

# Administration for Community Living (ACL)

## Public Access Policy

Issued December 31, 2024

Effective December 31, 2025

### Contents

1.	BACKGROUND AND PURPOSE .....	1
2.	PUBLIC ACCESS TO PEER-REVIEWED PUBLICATIONS.....	2
	a) Definitions .....	2
	b) Scope .....	3
	c) Requirements .....	3
	d) Compliance and Evaluation .....	4
3.	PUBLIC ACCESS TO SCIENTIFIC DATA .....	5
	a) Definitions .....	5
	b) Scope .....	5
	c) Requirements .....	6
	d) Compliance and Evaluation .....	9



## 1. BACKGROUND AND PURPOSE

The Administration for Community Living (ACL) is an Operating Division within the Department of Health and Human Services. ACL's mission is to maximize the independence, well-being, and health of older adults, people with disabilities across the lifespan, and their families and caregivers. ACL strives to achieve this mission, in part, by funding research mainly through discretionary grants administered by the National Institute on Disability, Independent Living, and Rehabilitation Research (NIDILRR)—a Center within ACL. Making ACL-funded research products (peer-reviewed publications and scientific data) available to the public will enable the use of research-based information by various user communities to advance practices, policies, and systems and advance ACL's mission.

ACL has an existing **Public Access Plan** that describes requirements for making peer-reviewed publications and scientific data that resulted from ACL-funded research publicly available at no cost to users. The existing plan is based on guidance in the Office of Science and Technology Policy (OSTP)'s February 22, 2013, memorandum entitled "Increasing Access to the Results of Federally Funded Scientific Research" (2013 Memo). ACL has implemented requirements related to public access to peer-reviewed publications since October 1, 2016. ACL has implemented requirements related to public access to scientific data since October 1, 2017. These requirements include making peer-reviewed scholarly publications publicly available within 12 months from the publication date and making scientific data collected through the course of a grant award publicly available within 24 months from the award end date. These existing requirements will continue for applicable ACL-funded awards initially made before December 31, 2025.

On August 25, 2022, OSTP issued a memorandum entitled "Ensuring Free, Immediate, and Equitable Access to Federally Funded Research" (2022 Memo). The 2022 Memo directed federal agencies to expand their public access requirements to make peer-reviewed scholarly publications and their underlying scientific data freely available and publicly accessible without any embargo after publication, and to issue a Public Access Policy that addresses the expanded requirements.

This updated Public Access Policy addresses the expanded requirements in the 2022 memo. The requirements described within this policy apply to ACL-funded extramural research under initial awards made on or after December 31, 2025. For awardees with an initial award start date of

December 31, 2025 or later, requirements described in this policy supersede requirements described in the previous ACL Public Access Plan.

ACL does not have an intramural research program; therefore, public access to intramural research products is not addressed in this policy.

The ACL Public Access Policy is intended to:

- Make published results of ACL-funded research accessible at no cost to the public;
- Make scientific data collected through ACL-funded research accessible at no cost to the public; and
- Increase use of research results and scientific data to further advance scientific endeavors and other tangible applications.

## **2. PUBLIC ACCESS TO PEER-REVIEWED PUBLICATIONS**

### **a) Definitions**

*Embargo*: A period between the official date of publication and the date the publication is made publicly available for free.

*Final peer-reviewed manuscript*: An author's final manuscript of a peer-reviewed paper accepted for journal publication, including all modifications from the peer-review process.

*Final published article*: A publisher's authoritative copy of the paper, including all modifications from the publishing peer-review process, copy editing, stylistic edits, and formatting changes.

*Peer-reviewed publication*: A publication describing original scientific research findings that has been peer-reviewed prior to being published in a scientific journal.

*Peer-reviewed publication's metadata*: Information that describes a peer-reviewed publication, generally making the publication uniquely identifiable and searchable. Publication metadata can include, but are not limited to, the publication's author(s), publication's title, journal title, publication date, publication abstract, and unique identifying numbers or codes.

*Official publication date*: The date that a final published article becomes

available either online or in print, whichever comes first.

