

CESSDA Trans-border Data Access Agreement

Submitted to the CESSDA Business meeting, Prague, 2003 and revised following comments received following the Dublin meeting, July 2004. Amended in the Neuchâtel meeting April 2005. Amended in Differdange April 2006

1. Purpose

The purpose of this agreement is to establish the requirements of CESSDA member organisations with regard to the exchange to data between member organisations.

It is a requirement of CESSDA membership that all member organisations adhere to this agreement. This requirement is set out in Article VIII, point six of the CESSDA constitution.

2. Terminology

Throughout this agreement the follows terms are to be defined as follows:

- *'providing archive'* – is defined as the CESSDA organisation who holds the requested data collection (in previous documents the term 'local' was often used in this context)
- *'end user'* – is defined as the person requesting the data collection
- *'gateway archive'* – is defined as the CESSDA organisation of the country from which the 'end user' who has made the request is situated.
- *'responsible archive'* – is defined as the CESSDA organisation that is assigned the responsibility for maintaining, preserving and disseminating a particular dataset or data collection.
- *'administrative year'* – is defined as the year running from 1st January to 31st December and is to be taken as the annual period for which CESSDA statistics are prepared for.

3. Principles

The transfer of data between CESSDA members is guided by two underlying principles:

3.1. That data transfers are 'free' of additional charge to the end users (in other words, requests from CESSDA organisations, or users from CESSDA member countries are treated in the same way as native users and that no special charges are levied).

3.2. That usage reports of all data transfers are provided and exchanged between CESSDA organisations on a minimum of an annual basis, preferably in accordance with the administrative year. The 'providing archive' can choose, if it so wishes, to issue statistics to a 'gateway archive' immediately after the process has been completed. CESSDA member organisations must state their preference in providing usage reports.

4. Charging and dissemination

4.1. CESSDA member organisations can decide if they wish to service requests from non-national users directly, or if they wish these to be routed through the 'gateway archive'. Each member

organisation must let each other organisation know its preferred *modus operandi* for a given administrative year at least four weeks prior to the commencement of that year. If no notice of change to the preferred *modus operandi* is given then it will be assumed that that of the previous year will continued. If a CESSDA organisation fails to notify another of its preferred *modus operandi* then it will be assumed that the preference will be to service requests through the ‘gateway archive’.

4.2. The access conditions of the ‘providing archive’ apply, including any special conditions regarding access or use.

4.3. The charging arrangements (if any) of the ‘providing archive’ apply. (*Note of explanation:* If a user from country A requests a dataset from country B, where A is the gateway archive and B is the providing archive, if B has stated that it wishes the user to be serviced by the gateway archive then the providing archive make the data available to the gateway archive and invoices them for any charges related to the supply of the data. Note, any such charges must equal those that the providing archive would be obliged to charge a native user for the same data. Also note that in this case the transaction is between member organizations, archives, the gateway archive may decide to absorb these charges internally rather than pass them on to the end user. If the member organization in country B has requested that it service external user requests directly, then the user from country A obtains the data directly from the providing archive and is invoiced directly for any related charges at an equivalent rate to native users. Note finally that this paragraph does not enforce charges were they were not previously assumed necessary.).

4.4. CESSDA organisations must not keep data collections requested from other CESSDA organisations locally for re-distribution, except (with written authorisation and agreement from the responsible archive) if the dataset is of special concern to its own country.

4.5 A request from a user in a country with no national data archive shall always be referred to the archive responsible for the data set requested.

5. Support

5.1. Web pages devoted to the CESSDA organisations aimed specifically at non-native users must be maintained on a regular basis. These must provide a detailed overview of collections, how to gain access to data, and any charging or registration issues. Such web pages must also be available in English.

5.2. A single point of contact must be to be established in each CESSDA organisation to handle user queries about access to data held by member organisations. The contact details for this person should be circulated to each member organisation and each organisation should be notified of any changes. Contact details must also be provided to the CESSDA General Secretary who will have responsibility for arranging these details to be mounted centrally on the CESSDA website.