

NATIONAL SYSTEM OF SCIENCE, TECHNOLOGY AND INNOVATION

ACT 26.899

Institutional Open Access Digital Repositories.

Passed on: November 13, 2013

Enacted on: December 3, 2013

The Senate and the House of Representatives of the Argentine Nation gathered in Congress, etc., pass the following law:

SECTION 1 — The public agencies and institutions that make up the National System of Science, Technology and Innovation (SNCTI), pursuant to Act 25.467, and that receive financial support from Argentine public funds, shall develop own or shared institutional digital repositories of open access, which shall be the deposit of the scientific and technological output resulting from work, training and/or projects, funded totally or partly with public funds, from its researchers, technologists, professors, postdoctoral fellows and master's degree and doctoral students. This scientific and technological production will cover the whole of documents (journal articles, technical and scientific works, academic theses, among others), which are the result of research activities.

SECTION 2 — Public agencies and institutions included in Section 1, shall establish policies for public access to primary research data through digital institutional open

access repositories or portals of national systems of large instruments and databases, as well as institutional policies for their management and long-term preservation.

SECTION 3 — All grants or funding from government agencies and national organizations of science and technology of the SNCTI, earmarked for scientific and technological research projects that have among their expected results the generation of primary data, documents and/or publications, must contain within its contractual clauses the presentation of a management plan according to the specificities of the disciplinary area in the case of primary data and, in all cases, a plan to ensure the public availability of the expected results according to the time-limits laid down in section 5 of this act.

For the purposes of this act, "primary data" shall be understood as all raw data upon which any research is based and that may or may not be published when communicating a scientific breakthrough, but that are those that underlie a new knowledge.

SECTION 4 — Institutional digital repositories shall be compatible with the interoperability standards adopted internationally, and ensure free access to their documents and data via the Internet or other information technologies that are appropriate to the purpose, providing the necessary conditions for the protection of the rights of the institution and of the author on the scientific and technological production.

SECTION 5 — Researchers, technologists, professors, postdoctoral fellows and

master's degree and doctoral students whose research activity is financed with public funds, shall deposit or expressly authorize the deposit of a copy of the final version of their scientific and technical production published or accepted for publication and/or which has passed through a process of approval by a competent authority or with jurisdiction in the matter, in open access digital repositories of their institutions, no later than six (6) months after the date of its official publication or its approval.

Primary research data must be deposited in own or shared repositories or in institutional digital files and be publicly available within a period not exceeding five (5) years from the time of collection, according to the policies established by the institutions under Section 2.

SECTION 6 - In the event that scientific and technological productions and primary data were protected by industrial property rights and / or prior agreements with third parties, authors must provide and allow public access to the metadata of these intellectual works and / or primary data, pledging to provide access to documents and complete primary data upon the expiration of the protection of industrial property rights or the termination of the aforementioned prior agreements.

Dissemination of those primary data or preliminary and / or final results of a non-proprietary or unpublished research that need to be kept confidential may also be excluded, requiring for this purpose adequate institutional justification of the reasons that prevent its dissemination. The responsible institution will have the faculty, in

agreement with the researcher or research team, to establish the suitability of the date on which such information should be disclosed.

For the purposes of this Act, "metadata" shall be understood as all the descriptive information about the context, quality, condition or characteristics of a resource, data or object, which is intended to facilitate its search, retrieval, authentication, evaluation, preservation and / or interoperability.

SECTION 7 - The Ministry of Science, Technology and Innovation will be the enforcement authority of this Act and shall be responsible for the following functions:

- a) To promote, consolidate, coordinate and disseminate institutional and thematic digital repositories of science and technology in Argentina;
- b) To establish interoperability standards to be adopted by different institutional digital repositories of science and technology, within the framework of the National System of Digital Repositories in Science and Technology that works in the field of the electronic library, established by resolution 253/2002 of the Secretary of Science, Technology and Innovation;
- c) To promote and provide comprehensive technical assistance to the institutions of the National System of Science, Technology and Innovation for the generation and management of its digital repositories;
- d) To implement the necessary measures for the correct application of this law.

SECTION 8 - The breach of the provisions of this law by the institutions and bodies referred to in Sections 1 and 2, and by the persons listed in Section 5, will make them ineligible for public financial support for their research.

SECTION 9 – Be it thus communicated to the National Executive Power.

PASSED IN THE SESSION ROOM OF THE ARGENTINE CONGRESS, IN BUENOS AIRES, ON THIS THIRTEENTH DAY OF NOVEMBER TWO THOUSAND AND THIRTEEN.

- Registered under No. 26,899

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