Underlying scientific data: Data analyzed and used to derive research findings reported in a peer-reviewed publication.

## **b) Scope**

The ACL requirements for public access to peer-reviewed publications are applicable to peer-reviewed publications resulting from all research funded by ACL, regardless of the funding mechanism (e.g., grant, cooperative agreement, contract, other funding mechanisms).

The ACL requirements for public access to peer-reviewed publications also apply to peer-reviewed publications resulting from research jointly supported by ACL and a partner agency when the research is administered by ACL. An exception to these requirements is when the jointly supported research is administered by a partner agency with a comparable public access policy. In that case, ACL will defer to the partner agency's public access policy for peer-reviewed publications.

## **c) Requirements**

Public access requirements for peer-reviewed publications as Described in this policy apply prospectively to ACL-funded research under awards initially issued on or after December 31, 2025.

ACL uses PubMed Central (PMC)—the National Institutes of Health (NIH) digital archive of biomedical and life sciences journal literature, as its designated peer-reviewed publications repository. PMC was developed by and is operated by the National Library of Medicine.

The ACL Public Access Policy requires that all peer-reviewed publications generated from ACL-funded research be publicly available via PMC upon the official publication date, with no embargo. The underlying scientific data of those publications must be made publicly available at the same time—following guidelines in the Public Access to Scientific Data section of this policy.

To ensure compliance with the ACL Public Access Policy, the authors must maintain necessary rights to share their final manuscript with the public via PMC with an appropriate level of Creative Commons or equivalent license that will allow the re-use of the publications with appropriate attributions.

ACL may issue additional guidance in specific areas as needed to support the implementation of its requirements for public access to peer-reviewed publications.

## **d) Compliance and Evaluation**

ACL incorporates requirements for public access to peer-reviewed publications in terms and conditions of applicable awards for grants, cooperative agreements, contracts, and other funding mechanisms. ACL also includes these requirements in applicable Notice of Funding Opportunities and Requests for Proposals issued on or after December 31, 2025.

The primary method for ACL-funded authors to achieve compliance is to submit their final peer-reviewed manuscripts to PMC through **the National Institutes of Health Manuscript Submission System (NIHMS)** upon acceptance of the manuscript for publication. ACL-funded authors make these submissions with the understanding that these manuscripts will be made publicly available through PMC with no embargo upon the official date of publication. Authors must include a statement acknowledging ACL as a funding agency, along with the award number in the full text of the publication. Submission of manuscripts to PubMed Central is free for authors.

ACL awardees are required to report any peer-reviewed manuscripts that have been accepted for publication in their annual performance reports and final reports, and to verify that the underlying scientific data will be shared according to ACL policy.

ACL awardees are required to report the NIHMS or PMC Identification Number for each *peer-reviewed publication* associated with their applicable grant, cooperative agreement, contract, or other funding mechanism to demonstrate compliance with the ACL Public Access Policy.

Failure to comply with ACL's requirements for public access to publications could result in withholding, suspension, or termination of funding for non-competing continuation awards. Prospective awardees' failure to comply with ACL's Public Access Policy in previous awards may be considered by ACL to be a risk factor as ACL makes decisions for new awards.

### **3. PUBLIC ACCESS TO SCIENTIFIC DATA**

#### **a) Definitions**

Data embargo: A period between the award's end date and the date the data is made publicly available for free.

Data management plan: A written document describing how researchers will provide for long-term preservation of, and access to, scientific data in digital formats resulting from federally funded research. A data management plan may also explain why long-term preservation and access cannot be justified.

Dataset metadata: Information that describes a dataset, generally making the dataset uniquely identifiable and more easily searchable, as well as information that allows for an accurate understanding and interpretation of the data. Dataset metadata can include, but is not limited to, principal investigator's name, funding sources, project description, sample and sampling procedures, variables, data collection instruments, interview guide and questions, meaning of data codes, and other relevant information about the dataset.

