

Federal Agency Public Access to Research Data

An Update on Requirements and Implementation

Leslie Krueger | lkrueger@tamu.edu

Division of Research | Director, Research Data

2022 OSTP Memo Data Management & Sharing

Guidance to agencies, update public access policies by December 31, 2025, to :

- Include data management and sharing requirements to maximize data sharing
- Include guidance on data repositories and preservation

Grantee expectations:

- Data underlying peer -reviewed publications made freely available at time of publication
- Repository alignment with NSTC Desirable Characteristics
- Use Data Management and Sharing Plans (DMP/DMSP) to:
 - Describe how data will be managed and shared
 - Provide plans and timeline for sharing other data and maximize sharing
 - If data cannot be shared and why

Federal Agency Data Management & Sharing Policies in Effect

- 1 NASA Science Mission Directorate (SMD)
effective December 2, 2022 (new awards only)
- 2 National Institutes of Health (NIH)
effective January 25, 2023 (new awards only)
- 3 Department of Education (Ed)
effective September 30, 2024 (new awards only)
- 4 Centers for Disease Control and Prevention (CDC)
effective October 1, 2024 (new awards only)
- 5 Agency for Healthcare Research and Quality (AHRQ)
effective December 18, 2024 (new awards only)
- 6 Environment Protection Agency (EPA)
effective January 2, 2025 (new awards only)
- 7 Food and Drug Administration (FDA)
effective August 15, 2025 (new awards only)



Federal Agency Data Sharing Policies cont....

Updated & Published - Not in Effect Yet

Effective October 1, 2025 :

- Department of Energy (DOE) (new awards only)
- National Endowment for the Humanities (NEH) (new awards only)
- Institute of Museum and Library Sciences (IMLS) (new awards only)

Effective December 31, 2025 :

- Administration for Children and Families (ACF) (new awards only)
- Census Bureau (new awards only)
- Centers for Medicare & Medicaid Services (CMS)
- Consumer Product Safety Commission (CPSC) (new awards only)
- Administration for Community Living (ACL) (new awards only)

Expected by December 31, 2025:

- Department of Defense (DOD)
- Department of Transportation (DOT)
- Fish and Wildlife Services (FWS)
- National Institute of Justice (NIJ)
- National Institute of Standards Technology (NIST)
- National Science Foundation (NSF)
- Social Security Administration (SSA)
- U.S. Department of Agriculture (USDA)
- U.S. Geological Survey (USGS)

[2022 OSTP Public Access Memo Guidance](#)

[SPARC Spreadsheet](#)



Scientific Data Defined

"Scientific data include the recorded factual material commonly accepted in the scientific community as being of sufficient quality to **validate and replicate the research findings, regardless of whether the data are used to support scholarly publications** ." - NIH

What IS Included:

- Data needed to validate and replicate research findings:
 - Diagrams, instrumental readouts, photos
 - Protocols, charts, graphs
 - Numeric information, images, audio and video recordings

What is NOT Included:

- Preliminary analyses
- Drafts of papers
- Peer reviews
- Physical objects/specimens/samples
- Communications with colleagues

Source: OSTP Public Access Memo

Justifiable Reasons for Limiting Data Sharing

Researchers are encouraged to maximize scientific data sharing, but certain ethical, legal, or technical factors may necessitate limiting access. These limitations should be clearly articulated in Data Management and Sharing Plans (DMSPs).

Consent Restrictions

Informed consent, either original or existing, may limit the scope of sharing and future research use.

Participant Privacy & Safety

Sharing could compromise privacy, safety, or risk re-identification, even with protective measures like de-identification.

Legal & Regulatory Prohibitions

Explicit federal, state, local, or Tribal laws, regulations, or policies may prohibit disclosure.

Agreements & Data Use Restrictions

Restrictions imposed by agreements with third-party funders, repositories, DUAs, or licensing limitations.

Technical Feasibility

Datasets that cannot practically be digitized or shared with reasonable effort.

Conversely, some reasons are generally not considered justifiable for limiting data sharing:

Data Size

The data are considered to be too small or insignificant.

Anticipated Use

The belief that the data will not be widely used by others.

