

License for Restricted Data

Acting under the authority of the Children's Bureau, Administration for Children, Youth and Families, U.S. Department of Health and Human Services, the National Data Archive on Child Abuse and Neglect (NDACAN) at Cornell University may designate Investigators and their Research Staff as authorized users of the Restricted Data specified below for the exclusive purpose of statistical analysis and reporting.

The Investigator and the Investigator's Institution agree to the following terms and conditions of this License:

I. Definitions:

- a. **Restricted Data:** The original Child File data provided by NDACAN and any variables derived from the original data. Data resulting from merges or matches to the original or derived variables are also included in this definition. Aggregated statistical summaries of data and analyses, such as tables and regression statistics, are not considered "derived data" for the purposes of this License.
- b. **Statistical Purpose:** Means the description, estimation, or analysis of the characteristics of groups, without identifying the individuals that comprise such groups; and includes the development, implementation, or maintenance of methods, technical or administrative procedures, or information resources that support the aforementioned purposes.
- c. **Investigator:** The individual who serves as the primary point of contact for all communications involving this License. The Investigator must hold a faculty appointment or research position at the Investigator's Institution and assumes all responsibility for compliance with all terms of this License by employees of the Investigator's Institution.
- d. **Investigator's Institution:** The institution of higher education, research organization, or government agency that employs the Investigator.
- e. **Research Staff:** Individuals, affiliated with the Investigator's Institution, other than the Investigator, who are authorized to access the Restricted Data.
- f. **Representative of the Investigator's Institution:** An individual, such as a President, Vice President, Dean, Provost, who has the authority to represent the Investigator's Institution in legal agreements and bind the institution to the obligations of this License. Note that a Department Chair is not acceptable.
- g. **NDACAN:** National Data Archive on Child Abuse and Neglect at Cornell University acting on behalf of the Children's Bureau, Administration for Children, Youth and Families, U.S. Department of Health and Human Services.

II. Requirements of Investigators, Research Staff, and Investigator's Institutions:

- a. Investigators must hold a faculty appointment or research position at the Investigator's Institution.
- b. Research Staff must have an official affiliation with the Investigator's Institution.
- c. The Investigator's Institution must be an institution of higher education, research organization, or government agency that is registered with the U.S. Office for Human Research Protections (OHRP), or can demonstrate a record of using sensitive data according to commonly-accepted standards of research ethics.

III. Duration of This License:

- a. This License will go into effect upon approval by NDACAN and will remain in effect for 36 months or until the completion of the research project, whichever comes first. If, at the end of 36 months, access to the Restricted Data is still desired, the Investigator must execute a new License.

IV. Appropriate Uses of the Restricted Data:

- a. The Restricted Data will be used solely for statistical purposes as defined in Section Ib. above and not for any administrative, regulatory, law enforcement, or adjudicatory purpose.
- b. Linking the Restricted Data to any datasets at the individual level is prohibited without written authorization from NDACAN.

V. Limited Access to the Restricted Data:

- a. Access to the Restricted Data will be limited solely to the Investigator and authorized Research Staff. The data may not be "loaned" or otherwise conveyed to anyone other than the signatories to this License.
- b. The Restricted Data, as provided to the Investigator by NDACAN, can be copied to one and only one computer per authorized user, i.e., the Investigator or individual Research Staff.

- c. The Investigator and Research Staff will protect the Restricted Data from access by unauthorized individuals. Appropriate protections include keeping computers and portable data storage devices in locked offices or filing cabinets.
- d. The Investigator and Research Staff will not store the Restricted Data on a networked computer or other electronic storage device without protecting the device from unauthorized access. Appropriate protections include password security, virus protection, and firewall.
- e. The Investigator or Research Staff will notify NDACAN immediately of suspected breaches of security, loss of hardware or media containing the Restricted Data, or any actual disclosure of Restricted Data to unauthorized individuals.

