NHMRC
Open Access Policy
Draft for consultation
(April 2021)

Revision History

Date	Changes
January 2018	Published. See Section 2
November 2018	Minor updates to refer to new Code and clarify requirements around IP
April 2020	Minor changes to align with Funding Agreement requirements around research metadata
April 2021	Changes to require immediate open access and rights retention (CC BY licensing) for all publications and publication metadata arising from NHMRC grants commencing from 1 January 2022.

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1. Introduction

NHMRC supports the sharing of outputs from NHMRC funded research including publications and data. This principle is incorporated in NHMRC's Research Quality Strategy. The aims of the NHMRC Open Access Policy are to mandate the open access sharing of publications and encourage innovative open access to research data. This policy also requires that patents resulting from NHMRC funding be made findable through listing in Source IP.

Combined, these approaches will help to increase the dissemination of research, reuse of data, improve research integrity and contribute to a stronger knowledge economy. Open access will also assist with reporting, demonstrate research achievement, improve track record assessment processes for the long term and contribute to better collaborations.

All recipients of NHMRC grants must comply with all elements of the NHMRC Open Access Policy.

The NHMRC Open Access Policy is consistent with the Australian Government's commitment to open access, open data and intellectual property (IP) management. This policy is also aligned with the global open access movement where funding bodies, international organisations, governments and institutions have implemented open access policies or guidelines. In Australia, the NHMRC Open Access Policy is generally aligned with the Australian Research Council Open Access Policy 2017 and supports the overall intent of the F.A.I.R. Access to Australia's Research Statement through which data/information are made findable, accessible, interoperable and reusable.

Researchers and administering institutions are required to follow the principles of responsible research conduct and fulfil the responsibilities as outlined in the *Australian Code for the Responsible Conduct of Research* in all areas of research. The guidance as outlined in the *Ethical conduct in research with Aboriginal and Torres Strait Islander Peoples and communities: Guidelines for researchers and stakeholders (2018)* and *Keeping research on track II (2018)* must also be followed in all areas of research including managing and sharing data.

2. Key changes to the NHMRC Open Access Policy

The purpose of the 2021 update to the Policy is to strengthen the requirements for open access publications by requiring:

1. publications and publication metadata to be made openly accessible immediately upon publication without any embargo period

2. authors to retain rights to publications through open licensing of Author Accepted Manuscripts or Version of Record.

Some minor editorial changes and updates were also made to the Policy as part of the 2021 changes.

3. Definitions

Administering institutions: Organisations responsible for administering NHMRC grant applications, awards, reporting and other aspects of grant management.

Author Accepted Manuscript (AAM): The version of a manuscript that has been through the peer-review process of the publisher and has addressed the peer-reviewers' comments. It is the final version of the manuscript before it is sent to the publisher for formatting and publication.

Data/information: The terms 'data' and 'information' are often used interchangeably. Data can refer to raw data, cleaned data, transformed data, summary data and metadata (data about data). It can also refer to research outputs and outcomes. Likewise, information takes many different forms. 'Data' is intended to refer to bits of information in their raw form, whereas 'information' generally refers to data that have been interpreted, analysed or contextualised.

Data and information may include but not be limited to:

- what people say in interviews, focus groups, questionnaires/surveys, personal histories and biographies;
- images, audio recordings and other audio visual materials;
- records generated for administrative purposes (e.g. billing, service provision) or as required by legislation (e.g. disease notification);
- digital information generated directly by the population through their use of mobile devices and the internet;
- physical specimens or artefacts;
- information generated by analysis of existing personal information (from clinical, organisational, social, observational or other sources);
- observations;
- results from experimental testing and investigations; and
- information derived from human biospecimens such as blood, bone, muscle and urine.

DOI: Digital Object Identifier, a unique persistent identifier for a published digital object (report, publication, article) that is issued by the DOI Foundation and its authorised agencies.

Final Report: A report submitted at the completion of an NHMRC funded research project as required by the NHMRC Funding Agreement.

Intellectual Property: "Intellectual property is the property of your mind or proprietary knowledge. It is a productive new idea you create. This can be an invention, trade mark, design, brand or even the application of your idea". (IP Australia, www.ipaustralia.gov.au)

Metadata: Underlying information that describes other data. It generally helps the user to understand what the data are, where they can be found and how they can be used.

