

Use of Limited Non-Disclosure Agreements in IODP³ Policy

Proprietary site characterisation data files stored in the IODP³ Site Survey Database can be subject to a Limited Non-Disclosure Agreement between the data owner, the proposal proponent team and IODP³, in circumstances where the **Standard IODP³ Confidentiality Policy** does not suffice.



INTERNATIONAL OCEAN DRILLING PROGRAMME

Use of Limited Non-Disclosure Agreements in IODP³

1. Principles

- The Standard IODP³ Confidentiality Policy (hereafter called “standard policy”) applies to all IODP³ MSP proposals, and their contents, uploaded in the IODP³ Proposal Database (PDB), as well as to all related site characterisation data files, uploaded in the IODP³ Site Characterisation Database (SCDB).
- All IODP³ 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 IODP³-SO, and/or the IODP³ Science Operator, if the standard policy does not sufficiently cover the use of the proprietary site characterisation data and if an LNDA is demonstrably required.
- Proprietary data in the SCDB that are subject to an LNDA are flagged as *restricted* in the SCDB and can only be accessed, viewed, and used by IODP³ individuals who have verifiably co-signed the LNDA or otherwise agreed in writing to abide by its terms as if they were a signatory.
- Proponents are responsible for informing the IODP³-SO and IODP³ SEP about their request to implement an LNDA and for showing that the standard policy is not adequate in their case.
- The IODP³-SO is responsible for all matters related to proposal handling in the IODP³, including implementation of confidentiality and any LNDA.

2. Limited Non-Disclosure Agreements in IODP³

Although the **Standard IODP³ Confidentiality Policy** and the treatment of proprietary data by the IODP³-SO and the overall IODP³ are adequate in most cases, all or part of the proprietary site characterisation data files stored in the SCDB can be subject to a **Limited Non-Disclosure Agreement (LNDA)** between the data owner, the proponent team, the IODP³-SO, and/or the IODP³ 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 SCDB until the LNDA is finalised and signed by the data owner, the data provider(s), the IODP³-SO, and/or the IODP³ Science Operators. It is entirely the responsibility of the proponents, and not the IODP³-SO, if any confidential data subject to the LNDA are included in any of the IODP³ proposal documents after submission into the PDB, or if any LNDA data files in the SCDB have been uploaded without the *restricted* SCDB 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 IODP³ and IODP³-SO, if the agreement satisfies the “minimum data” requirement for use of *restricted* site characterisation data in IODP³, as explained and defined in **Section 5** of the **Standard IODP³ Confidentiality Policy**.

3. Programme and Individual Responsibilities

Restricted-distribution data files in the SCDB subject to an LNDA can only be accessed, viewed, and used by IODP³ 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 MSP-FB, IODP³ Advisory Panels, and IODP³ Science Operators and Funding Agencies.

By accessing *restricted* data files held in the SCDB governed by the LNDA, all board and panel members and liaisons, and any IODP³ 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 IODP³ meetings and withdrawn access to the SCDB.

Once given access by the IODP³-SO, 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 characterisation data and cannot be present when these data are accessed, viewed, and reviewed by the MSP-FB, IODP³ Advisory Panels, the IODP³ Science Operators and Funding Agencies and their representatives, or any other IODP³ Entities.

4. Proponent Responsibilities

In a few cases, IODP³ 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 IODP³-SO and the IODP³ 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 IODP³-SO and/or Science Operator.

All other proponent responsibilities defined in the **Standard IODP³ 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 IODP³ Confidentiality Policy**.