VI. Reporting and Publication Requirements:

- a. A notification of any publications and presentations developed by the Investigator or Research Staff from the Restricted Data will be provided to NDACAN in the form of its bibliographic citation. In the case of publications specifically, the bibliographic citation must be sent concurrent with submission of the manuscript. Publications are any work made available to the public in a distributed fashion, including but not limited to journal articles, book chapters, and articles distributed through a Web site.
- b. The Investigator will maintain annual contact with NDACAN, providing updated contact information and confirming the list of authorized Research Staff.
- c. In all publications, the Investigator and Research Staff will include the following acknowledgement and disclaimer:

The analyses presented in this publication were based on data from *[title of the Restricted Dataset]*. These data were provided by the National Data Archive on Child Abuse and Neglect at Cornell University, and have been used with permission. The data were originally collected under the auspices of *[organization that performed the data collection]*. Funding was provided by *[organization that funded the data collection]*. The collector of the original data, the funder, NDACAN, Cornell University, and the agents or employees of these institutions bear no responsibility for the analyses or interpretations presented here. The information and opinions expressed reflect solely the opinions of the authors.

VII. Changes to Research Staff or Change of Institutional Affiliation:

- a. When Research Staff join the project, they will submit the Research Staff Form. Research Staff may not access the Restricted Data until the Research Staff Form has been approved and countersigned by NDACAN.
- b. When Research Staff leave the project, the Investigator will notify NDACAN that the staff person is no longer authorized to access the Restricted Data and will certify that the data has been removed from the staff person's computer.
- c. A change in the employer of the Investigator requires the execution of a new License. The Investigator or Investigator's Institution will notify NDACAN of the planned change at least six weeks prior to the relocation.

VIII. Return of Data Upon Completion of Research Project:

- a. Upon completion of the research, the Investigator will notify NDACAN that all copies of the Restricted Data, on whatever media, have been destroyed.

IX. Violation of This License:

If NDACAN determines that the terms and conditions of this License have been violated, NDACAN may:

- a. Revoke the existing License and prohibit the implicated individuals from obtaining NDACAN data in the future.
- b. Report the violation to the Investigator's Institution's Institutional Review Board and request an investigation of the implicated individuals.
- c. Report the violation to the U.S. Office for Human Research Protections and request an investigation of the implicated individuals and the Investigator's Institution.
- d. Report the violation to funding agencies and request that current funding be terminated and future funding denied to all implicated individuals.
- e. Pursue other remedies available under applicable state and federal law.

X. Items Incorporated by Reference:

- a. The Research Staff Form is incorporated by reference into this License.
- b. The Application for the Restricted Data is incorporated by reference into this License.

Instructions: The Investigator fills out the Investigator section digitally, saves the form, renames it with their last name, first initial, the short name (e.g., RPG, NCANDS, or Flint) of the restricted dataset, and the word license (Example: "Doe, J. NCANDS License.pdf") and emails the form to the Representative of the Investigator's Institution. The Representative of the Investigator's Institution digitally completes their section, and emails the form to NDACAN@cornell.edu with a cc to the Investigator.

Restricted Dataset Being Requested (Required):

Investigator

I certify that all information that has been submitted in association with this request for the Restricted Data are truthful. Furthermore, I acknowledge that I am legally bound by the covenants and terms of this License.

Investigator Signature: I understand this to serve as my legal signature (check the box - Required)

Date of Execution (Required): _____

Investigator Name: _____

Investigator Title: _____

Investigator Institution: _____

Investigator Telephone: _____

Investigator E-mail address: _____

Representative of the Investigator's Institution

By signing this License, this institution agrees that access to these confidential data will be restricted to authorized persons whose names appear on this License and the Research Staff Form, and that this institution is legally bound by the covenants and terms of this License.

Signature of Representative of the Investigator's Institution: I understand this to serve as my legal signature (check the box -required)

Date of Execution: _____

Representative Name: _____

Representative Title: _____

Representative Department: _____

Representative Telephone: _____

Representative E-mail address: _____