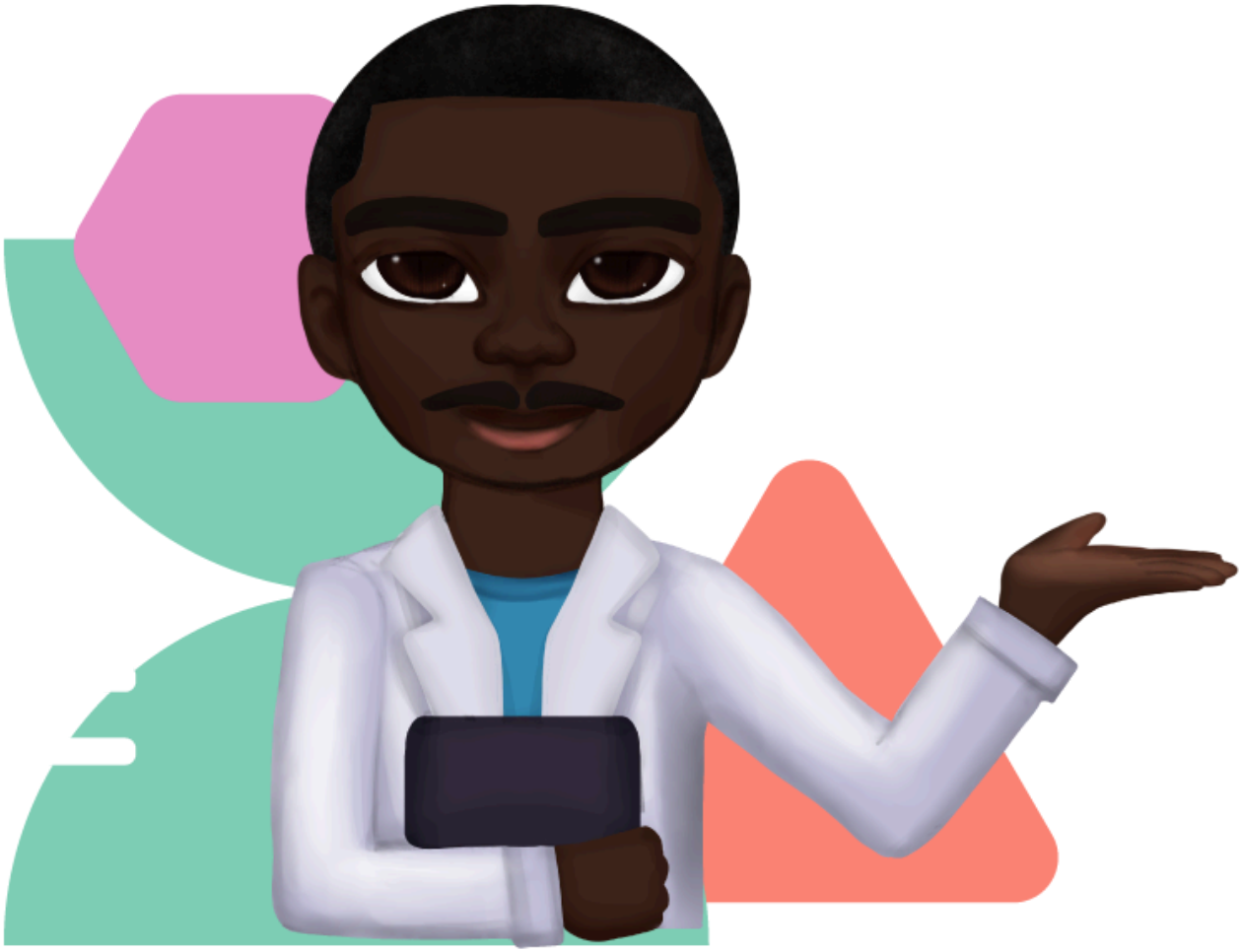


5.3 Data Sharing Agreements

Developing an agreement between two or more entities who are either providing or receiving data on how the shared data can be used

Why should I do this?

To establish clear terms and conditions for the exchange of data between parties, ensuring privacy, security, and compliance with legal regulations.

If the details on the data and the conditions on use are clear, it prevents misuse and miscommunication among the entities involved in the transaction.

In this activity, you will:

Develop data sharing agreements (DSA) for your investment.

What are DSAs?

A DSA is a contract between two or more named organizations or natural persons that clearly documents what data is being shared and how it can be used. It provides certainty, both to provider and recipient, on the data being received or exchanged and how to manage it.