Scientific data: Recorded factual material commonly accepted in the scientific community as of sufficient quality to validate and replicate research findings. Such scientific data do not include laboratory notebooks, preliminary analyses, case report forms, drafts of scientific papers, plans for future research, peer-reviews, communications with colleagues, or physical objects and materials, such as laboratory specimens, artifacts, or field notes.

Secondary data: Data previously collected and owned by parties other than ACL awardees, and that ACL awardees use to derive research findings as part of their work under ACL awards.

Underlying scientific data: Data used to derive research findings reported in a peer-review publication.

#### **b) Scope**

For the purpose of public access to scientific data through data sharing, the following types of data are excluded from the current data sharing requirements: personally identifiable data, proprietary trade data, and other data whose release is limited by law, regulation, security requirements, or policy. ACL-funded researchers should manage and

share data in ways consistent with all applicable federal, tribal, state, and local laws, regulations, statutes, guidance, and institutional policies.

The ACL requirements for public access to scientific data are applicable to all original scientific data collected under ACL-funded awards, regardless of the funding mechanism. The ACL requirements for public access to scientific data apply to research jointly supported by ACL and a partner agency when the research is administered by ACL. An exception to these requirements is when the jointly supported research is administered by a partner agency with a comparable public access policy. In that case, ACL will defer to the partner agency's public access policy for scientific data.

ACL awardees who work with secondary data are not required to share such data. However, they are required to share sources of the secondary data, and any algorithm or formulas used to derive unique variables from such data for the purpose of ACL-funded research.

Scientific data generated by Small Business Innovation Research (SBIR) awardees are exempt from data sharing requirements. Small businesses are granted data protection for no less than 20 years per the **Small Business Administration's Small Business Innovation Research (SBIR) and Small Business Technology Transfer (STTR) Program Policy Directive** (see 8[b][4]).

### **c) Requirements**

These public access requirements for scientific data apply prospectively to ACL-funded research under awards initially issued on or after December 31, 2025. However, in case of ongoing longitudinal data collection, it may be necessary to make the previously collected data available retrospectively if doing so is essential for the prospectively collected data to be meaningful and useful for future analyses.

The ACL Public Access Policy requires that scientific data generated from ACL-funded research be made publicly available under two conditions.

1. Sharing of underlying scientific data of a peer-reviewed publication upon release of the peer-review publication.

Underlying scientific data must be made publicly available when the accompanying peer-reviewed publication is made publicly available.

2. Sharing of all scientific data that resulted from all research

activities under an ACL-funded award at the end of the award.

All Scientific data, in complete datasets, must be publicly available no later than 24 months after an award's end date. While an embargo is allowed for up to 24 months, awardees must deposit the datasets within 90 days of the end of the award and provide a Digital Object Identification (DOI) of each data set in their Final Performance Report.

Scientific data shared under these two conditions are not mutually exclusive. The underlying data of a peer-reviewed publication is a subset of all scientific data resulting from all research activities under the award. The main purpose of sharing the underlying scientific data of a peer-reviewed publication is to enable transparency and validation of research results. The main purpose of sharing all scientific data at the end of the award is to enable secondary users to have access to and analyze full data sets to optimally accelerate discoveries and generate new scientific knowledge.

The scientific data must be packaged and stored in ways that enable retrieval and meaningful use by interested parties at no cost. When an award funds more than one research project or a research project generates more than one set of scientific data, all datasets must be made publicly available. Each dataset must have a DOI for future reference and citation.

ACL designates the Interuniversity Consortium for Political and Social Research (ICPSR) as its preferred data repository for scientific data from all ACL-funded research. The ICPSR is a unit within the Institute for Social Research at the University of Michigan that provides data archiving services. This designation applies to both sharing of underlying scientific data of a peer-reviewed publication and sharing of all scientific data that resulted from all research activities under an ACL-funded award.

The exception to this designation is the archiving of longitudinal scientific data collected through the ACL/NIDILRR-funded Burn Injury, Spinal Cord Injury, and Traumatic Brain Injury Model Systems. For these three specific funding programs, the longitudinal scientific data have been and will continue to be deposited to and made publicly available by the National Statistical and Data Center of each respective model system.

