

Administration for Community Living (ACL) Plan To Expand Public Access To Peer-Reviewed Scholarly Publications And Scientific Data

Introduction

The Administration for Community Living (ACL) is an Operating Division within the Department of Health and Human Services (HHS). 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 results available at no cost through peer-reviewed publications and scientific data will enable the use of research-based information by various user communities to advance practices, policies, and systems to 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. This 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 implemented its existing Public Access Plan in two phases. Public access to peer-reviewed publication requirements have been implemented since October 1, 2016, and public access to scientific data requirements have been implemented since October 1, 2017. These current requirements include making peer-reviewed scholarly publications publicly available within 12 months from the publication date and making applicable scientific data collected through the course of a grant award publicly available within 24 months from the award end date. These public access requirements are aimed at extramural research as ACL does not have an intramural research program.

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 update their public access plan to expand public access to peer-reviewed scholarly publications and scientific data. ACL plans to address the elements in the 2022 Memo as described below, and plans to coordinate and collaborate with other federal agencies through the NSTC Subcommittee on Open Science for implementing aspects of its plan.

The expansion of public access requirements as listed in this plan will be incorporated into an updated ACL Public Access Policy. The updated policy will be released by December 31, 2024, and in effect by December 31, 2025.

Expanding public access to peer-reviewed scholarly publications

Element #1

Indicate how peer-reviewed scholarly publications will be made publicly accessible:

Plan to address element #1

ACL will continue to make peer-reviewed scholarly publications publicly available through the National Institute of Health's PubMed central (PMC). We have an existing interagency agreement (IAA) with PMC that has been and will be renewed yearly to ensure public access to ACL-funded peer-reviewed scholarly publications. PMC has experience in releasing peer-reviewed scholarly publications with no embargo, having provided services to a number of nonfederal funders that employed similar requirements. PMC has indicated that a similar work process can be developed and used for ACL to meet new OSTP requirements as part of PMC's services provided through the IAA.

Element #2

Indicate how to maximize equitable reach of public access to peer-reviewed scholarly publications, including by providing free online access to peer-reviewed scholarly publications in formats that allow for machine readability and enabling broad accessibility through assistive devices.

Plan to address element #2

PMC employs machine-readability format for peer-reviewed scholarly publications and their contents are accessible through assistive devices, as per the World Wide Web Consortium (W3C) Accessible Rich Internet Applications Recommendation and Section 508 of the Rehabilitation Act (see <https://ncbi.nlm.nih.gov/pmc/about/accessibility/>). Peer-reviewed scholarly publications in PMC can be accessed by the public at no cost to users. ACL will rely on PMC for their continual improvement of accessibility via technical assistance to users and their plan to develop improved guidance for making more submitted content accessible to all.

Element #3

Describe the circumstances or prerequisites needed to make the publications freely and publicly available by default, including any use and reuse rights, and which restrictions including attribution, may apply.

Plan to address element #3

ACL will develop guidance to be included in its updated Public Access Policy, Notices of Funding Opportunity, and grant Terms and Conditions. This language will describe to authors of peer-reviewed scholarly publications that resulted from ACL-funded research, that they must maintain necessary rights to share their final manuscript with the public via PMC. Final manuscript is defined as an author's final manuscript of a peer-reviewed paper accepted for journal publication, including all modifications from the peer-review process. We will also instruct the authors to share their final manuscript with an appropriate level of Creative Commons or equivalent license that will allow the re-use of the publications with appropriate attributions.

Expanding public access to scientific data

Element #4

Scientific data underlying peer-reviewed scholarly publications resulting from federally funded research should be made freely available and publicly accessible by default at the time of publication.

Plan to address element #4

ACL's current policy does not require sharing a subset of scientific data underlying each scholarly publication. Rather, the current policy requires awardees to share all applicable scientific data sets, regardless of whether they are used to develop peer-reviewed scholarly publications, within 24 months after the award end date.

ACL will revise its public access requirements to require authors of any peer-reviewed scholarly publications resulting from ACL-funded research to publish the underlying scientific data at the time of publication. To align with the [FAIR data principles](#), ACL will add instruction for the authors to deposit the peer-reviewed scholarly publication's underlying data at the Inter-University Consortium of Political and Social Research (ICPSR) -- ACL's designated repository. The ICPSR's characteristics are aligned with the [Desirable Characteristics of Data Repositories for Federally Funded Research](#).

Element #5

Federal agencies are to develop approaches and timelines for sharing other federally funded scientific data that are not associated with peer-reviewed scholarly publications.

Plan to address element #5

ACL's current policy requires that awardees share applicable scientific data resulting from ACL-funded research in their entirety (all data sets resulted from ACL-funded research), no later than 24 months after the end date of the award. This requirement is not contingent upon whether the data are used to develop peer review scholarly publications.

We plan to continue this requirement, with the addition of the new requirement on immediate sharing of the underlying (subset of) data associated with peer-reviewed scholarly publications, as outlined in element #4. We believe that enabling users to have access to secondary use of full data sets will meaningfully and optimally expand the use of data that would accelerate discoveries and generate new scientific knowledge.

