

Office of Coast Survey Data Licensing Policy

SECTION 1. PURPOSE

01. To establish the requirements and responsibilities for assigning licenses to the data received under contract or collected by the National Oceanic and Atmospheric Administration (NOAA) Office of Coast Survey.

02. To establish the requirements and responsibilities for the handling of licensed data otherwise provided to or obtained by the NOAA Office of Coast Survey.

SECTION 2. AUTHORITIES AND REFERENCES

01. The authorities listed below are regulatory drivers and references for this policy.

- a. Foundations for Evidence-Based Policymaking Act, Pub.L. 115-435 (Title II)
- b. Coast Survey Sensitive Data Policy, September 2021
- c. NOAA Data Strategy, July 2020
- d. Federal Data Strategy, Office of Management and Budget M-19-18, June 2019
- e. Hydrographic Services Improvement Act, 33 U.S.C. §§ 892 *et seq.*
- f. Coast and Geodetic Survey Act, 33 U.S.C. §§ 883a *et seq.*
- g. Federal Acquisition Regulations (FAR) 52.227-17 Rights in Data-Special Works
- h. International Hydrographic Organization (IHO) Marine Spatial Data Infrastructures Working Group (MSDIWG) Guidance for Data Licensing: A contribution from expert contributors, Draft v0.1, April 2018
- i. Repository of Guidance and Tools to Implement the Evidence Act, Open Licenses
- j. Open Data Policy--Managing Information as an Asset, Office of Management and Budget M-13-13
- k. Creative Commons (<https://creativecommons.org>)
- l. Open Data Commons (<https://opendatacommons.org>)

SECTION 3. EXECUTIVE SUMMARY

01. The Office of Coast Survey collects, acquires, and disseminates hydrographic data in accordance with the Hydrographic Services Improvement Act, 33 U.S.C. §§ 892 *et seq.* and Coast and Geodetic Survey Act, 33 U.S.C. §§ 883a *et seq.*
02. Developing Data Licensing Guidance is listed in the NOAA Data Strategy, July 2020, under Objective 3.3., and under action 11 in the NOAA Data Strategic Action Plan.
03. The Office of Coast Survey data licensing adoption is based on the IHO MSDIWG Guidance for Data Licensing, a standard source for guidance and international standards in the hydrographic industry.
04. Licenses are adopted primarily from Creative Commons, and alternatively, from Open Data Commons, which are both internationally recognized licenses.

SECTION 4. DEFINITIONS

01. **Data** refers to “hydrographic data,” which means “information that is acquired through hydrographic, bathymetric, photogrammetric, lidar, radar, remote sensing, or shoreline and other ocean-and coastal- related surveying; geodetic, geospatial, or geomagnetic measurements; tide, water level, and current observations; or other methods; and is used in providing hydrographic services.” 33 U.S.C. § 892(3).
02. **License** refers to legally binding terms that govern the use and dissemination of data. For the purpose of this Policy, this term includes “open licenses,” under which the data provider retains any potential copyright and related rights in the data but authorizes its use with no or minimal restrictions, and “public domain dedications,” which waives any potential copyright or related rights in the data and means the data can be freely used, modified, and shared by anyone and for any purpose anywhere in the world.
03. **Internal Source Data** refers to data that is collected by NOAA hydrographic survey vessels or by a private sector entity under the hydrographic services contract administered through the Operations Branch of the Hydrographic Services Division within NOAA’s Office of Coast Survey. Such contracts should include FAR 52.227-17 (and CAR 1352.227-70), which obligates the contractor to assign any potential copyright in the data collected to NOAA, upon the request of the NOAA contracting officer.
04. **External Source Data** refers to data that is not Internal Source Data, but rather, was obtained from public repositories or was voluntarily provided to NOAA by the data provider.
05. **Sensitive Data** refers to data that cannot be publicly released without restrictions due to law, regulation, or policy, as detailed in the Coast Survey Sensitive Data Policy.
06. **License Agreement Form** refers to terms consented to by a provider of External Source Data, governing NOAA’s use of the data and the creation of derived products. These forms confirm the

provider's intent to provide the data voluntarily and without financial compensation, and different versions of the form offer various use rights and assign an open license or public domain dedication to the data.