ICPSR accepts both quantitative and qualitative data. ICPSR also has a provision for an embargo period, where the data can be held but not released for up to 24 months from the date of depositing, at the



submitter's request. This feature allows awardees to submit their data within 90 days of the award end date while being able to request an embargo for a release date of up to 24 months after the award end date. ICPSR assigns DOIs for datasets that are under an embargo period and those already made publicly available. ICPSR's characteristics are aligned with the **Desirable Characteristics of Data Repositories for Federally Funded Research.**

For sharing of data that could present higher risks of participants' identification (even with the de-identified data), or other confidentiality risks, ICPSR provides several restricted-use data dissemination options to mitigate such risks. These options include secured download, virtual data enclave, physical data enclave, restricted online analysis, and delayed dissemination. Detailed descriptions of these options are provided on the ICPSR page called **Preserving Respondent Confidentiality.**

ACL-funded awardees may choose another public repository to deposit their dataset(s), provided that 1) there is a satisfactory justification for why it is not possible to deposit the data at ICPSR; 2) awardees provide evidence that the chosen repository's characteristics are aligned with the **Desirable Characteristics of Data Repositories for Federally Funded Research**; and 3) the chosen repository has the ability to provide an embargo period that will allow the awardee's compliance with this plan.

ACL-funded awardees may include justification and evidence that support their request to use a different repository in the data management plan submitted as part of the original proposal. ACL reviews and grants permission on a case-by-case basis.

ACL requires that applicants for all applicable ACL grants, cooperative agreements, contracts, and other types of awards submit a data management plan for sharing of scientific data in its entirety (data sharing condition #2), as part of their original application.

The data management plan (DMP) must include the following components:

- i. Description of the types and format of data to be collected, and how they will be organized, stored, and preserved.
- ii. Description of metadata to be included in the data submission

to a repository, in order to enable meaningful and useful analysis of the data by users who are not part of the research team.

- iii. Indication of whether the awardee will submit the scientific data to ICPSR or another public data repository. If the data are to be submitted to ICPSR, no further justification is required. If another repository is identified, the awardee must provide a justification of how this repository will provide for a long-term preservation of, and public access to, scientific data in digital formats resulting from ACL-funded research at no cost.

This justification should include a description of the way in which shared digital data will be discoverable, retrievable, and analyzable through the chosen data repository. The awardee is required to provide evidence that the chosen repository's characteristics are aligned with the **Desirable Characteristics of Data Repositories for Federally Funded Research**, and that the chosen repository has the ability to provide an embargo period after depositing and that will allow the awardee's compliance with this plan.

- iv. If applicable, an explanation of why data sharing, long-term preservation, and access cannot be justified for some or all data. The proposed limitation and rationales submitted by awardees will be reviewed and approved on a case-by-case basis.
- v. A plan to address the study participants' consent process to enable the de-identified data to be shared broadly for future research.
- vi. An estimated cost to implement the data management plan. This cost is allowable as part of the award's direct costs.

ACL may issue additional guidance in specific areas as needed to support the implementation of its public access to scientific data requirements.

## **d) Compliance and Evaluation**

ACL incorporates requirements for public access to scientific data in terms and conditions of applicable awards for grants, cooperative agreements, contracts, and other funding mechanisms. ACL also includes these requirements in applicable Notice of Funding Opportunities and Requests for Proposals issued on or after December 31, 2025.

ACL monitors awardees' compliance by requiring ACL-supported investigators to report their submission of scientific data to ICPSR or an equivalent repository in association with both condition 1 & 2 outlined previously in this policy. These submissions must include a DOI for each dataset. For sharing of all scientific data resulting from all research activities under an ACL-funded award (condition 2), awardees are also required to report the date that the data will be released within 24 months after the award's end date. Awardees will be required to report this information in the Final Report for each award.

Failure to comply with ACL's requirements for public access to scientific data could result in withholding, suspension, or termination of funding for non-competing continuation awards. Prospective awardees' failure to comply with ACL's Public Access Policy in previous awards may be considered by ACL to be a risk factor as ACL makes decisions for new awards.