Repository Availability

The perceived lack of a "suitable" repository for the data.



Data Sharing

Scientific data underlying peer-reviewed publications must be accessible:

- Available by article publication date: AHRQ, CDC, EPA, NASA SMD, NIH
- As soon as practicable after the publication date: FDA
- Available within 30 days of publication date: Ed

Other data:

- Make accessible as soon as possible: AHRQ, NIH
- By end of award/grant: AHRQ, NASA SMD, NIH
- Completion of final study or 5 years after award is closed (whichever comes first): Ed
- Timely manner: CDC, Ed
- Uncertain: FDA

Data Management and Sharing Plans (DMSPs)

Agency Requirements:

- Required for new awards/grants: all agencies
- Submitted with application/proposal: AHRQ, CDC, Ed, EPA FDA (encouraged), NIH
- Updating DMSPs: CDC (annual), EPA, NIH

DMSPs Elements:

- Description, types of data: AHRQ, CDC, Ed, FDA, NASA, SMD, NIH
- Data access, preservation, and archiving: CDC, Ed, FDA, NASA, SMD, NIH
- Oversight and team responsibilities: AHRQ, Ed, FDA, NASA, SMD, NIH
- Timeline for sharing: AHRQ, Ed, NASA, SMD
- Data that can't be shared: AHRQ, CDC, Ed, FDA
- Standards: AHRQ, CDC, NIH
- Reuse considerations: AHRQ, NIH
- Related Tools, Software and/or Code: AHRQ, NIH

Additional Compliance Factors:

Costs:

Data managing and preservation costs allowable, include in budget proposals: all agencies

Compliance:

- Considered in future award decisions: CDC, EPA, NIH
- DMSP becomes award term: AHRQ, EPA, FDA, NIH

Data Licensing:

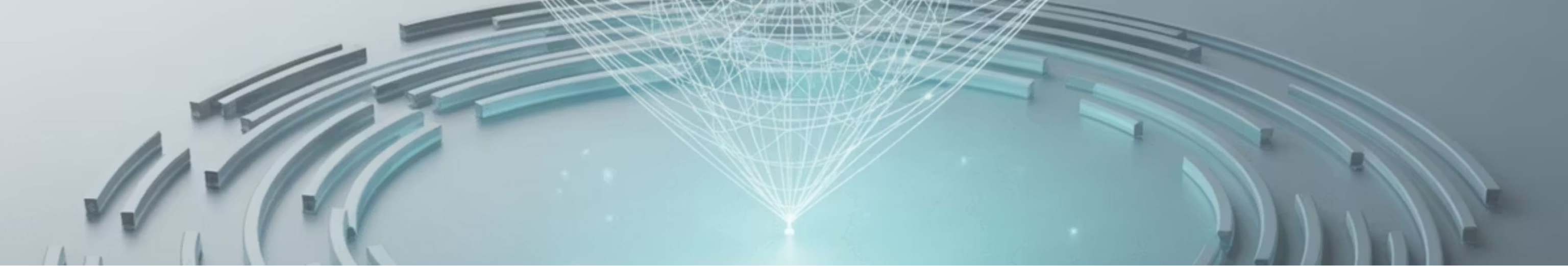
- Data should have license: NASA SMD
- DMSP should address licensing: AHRQ
- Awardee retains rights: CDC
- CCO license recommended: NASA SMD

Data Repositories:

- Use established repositories: all agencies
- Use FAIR/ NSTC desirable characteristics repositories: AHRQ, Ed, EPA, NASA SMD, NIH
- Agency may indicate in solicitation or on website

Intellectual Property:

- **NSF** notes that data should be shared "...except in cases where there are compelling reasons not to, such as protection of intellectual property."
- **NIH** requires plans to maximize sharing "taking into account legal, ethical, or technical issues that may limit the extent of data sharing."
- **DOE** explicitly states, "There is no requirement to share proprietary data."
- **NASA** similarly calls for release "while safeguarding... intellectual property and other rights."



