

27 July 2018

STM Response to the Request for Comments on the Cross-Agency Priority Goal: Leveraging Data as a Strategic Asset

The International Association of Scientific, Technical and Medical Publishers (STM) is the leading global trade association for academic and professional publishers. It has 145 members in 21 countries who each year collectively publish nearly 66% of all journal articles and tens of thousands of monographs and reference works. STM members include non-profit scientific and scholarly societies, commercial publishers, and university presses who work collectively to ensure broad access to and use of the latest scientific and scholarly information. The majority of our members are small businesses and not-for-profit organizations, who represent tens of thousands of publishing employees, editors and authors, and other professionals across the United States and world who regularly contribute to the advancement of science, learning, culture and innovation throughout the nation. Our members, the majority of which are small businesses, comprise the bulk of a \$10 billion publishing industry that contributes significantly to the U.S. economy and enhances the U.S. balance of trade.

STM welcomes this opportunity to respond to the “Request for Comments on the Cross-Agency Priority Goal: Leveraging Data as a Strategic Asset,” as published on June 27, 2018 in 83 FR 30113, Docket Number: USBC-2018-0011. As requested, we have indicated which questions we are addressing in each part of our response.

Feedback on the draft set of principles for the comprehensive data strategy (question 5)

The International Association of Scientific, Technical and Medical Publishers (STM) shares the administration’s goal to leverage data and information to enable innovation and economic growth. We applaud the efforts of the Department of Commerce, the Small Business Administration, and the White House Office of Science and Technology Policy to harmonize and improve data practices across government. In this spirit, we offer the following two recommendations for consideration in the drafting of the Federal Data Strategy Principles.

Recommendation 1: Carefully define the scope and meaning of “government data”

The President’s Management Agenda (PMA) brings together data and IT initiatives to improve the government’s effectiveness and impact. The effort to leverage data as a strategic asset must be implemented consistent with the other strands of the PMA, including the “Lab-to-Market” initiative, on which STM has separately commented. Central to this latter effort is the preservation of intellectual property for the private sector.

Therefore, it is critical that, as the administration moves ahead with the data strategy, it carefully considers its definitions and scope for “government data” and “data assets.” These definitions should focus on the “programmatic, statistical, and mission-support data” that originates with and therefore belongs to the federal government. Information and works that may be acquired by the government, but which are subject to private sector intellectual property rights, such as journal articles and books, should not be subject to the same dissemination or other requirements that may be applied to data created by the government. Otherwise, the government risks undermining the market mechanisms that enable broad access to and use of information products that relate to or are derived from government data, as well as the economic benefits that derive from commercialization. Carefully defining the scope and meaning of “government data” will ensure the greatest possible impact of the data assets on the public and the economy.

Recommendation 2: Include respect for intellectual property (IP) in the principles

With the concerns raised in recommendation 1 in mind, we suggest that “the protection and preservation of intellectual property rights” be included within the overall principles of a comprehensive data strategy, in order to support economic growth and commercialization. Preserving and respecting IP rights is a key component of exercising responsibility with respect to data stewardship and governance. The inclusion of a clause to this effect within the first principle would ensure that the consideration of IP helps to guide the development of a comprehensive data strategy. Such consideration is consistent with government practices and principles for the use of intellectual property across the government, including practices of the various agency libraries and the treatment of IP under the Bayh-Dole Act of 1980.

Best Practices Related to the Four Pillars of the Federal Data Strategy (questions 1-4)

Various stakeholders throughout the data collection, curation, and dissemination ecosystems are actively working to create standards and products that: support coordinated approaches and best practices regarding the sharing and archiving of primary data and associated metadata; develop improved techniques for de-identification of individual data for the preservation of privacy; develop options and standards for efficient sharing of data; develop methods and standards to better view and use content (e.g., viewing data on small devices); and develop acceptable rules and techniques for enabling research tools within datasets, both for primary investigations and for connecting to related literature and data. The Federal government should seek to leverage these community standards and practices to maximize the interoperability and utility of the data assets that they are seeking to share.

Those implementing the Federal Data Strategy should build on initiatives already underway to standardize metadata and provide links between data collections. Issues related to expanding access, managing data, minimizing compliance costs and other policy questions are already being worked through in existing structures, and we encourage the continued

evolution of programs to improve data stewardship and public access to data through such structures. These include the Research Data Alliance (RDA), the National Information Standards Organization (NISO), CrossRef, DataCite, Opportunities for Data Exchange (ODE), and APARSEN, among others. Such collaborative approaches provide the best way forward towards broad access to and preservation of digital data.

The International Association of Scientific, Technical and Medical Publishers (STM) agrees with the OSTP's Interagency Working Group on Digital Data that "data stewardship is best accomplished in a system that includes distributed collections and repositories maintained where the custodian has trusted community-proxy status with the relevant communities of practice." A critical component of any policy needs to be collaboration with researchers, publishers, librarians, and other potential users of data in an interconnected system based on community needs, standards and best practices.

The Federal government has a unique opportunity to work in partnership with stakeholders in the public and private sectors to efficiently deploy scarce resources in support of data communication.. Bringing together diverse sources of data, including government data, has the potential to create new opportunities and synergies that best leverage the federal investment. Direct government competition could undermine the development of a healthy community in which to share data. The Federal Data Strategy could include: partnering with existing data providers for the identification of standards and best practices for data management and the interoperability of data repositories; creating clear rules for citation, modification and privacy; improving links between data and applications of that data; facilitating cyber infrastructure; and advancing policies and funding to ensure the long-term sustainability of data archives.

Mechanisms for Stakeholder Engagement (question 7)

Leveraging Data as a Strategic Asset is a worthy goal in the President's Management Agenda, and will require the engagement of and coordination with stakeholders in both the public and private sectors to achieve the best outcomes for society, business, and the economy. Making sure that the government's data is accessible and useful for the public and Federal decision makers will require ongoing partnership with other data stewards (e.g. researchers, publishers, librarians) in the economy and information ecosystem.

Given the speed and nature of technological change, it is critical that stakeholder meetings be scheduled on a regular and ongoing basis to discuss new developments, progress in implementing standards, and integration of government data sources with those in the private sector. Among other aspects of the data strategy, discussions should include proper protections for intellectual property and opportunities for commercialization.

The implementation of an ongoing process for Federal engagement with private sector stakeholders will provide ongoing evaluation of the impact of the data strategy and ensure

the execution of policies and procedures that enable all stakeholders to effectively and efficiently access and use data assets.

Very truly yours,

A handwritten signature in black ink, appearing to read "Michael Mabe", with a stylized flourish at the end.

Michael Mabe
CEO STM