NHMRC funded research: Research activity that is funded under a NHMRC scheme.

Open access/Openly accessible: Refers to the availability of research outputs via the internet, such that any user can find, freely access, read, download, copy, distribute, print, search, link, crawl, mine and otherwise use and reuse the research outputs both manually and using automated tools. Any use or reuse is subject to full and proper attribution. Usually manuscripts will have an appropriate licence, such as any of the options available through the Creative Commons suite of licences. Use or reuse should not infringe any copyrights to third-party material included in the Research Output.

ORCID: Open Researcher and Contributor ID. ORCID is a persistent digital identifier that is unique to each individual. It is issued by ORCID.

Paid open access program: Where the authors of a paper pay an 'article processing charge' to the publisher to make their publication openly accessible. This is sometimes referred to as 'gold' open access.

Patents: "*A patent is a legally enforceable right for a device, substance, method or process*" (IP Australia, www.ipaustralia.gov.au).

Preprint: The version of a manuscript as submitted to a journal or other publication, such as a dedicated preprint server. This version has not been through any publisher's peer-review process.

Publication: Peer-reviewed journal articles and peer-reviewed conference papers, either the Author Accepted Manuscript or the Version of Record.

Repository: An online repository (usually hosted by an institution) that is publicly accessible in which the metadata of publications/data and the publications/data themselves can be stored, managed and preserved for the long term.

Version of Record (VoR): The version of the manuscript that has been formatted by the publisher and published in its final form.

Further information on data management can be found in Chapter 3 of the *National Statement on Ethical Conduct in Human Research*.

4. Research output and access

NHMRC's Open Access Policy addresses three output types:

1. Publications
2. Research data
3. Patents.

4.1. Publications

The Australian Government makes a major investment in health and medical research to improve the health and wellbeing of society. To maximise the benefits of NHMRC funded research, publications resulting from such research activities must be disseminated as broadly and at the earliest possible opportunity to allow access by other researchers and the wider community.

NHMRC requires that any peer-reviewed publication arising from NHMRC supported research must be made openly accessible immediately upon publication without any embargo period in a repository or other acceptable location (e.g. publisher website, institutional repository, subject repositories).

In this Policy, 'publications' refers to the following:

• Peer-reviewed journal articles (either the Author Accepted Manuscript or Version of Record)

• Peer-reviewed conference papers.

The metadata for a peer-reviewed publication must be deposited immediately upon publication without any embargo period via a repository.

NHMRC also encourages authors of scholarly books, scholarly book chapters, edited research books, including prestigious reference works, and producers of other forms of research outputs to make them openly accessible where possible.

Authors are to retain all necessary rights to enable them to publish and share their publications in any format at any time. For each publication supported in whole or part by NHMRC funding, at least one of the Author Accepted Manuscript (AAM) or Version of Record (VoR) manuscript versions must be licensed with the Creative Commons Attribution 'CC BY' licence.

If an author is submitting a manuscript to a journal that does not yet allow the author to make the VoR immediately openly accessible with a CC BY licence, the author must:

1. use the following statement when submitting the manuscript for publication: '*This research was funded in whole or part by the National Health and Medical Research Council [Grant number]. For the purposes of Open Access, the author has applied a CC BY public copyright licence to any Author Accepted Manuscript (AAM) version arising from this submission*'.

2. upon publication, deposit the AAM in a repository with a Creative Commons Attribution 'CC BY' licence

NHMRC does not require authors to make, or preclude authors making, their publications openly accessible through publishers' paid open access programs.

The requirements for immediate open access and rights retention (CC BY licensing) are mandatory for NHMRC grants commencing on or after 1 January 2022.

Feedback sought

Feedback is sought on the following options for application of this Policy for NHMRC grants commencing prior to 1 January 2022:

Option A (*previous policy continues to apply***)**

- Publications must be made openly accessible in a repository or other acceptable location (e.g. publisher website, subject repositories) **within a 12-month period from the date of publication**. Metadata must be made openly accessible via a repository as soon as possible but **no later than 3 months from the date of publication**. However, investigators are encouraged to adopt immediate open access and rights retention (CC BY licensing) for any publications arising from NHMRC-funded research.

