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ORDER OF THE DEAN OF THE FACULTY OF EDUCATION OF THE UNIVERSITY OF OSTRAVA no. 65/2026

Access to 4HAIE/LERCO Research Data

Article 1
Terms, concepts, abbreviations

1. **UO**. University of Ostrava.
2. **FoE UO**. Faculty of Education of the UO.
3. **RO**. Order of the Rector of the UO.
4. **DO**. Order of the Dean of the Faculty of Education of the UO.
5. **4HAIE/LERCO**. Research programme entitled *„4HAIE“* as a specific individual part of the research project HAIE and a research programme entitled *„VP4 – 4HAIE – PA and Health“* as a specific individual part of the research project LERCO.
6. **Board**. Board of the 4HAIE/LERCO.
7. **Data**. Research data (data from research) created, acquired, or otherwise resulting from scientific, research, or any similar activity of the 4HAIE/LERCO, or solely from research programmes *„4HAIE“* a *„VP4 – 4HAIE – PA and Health“*.
8. **Data Applicant**. A person participating in the process of Data access.
9. **Data Eligibility**. Eligibility to access Data and eligibility of further processing of Data.
10. **Data Regulations**. Generally binding legal regulations, internal regulations and norms of the UO and the FoE UO, this DO; all of that related to the area of research data (data from research). Primarily: **Directive (EU) 2019/1024 of the European Parliament and of the Council o**n open data and the re-use of public sector information; **Act no. *130/2002 Sb.***, on Support of research, development, innovation, and knowledge transfer (which becomes valid on 1 January 2027, substituting Act no. 130/2002 Sb.); **Code of ethics *for employees and students of the UO; RO no. 279/2025*** Provision of research data; including later changes and substitutions.

Article 2
Data ownership

1. The UO is the owner of all Data.
2. A Data Applicant receives only Data Eligibility. A Data Applicant does not receive Data ownership.

Article 3
Establishment of the Board and its powers

1. This DO establishes the Board.
2. The Board decides on the Data Eligibility matters.
3. The Chairperson of the Board represents the Board externally, primarily in dealings with Data Applicants.

Article 4
Composition of the Board

1. Members of the Board are appointed and dismissed by the Chairperson of the Board.
2. A list of the members of the Board, including the veto power and specification of research areas, is an appendix to this Do FoE UO. The list may specify cooperating research workers who are not members of the Board, but participate in working with Data, primarily in creation, management, or analysis.
3. The Chairperson of the Board is such a member of the Board who is the main investigator of the 4HAIE/LERCO.
4. The Chairperson of the Board is responsible for:
   a) Board's activity compliance with Data Regulations;
   b) notification on potential conflict of the Board's decision with Data Regulations;
   c) ensuring Board's activity, primarily: planning, organizing, and ensuring communication of the Board as well as documents record keeping from its activities and archiving of these documents.
5. Every member of the Board is entitled to personally participate in Board's activities; primarily placing proposals, expressing opinion to applied proposals, and participating in decision making (mainly by voting).

Article 5
Decision making of the Board

1. Every member of the Board votes in one of the following ways:
   a) Agree.
   b) Disagree.
   c) Abstain.
2. The veto power can be applied by:
   a) Chairperson of the Board, in all matters;
   b) Ana pointed member of the Board, in matters related to the given research area.
3. The veto power can be applied only with justification. If there is no justification, the veto power cannot be applied.
4. The Board accepts its decision at a session or outside a session.
5. Sessions of the Board can be held: in person on premise; online; in a hybrid form.
6. Decision making of the Board outside a session (*„per rollam"*) is primarily held by exchanging email messages. The Chairperson of the Board must inform all the members of the Board about:
   a) proposal to vote about by the members of the Board;
   b) all documents related to the proposal;
   c) specification of the period when the members of the Board must vote, which must be at least 5 working days from sending the proposal.
7. A decision to be made by the Board, it is necessary:
   a) on the Board session, the Board be quorate, which requires at least the majority of all the members of the Board to be present, and voting "*Agree*" by at least a majority of the present members of the Board;
   b) outside the Board session voting "*Agree"* by at least a majority of the members of the Board.
8. If any of the members of the Board having the veto power has applied this power, the vote must be repeated for possible outvoting of the veto power.
9. In order to outvote the veto power, it is necessary to:
   a) on the Board session, the Board be quorate, which requires at least the majority of all the members of the Board to be present, and voting "*Agree*" by at least a three-quarter majority of the present members of the Board;
   b) outside the Board session voting "*Agree"* by at least a three-quarter majority of the members of the Board.
10. The course, primarily the course of the session or per rollam vote, and the result of each decision must be recorded in written and archived for at least 10 years from the day when decision is sent by the Board.

