

These guidelines are tentative

Data Transfer/Use Agreement

A Data Transfer Agreement (DTA) or a Data Use Agreement (DUA) is a written agreement that is used to govern the transfer of research data between institutions. It describes the data being transferred or shared and addresses the ownership of the data, the permitted uses of the data, publication of results, development of inventions, disposal of the data, and any liability. For outgoing transfers, the goal is to ensure that the University receive intellectual property rights for the information faculty shared with another institution or that is being transferred to another institution. For incoming transfers, the goal is to prevent any misunderstandings about the rights to data.

A DTA or DUA will include a plan for the procedures that will be used to protect the transferred information and list any protective measures that are necessary based on what is contained in the data. For medical data it is important that the transfer not violate any Federal or State privacy laws.

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Sample DTA Questions/Form

1. Description of data to be transferred (subject matter, format, size)
 - a. If medical data it must not include any identifying information of the individuals who are the subjects of the data and the recipient is prohibited from contacting the individuals
2. Description of the research purpose for the data transfer
 - a. How is that research funded (grants, industry donation, etc.)
 - b. DU professor's role in the research at the new institution (if any)
 - c. Limitations on the use of the data transferred
3. Duration of the transfer
 - a. Start date and end date
 - b. Plan for returning the transferred data (if applicable)
 - i. How any modifications or derivations of the data will be handled (returned with the data to the provider or kept by the recipient)
4. Is the transfer outgoing (transferring data from DU to another institution) or incoming (transferring materials from another institution to DU)?
 - a. For outgoing transfers
 - i. Data recipient institution name and contact information
 - ii. Role of DU faculty in research performed with this data at receiving institution (if any)
 1. Additional services that accompany the data (translation, explanation, etc.)
 - iii. If this data was received by DU from a DTA, what institution provided the data?
 1. Are there any restrictions on transfers from that DTA?
 - iv. Shipping/handling fees for the transfer (if applicable)
 - v. Limitations (if necessary) on transferring this data to a third party
 1. Notification/approval from DU necessary?
 - b. For incoming transfers
 - i. Data provider institution name and contact information
 - ii. Will this data be used with other data or materials you have received or expect to receive from another institution?
 - iii. Role of researchers from provider institution (if any)
 1. Additional services that the provider institution will be providing in addition to the data (translation, explanation, etc.)
5. Will the data be used in research that is related to an invention disclosure or patent application?
 - a. If so, explain how
 - b. The determination of copyright/patent rights will be necessary (may be needed even if there is no plan for a patent right now)