends / strives for using CC-BY:

- Attribution (BY): The name of the copyright holder must be mentioned.
- Non-commercial (NC): The work may not be used for commercial purposes.
- No processing (ND): The work must not be changed.
- Distribution under the same conditions (SA): When altered, the work must be passed on under the same licence.

The following licences can be used with these modules:

- CC-BY (The user of the work must indicate the name of the licensor in connection with the work in the specified manner.)
- CC-BY-NC (The user of the work must indicate the licensor in connection with the work in a fixed manner and may not use the work for commercial purposes.)
- CC-BY-NC-ND (The user of the work must indicate the licensor in connection with the work in a fixed manner, and they may neither use the work for commercial purposes nor modify or edit it.)
- CC-BY-NC-SA (The user of the work must indicate the licensor in connection with the work in a fixed manner and may not use the work for commercial purposes. If the user modifies or modifies the work, licences may only be granted if the same conditions as for the actual work apply.)
- CC-BY-ND (The user of the work must indicate the name of the licensor in connection with the work in a fixed manner and may neither modify nor edit the work.)

- CC-BY-SA (The user of the work must indicate the name of the licensor in connection with the work in a fixed manner. If the user modifies or edits the work, licences may only be passed on if the same conditions apply, to which the actual work is subject.)

Depending on their possibilities, the USTP recommends its employees to use a CC-BY licence. For advice on legal issues, please contact: recht@ustp.at. For advice on the submission process, financing within the USTP, and archiving in Phaidra, please contact: bibliothek@ustp.at. For general queries on Open Access and funding by FWF and FFG, please contact: forschung@ustp.at. For all other aspects, please contact: Jonas.Kerschner@ustp.at.

Annex: Definition of Terms

Research Data within the meaning of this Policy refers to all data created by researchers within the context of their work which are relevant for the reproduction of outcomes from an academic perspective and suitable for re-use. In a broader sense, research data refers to all information (regardless of form or representation) needed to support or validate the development, outcomes, observations, or findings of a research project or its context. This includes all materials created in the course of academic work, e.g., through digitalisation, records, source research, experiments, measurements, surveys, and interviews. The term applies to software and code as well. Research data can take different forms. Their lifecycle can go through various phases: raw data, processed data (including “negative” and “inconclusive” results), released data, published data, and published Open Access data. In addition, they can be subject to various degrees of accessibility (open data, restricted data, closed data).

Repositories are administered servers for the storage, description, archiving, and publishing of digital objects and data. A global registry of research data bases of all scientific disciplines is re3data.org.

Persistent Identifiers are permanent references to a document, a file, a website, or another object. Access to digital objects is ensured through a persistent connection. Examples of persistent identifiers are Digital Object Identifiers (DOI) and Uniform Resource Names (URN).

A **Data Management Plan** (DMP) is a structured guideline illustrating the entire lifecycle of the data created that needs to be updated if necessary. Data management plans need to ensure that the research data created are stored in a transparent, available, authentic, quotable, and proper manner and that they comply with clearly defined legal parameters and suitable security measures for later use. Ideally, DMPs are delivered in a machine-actionable format.

Metadata are “data on data” describing features, properties of objects, works, and information.