SECTION 5. APPLICABILITY

01. This policy applies to all data collected by, acquired by, or provided to the Office of Coast Survey, in the past, present, or future.

SECTION 6. REQUIREMENTS

01. The Office of Coast Survey will ensure all data it uses is clearly licensed, and will ensure its use is consistent with those license terms.

02. The Office of Coast Survey will publicly release Internal Source Data after applying the Creative Commons Zero 1.0 Universal Public Domain Dedication (CC0), unless the data are sensitive data.

- a. For Internal Source Data collected by NOAA, the Office of Coast Survey will ensure the following text accompanies the data's public release:

These data were produced by NOAA and are not subject to copyright protection in the United States. NOAA waives any potential copyright and related rights in these data worldwide through the Creative Commons Zero 1.0 Universal Public Domain Dedication (CC0).

- b. For Internal Source Data collected under contract with NOAA, after confirming that the contracting officer requested that the contractor assign any potential copyright in the data to NOAA and that the contractor has complied with that request, the Office of Coast Survey will ensure the following text accompanies the data's public release:

These data were produced under contract with NOAA and any potential copyright was assigned to NOAA. NOAA waives any potential copyright and related rights in these data worldwide through the Creative Commons Zero 1.0 Universal Public Domain Dedication (CC0).

03. The Office of Coast Survey will ensure data providers seeking to offer External Source Data to NOAA agree to a License Agreement Form that is specific to each data set (not each provider). Public domain dedications should be encouraged but not required. The Office of Coast Survey will use External Source Data only to the extent consistent with the License Agreement Form. If the License Agreement Form permits public release of the data, the Office of Coast Survey will publicly release the data, unless the data are sensitive data, after applying the license indicated in the License Agreement Form.

04. The Office of Coast Survey will seek to apply an appropriate license to existing Internal or External Source Data that the Office of Coast Survey already has made publicly available. In the case of existing External Source Data, the Office of Coast Survey will seek consent from the original data provider to assign the license most consistent with any type of data restriction previously agreed to (e.g., through a Data Permissions Form or Memorandum of Understanding or Agreement).

SECTION 7. ROLES AND RESPONSIBILITIES

01. Office of Coast Survey Division Chief shall ensure that their division:

a. Abides by this policy and that no data is released to the public without an accompanying data license.

02. Office of Coast Survey Branch Chiefs shall ensure that their staff:

a. Does not release data to the public without an accompanying license; and

b. Does not release sensitive data to the public.

03. Office of Coast Survey Hydrographic Team Leads will be responsible for:

a. Ensuring that incoming Internal Source Data that contain no sensitive data and is otherwise suitable for public release is released consistent with Section 6.02;

b. Ensuring that sensitive data are managed appropriately and publicly releasing data later if the data are no longer sensitive data; and

c. Providing or coordinating relevant training for the Office of Coast Survey staff required to implement this policy and maintain records of completed training.

04. External Source Data Team Lead will be responsible for:

a. Discussing the License Agreement Form options with external data providers, encouraging but not requiring the use of public domain dedications;

b. Ensuring that External Source Data that contain no sensitive data are used and released consistent with Section 6.03;

c. Ensuring that External Source Data previously provided to the Office of Coast Survey is converted into the most applicable license, consistent with Section 6.04; and

d. Provide or coordinate relevant training required to implement this policy and maintain records of completed training.

SECTION 8. IMPLEMENTATION OVERSIGHT

01. The oversight of this policy is the responsibility of the Director, Coast Survey.

Approval

Signature: _____ **Date:** _____

Director, NOAA Office of Coast Survey