

NOAA/NESDIS/NCEI



NESDIS/NCEI

OPEN DATA POLICY

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OPR: NCEI/DSD



Prepared by:
U.S. Department of Commerce
National Oceanic and Atmospheric Administration (NOAA)
National Environmental Satellite, Data, and Information Service (NESDIS)
National Centers for Environmental information (NCEI)

Document Change Record

VERSION	DATE	SECTIONS AFFECTED	DESCRIPTION
0.1	July 2019	All	Initial version
0.2	May 2020	2,3,4,Att. A	Added definitions, citations, edits in the direction of FOIA & Open Data Act mandates.
0.3	January 2022	All	Policy renamed, simplified
0.4	July 2022	6, Att. A	Roles and responsibilities added; definitions sourced
0.5	September 2022	4, 6	Add licensing...

1. PURPOSE

The National Centers for Environmental Information (NCEI) is NOAA's archive for global environmental data. NCEI regularly receives data from NOAA and other Federal employees, grantees, and contractors, as well as third parties not affiliated with the US government, for archiving and dissemination. NCEI aims to make as much of the data in its archive as openly accessible as possible. Unless data are subject to Freedom of Information Act (FOIA) exemption¹, licensing, or terms of a contract or other binding, written agreement requiring limited distribution, NCEI must share data upon request.

2. SCOPE

This policy applies to data considered for long-term preservation and stewardship at NCEI, created by federal employees or affiliates, grantees, or academic or commercial providers.

3. BACKGROUND

Per the Open Government Data Act, Federal and NOAA Data Strategy initiatives, NOAA Administrative Order (NAO) 212-15, and related NOAA Procedural Directives, all data assets in the NCEI archive must be visible, accessible and independently understandable to users unless protected by FOIA exemption.

Also per the Open Government Data Act, collection metadata must be made discoverable to the public regardless of the FOIA status of the data it describes.

Data submitted by a state or local government or a private organization or business may be available through a FOIA request. When compelled by a FOIA request, NCEI must follow the NOAA process for adjudicating such requests, which may result in providing access to any data assets that are not protected by a FOIA exemption.

4. GENERAL POLICY AND GUIDANCE

- a. Environmental data and information produced by NOAA or any Federal agency are available fully and openly to data users unless explicitly exempt from release by Federal law, regulation or policy. These data are in the public domain in the United States. To serve our international partners and customers, NCEI will work to ensure a Creative Commons CC0 license is applied.
- b. Environmental data and information collected or created under NOAA grants or cooperative agreements must be made visible, accessible, and independently understandable to general users in a timely manner (typically no later than two (2) years after the data are collected or created) (See 5d.). Except where limited by law, regulation, policy or security requirements, NCEI will strongly encourage providers to apply a Creative Commons CC0 (preferred) or CC BY 4.0 license in grant or agreement language, or upon submission.
- c. NCEI may archive data produced by non-Federal entities for which the creator either surrenders or maintains intellectual rights. NCEI will seek to minimize access restrictions for environmental data and information acquired from non-Federal sources, and will encourage providers to apply a Creative Commons CC0 (preferred) or CC BY 4.0 license. If it is determined that accepting limited-access data is not in the best interest of the public, NCEI may decline to accept data. (See 5e.)

¹ There are 9 exceptions identified in the Freedom of Information Act, including "Information that is prohibited from disclosure by another federal law." See www.foia.gov/faq.html for additional details.

5. AUTHORITY

- a. NAO 212-15: Management of Environmental Data and Information, 2010.
https://www.corporateservices.noaa.gov/ames/administrative_orders/chapter_212/212-15.html
- b. NAO 216-112: Policy on Partnerships in the Provision of Environmental Information, 2007.
<https://www.noaa.gov/organization/administration/nao-216-112-policy-on-partnerships-in-provision-of-environmental>
- c. NAO 205-14: Freedom of Information Act, 2014.
<https://www.noaa.gov/organization/administration/nao-205-14-freedom-of-information-act>
- d. NOAA Data and Publication Sharing Directive for NOAA Grants, Cooperative Agreements, and Contracts, 2016.
https://nosc.noaa.gov/EDMC/documents/Data_Sharing_Directive_v3.0_remediated.pdf
- e. NOAA Office of General Counsel Memorandum: Withholding Scientific Data from Public Disclosure, 2014. <https://drive.google.com/open?id=1Ej14jdf4k1UPRq7Z7faxBZtgNGnjAFfU>
- f. NAO 217-109 NOAA Commercial Space Policy, 2016.
<https://www.noaa.gov/organization/administration/nao-217-109-noaa-commercial-space-policy>