Actions Across Agencies:

Repository Development

Multiple agencies are building or expanding data repositories

Immediate Access Requirements

Several agencies are reiterating their obligation on eliminating embargo periods

Comprehensive Data Sharing Plans

All agencies are requiring or enhancing data management and sharing plans with specific timelines and repository specifications

Standardization Efforts:

Multiple agencies working on standardized metadata formats, persistent identifiers, and interoperability standards

Texas A&M Research Data Management Resources

Comprehensive support for researchers across all stages of the data lifecycle



University Libraries



Technology Services



The Responsible Stewardship of Research Data
(SAP)



Sponsored Research Services

DATA MANAGEMENT

Texas A&M University Libraries

Comprehensive research data management support throughout the lifecycle of research data.



Data Management Planning

Expert guidance in creating comprehensive data management plans for grant applications and project initiation.



Best Practices Training

Workshops and individual consultations on data organization, documentation, and preservation strategies.



Repository Selection

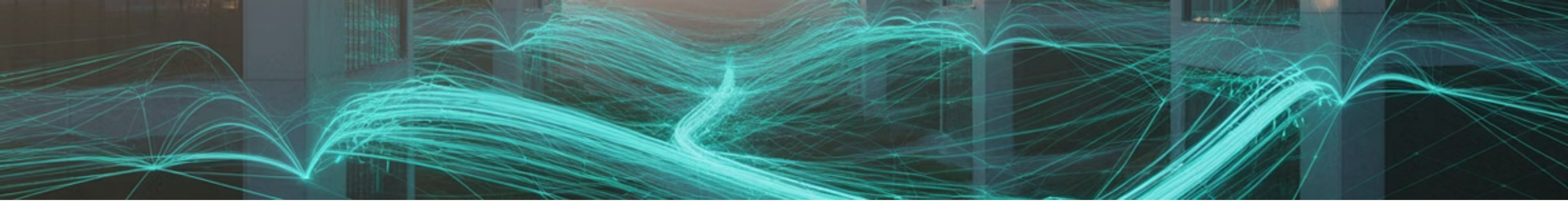
Assistance in choosing appropriate data repositories for sharing and long-term preservation.



Compliance Support

Guidance on meeting funder requirements and institutional policies for data stewardship.

TAMU Libraries' Research Guides provide in-depth information and practical tools to navigate all aspects of research data management.



TAMU Technology Services

Comprehensive IT infrastructure support and solutions for research data management.



Research Resources

Compute and networking services for researchers—HPC, file sharing, Science DMZ, and an enterprise compute platform.



Data Classification

A framework for determining data sensitivity levels and governing appropriate handling and protection.

Data Classification Calculator



Research & Security Compliance

Training, tools, and policy guidance to help conduct research securely and in adherence to standards.



End- User Device Guidance

Best practices for securing both university - owned and personal devices, including compliance requirements.

Local Support: Please connect with your departmental IT team for specific technical questions and implementation guidance tailored to your research environment.



Sponsored Research Services

Supporting researchers in navigating data management plans and agreements.



Proposal Administrators

- Clarify Sponsor and University Requirements
- Direction to Guidance Materials and Templates
- Assist in Identifying Key Plan Components
- Ensure Proposal Compliance
- Connect You with Institutional Support Offices



Research Data

- Federal Data Management and Sharing Plan Requirements
- Library Research Data Management Services
- TAMU Guidelines
- Technology Services
- Lkrueger@tamu.edu

Key Takeaways

- Federal agencies are increasingly mandating public access to research data, emphasizing transparency and reproducibility.
- Effective Data Management and Sharing Plans (DMSPs) are crucial for compliance and successful grant applications.
- Texas A&M offers robust resources through the University Libraries, Technology Services, Sponsored Research Services, and the Director of Research Data to support researchers in navigating these requirements.

"Scientific data include the recorded factual material commonly accepted in the scientific community as being of sufficient quality to **validate and replicate the research findings, regardless of whether the data are used to support scholarly publications** ." - NIH

Questions?

For more information and support with federal agency data sharing requirements, contact:

Leslie Krueger | Director, Research Data | lkrueger@tamu.edu



08-2022-OSTP Access Memo

SPARC Spreadsheet - Current Agency Publication and Data Policies