Option B (*12-month transition to new policy for existing grant holders***).**

- The requirements for immediate open access and rights retention (CC BY licensing) are **mandatory for all publications arising from NHMRC-funded research from 1 January 2023**. In the interim period, consistent with the previous version of NHMRC's Open Access Policy, all publications must be made openly accessible in a repository or other acceptable location (e.g. publisher website, subject repositories) **within a 12-month period from the date of publication**. Metadata must be made openly accessible via a repository as soon as possible but **no later than 3 months from the date of publication**.

Refer to further guidance on NHMRC's website on how to comply with this policy.

4.2. Research data

One of NHMRC's primary roles is to fund high quality health and medical research and ensure that the Australian community receives health and economic benefits from that investment. An important part of this responsibility is enabling researchers and members of the community to access the data resulting from NHMRC funded projects for the long term and to maximise the benefits that could be derived from the data.

NHMRC acknowledges the importance of making research data publicly accessible and therefore strongly encourages researchers to consider the reuse value of their data and to take reasonable steps to share research data and associated metadata arising from NHMRC supported research.

When sharing data, researchers should ensure that appropriate metadata accompany the datasets. This will allow users of the data to fully understand the data, the curation strategies, assumptions, experimental conditions and any other details relevant to the interpretation of the data. When sharing research data, researchers must also consider the appropriate level of access that they would like to provide to users. The level of access may range from highly restricted (e.g. commercial in confidence, patient level, culturally sensitive, national security) to fully open access.

NHMRC acknowledges that sharing certain types of data may be complex. An example would be sharing of clinical trial data due to the length of clinical trials, the types of data inherent in clinical trials and the governance of the data. NHMRC therefore encourages researchers to share clinical trial data and associated metadata as soon as possible after publication provided that all ethical, regulatory and legal obligations are fulfilled. In order for the data to be of value to other researchers and for proper analyses to be conducted, the analytical techniques, assumptions, software and other details relevant to the clinical trial should also be shared alongside the data.

A further example in which sharing of data is crucial is during public health emergencies. Public health emergencies are special cases where rapid data sharing may be necessary to facilitate an effective response to a crisis. As a member of the Global Research Collaboration for Infectious Disease Preparedness (GloPID-R), NHMRC acknowledges the importance of sharing data and associated metadata in public health emergencies.

Via its Funding Agreement, NHMRC requires that all research metadata arising from NHMRC funded research, including for datasets created prior to the due date for the Final Report that have been lodged in a repository, must be listed in the Final Report for each Project.

Researchers who use secondary data must acknowledge the original research team and provide a citation to the data source.

Refer to further guidance on NHMRC's website for clarification on data sharing (see Management of Data and Information in Research).

4.3. Patents

NHMRC supports health and medical research and encourages researchers to develop best practice in identifying, managing and protecting intellectual property. This strategy will assist in encouraging commercial outcomes from publicly funded research where possible, and ensuring the return on investment is maximised.

In 2013, the *National Principles of IP Management for Publicly Funded Research* were released by the Australian Government to "*provide guidance for the ownership, promotion, dissemination, exploitation and, where appropriate, protection of IP generated through Australian Government funded research by public sector institutions*".

Source IP is a government database developed to facilitate innovation and commercialisation by providing a mechanism for patent holders to showcase their licensing intent and/or promote their work in an integrated format. It also facilitates more efficient and accurate access to such information, as the data are managed from a single source. The ultimate aim of Source IP is to enhance collaborations between academia, government and industry.

NHMRC therefore:

- notes that details of patent applications (including the invention title) are published in the Australian Official Journal Of Patents 18 months after the application's earliest priority date

- requires Australian publicly funded NHMRC Administering Institutions to be listed as 'Research Organisations' with Source IP, and to list Australian filed patent publications generated as a result of NHMRC funding on Source IP

- requires that patents listed on Source IP which are associated with NHMRC funding, must reference the relevant NHMRC Grant ID in the description on Source IP, and

- encourages institutions to make available the IP Toolkit (including the model contract confidentiality agreement and term sheet) where collaborative research arrangements with business are involved.

Refer to further guidance on NHMRC's website for clarification on patents.