



# Legal, ethical and scientific integrity aspects

The French Law for a Digital Republic (2016) provided for "completed" research data with at least 50% public funding to be considered in the same way as administrative data and thus subject to a "principle of openness by default". This means research data need to be published and made accessible online with certain exceptions made for personal or sensitive data and so on.

## Sharing research data



### Free reuse of data

After publication, research data can be freely reused if it is the result of research that was more than 50% publicly funded; if it is not protected by a specific right; and if it has been made public by the researcher or research establishment.

### Notes

The general principle of open science is that research data should be as open as possible and no more closed than necessary.



### The licences required

By the licence an author defines what those who reuse data can or cannot do with them. At the least, reusers must respect the data's integrity and mention the source of the information and the date of its last update.

The French [Law for a Digital Republic](#) stipulates that there should be a list of licences for the free reuse of public data or source codes deriving from French administrations. [Find out more about Open Data reuse licences.](#)

**Did you know?** If you need to process personal data in the framework of the [GDPR](#) you should first consult the Data Protection Officer (DPO, French acronym = DPD) at your organisation. If you need to, you can consult the [list of organisations that have appointed a DPO](#) to identify your own.

## The rights and duties of researchers



### Legal rules for data

Data comes under a regime that is linked to database law. In this case, the property rights legally belong to the 'producer' (funder) of the database. Generally a researcher's supervisory organisation is considered to be the effective owner of the property rights.

### Notes

Copyright applies to publications but this is rarely the case for research data which would need to be an 'original' creation influenced by the author's personality.



### Ethics and scientific integrity

The ethical dimensions of data management are respect for privacy, intellectual property and data quality and integrity.

[The European Code of Conduct for Research Integrity](#) sets out four fundamental principles, namely reliability, honesty, respect and accountability.

An institution's ethics committee and/or scientific integrity officer can advise researchers on this.

# Focus on personal and sensitive data

The Commission on Information Technology and Liberties (CNIL) considers that all fields of research may have to process personal data. Such data may include for example:

- a database (with a name or number that identifies a person),
- an oral recording or the script of an interview carried out in the framework of sociological research,
- notes taken in a research notebook during a psychology project,
- photographs taken for ethnographic research purposes,
- an audiovisual recording in the framework of a language science research project,
- a mobile application,
- biometric devices used to develop a technology (and so forth).

Source: <https://www.cnil.fr/fr/recherche-scientifique-hors-sante-les-questions-reponses-de-la-cnil>

**Personal data are** information that enables you to be identified directly or indirectly.

These include: your first name, surname, age, gender, telephone number, IP address, postal and e-mail addresses, voice recordings, images, signature, fingerprints, etc.

**Sensitive data** can be part of personal data as they may cover:

- An alleged racial or ethnic origin,
- Political opinions,
- Religious or philosophical beliefs or trade union membership,
- Processing of genetic and/or biometric data to uniquely identify a natural person,
- Health data,
- Data concerning an individual's sex life or sexual orientation.

Source: <https://www.cnil.fr/fr/definition/donnee-sensible>

