



AUSSDA

AUSTRIAN  
SOCIAL SCIENCE  
DATA ARCHIVE

# AUSSDA NON-COMPLIANCE POLICY

Potential consequences in case of non-compliance with AUSSDA terms of use and terms of access

**Version 1.0, April 2019**

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**Date** 1.04.2019

**Version** 1.0

**Status** draft – commenting phase – testing phase – **implemented**

**Distribution** Public

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**Suggested citation**

Hönegger, L. (2019). AUSSDA Non-Compliance Policy. Potential consequences in case of non-compliance with AUSSDA terms of use and terms of access. Vienna: AUSSDA - The Austrian Social Science Data Archive.

## AUSSDA Non-compliance Policy

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### Potential consequences in case of non-compliance with AUSSDA terms of use and terms of access

#### Purpose of this document

The AUSSDA non-compliance policy serves to inform depositors and users of social science data provided by the repository about the possible consequences in case of non-compliance with the terms of use and terms of access.

Users of the AUSSDA Dataverse must agree to specific terms, regulations and general guidelines before accessing files that are part of AUSSDA's data holdings. This is to ensure the proper use of the data according to the applicable license conditions, the protection of the potentially disclosive or sensitive personal data, the fair and responsible use of the infrastructure and the lawful and ethical behaviour regarding research data in general. These regulations include AUSSDA's terms of service<sup>1</sup>, the license conditions that apply to different files of a study<sup>2</sup> as well as general guidelines of good scientific practice.

#### Sanctions

In case the repository detects any forms of non-compliance or the repository is informed about the non-compliance of any of its users, AUSSDA may take certain measures and draw consequences according to this policy and at the discretion of the AUSSDA staff. Following are the sanctions that can be imposed by the repository. However, it is imperative to indicate that data users are also subject to further applicable law most prominently in the area of data protection law and intellectual property rights, and that certain actions of non-compliance may impose severe legal sanctions.

Any non-compliance with any of the provisions of the aforementioned terms and conditions will lead to the immediate termination of the relevant user account, permanently or temporarily, depending on the severity of the misconduct at the discretion of the AUSSDA staff. Furthermore, access to the affected data set will be terminated immediately; the user is forbidden to further use the data and she or he must delete all files associated with this data set. Future access requests to an AUSSDA Dataverse user account and to all data holdings may be limited or denied.

If a case of non-compliance disregards the general conduct of good scientific practice and is of sufficient importance at the discretion of staff members (in particular the fabrication or falsification of data or acts of plagiarism), AUSSDA reserves the right to inform the user's employer or host institution, insofar as legally permissible in the specific case and insofar as there is a specific body established to receive and address indications of misconduct (most relevant in cases where the user is affiliated with a research institution). This may lead to further sanctions imposed by the user's employer, outside of the repositories' area of responsibility.

If a case of non-compliance disregards relevant national and EU law in the area of data protection, AUSSDA reserves the right to inform the national data protection authority, in the case of Austria, the Austrian Data Protection Authority, insofar as legally permissible in the specific case. This may lead to further sanctions imposed by the authorities, outside of the repositories' area of responsibility.

#### Liability

AUSSDA is not liable in case of non-compliance of the users of its services. Users are sufficiently informed about and must agree to the terms of use and access. In case the repository detects or receives information of non-compliance or behaviour of misconduct with respect to the AUSSDA terms of access (including the terms of service and the license conditions) and terms of use, the repository may take action according to this policy.

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<sup>1</sup> The Terms of Service are available on the AUSSDA website.

<sup>2</sup> Different material of a study such as data, documentation files or metadata can be licensed under different terms. The terms of access may also differ between studies and between files of a study. The respective applicable terms are accessible as part of the description for each study.