Article 6
Delivering to the Board

1. The following email address serves for delivering to the Board: data4HAIE@osu.cz.

Article 7
Data Eligibility acquisition

1. Each Data Applicant has an opportunity to acquire Data Eligibility according to the rules stipulated by this DO.
2. No Data Applicant is entitled to be refunded for any costs incurred in relation to Data Eligibility acquisition or maintaining.
3. The process of Data Eligibility acquisition consists of the following phases:
   a) Application submission.
   b) Application assessment.
   c) Decision of the Board about the application.
   d) Data Eligibility establishment.
   e) Data made accessible.

Article 8
Application submission

1. An application is effective only if completed properly, fully, and truthfully while properly delivered to the Board.
2. If the application is not effective, the Board must demand the Data Applicant for a correction action, primarily completion, while determining an appropriate period for the remedy.
3. Once the application is effective, the Board is obliged to inform the Data Applicant about the effectiveness within the period without unreasonable delay.
4. Each Data Applicant is entitled to withdraw the application until the Board sends its decision. The application ceases its effectiveness at the moment when the Data Applicant has properly delivered the application withdrawal to the Board.

Article 9
Application assessment

1. The Board must assess every application within 30 days after the day when the application became affective.
2. Form and extent of the application assessment must correspond with the application purpose.
3. The Board is always obliged to assess if Data Eligibility (not) provision is required by Data Regulations.

4. When assessing an application, the Board is entitled consider the following criteria, if it does not contradict the application purpose:
   a) Meaning of the research intention (question).
   b) Originality of the research proposal (design).
   c) Feasibility of the research proposal (design).
   d) Ethical dimension of the research and its overall extent and impact.
   e) Complying with recommendations for copyright based on the following author's duties:
      1. Considerable contribution to the work proposal or considerable contribution to the acquisition or analysis or interpretation of source data for the work.
      2. Proved activity (contribution or participation) on the work itself or its substantial revision.
      3. Responsibility for the decision about the final look of the work after making it public.
      4. Responsibility for considerable creative contribution to the overall look of the work.
      5. Capability to properly and in-time reaction to expert criticism and public response to the work. Primarily capability to respond to particular questions of experts and public regarding the validity and revision of work conclusions or used research methods.

Article 10
Decision about the application

1. The Board is obliged to decide about each application within 30 days following the day the application became effective.
2. The content of the decision of the Board must be unambiguous, either provision of Data Eligibility or not provision of Data Eligibility.
3. The Board is obliged to send its decision:
   a) in a written form;
   b) to the address (primarily email address) provided in the application;
   c) together with access data to the Data in case Data Eligibility is established at the moment of the Board decision delivery;
   d) together with a proposal of a licence contract proposal in case Data Eligibility is established at the moment of the licence contract conclusion.
4. The Board's decision is deemed to have been delivered after the third day following the date of sending dispatch.
5. The Board's decision is final and there is no remedial measure against it.