A DSA typically:

- Establishes why, and on what grounds, the data is being shared.
- Specifies what type of data will be shared and how it will be formatted.
- Sets out how, when, where, and for how long, the data can be used.
- Protects sensitive information and ensures secure handling.
- Outlines any costs or financial obligations.
- Clarifies who is responsible for what, and who needs to sign the agreement.

A DSA usually contains both **specific** and **general** terms:

- Specific terms cover the details unique to the data shared, such as types of datasets, usage conditions, confidentiality, and recipient responsibilities.
- General terms address broader aspects like intellectual property rights, publication rules, duration of the agreement, and legal obligations.

1) If you are a Program Officer (PO), and if your investment requires data sharing agreements to be created, you may want to share this page directly with your grantee.

2) Use the *Data sharing Agreement (DSA) template for Step 5 here. to help you get started.

> ** The template is just a guide, and you will need to seek your own legal advice before using this or any DSA.*

3) Refer to the investment type examples to help you with this activity.

A DSA or a license?

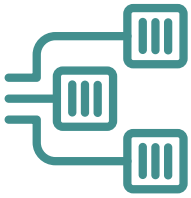
Often when working with data, people ask themselves if they should use a DSA **or** a license to share/transfer the data. Here's when to use each:

> **Use a DSA** for situations where data needs specific protections, such as ongoing research, sensitive data, or information subject to third-party rights or regulations. A DSA ensures that recipients explicitly agree to conditions and take on responsibility by signing the agreement.
>
> **Use a license** for data that can be shared more broadly under general, standard-use terms. Licenses work best when there are not strict conditions as this allows broader access and reuse without the need for individual agreements. See more on data licenses in Step 6.6

Both DSAs and licenses, are legally binding arrangements between the entities involved in the data sharing. Both also define the permitted uses of the data.

The DSA, however, is more appropriate for data that needs to be protected and used in specific ways. This could include data that is still under and for research purposes, or sensitive data due to the nature of its content or third-party rights (e.g., government, commercial entities), or data subject to specific laws or regulations.

Investment types



Overview

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Every investment project is unique

The application of the six steps will vary accordingly. To provide examples that align with your project, common characteristics of AgDev investments were researched and three 'investment types' were developed.

AgriConnect: a digital solutions investment

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AgriConnect: Creating a DSA

Rashima, the lead of AgriConnect, recognized the importance of establishing a DSA to support collaboration and transparency among the various stakeholders. AgriConnect's digital platform was designed to serve as a repository for smallholder farmers in Dataland, providing them access to critical agricultural data, market insights, and educational materials.

Defining the purpose and data to be shared

Rashima, along with key partners like Chris, the third-party publisher managing the national repository, and Efe, the private sector liaison, identified specific datasets that would be shared through the AgriConnect platform. These datasets included agricultural indicators, market trends, and crop health data collected from smallholder farmers like Chima. The team defined the purpose of the DSA as enabling collaboration and improved decision-making for farmers and agricultural businesses.

As Rashima, the lead of AgriConnect, began drafting the data sharing agreement, she faced several challenges due to the diverse needs and expectations of the stakeholders involved in the project.

Challenge 1: Disagreement on data access levels

One of the first issues that arose was a disagreement on data access levels between Chris, the third-party publisher managing the government's repository, and Efe, the private sector liaison. Chris insisted on stringent restrictions for certain agricultural indicators, citing government regulations. On the other hand, Efe needed broader access to data to provide market insights to smallholder farmers.

Solution

Rashima organized a series of meetings where each party presented their concerns and priorities. After discussions, they agreed to implement tiered access controls in the DSA, with Chris

maintaining restricted access to certain datasets while allowing Efe access to aggregated, anonymized data. Nemy, the cybersecurity consultant, proposed secure user authentication and encryption protocols to safeguard sensitive data, which reassured Chris.

Challenge 2: Aligning data standards across partners

Faisel, the researcher, raised concerns about differing data standards and formats used by different partners. He highlighted the risk of inconsistencies in how the data was collected, modeled, and integrated, making the platform less effective.

Solution

Rashima collaborated with Noora, the technical consultant, to establish standardized data formats and protocols in the DSA. They agreed to adopt AGROVOC vocabularies and use common formats like CSV and GeoJSON. Noora provided technical support and training to partners on data formatting and integration, ensuring consistency.

Outcome

While many of these concerns were addressed in the creation of a data governance policy and the DMAP—like defining principles for privacy and roles—specific details about **access levels** and data handling by external partners weren't fully visible until the partners began working on **formalizing the sharing arrangement**. The shared FAIR goal (Step 4) brought them back to address these specifics, ensuring alignment with the overall strategy.

By addressing these challenges collaboratively, AgriConnect developed a DSA that established clear access levels, security measures, and standardized protocols. This agreement enabled stakeholders to work together effectively while protecting sensitive data.

