

Although the Standard IODP Confidentiality Policy and the treatment of proprietary data by the IODP are adequate in most of the cases, all or part of proprietary industry site characterization data files stored in the SSDB can be subject to a Limited Non-Disclosure Agreement (LNDA)

Using Non-Disclosure Agreements in IODP

International Ocean Discovery Program (IODP)



The JOIDES Resolution Facility Board approved these guidelines on May 15, 2018

Use of Limited Non-Disclosure Agreements in IODP

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(1) Principles

1. The Standard IODP Confidentiality Policy (hereafter called “standard policy”) applies to all IODP proposals, and their contents, uploaded in the IODP Proposal Database (PDB), as well as to all related site characterization data files, uploaded in the IODP Site Survey Data Bank (SSDB).
2. All IODP proposal documents adhere to the standard policy, but a Limited Non-Disclosure Agreement (LNDA) may be put in place between the data owner, the proponent team, the IODP Science Support Office (SSO), and/or the IODP Science Operator, if the standard policy does not sufficiently cover the use of the proprietary site characterization data and if an LNDA is demonstrably required.
3. Proprietary data in the SSDB that are subject to an LNDA are flagged as *restricted* in the SSDB and can only be accessed, viewed, and used by IODP individuals who have verifiably co-signed the LNDA or otherwise agreed in writing to abide by its terms as if they were a signatory.
4. Proponents are responsible for informing the SSO and IODP Science Evaluation Panel (SEP) about their request to implement an LNDA and for showing that the standard policy is not adequate in their case.
5. The SSO is responsible for all matters related to proposal handling in the IODP, including implementation of confidentiality and any LNDA.

For the most up-to-date versions of the **Standard IODP Confidentiality Policy** and the **Use of Limited Non-Disclosure Agreements in IODP** please visit <http://iodp.org/policies-and-guidelines> and <http://iodp.org/proposals/submitting-proposals>.

(2) Limited Non-Disclosure Agreements in IODP

Although the **Standard IODP Confidentiality Policy** and the treatment of proprietary data by the SSO and the overall IODP are adequate in most cases, all or part of the proprietary site characterization data files stored in the SSDB can be subject to a **Limited Non-Disclosure Agreement (LNDA)** between the data owner, the proponent team, the SSO, and/or the IODP Science Operator, if the standard policy does not suffice and if an LNDA is demonstrably required.

No data subject to such an LNDA should be uploaded into the SSDB until the LNDA is finalized and signed by the data owner, the data provider(s), the SSO, and/or the IODP Science Operator. It is entirely the responsibility of the proponents, and not the SSO, if any confidential data subject to the LNDA are included in any of the IODP proposal documents after submission into the PDB, or if any LNDA data files in the SSDB have been uploaded without the *restricted* SSDB data type flag, and without the appropriate labels, captions, or annotations identifying those files as proprietary data.

An LNDA is only acceptable to the overall IODP and SSO, if the agreement satisfies the “minimum data” requirement for use of *restricted* site characterization data in IODP, as explained and defined in **Section (5)** of the **Standard IODP Confidentiality Policy**.

(3) Program and Individual Responsibilities

Restricted-distribution data files in the SSDB subject to an LNDA can only be accessed, viewed, and used by IODP individuals who have verifiably co-signed the LNDA or otherwise have become a party to it. These co-signees are limited to the members, liaisons, designated alternates of the *JOIDES Resolution* Facility Board (JRFB), JRFB Advisory Panels, any other Facility Board utilizing the JRFB Advisory Panels, and IODP Science Operators and Funding Agencies.

By accessing *restricted* data files held in the SSDB governed by the LNDA, all board and panel members and liaisons, and any IODP Science Operator and Funding Agency representatives, implicitly agree that they will not disclose, disseminate, or modify the data, and that they will discuss and use these data only for scientific evaluation of the proposal, safety review of the proposed expeditions, or planning of the expedition(s). Individuals not in compliance will be excluded from IODP meetings and withdrawn access to the SSDB.

Once given access by the SSO, these individuals become responsible for complying with these restrictions regarding data use, disclosure, dissemination, and modification as defined in the standard policy and the governing LNDA.

Individuals who have not verifiably co-signed the LNDA will not have permission to access the specified *restricted* site characterization data and cannot be present when these data are accessed, viewed, and reviewed by the JRFB, its Advisory Panels, the IODP Science Operators and Funding Agencies and their representatives, or any other IODP Entities.

(4) Proponent Responsibilities

In a few cases, IODP proposals cannot proceed without the inclusion of “Industry Data” requiring an LNDA. In these cases, the proponents are responsible to bring the need for the proprietary industry data and an LNDA to the attention of the SSO and the IODP Science Evaluation Panel (SEP).

Proponents need to show that the standard policies are not adequate in their case. They also carry the responsibility to engage the legal department of the company that provides the proprietary data and propose a template for the LNDA that is acceptable to the IODP SSO and/or Science Operator.

All other proponent responsibilities defined in the **Standard IODP Confidentiality Policy** apply, including the requirement of making all *restricted* data available in case of platform emergencies as defined in **Section (8)** of the **Standard IODP Confidentiality Policy**.