

SODCO Confidentiality Policy

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Principles

1. The U.S. National Science Foundation (NSF) Scientific Ocean Drilling Coordination Office (SODCO) Confidentiality Policy applies to all planning documents submitted to SODCO (e.g., the Scientific Ocean Drilling Operational Requirements, and the Site Operations Sheet). This includes document content, any proposal content provided to SODCO, and all related site characterization data files uploaded to the SODCO Site Survey Data Bank (SSDB).
2. All proposal documents and all site characterization data files are treated as confidential during the proposal and planning phase.
3. All site characterization data files stored in the SSDB in support of a successful proposal and any other required data or optional supplemental documents in the SSDB are available for safety and environmental review by the SODCO Safety and Environment Panel (SSEP), SODCO and SSDB personnel, and funding agencies and the SODCO Advisory Board (SAB). Select site survey data will be used to depict all drilling sites in the Scientific Prospectus, which will be published online. Site characterization data will be made available to the entire science party at expedition implementation, with exception of restricted data, to provide scientific context to drilling results. Restricted distribution site characterization data (e.g., confidential industry data or data covered by a Limited Non-Disclosure Agreement) can be uploaded into the SSDB, and used to support SSEP review and expedition implementation, with the requirement that at least a predefined subset of “minimum data” be made available to the expedition science party (see below).
4. All individuals at SODCO, SSDB, and SSEP who receive, handle, or review data and supporting documentation required for expedition planning and SSEP review, acknowledge that all scientific ideas therein, belong to the PIs and implicitly agree that they under no circumstance will disclose or disseminate contents and supporting data, and that they will not discuss the content outside the context of their roles within the SODCO and the panel structure.
5. SODCO and the SSDB are responsible for all matters related to SSDB data confidentiality and the release of site characterization data in support of an expedition.

Limited Non-Disclosure Agreements

A Limited Non-Disclosure Agreement (LNDA) may be put in place between the data owner, the Principal Investigators (PIs), and SODCO, if the standard policy does not sufficiently cover the use of the proprietary

site characterization data and if an LNDA is demonstrably required. PIs are responsible for informing SODCO about their request to implement an LNDA and for showing that standard confidentiality handling is not adequate.

Proprietary data in the SSDB that are subject to an LNDA are flagged as *restricted* and can only be accessed, viewed, and used by SODCO and SSDB staff or the SSEP individuals who have verifiably co-signed the LNDA or otherwise agreed in writing to abide by its terms as if they were a signatory.

No data subject to such an LNDA should be uploaded into the SSDB until the LNDA is finalized and signed by the data owner, the data provider(s), and SODCO. It is entirely the responsibility of the PIs, and not SODCO, if any confidential data subject to the LNDA are included in any public documentation (e.g., Scientific Prospectus), or if any LNDA data files in the SSDB have been uploaded without the *restricted* SSDB data type flag, and without the appropriate labels, captions, or annotations identifying those files as proprietary data.

An LNDA is only acceptable to the SODCO, if the agreement satisfies the “minimum data” requirement for use of *restricted* site characterization data for the expedition.

All site characterization data files supporting primary and secondary drilling sites must be submitted by the PIs to the SSDB in electronic form. During the upload process, all data files that are restricted are to be flagged by the PIs. The *restricted* flag is intended to be used on an exceptional basis and only can be applied in the SSDB when granted access by SODCO in advance.

Minimum Site Characterization Data Requirement for LNDAs

The use of *restricted* site characterization data is only accepted by SODCO if subsets of these data are made available for publication in the Scientific Prospectus and for use by expedition science parties. These subsets will satisfy the following “minimum data” requirements for each of the proposed primary and alternate drill sites, and are necessary to provide context to the scientific results of the research expeditions.

