EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF SCIENCE AND TECHNOLOGY POLICY
WASHINGTON, D.C. 20502

May 28, 2008

MEMORANDUM FOR THE SECRETARY OF AGRICULTURE
THE SECRETARY OF COMMERCE
THE SECRETARY OF ENERGY
THE SECRETARY OF EDUCATION
THE SECRETARY OF HEALTH AND HUMAN SERVICES
THE SECRETARY OF HOMELAND SECURITY
THE SECRETARY OF THE INTERIOR
THE SECRETARY OF TRANSPORTATION
THE SECRETARY OF VETERANS AFFAIRS
ADMINISTRATOR, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION
DIRECTOR, NATIONAL SCIENCE FOUNDATION
DIRECTOR, NATIONAL INSTITUTES OF HEALTH
ADMINISTRATOR, ENVIRONMENTAL PROTECTION AGENCY
ACTING SECRETARY, SMITHSONIAN INSTITUTION
ATTORNEY GENERAL, DEPARTMENT OF JUSTICE

SUBJECT: Principles for the Release of Scientific Research Results

FROM: JOHN H. MARBURGER, III
DIRECTOR

As called for by Section 1009 of the *America COMPETES Act* (P.L. 110-69), the attached Principles provide guidance and direction to agencies regarding the release of scientific research results. Congress directed that these principles and supporting actions be designed to "ensure the communication and open exchange of data and results of research" undertaken by scientists at civilian agencies, consistent with existing Federal laws, regulations and Presidential directives and orders. In accordance with this direction, these principles apply to the release of news and information to the media and public as well as the sharing of data and research results at the scientific and technical level.

The underlying reason for these principles is simple: science, science policy, and the greater public interest all benefit from a culture that is as open and transparent as possible. Accordingly, the Federal government should be committed to fostering such an open environment.

A solid foundation is already in place to support this objective. In April of 2006, following discussions with agency chief scientists, I provided a list of best practices regarding openness in scientific communications that was developed by NASA

Administrator Griffin. At that time I urged you to consider your own current policies in light of this model established by NASA. This was followed by additional communications to agencies, including the FY 2008 OMB/OSTP Research and Development Priorities Memorandum. In response to these communications, many agencies have already developed or revised polices related to scientific openness and provided mechanisms to ensure employees at all levels understand their rights and obligations under these existing policies.

This memorandum should serve as guidance as you work to establish, improve and implement these policies. Thank you for your continued attention to this issue as we strive to ensure agencies are aware of the polices and are coordinating and promulgating them optimally within their organizations. Please provide to me by July 31, 2008 an update on your progress in finalizing your policies in this area.

Attachment

Core Principle for Communication of the Results of Scientific Research Conducted by Scientists Employed by Federal Civilian Agencies:

Robust and open communication of scientific information is critical not only for advancing science, but also for ensuring that society is informed and provided with objective and factual information to make sound decisions. Accordingly, the Federal government is committed to a culture of scientific openness that fosters and protects the open exchange of ideas, data and information to the scientific community, policymakers, and the public.

Supporting Principles

(1) Communication with the News and Information Media

a) Agencies should provide for the widest practicable and appropriate dissemination of factual information concerning agency scientific activities and their results.

b) Agencies should develop, and update as necessary, policies governing employee interaction with the press and the public. These policies should be based on an approach ensuring that, in communicating official information on behalf of the agency:

i) Scientific content is accurate, provided in context, and in as complete and timely a manner as practicable.
ii) Agency employees may freely and openly discuss with the public, subject to classification restrictions and consistent with existing laws and regulations, scientific and technical ideas, approaches, findings, and conclusions based on their official work.
iii) All federal employees are obliged to distinguish their personal views from the official positions of their agencies, and procedures should be in place to ensure that such distinctions are clearly drawn.
iv) Agency designated policymaking officials have responsibility for determining official agency positions and for communicating official agency policies to the public.

c) These policies should include clear procedures to resolve disputes and ensure all agency employees have a route of appeal on issues regarding the communication of scientific information.

d) Agencies should endeavor to ensure internal cooperation and coordination among their organization's scientific, engineering and public affairs staff, and should promote awareness of internal agency guidelines on these issues and relevant Federal laws and policies.

Note: In developing policies under this section, agencies are encouraged to draw from and build on the sound policies already in place with respect to communications with the media. (Several

agencies have developed such policies, including NASA[1], the Department of Commerce[2], the Department of Health and Human Services[3], and others.)

(2) Open Exchange of Research Data and Results by Federal Scientists

a) Research data produced by scientists working within Federal agencies should, to the maximum extent possible and consistent with existing Federal law, regulations, and Presidential directives and orders, be made publicly available consistent with established practices in the relevant fields of research.
   i) Agencies should develop, and update as necessary, clear guidelines regarding processes for sharing research data and results generated by Federal scientists. These guidelines should be consistent with the Information Quality Act guidelines[4].
   ii) In developing the guidelines, agencies should endeavor to establish clear policies regarding preservation and storage of and access to publicly available data.
   iii) Agencies should work to ensure awareness of and compliance with these guidelines, and ensure that responses to requests for publicly releasable information are made promptly, accurately, and completely.

b) Peer review is an important component of the scientific research enterprise that further validates the credibility of research data and results, which are often subsequently published in journals or other media. Agencies should take steps to ensure peer review is conducted in a manner consistent with established research practices in the relevant fields[5].

Definitions. For the purposes of this memorandum:

1. "Research Data" means "the recorded factual material commonly accepted in the scientific community as necessary to validate research findings." This does not include: "preliminary analyses, drafts of scientific papers, plans for future research, peer reviews, or communications with colleagues." This also excludes physical objects such as laboratory samples. Research data also do not include:

(A) Trade secrets, commercial or confidential information, materials necessary to be held confidential by a researcher until they are published, or similar information which is protected under law or Presidential orders; and

(B) Personnel and medical information and similar information the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, such as information that could be used to identify a particular person in a research study.

[1] http://www.nasa.gov/pdf/145687main_information_policy.pdf
[2] http://www.commerce.gov/s/groups/public/@doc/@os/@opa/documents/content/prod01_002841.pdf
[3] http://www1.od.nih.gov/oma/manualchapters/management/1184/
[4] http://www.whitehouse.gov/omb/fedreg/reproducible2.pdf
[5] http://www.whitehouse.gov/omb/fedreg/2005/011405_peer.pdf