

APPROVED BY
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**GUIDELINES FOR THE MANAGEMENT OF OPEN ACCESS RESEARCH AND
EXPERIMENTAL (SOCIO-CULTURAL) DEVELOPMENT RESOURCES AND
SERVICES AND THEIR PROVISION TO EXTERNAL USERS AT KAUNAS
UNIVERSITY OF TECHNOLOGY**

**CHAPTER I
GENERAL PROVISIONS**

1. The Guidelines for the Management of Open Access Research and Experimental (Socio-Cultural) Development Resources and Services and their Provision to External Users at Kaunas University of Technology (hereinafter – Guidelines) regulate the procedure of the management of open access research and experimental (socio-cultural) development (hereinafter - R&D) resources, the provision and technical conditions of open access services, the principles of the pricing of open access services and the income administration at Kaunas University of Technology (hereinafter – University).

2. The objective of the Guidelines is to ensure a smooth and high-quality “Process of Management and Provision of Open Access R&D Resources and Services to External Users” (Appendix to the Guidelines).

3. The Guidelines are prepared according to the University’s Statute, the University’s Regulations on the Management and Transfer of Intellectual Property, the Regulation on the Management and Provision of Open Access Research, Experimental (Socio-Cultural) Development Infrastructure Resources and Services (hereinafter – Regulation) approved by Order No. V-852 of the Minister of Education and Science of the Republic of Lithuania of 8 June 2010, other legislation of the Republic of Lithuania and the University’s internal documentation.

4. The following definitions and abbreviations are used in the Guidelines:

Open access – the principle according to which the University provides conditions for the users of open access services to use the available open access resources and services independently and/or under the supervision of the open access resource and service manager’s representatives.

Open access activities – the provision of open access resources and services.

Open access R&D infrastructure resources (hereinafter – open access resources) – the University’s openly accessible laboratory and other equipment and the working hours of this equipment under the conditions defined by the Regulation and these Guidelines.

Open access R&D infrastructure services (hereinafter – open access services) – the provision of open access resources or the specific results agreed upon between the open access resource and service manager and the user of open access R&D infrastructure services (using the open access resources) to the user of open access services under the procedures set forth by the Regulation and these Guidelines.

Coordinator of open access activities – the Vice-Dean for Research of the University’s faculty or the director of the science institute.

Open access resource and service manager – the University managing the open access resources and providing the open access services, coordinating and administrating the use of these resources and the provision of services to the users of these resources.

User of open access services (hereinafter – user of services) – natural person or legal entity from the institution other than the institution of the open access resource and service manager who is

entitled to use the open access resources and services under the procedure set forth by the open access resource and service manager.

APCIS – The University’s Open Access Resource and Service Management and Accounting Information System ensuring the efficient management of the University’s open access activities, the accounting of the used open access resources, the collection, storage, transmission and processing of data.

R&D laboratory and other equipment – the special purpose devices and tools for research, tests, measurements and other integral auxiliary equipment.

National Innovation and Entrepreneurship Centre (hereinafter – NIEC) – the University’s structural department coordinating the commercialisation of the University’s R&D works and services, the execution of orders via the APCIS.

The General Data Protection Regulation of the European Union (hereinafter – GDPR) – the Regulation (EU) 2016/679 of the European Parliament and Council of 27 April 2016 on the protection of individuals with regards to the processing of personal data and the free movement of such data and repealing Directive 95/46/EC.

5. R&D infrastructure, acquired while implementing the projects of creation or upgrading of R&D infrastructure financed by various programmes of the European Union or the budget funds of the Republic of Lithuania, has to be openly accessible to all the interested natural persons and legal entities according to the requirements set forth by the Regulation and the Guidelines, except for the cases stipulated by another legislation.

CHAPTER II MANAGEMENT OF OPEN ACCESS ACTIVITIES

6. The management and maintenance of the University’s open access activities are ensured by the NIEC, the Department of Information Technology Services (hereinafter – DITS), the Vice-Deans for Research, the directors of science institutes and/or their authorised persons.

7. The open access activities are managed via the APCIS which has the following purpose:

7.1. Insurance of the process of the receipt, management and implementation of orders of the open access services and resources on the principle of a “one-stop-shop”;

7.2. Usage as the means for the publication of information about the open access services and resources provided by the University;

7.3. Insurance of the monitoring and accounting functions for the provision of open access services and resources;

7.4. Collection, registration and storage of data on the open access services and resources: titles, descriptions and prices of equipment and services;

7.5. Insurance of the reservation of open access resources and the accounting of their working hours;

7.6. Preparation of the reports on the provision of open access services and the use of resources: settlement between the departments, reservation of the time of resources for the users of open access services and resources, efficiency of resources, condition of resources, etc.