1. For the depth view in seismic reflection profiles, the minimum data requirement is defined as at least the upper 1 second two-way-travel-time, measured from the seafloor and into the targeted subsurface, or twice the termination depth of the deepest proposed drilling site or hole, whichever is larger.
2. The along-profile dimensions of the data view for (along-strike and crossing) seismic reflection profiles should be at least 5 km to each side of the proposed drilling site or hole, or at least five times the maximum proposed termination depth, whichever is larger.
3. For bathymetric maps, the areal extent should cover at least the above defined along-profile dimensions, plus an extra 5 km, in all directions.

The providers of *restricted* data thus agree that these minimum data derived from the *restricted* data, at

their *highest resolution*, will be available to all SODCO staff and SSEP members and required liaisons, both during the pre-expedition planning and review process, and after, to the science party when the expedition is implemented. The minimum data package will be available on the drilling platform and should allow approval of alternate sites while the expedition is underway. Failure to include these data for use by the shipboard party could result in the early termination of the expedition if alternate sites are required but cannot be adequately defined.

Data files containing minimum data will be treated confidentially throughout the planning and review process. It is the responsibility of the PIs to create the minimum data subsets when submitting their site characterization data package, to ensure they satisfy the requirements. These data should not be labeled as restricted. It is the responsibility of the PIs to ensure that data owners understand that the minimum data will eventually become available to the expedition during implementation. Failure to comply with this requirement will result in the delay of scheduling of the expedition for drilling.

During the pre-expedition planning stage, when the Scientific Prospectus is to be published, SODCO acquires the right to make the minimum data derived from the *restricted* data available to implement the expedition, and it will become available to the science party, and for required pre- and post-expedition publications.

SODCO and Individual Responsibilities

All site characterization data files, and any proposal content provided to SODCO, are treated as confidential documents throughout the pre-expedition phase and SSEP review. Access is limited to SODCO and SSDB staff, SSEP members, liaisons to the SSEP from the SAB, and the National Science Foundation.

By accessing SSDB data files, any proposal content, or supporting review documentation, all individuals acknowledge that scientific ideas contained in these proposals belong to the PIs and implicitly agree that they will not disclose or disseminate contents and supporting data and that they will not discuss the content outside the context of their roles with the SODCO, SSDB, or SSEP. Once given access, all individuals are required to comply with these restrictions regarding the confidential use, disclosure, and dissemination of the proposal or report contents and supporting data.

Restricted-distribution data files in the SSDB subject to an LNDA can only be accessed, viewed, and used by SODCO individuals who have verifiably co-signed the LNDA or otherwise have become a party to it. These co-signees are limited to the SODCO and SSDB personnel, the SSEP members, the required liaisons from the SODCO Advisory Board, and the National Science Foundation.

By accessing *restricted* data files held in the SSDB governed by the LNDA, all board and panel members and liaisons, and any SODCO and Funding Agency representatives, 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).

Once given access by the SSDB, 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 characterization data and cannot be present when these data are accessed, viewed, and reviewed in SODCO meetings.

SSDB data will be retained for 7 years following the expedition or the termination of SODCO, whichever comes first.

Principal Investigator Responsibilities

At all times, PIs are responsible for flagging restricted data for all files submitted to the SSDB, and providing any labels, captions, and annotations (e.g., “Confidential Information, property of XXX”) if required by the data owner in all site characterization data files prior to uploading those into the SSDB.

With the exception of restricted data, PIs are responsible for understanding that all site characterization files uploaded will be made available to the expedition science party necessary to provide context to the scientific results of the research expeditions and will be used in required SODCO publications (pre-expedition Scientific Prospectus and post-expedition publications). The PIs are responsible for conveying this to any third party. In addition, when using the *restricted* flag, PIs are responsible for providing the “minimum data” subset (**Section above, Minimum Site Characterization Data Requirement for LNDAs**).

It is the responsibility of the PIs, and not SODCO, if any confidential or restricted files in the SSDB have been uploaded without assigning the appropriate labels, captions, annotations, and SSDB data types.

In Case of Platform Emergencies

In the event of a platform emergency during a drilling expedition, *all* site characterization data, at their *highest resolution*, that have been used during the safety review processes, will be made available immediately to those addressing the emergency, regardless of whether the data are designated as *restricted* or covered by an LNDA.