



Title: Research Data Ownership, Retention and Access Policy	Policy Category: Research
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Policy Statement/Background:

The retention of Research Data is necessary to support published research, protect intellectual property rights, and ensure compliance with federal and state regulations, University policies and sponsor requirements.

Policy:

University Data is information collected or created through a function of the University. Stony Brook University owns University Data. Research Data (as defined below) is a subset of University Data and is subject to additional policies and requirements. This policy governs Research Data.

A. Ownership of Research Data

All Research Data and related records belong to the University unless such ownership is precluded by the terms of an award or other agreement.

B. Retention of Research Data

Consistent with Stony Brook University's Policy on Data and Data Access, Principal Investigators are the Data Stewards for Research Data under their purview. As such, they develop, maintain, and manage policies and procedures for one or more

data assets, including management, sharing, retention, securing and disposition of Research Data.

Although the details of an appropriate data retention plan will be specific to each research group, it is the policy of the University that Research Data must be retained for at least three years after the end of a research project. The end of a research project shall be understood as the latest date in which any research activity took place (i.e., submission of the final report to the research sponsor or final publication of research results). Any of the following may justify longer periods of retention:

- Research Data must be kept for as long as may be necessary to protect any intellectual property resulting from the work;
- If litigation or other dispute resolution, claims, financial management review, or audit related to the research project is started before the expiration of the three-year period, or if a litigation hold/preservation notice is issued, or if litigation or other dispute resolution, claims, financial management review, or audit related to the research project is commenced after the three-year period but the relevant data and records have not been destroyed, the Research Data and other project records must be retained until all such litigation/dispute resolution, claims, financial management review, or audit findings involving the records have been resolved and final action taken;
- If any charges regarding the research arise, such as allegations of research misconduct, Research Data must be retained consistent with the State University of New York and the Research Foundation for the SUNY policies or as otherwise instructed by Stony Brook University's Research Integrity Office or Office of General Counsel;
- If a student is involved, Research Data must be retained at least until the student's degree is awarded (or the student otherwise leaves Stony Brook University) and any resulting papers are published;
- When research is funded by an award to or contract with the University that includes specific provision(s) regarding ownership, retention of, and access to technical data, the provision(s) of that agreement will supersede this Policy;
- Research Data from human participant research studies must be maintained consistent with the Stony Brook University's Human Subjects Standard Operating Procedures and State University of New York and the Research Foundation for the SUNY records retention policies;
- If other regulations, federal oversight, sponsor policies or guidelines, journal publication guidelines, or other University policies require longer retention, all applicable sources must be reviewed and the Research Data must be kept for the longest period of time applicable.

Beyond the period of retention specified in this Policy, the destruction of Research Data is at the discretion of the Data Steward. Destruction of research data must follow applicable federal regulations, Stony Brook University, State University of New York and Research Foundation for the SUNY policies on record retention and data disposal, sponsor requirements, and other applicable guidelines.

C. Access to Research Data

The Principal Investigator and the University have the right to access and manage access to the Research Data. If necessary to ensure appropriate access, the University has the right to secure physical custody of the Research Data.

For sponsored awards, the University expects the Principal Investigator to make Research Data available to other researchers as appropriate and in accordance with applicable sponsor requirements.

D. Transfer of Research Data from Stony Brook University

1. Departure of Principal Investigator

a) Sponsored research project: When a Principal Investigator leaves the University, and a sponsored research project is to be moved to another institution, original Research Data may be transferred with prior, written approval of the Office of the Vice President for Research, as well as the applicable school, department and/or center. An agreement with the Principal Investigator's new institution will need to be established that guarantees the University's access to the original Research Data as necessary. The transfer of original Research Data will be contingent on prior, written approval by the sponsor.

b) Non-sponsored research project: When a Principal Investigator leaves the University and Research Data is not a product of a sponsored research project, original Research Data may be transferred with the prior, written approval of the applicable school and department/center.

The University may refuse to allow the transfer of original Research Data, impose additional conditions on such transfer or may require the Principal Investigator to leave copies of the original Research Data with the University. In these circumstances the University may permit transfer of a copy of the Research Data.

A Principal Investigator leaving the University must plan with their department and/or center for the storage of any Research Data remaining at the institution in accordance with this policy.