AgroThrive: a policy and advocacy investment

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AgroThrive: Creating a DSA

Kaira, the lead of AgroThrive, faced challenges while trying to establish a DSA between the project partners and the government of Datapur. The project aimed to provide policy recommendations based on a comprehensive analysis of agricultural, climate, and socioeconomic data.

Challenge 1: Privacy concerns around sensitive data

Lata, the gender consultant, raised concerns about the privacy implications of sharing gender-sensitive data collected from rural communities. Adnan, the government liaison, was initially hesitant to impose stringent privacy controls, as it could limit data sharing flexibility for policy analysis.

Solution

Kaira organized a workshop involving Adnan, Lata, and Nemy to discuss the privacy concerns. They reviewed Datapur's data privacy laws and agreed to anonymize all gender-specific data before sharing. Lata proposed adding **confidentiality clauses** in the DSA and specifying that only anonymized datasets would be accessible to government analysts. Adnan agreed, recognizing the importance of maintaining community trust.

Challenge 2: Discrepancies in data usage policies among partners

Imamu, the third-party publisher, and Zora, the private sector liaison, had differing policies regarding data usage. Imamu's agency required datasets to be openly accessible after a certain period, while Zora's organization wanted to retain exclusive rights to the data for longer due to its business model.

Solution
Kaira led a series of negotiations to find a middle ground. They agreed to include a **data embargo period** in the DSA, during which Zora's organization would retain exclusive access to the datasets for a specified time. After the embargo, the data would be made publicly accessible in line with Imamu's agency's requirements. The terms of this embargo were clearly documented in the DSA.

Outcome
Although AgroThrive's data governance policy and DMAP already included broad privacy guidelines, the exact **details of handling gender-sensitive data** surfaced more sharply during the DSA discussions. This was because the partners now had to **pin down concrete terms** for sharing specific datasets while staying true to their shared FAIR goal.

By tackling these challenges through open discussions and compromise, AgroThrive's DSA successfully balanced **data privacy, security, and access**.

NGBT: a field research investment

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NGBT: Creating a DSA

Farah, the lead of NGBT, encountered multiple challenges while drafting a data sharing agreement for the project focused on developing a climate-resistant barley varietal. The project required collaboration among researchers, government agencies, and smallholder communities.

Challenge 1: Securing sensitive genetic and climate data
Cali, the agricultural geneticist, expressed concerns about sharing sensitive genetic data, fearing

potential misuse or unauthorized access. Joe, the third-party publisher responsible for Datastan's repository, wanted to ensure that climate-related datasets would be openly accessible for public benefit.

Solution

Farah convened a meeting between Cali, Joe, and Nemy to discuss the security and access protocols. After extensive discussions, they agreed to implement **dual-level access** in the DSA. Sensitive genetic data would be restricted to authorized researchers, with secure access protocols and encryption measures. Climate datasets would be published under open-access licenses, with DOIs assigned for easy citation and traceability.

Challenge 2: Addressing concerns around intellectual property (IP) rights

Kama, the private sector liaison, raised concerns about intellectual property rights related to new barley varietals. He worried that sharing genetic and research data without clear IP terms could lead to disputes or loss of commercial opportunities.

Solution

Farah collaborated with Joe and Kama to draft clear **IP clauses** in the DSA. They specified that all shared genetic and research data would remain the property of NGBT but could be licensed for further research and development under certain conditions. The DSA also outlined the responsibilities of each partner in managing and protecting these IP rights.

Outcome

The data governance policy and DMAP had broadly addressed data security and accessibility. However, the **specific security measures** for genetic and climate data and **the balance between security and public access** became more relevant as the project partners finalized the DSA. Their shared FAIR goal guided their approach to making data accessible while safeguarding sensitive information.

By navigating these challenges with sensitivity and open communication, NGBT developed a comprehensive DSA that balanced **data security, IP rights, and public accessibility**. The agreement enabled the project to proceed with the team confident that sensitive data and IP were protected.

Everybody understands the value of data sharing and the value of data. There are concerns however that need to be addressed and they could be many fold. One concern would be what do other people do with the data once they are shared?

Christian Witt, Program Officer, Bill & Melinda Gates Foundation

Learn more

Acknowledgements

FAQs

Glossary

Accessibility

Privacy & cookies

T&Cs

FAIR Process Framework has been developed by the Enabling Data Access (EDA) project team at CABI and is funded by the Bill & Melinda Gates Foundation to support the foundation's Open Access Policy. The FAIR Process Framework is a tool to assist partners in developing data access and management plans (DMAPs) that incorporate FAIR and responsible data practices.