Element #6

Federal agencies should provide guidance to researchers that ensures the digital repository used is aligned, to the extent applicable, with the National Science and Technology Council document entitled "Desirable Characteristics of Data Repositories for Federally Funded Research."

Plan to address element #6

ICPSR, ACL's currently designated repository for data sharing, is aligned with the desirable characteristics of data repositories indicated in the NSTC guidance indicated above.

ICPSR provides open and equitable access to all users. ICPSR web pages comply with the U.S. Government's Section 508 Standards for web-based intranet and internet information and applications, and with the Web Content Accessibility Guidelines 2.0, level AA.

<https://www.icpsr.umich.edu/web/pages/datamanagement/policies/access.html>

As per ACL's current public access policy, researchers may request to use different repositories for data sharing. In doing so, they are required to justify why it is not possible to deposit their data at ICPSR and to provide evidence that the alternate repositories of their choosing have comparable characteristics to ICPSR. ICPSR characteristics were used as a benchmark previously because ACL policy was developed prior to the availability of the NSTC guidance. For our updated policy, ACL will refer to the NSTC document as a reference for researchers to identify alternate data repositories, should they provide acceptable justification of why depositing data at ICPSR is not possible/appropriate.

Element #7

Agency public access plan and policies should clarify that federal researchers must follow federal laws and OMB policies that govern federal agencies' information management practices

and protect certain type of data, to the extent that the scientific data created by, collected by, under the control or direction of, or maintained by the federal researchers is subject to those laws and policies.

Plan to address element #7

Consistent with the definition stated in the 2013 OSTP Memorandum, ACL defined scientific data as “digitally recorded factual material commonly accepted in the scientific community as necessary to validate research findings including data sets used to support scholarly publications. Scientific data do not include laboratory notebooks, preliminary analyses, drafts of scientific papers, plans for future research, peer review reports, communications with colleagues, or physical objects, such as laboratory specimens.” ACL also indicated in the existing policy that, for the purpose of 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 plans to update its definition of scientific data to align with the definition indicated in the 2022 OSTP Memo, as “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.”

ACL will maintain the exclusion language of “For the purpose of 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.”

We will also add an explicit statement, modeled after NIH language, that “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.”

In addition, we plan to include specific language for the data sharing exemption given to SBIR awardees (SBIR phase I and II), as they may withhold applicable data for 20 years after the award date as per the Small Business Administration’s Policy Directive (see https://www.sbir.gov/sites/default/files/SBA_SBIR_STTR_POLICY_DIRECTIVE_OCT_2020_0.pdf).

Element #8

Public access plans should outline the policies that federal agencies will use to establish researcher responsibilities on how federally funded scientific data will be managed and shared, including:

Element #8.1

Details describing any potential legal, privacy, ethical, technical, intellectual property, or security limitations, and/or any other potential restrictions or limitations on data access, use, and disclosure, including those defined in the terms and conditions of funding agreements or awards or that convey from a data use agreement or stipulations of an Institutional Review Board.

Plan to address element 8.1

In the current ACL policy, researchers are allowed to provide a rationale for not sharing some or all of their scientific data as an element of their Data Management Plan (DMP). We expect researchers to provide justification based on any potential legal, privacy, ethical, technical, intellectual property, or security limitations, and/or any other potential restrictions or limitations on data access, use, and disclosure as applicable in their cases. The proposed limitation and rationales submitted by awardees will be reviewed and approved on a case-by-case basis.

As part of the DMP, researchers are also required to describe a plan to address the study participants' consent process to enable the deidentified data to be shared broadly for future research.

Element #8.2

Describe plans to maximize appropriate sharing of the federally funded scientific data identified in Section 3(a) of this memorandum, such as providing risk-mitigated opportunities for limited data access.

Plan to address element #8.2

Currently, ACL only requires sharing of deidentified data. Should there be a possible need to share data that present higher risks of participants' identification (even with de-identified data) or other confidentiality risks, I C P S R 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 (see <https://www.icpsr.umich.edu/web/pages/deposit/confidentiality.html>) that researchers can use, as appropriate.

Element #8.3

Indicate the specific online digital repository or repositories where the researcher expects to deposit their relevant data, consistent with the federal agency's guidelines.

Plan to address element #8.3

ACL plans to continue its designation of I C P S R as the preferred repository to deposit both data underlying peer-reviewed scholarly publications and full data sets. I C P S R characteristics are aligned with those indicated in the [Desirable Characteristics of Data Repositories for Federally Funded Research](#).

Element #9

Federal agencies should allow researchers to include reasonable publication costs and costs associated with submission, curation, management of data, and special handling instructions as allowable expenses in all research budgets.

Plan to address element #9

ACL currently allows researchers to include expenses in the grant's budget related to publication costs as well as costs associated with submission, curation, and management of scientific data. We also instruct researchers to indicate expenses related to data archiving and sharing in their Data Management plan. ACL plans to continue to allow such costs to be included as part of the grant's budget going forward.