8. APCIS is linked with other information systems of the University ensuring the exchange of data.

9. APCIS is managed according to the GDPR, the Law on Legal Protection of Personal Data of the Republic of Lithuania (hereinafter – LLPPD), the University’s Policy of Security of Information Technologies, the University’s Policy of Personal Data Processing, these Guidelines and other legislation.

10. The functionality of the APCIS is guaranteed by the cooperation and coordination between the DITS, the NIEC, the coordinators of open access activities and the person performing the functions of the data protection officer at the University.

11. The DITS:

11.1. Is responsible for the overall functioning of the APCIS operating system and application;

11.2. Is responsible for the continuous operation of the APCIS servers;

11.3. Is responsible for the making of recommendations for new technical specifications of the APCIS software and its development with regards to the integrity of the information system;

11.4. Performs the required corrections of the APCIS operating system and application for the insurance of their operation;

11.5. Ensures the links between the APCIS and other University's systems for real-time data exchange;

11.6. Reviews the preparations of the APCIS user and administrator guides; conducts the additions to the APCIS software if needed;

11.7. Is responsible for technical means ensuring the information security of the data collected in the APCIS and specified in subparagraph 6.4 of the Guidelines;

11.8. Implements the requirements of the coordinators of open access activities and the NIEC to ensure the compliance of the APCIS with the requirements of the GDPR.

12. The coordinators of open access activities:

12.1. Ensure the legitimate and timely performance of open access activities;

12.2. Ensure the provision, updates and maintenance of the lists of the services and available resources of the faculty or science institute in the APCIS;

12.3. Are responsible for the accounting of the occupation of laboratories, the quarterly updates of the lists of the provided open access services and resources in the APCIS;

12.4. Coordinate the reservation of open access services and resources in the APCIS, are responsible for the proper registration and identification of the resource users in the APCIS;

12.5. Timely and properly issue the documents and reports related to the open access activities;

12.6. Provide detailed information about the open access activities performed by the represented faculty or science institute, the functioning of the APCIS, the rules, the reservation of open access services and resources for the service users;

12.7. Collect and provide the information required for the publication of open access services;

12.8. Submit proposals for the development and improvement of open access activities and perform other functions related to the open access activities and their management;

12.9. Cooperate and provide information about the processed data to the service users.

13. The NIEC:

13.1. Initiates and coordinates the dissemination of the information about the provided open access services;

13.2. Conducts the monitoring of the information published by the APCIS and coordinates its updates;

13.3. Provides consultations to the University's employees on the issues of the use of the APCIS;

13.4. Coordinates the process of the transmission of data collected by the APCIS to external institutions under the procedure set forth by the legislation;

13.5. Submits the proposals regarding the improvements of activities and functionality of the APCIS;

13.6. Responds to the enquiries of the service users.

14. A responsible employee appointed by the University's faculty or the head of the science institute or his/her authorised person is responsible for the use of resources; this employee ensures the training of the service users for the work with resources. In case of the work with resources, the persons who are trained and can work with specific resources are responsible for the proper training of the service users for work.

15. The list of open access services and resources and other information related to the open access activities that can be useful to the service users is available on the University's website.

CHAPTER III PROCEDURE FOR PROVISION AND TECHNICAL CONDITIONS OF THE OPEN ACCESS SERVICES AND RESOURCES

16. The service user who wants to use the open access resources or receive the open access services can apply to the University by telephone number provided on the website <https://apcis.ktu.edu>, by email or fill in the enquiry form specifying the open access resources or services he/she wants to order.

17. The employees of the NIEC are appointed for the coordination of enquiries according to the topic of the open access services. In the process of ordering the open access services and using the open access resources, the responsible person appointed by the University's faculty or science institute decides regarding the approval of the reservation in the APCIS.

18. In case of the reservation of services and resources, the employee of the NIEC, in coordination with the department's coordinator of open access activities or his/her authorised person, coordinates the submission of the commercial offer of open access services and resources, the process of making a contract and/or issuing an advance invoice. The employee providing the open access services is directly responsible for the execution of the contract.

19. The service can only be provided without a written contract after the receipt of the order of the open access service that will be provided using the open service resources that does not exceed 750 euros including VAT and an advance payment. The open access services are provided only after the University's accountancy confirms the payment to the employee providing the open access services. The employee providing the open access services is directly responsible for the provision of open access services.

20. In other cases, the open access services are provided by making the written contracts that have to be coordinated, approved, registered and executed under the procedure set forth by the University's Guidelines for Contract Management.