Article 11
Data Eligibility

1. Data Eligibility is solely governed by the legal system of the Czech Republic.
2. Matters related to Data Eligibility, primarily disputes, shall be brought before and decided upon only by courts of the Czech Republic.
3. Data Eligibility provider, primarily provider of a potential licence, is:

   University of Ostrava; ID no. 61988987; with registered office at: Dvořákova 7, 701 03 Ostrava, Czech Republic; public higher education institution established by Act no. 314/1991 Sb.; through its Faculty of Education.

4. The Data Eligibility acquirer is the Data Applicant if legal regulations and application content do not stipulate otherwise.
5. Data Eligibility is granted as non-exclusive so the provider can provide it to an unlimited number of other persons or bodies, or to no one. The provider is not obliged to announce the Data Eligibility acquirer the fact that Data Eligibility has been provided to another person or body.
6. Data Eligibility is without any territorial restrictions.
7. Data Eligibility is without any time restrictions. Data Eligibility to Database Data lasts for the period of the eligibility period of the provider as the acquirer of the database. However, Data Eligibility to Copyrighted Data lasts for the period of the eligibility period of the provider as an executor of this eligibility.
8. Data Eligibility is granted free of charge. Data Eligibility acquirer shall be responsible for its own costs for Data Eligibility acquisition and usage; the acquirer shall not be entitled towards the provider to claim any costs related to Data Eligibility.
9. The provider is not responsible to the acquirer for the fitness, usability, or suitability of the Data Eligibility for acquirer's interest, intention, purpose, plan, or expectations. This also holds if the acquirer has expressed its interest, intention, purpose, plan, or expectations (explicitly or implicitly) wherever and whenever in communication with the provider of the Board.
10. Every outcome that is based on any part (section) of the Data or is no matter how based on any part (section) of the Data or no matter how uses any part (section) of the Data must contain a dedication as follows:

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11. Data Eligibility is created in accordance with the rules stated in the following table:

Data Nature	Way of use	Data Eligibility Establishment
Data which is not a copyrighted work ***(Raw Data)***	Non-Commercial	Board's decision delivery
	Commercial	Licence contract conclusion
Data which is a copyrighted work, i.e. a database ***(Database Data)***	Non-Commercial	Board's decision delivery
	Commercial	Licence contract conclusion
Data which is a copyrighted work other than a database ***(Copyrighted Data)***	Non-Commercial	Licence contract conclusion
	Commercial	Licence contract conclusion

12. Commercial use of Data also means publishing a monograph with the intention to monetize, primarily by selling.
13. Data Eligibility does not include sub-licencing and allow the acquirer to sub-licence.
14. Data Eligibility was not established is Data access had been granted due to incomplete or incorrect information, primarily those provided by the Data Applicant or acquirer in the application or in communication with the Board. The Data Applicant and acquirer are then obliged to, immediately and within the determined period, irreversibly delete all copies of the acquired Data and refrain from using the Data anymore.
15. The rules stipulated in Paragraph 14 apply similarly to the right of the provider to withdraw from the concluded licence contract.
16. Rules stipulated in Paragraph 11 do not apply only if it is explicitly stipulated in a binding legal act (primarily a concluded licence contract), to which the UO is a party, or by a generally binding legal regulation.

Article 12
Data made accessible

1. The Board is obliged to make Data accessible to the Data Applicant by:
   a) delivering access data together with the Board's decision in case Data Eligibility is established at the moment of the Board decision delivery;
   b) within a determined period after a licence contract is concluded in case Data Eligibility is established at the moment of the licence contract conclusion.

Article 13
Concluding provisions

This DO becomes valid and effective on the day of its publication in the Portal of the UO

prof. Mgr. Daniel Jandačka, Ph.D., m.p.
Dean of the FoE UO

Appendices:
Appendix 1 List of the Board members, including stating cooperating research workers
Appendix 2 Template of Data Eligibility Application
Appendix 3 Template of Licence Contract

Processed by:
prof. Mgr. Daniel Jandačka, Ph.D.; Dean of the FoE UO; main investigator of 4HAIE/LERCO
Mgr. Bc. Jan Humpolík; lawyer

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