2. Departure of Stony Brook Researchers other than the Principal Investigator

Individuals involved in the research other than the Principal Investigator who leave the University may take copies of Research Data for any project in which they worked if the Principal Investigator (Data Steward) grants permission and if this is allowed by the sponsor(s), inclusive of the original sponsor. However, in all cases, original Research Data must remain at the University.

Definitions:

Incidental Use: any use of publicly or routinely-available University resources, such as residence halls, common areas, meeting rooms, cafeterias, gymnasiums, libraries, office spaces, furnishings, office supplies, photocopiers, telephones, fax machines and other standard office equipment, personal-type computers, and commercially available software in use on such computers, computer and communications networks, including internet access and data storage, that is nonessential to the creation of Research Data.

Principal Investigator: individual who is responsible for the overall direction of the research project. In the case of research projects led by students who are supported by the University or require significant University resources, the faculty advisor is deemed the Principal Investigator for purposes of this policy. For sponsored research it will be the Principal Investigator of the award that supports the research activity.

Research Data: Information needed to evaluate reported results of research. This policy applies the Federal definition broadly to data related to research, without regard to how the research is funded or how the data was acquired. As defined in 2 CFR 200.315 (e) (3): "Research data means the recorded factual material commonly accepted in the scientific community as necessary to validate research findings, but not any of the following: preliminary analyses, drafts of scientific papers, plans for future research, peer reviews, or communications with colleagues. This includes research data created by Stony Brook Researchers, regardless of whether the activity takes place at University or at off-site locations:

- a) within the scope of the Researcher's employment by University; or
- b) through the Substantial Use of University Resources, unless otherwise agreed to in writing; and/or
- c) within the scope of a sponsored research agreement

For clarity, 'recorded' material includes all laboratory notebooks (including electronic notebooks) and primary data files. This 'recorded' material excludes physical objects (e.g., laboratory samples).

Certain categories of Research Data are subject to FOIL/FOIA exemptions, such as, for example: (i) Trade secrets, commercial information, materials necessary to be held confidential by a researcher until they are published, or similar information which is protected under law; and (ii) Personnel and medical information and similar information the disclosure of which would constitute an unwarranted invasion of personal privacy, such as information that could be used to identify a particular person in a research study." Nothing in this definition is intended to supersede an agreement with a human research subject to code or otherwise de-identify personal information or specimens they provide for research purposes.

Sponsored Research: for the purposes of this Policy, Sponsored Research includes research activity that is sponsored (funded) by an external organization (i.e. a federal, state, or private organization or agency) and research activity that is internally funded (i.e. department/college startup funds, University seed funding).

Stony Brook Researcher: any faculty, staff member, student, postdoctoral researcher, research associate or fellow, or other person (including visitors) who have a formal (paid or unpaid) affiliation with the University and are involved in the design, conduct, or reporting of research.

Substantial Use of University Resource: any use of University resources that is more than Incidental Use, including, but not limited to, use of: financial support, funds and grants administered by University; inter-institutional collaborations facilitated by University; equipment, facilities, services, laboratories, or space; computers and computer or communications networks not publicly or routinely available; research, clinical, or other scientific instruments; time spent by personnel, including secretarial, clerical, administrative staff, and research and teaching assistants; confidential information; inventions and other proprietary or intellectual property owned by University; and any access as a result of a person's affiliation with University.

University: in this policy, the term University includes all schools, centers, institutes, and administrative offices within the State University of New York at Stony Brook, the Research Foundation for State University of New York as it relates to Stony Brook University, Stony Brook Medicine (including University Hospital), and the Long Island State Veterans Home.

Contact:

Additional information about this policy is available here:

Office of the Vice President for Research (OVPR)

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Relevant Standards, Codes, Rules, Regulations, Statutes and Policies:

- [Code of Federal Regulations \(2 CFR § 200.315 Intangible property\)](#)
- [Policy on Data and Data Access](#)
- [HIPPA Information, Security and Privacy Policy](#)
- [Records Retention and Disposition Policy](#)
- [Sensitive Information Classification Policy](#)
- [SUNY: Records Retention & Disposition Schedule](#)
- [SUNY: Patents, Inventions and Copyright Policy](#)
- [Research Foundation for SUNY: Records Management Policy](#)