21. The University assures that at least 30% of all the working time of open access resources is provided to the service users if needed. The remaining working time of open access resources is allocated for the internal needs of the University, including the organisation of the University's studies.

CHAPTER IV PRICING AND INCOME ADMINISTRATION

22. The pricing of open access services is formulated according to the cost recovery principle specified in the Regulation.

23. The prices of open access services are calculated for each enquiry individually, assessing the costs specified in the Regulation.

24. The income received while providing the open access services and resources is used for the insurance of the performance of open access activities.

CHAPTER V CONFIDENTIALITY OBLIGATIONS AND PROTECTION OF INTELLECTUAL PROPERTY

25. The University has to use its internal organisational and technical means to ensure the confidentiality of the presentation of specific results agreed upon with the service user in all cases. In individual cases, the confidentiality agreements are made between the University and the service user.

26. The management of the intellectual property created at the University and the confidentiality obligations are regulated by the University's Regulations on the Management and Transfer of Intellectual Property.

CHAPTER VI PROTECTION AND PROCESSING OF PERSONAL DATA USED IN THE APCIS

27. While providing the possibility to use the APCIS to external users, the University collects and stores their personal data according to the requirements of the GDPR and the LLPPD.

28. While providing R&D resources and services, the University processes the personal data for the following purposes:

28.1. Communication – processing of the person's name, surname, telephone number, email address, job position, represented enterprise (if any);

28.2. Management of orders and/or enquiries – processing of the person's name, surname, telephone number, email address, job position, represented enterprise (if any);

28.3. Making of contracts – processing of the legal entities' representative's name, surname, job position, contact details, represented enterprise; if the contractual party is a natural person, processing of his/her name, surname, address, personal ID number and contact details;

28.4. Issuing of invoices to customers and financial accounting management – processing of the legal entities' representative's name, surname, represented enterprise, job position, contact details; if the customer is a natural person, processing of his/her name, surname, address, personal ID number and contact details;

28.5. Contacts – personal data can be submitted in the reports of certain projects implemented by the University, R&D performance results, peer review of research activities or another assessment at the instruction of the expert assessment of the Research Council, of Lithuania, the ministries or other institution;

28.6. Statistical analysis – the person's name and surname can be used for the identification of the source of the received income and organisation of the amount of the received income from various sources, for example, the amount received from natural persons and the amount received from legal entities. Personal data are not used in the statistical reports.

29. To ensure the protection of the data stored at the APCIS, the DITS is responsible for the installation and maintenance of technical solutions according to the requirements coordinated with the NIEC, the coordinators of open access activities and the University's data protection. At the University, the DITS has the proper organisational and technical safety measures approved by the data protection officer and used to ensure the integrity, confidentiality and accessibility of the APCIS data according to the coordinated requirements. These measures are established according to:

29.1. The University's Policy of Personal Data Processing (approved by the separate order of the University's Rector);

29.2. General requirements for the security of electronic information in the information systems of the state authorities and institutions;

29.3. General requirements for the organisational and technical measures of data security;

29.4. The University's Information Security Policy (approved by the separate order of the University's Rector);

29.5. The University's Rules for Access Management (approved by the separate order of the University's Rector);

29.6. Lithuanian information security management standard;

29.7. Lithuanian standards and standards of the international group "Information Technology. Security techniques";

29.8. Functional requirements of the NIEC and the coordinators of open access activities for the APCIS.

30. The departments specified in paragraph 5 of the Guidelines and their employees responsible for the processing of the APCIS data have to store them according to the University's Policy of Personal Data Protection, the University's Policy of Security of Information Technologies, the GDPR, the LLPPD and these Guidelines.

31. The departments specified in paragraph 5 of the Guidelines and their employees providing the documents related to the APCIS, uploading the data and information in the APCIS are responsible for the correctness, completeness and compliance of the provided documents, data and information according to the University's Policy of Personal Data Protection, the GDPR, the LLPPD and these Guidelines.

CHAPTER VII DISPUTE SETTLEMENT

32. In case of any disputes regarding the use of open access resources or service provision, the violations of the protection of intellectual property or on other grounds directly related to the open access, the interested persons can submit a written claim or complaint to the University.

33. A received written claim or complaint is referred to the responsible departments or the specially assembled commission or work group. A claim or complaint has to be considered and analysed within 20 (twenty) working days after the date of its receipt. The responsible department prepares a response and sends it to the interested persons.

34. In case of the failure to reach an amicable settlement, the interested persons can uphold their rights at the court under the procedure set forth by the legislation of the Republic of Lithuania.

CHAPTER VIII FINAL PROVISIONS

35. The Guidelines can be amended or repealed by the order of the University's Rector.