6. APPLICABLE DOCUMENTS

- a. Freedom of Information Act: Frequently Asked Questions. <https://www.foia.gov/faq.html>
- b. What Information is not Available Under the FOIA? 2015.
<https://www.hhs.gov/foia/faqs/what-information-is-not-available-under-the-foia/index.html>
- c. Open Government Data Act, 2017.
<https://www.congress.gov/bill/115th-congress/house-bill/4174/text>
- d. OMB Memo M-19-18: Federal Data Strategy -A Framework for Consistency, 2019.
<https://www.whitehouse.gov/wp-content/uploads/2019/06/M-19-18.pdf>
- e. NOAA Data Strategy, 2020.
<https://sciencecouncil.noaa.gov/Portals/0/2020%20Data%20Strategy.pdf?ver=2020-09-17-150024-997>
- f. NOAA Data Access Procedural Directive, 2015.
<https://nosc.noaa.gov/EDMC/documents/EDMC-DataAccess-PD.v1.0.pdf>
- g. Presidential Memorandum: Increasing Access to the Results of Federally Funded Scientific Research, 2013 (See section 4.a.2)
https://obamawhitehouse.archives.gov/sites/default/files/microsites/ostp/ostp_public_access_memo_2013.pdf

- h. NOAA Recommended Practice for the use of External Data. 2013. https://nosc.noaa.gov/EDMC/documents/NOAA_RP_for_the_Use_of_External_Data_v1.0.pdf
- i. The Privacy Act of 1974, as amended, 1974. <https://www.justice.gov/opcl/privacy-act-1974>
- j. Creative Commons Licenses. <https://creativecommons.org/about/cclicenses/>

7. ROLES AND RESPONSIBILITIES

Data Provider:

- Request and justify access limitations that are consistent with agreements, laws and directives
- Allow NCEI to provide the most open access possible

Data Officer/Science Steward:

- Remind providers of laws and directives that apply to data access
- Appeal to providers to apply CC0 or CC BY 4.0 licensing
- Work with the provider to confirm a request to limit access is valid
- Ensure licensing and access limitations are captured in documentation created at the time of submission, and included in the archival information package.

Data Manager/Archive Appraisal Committee:

- Consider access limitations during appraisal. How do the proposed limitations reduce the value of the data to the public? Can NCEI effectively implement required access limitations?

Data Access Developers: Protect limited-access data from unauthorized users, including internal NCEI users.

8. APPROVAL

Joseph A. Pica
Acting Director, NCEI

ATTACHMENT A: Definitions

Federal Record: All recorded information, regardless of form or characteristics, made or received by a Federal agency under Federal law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Government or because of the informational value of the data in them. ([44 U.S.C. §3301](#))

Sensitive Information: Information, the loss, misuse, or unauthorized access to or modification of, that could adversely affect the national interest or the conduct of federal programs, or the privacy to which individuals are entitled under 5 U.S.C. Section 552a (the Privacy Act), but that has not been specifically authorized under criteria established by an Executive Order or an Act of Congress to be kept classified in the interest of national defense or foreign policy. ([NIST](#))

Personally Identifiable Information (PII): Information which can be used to distinguish or trace an individual's identity, such as their name, social security number, biometric records, etc. alone, or when combined with other personal or identifying information which is linked or linkable to a specific individual, such as date and place of birth, mother's maiden name, etc. ([DOC](#))

Business Identifiable Information (BII): Trade secrets and commercial or financial information obtained from a person [that is] privileged or confidential. ([DOC](#))

Classified Information: information which is, for reasons of national security, specifically designated by a United States Government Agency for limited or restricted dissemination or distribution ([18 U.S. Code § 798](#))

Controlled Unclassified Information (CUI): Information the Government creates or possesses, or that an entity creates or possesses for or on behalf of the Government, that a law, regulation, or Government-wide policy requires or permits an agency to handle using safeguarding or dissemination controls. ([32 CFR 2002.4](#))

Embargo Period: The time between submitting data to a repository and making it available to the public. An embargo period is usually (but not always) observed for the purpose of allowing the data provider/producer to publish one or more journal articles based on archived data prior to the wide availability of those data to the public.

International Traffic in Arms Regulations (ITAR): Regulations enacted to restrict and control the export of defense and military related technologies.

Federal Information Security Modernization Act (FISMA): Federal law requiring federal agencies and those providing services on their behalf to develop, document, and implement security programs for information technology systems and store the data on U.S. soil. ([more information](#))

Redaction: the removal of classified information from copies of a document such that recovery of the information on the copy is not possible using any reasonably known technique or analysis. ([32 CFR 2001.92\[q\]](#))

Open Government data asset: a public data asset that is machine-readable, available (or could be made available) in an open format, not encumbered by restrictions, other than intellectual property rights that would impede the use or reuse of such asset; and based on an underlying open standard that is maintained by a standards organization. (Open Government Data Act, 2017)

Open license: a legal guarantee that a data asset is made available at no cost to the public; and with no restrictions on copying, publishing, distributing, transmitting, citing, or adapting such asset. (Open Government Data Act, 2017)

Public data asset: a data asset, or part thereof, maintained by the Federal Government that has been, or may be, released to the public. (Open Government Data Act, 2017)