TRUSTED RESEARCH

What is Trusted Research?

Trusted Research is official Government guidance for the UK research sector. It was developed in consultation with academia and jointly published by the Centre for Protection of National Infrastructure (CPNI) and the National Cyber Security Centre (NCSC).

Trusted Research:

Outlines national security threats to UK research and innovation

Helps researchers, UK universities and industry partners to have confidence in international collaboration and make informed decisions about the risks to their research

Explains how to protect research and staff from theft, misuse or exploitation

Why should I use Trusted Research?

In the UK, Open Research thrives on transparency and trust. This is underpinned by policy and legislation which upholds data protection, privacy and human rights and shared values on the ethical use of research.

The UK collaborates globally and some of our research partners are based in states with different democratic and ethical values.

Some states may exploit the openness of the UK research sector and the collaboration which exists between their own research sectors and the UK to:

- Increase their technological or military capability
- Deploy the technological and military capabilities they have gained at the expense of the UK to expand social control and limit the individual freedoms of their own populations and elsewhere.

Trusted Research is particularly relevant to researchers in STEM subjects, dual-use technologies, emerging technologies and commercially sensitive research areas.

Trusted Research **enables** Open Research.

Trusted Research is there to help you identify and manage reputational, financial, legal and national security risks to your research. It helps you to ensure that all your collaborations have the levels of transparency, assurance and reputational awareness needed for Open Research to thrive.

Individual academics can refer to the Trusted Research Checklist for Academia

Senior Leaders can find concise and strategic guidance in Trusted Research for Senior Leaders

For managers and teams responsible for implementing Trusted Research and managing international collaboration risks at organisational level there is a Trusted Research Implementation Guide

<u>How do I use Trusted Research?</u>

For Everyone: Principles of Trusted Research

- ✓ Identify what research is sensitive
  - o Identifying the parts of the research that relate to sensitive technology and intellectual property allows you to focus mitigations on those aspects of research where there is a high risk of misuse, or where there is potential for ethical or reputational risk.
  - o Whether at an individual or an organisational level, take a proportionate approach and focus resource on the highest risk collaborations.
  - o Consider whether your research is commercially sensitive, subject to patent or contractual obligations, or has the potential for dual use or misuse.
  - o Dual use can apply to physical goods, software and technology. You can refer to the Export Control categories – listed here.
  - o Consider carefully how much you should share and with whom.
  - o Don't assume that, because you are collaborating informally, there are no risks.

- ✓ Know your partners
  - Undertake due diligence on research funders or collaborators which includes ethical, legal and national security considerations. Due diligence will identify and manage any considerations you may have.
    - Think about whether the state has norms and values that are at odds with the UK.
    - Are there any legal, regulatory or university policy constraints on undertaking research with a partner?
    - Use publicly available information to inform your decisions.

  - **Trust but check.** This is not about invading anyone's privacy. It's simply using publicly available information better understand the benefits **and** risks of working with research partners
    - **Questions can include:**

Is there any publically avalible information about an organisationinstitution or entity which might give you cause for concern?

In view of that information, what might be the broader application or unintended consequences of working with them in the area of research that you intend to undertake?

What information is available about the level of freedom and the state of the law of the country where your research partner is based?

The following sources of information may help:

- US export entity control list
- UN sanctions list
- Country corruption index
- Trade restrictions on export
- The Human Freedom Index
- The World Justice

  - International collaboration partners may be based in countries with different norms on freedom of speech, which may impact on the level of transparency they can provide to you.

- ✓ Comply with legal requirements
  - Make sure you understand your legal obligations in the UK: export control, visa requirements, General Data Protection Regulation (GDPR), and the legal frameworks that your collaboration partner is subject to in their home country. See the blue boxes below for more resources. These may affect your project and the way that information is used, shared and protected.
  - The New NS&I Act also has implications for academia.
  - If US partners are involved in any aspect of your project, or wider research, consult the US ITAR legislation.

For Senior Leaders: Key points

Senior leaders should consider introducing appropriate governance structures to identify and manage the risks associated with the threat to joint research collaborations. For example,

- Do you have visibility of the risks your organisation is exposed to?
- Have you appointed a Senior Risk Owner to coordinate and report risk at Board or equivalent level?
- Are your internal processes effective in identifying collaborations with higher risk partners?
- Are your risk management processes coordinated across your entire organisation rather than siloed?
- Is there an escalation process to manage identified risks? A way of managing conflicts of interest?
- Do your staff know their responsibilities and know where to go for support and advice?

Further resources

These targeted resources can be used in conjunction with the main Trusted Research guidance to help you understand what you can do to help manage national security risks to research.

GDPR: Implications for research data

The Data Protection Act (DPA) 2018 sets out the framework for data protection law in the UK. It updates and replaces DPA 1998, and came into effect on 25 May 2018. It sits alongside the GDPR, and tailors how the GDPR applies in the UK - for example by providing exemptions. You must ensure that all data that you handle (including research data) is protected in compliance with GDPR. The Information Commissioner's Office (ICO) is the regulator for GDPR and there are circumstances in which you will have to report a data breach to the ICO. A detailed guide to your responsibilities under GDPR can be found on the ICO website.

Export Control

The following routine academic activities could be covered by export control:

- Research on behalf of an international partner
- International collaboration
- Presentations at conferences
- Export of materials
- Teaching
- Academic exchange with a colleague at an overseas institution

Your Technology Transfer Office, legal department or other relevant supporting corporate services should be able to help with advice on export control issues. ECJU also provides a support point of contact which is able to advise on whether a particular end user is likely to be of concern or not. You can contact the ECJU on 020 7215 4594 or by email on eco.help@trade.gov.uk.

Further useful information and guidance is available from the following resources:

Centre for Science and Security Studies
Guidance on export control for academia produced by King College London in partnership with the Foreign and Commonwealth Office (FCO) and Export Control.

Export Controls Applying to Academic Research
Guidance on Export Control Legislation for academics and researchers in the UK, produced by the Department for Business Innovation and Skills.

US Entity Control List (PDF)
Entities subject to license requirements for specified items under this part 744 and part 746 of the EAR (Export Administration Regulations).

UK Strategic Export Control List
Find out about the lists that control exports, which goods are on the list, when you need to apply for a strategic export licence.

EU Export control list
Regime for the control of exports, transfer, brokering, technical assistance and transit of dual-use items.

Wassenaar Arrangement
A multilateral export control regime with 41 participating states including many former COMECON (Warsaw Pact) countries.