

# Data Rights Assertion Table Guidance Document

**When:** Solicitation, guidelines, Request for Proposal, etc. requests that rights to data be asserted at proposal stage (sample assertion table below)

**Why:** For certain proposals (especially federal contract submission) and in accordance with certain requirements, such as [DFAR 252.227-7017](#), Identification and Assertion of Use, Release, or Disclosure Restrictions, Offerors must identify, as well as they are able, whether any restrictions need to be placed on any technical data or computer software that the Offeror, its subcontractors or suppliers, or potential subcontractors or suppliers will be providing as part of the work.

**How:** Complete a Data Rights Assertion Table (see sample table) and fill in the applicable information, using the below categories:

## Types of Rights:

1. None
2. Unlimited Rights: broadest granted to the government in technical data or computer software; government can use or disclose for any purpose
3. Government Purpose Rights (from a prior contract or the one being proposed)
4. Limited Rights: most restrictive in technical data; government can use or reproduce, but generally is prohibited from disclosing
5. Restricted Rights: most restrictive for computer software
6. Specifically Negotiated License
7. Rights in SBIR Data (generated under another contract)

## Types of Basis for Assertion:

1. None
2. Developed exclusively at private expense
3. Developed partially at private expense

## Tips on Determining Need for Assertion:

When completing the Data Rights Assertion Table, generally an answer of **NONE** is appropriate if **no pre-existing** software or technical data will be provided to the Government under the agreement and/or when all software and technical data will be submitted **without restrictions**.

If pre-existing software or technical data will be delivered or otherwise provided to the Government **with certain restrictions**, the following guidelines can be used to help determine the basis for assertion (e.g., developed at private expense or with mixed funding) and the asserted rights category (e.g., restricted, limited, government purpose):

- The Government shall normally have **unlimited rights** in computer software and technical data developed exclusively with government funds.
  - “Computer software” means computer programs, source code, source code listings, object code listings, design details, algorithms, processes, flow charts, formulae, and related material that would enable the software to be reproduced, re-created, or recompiled. Computer software does not include computer databases or computer software documentation.
  - “Technical data” means recorded information, regardless of the form or method of the recording, of a scientific or technical nature (including computer software documentation).

The term does not include computer software or data incidental to contract administration, such as financial and/or management information.

- “Developed exclusively with government funds” means development was not accomplished exclusively or partially at private expense.
  - “Unlimited rights” means rights to use, modify, reproduce, perform, display, release, or disclose technical data in whole or in part, in any manner, and for any purpose whatsoever, and to have or authorize others to do so.
- The Government can have **government purpose rights** in computer software and technical data developed with mixed funding.
    - “Developed with mixed funding” means development was accomplished partially with costs charged to indirect cost pools and/or costs not allocated to a government contract, and partially with costs charged directly to a government contract.
    - “Government purpose rights” means the rights to use, modify, reproduce, release, perform, display, or disclose technical data within the Government without restriction; and release or disclose technical data outside the Government and authorize persons to whom release or disclosure has been made to use that data for United States government purposes.

The Government can have **limited rights** in technical data created exclusively at private expense in the performance of a contract that does not require the development, manufacture, construction, or production of items, components, or processes.

- “Limited rights” means the rights to use, modify, reproduce, release, perform, display, or disclose technical data, in whole or in part, within the Government. Generally, the Government may not, without the written permission of the party asserting limited rights, release or disclose the technical data outside the Government, use the technical data for manufacture, or authorize the technical data to be used by another party.

The Government can have **restricted rights** in noncommercial computer software required to be delivered or otherwise provided to the Government under this contract that were developed exclusively at private expense.

- “Developed exclusively at private expense” means development was accomplished entirely with costs charged to indirect cost pools, costs not allocated to a government contract, or any combination thereof.
- “Noncommercial computer software” means software that has not been sold, leased, or licensed to the public.
- “Restricted rights” generally means the Government's rights to use a computer program with one computer at one time.

## University of Pittsburgh Data Rights Assertion Table\*\*

The University of Pittsburgh asserts for itself, or the persons identified below, that the Government's rights to use, release, or disclose the following technical data or computer software should be restricted:

Technical Data or Computer Software to be Furnished With Restrictions <sup>(1)</sup>	Basis for Assertion <sup>(2)</sup>	Asserted Rights Category <sup>(3)</sup>	Name of Person Asserting Restrictions <sup>(4)</sup>
(LIST)*	(LIST)	(LIST)	(LIST)

**(End of Identification and Assertion)**

\* Enter "none" when all data or software will be submitted without restrictions.

1. For technical data (other than computer software documentation) pertaining to items, components, or processes developed at private expense, identify both the deliverable technical data and each such items, component, or process. For computer software or computer software documentation identify the software or documentation.

2. Generally, development at private expense, either exclusively or partially, is the only basis for asserting restrictions. For technical data, other than computer software documentation, development refers to development of the item, component, or process to which the data pertain. The Government's rights in computer software documentation generally may not be restricted. For computer software, development refers to the software. Indicate whether development was accomplished exclusively or partially at private expense. If development was not accomplished at private expense, or for computer software documentation, enter the specific basis for asserting restrictions.

3. Enter asserted rights category (e.g., government purpose license rights from a prior contract, rights in SBIR data generated under another contract, limited, restricted, or government purpose rights under this or a prior contract, or specially negotiated licenses).

4. Corporation, individual, or other person, as appropriate.

*IF REQUIRED BY SOLICITATION, ADD SIGNATURE BLOCK:*

Signature \_\_\_\_\_ Date \_\_\_\_\_

Name and Title Heide J Eash, Associate Director for Federal Contracts, Office of Sponsored Programs

\*\* Adapted from [DFAR 252.227-7017](#), Identification and Assertion of Use, Release, or Disclosure Restrictions.