



ADDENDUM

Army Guide for the Preparation of a Program Product Data Management Strategy (DMS)

Transition to Technical Data Rights Strategy (formerly Data Management Strategy)

June 2012



EXECUTIVE SUMMARY

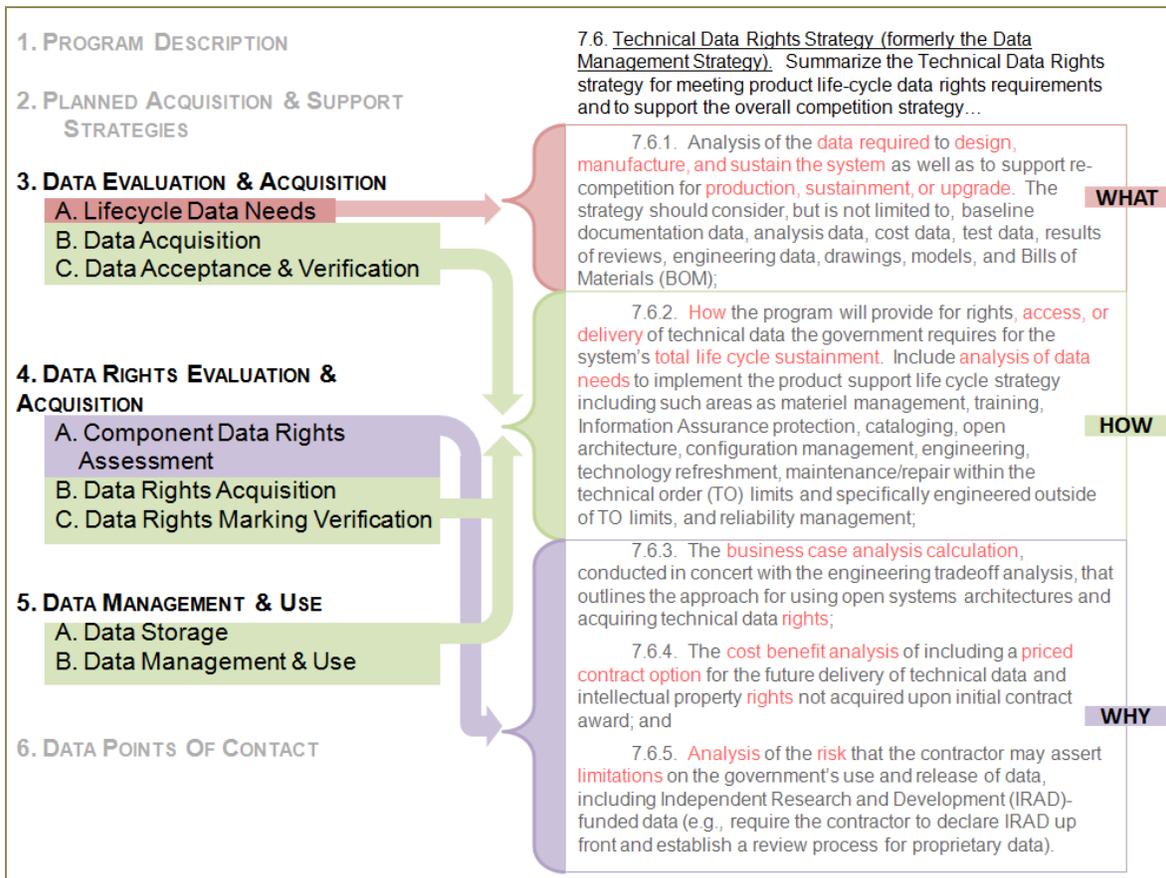
This document provides revised guidance for the preparation of an Army Data Management Strategy (DMS). A major update to the Army DMS Guide, planned for October 2012 release, will expand on the topics introduced by this addendum.

Portions of the current Army DMS guide were impacted by the April, 2011 release of an outline for the Technology Development Strategy/Acquisition Strategy (TDS/AS) by the Principal Deputy Under Secretary of Defense for Acquisition, Technology and Logistics PDUSD (AT&L).

The TDS/AS outline affected the Army DMS guidance by requiring additional content, changing how the information is structured, and by replacing the term “Data Management Strategy” with “Technical Data Rights Strategy (formerly Data Management Strategy).”

This addendum defines the Technical Data Rights Strategy (TDRS) content and structure, addresses the TDRS creation process, and provides interim guidance for performing data rights risk and cost-benefit analyses.

The contents of a TDS/AS are expected to be summaries of more detailed documents or plans including the TDRS. The figure below depicts the new Army TDRS structure and how the contents can be summarized into section 7.6 of the TDS/AS outline. The groupings do not mirror the TDS/AS structure but follow the Army’s process for creating a TDRS.



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1. PURPOSE

This addendum provides initial guidance for the preparation of a Technical Data Rights Strategy (TDRS) based on the contents and guidance for preparing an Army Data Management Strategy (DMS). This document includes new guidance for some subject areas and revises other content of the Army DMS Guide. A major update to the Army DMS Guide is under development and will completely address the preparation of a TDRS.

Revised guidance is necessary to align with the outline released for the Technology Development Strategy/Acquisition Strategy (TDS/AS) by the Principal Deputy Under Secretary of Defense for Acquisition, Technology and Logistics PDUSD (AT&L).

The TDS/AS outline impacted the Army DMS guidance by requiring additional content, changing how the information is structured, and by replacing the term "Data Management Strategy" with "Technical Data Rights Strategy (formerly Data Management Strategy)."

Paragraphs 2 through 4 of this document provide background information which led to the DMS being redefined as a TDRS. Paragraphs 5 and 6 cover the preparation process and the new content requirements for the TDRS. Paragraph 7 then describes how the TDRS content can be summarized into section 7.6 of the TDS/AS.

2. REFERENCES

A. Memorandum, 14 November 2011, Data Management and Technical Data Rights

The Acting Assistant Secretary of the Army (Acquisition, Logistics and Technology) issued implementation direction regarding data and data rights.

B. Memorandum, 20 April 2011, Document Streamlining-Program Strategies and Systems Engineering Plan)

The Principal Deputy Under Secretary of Defense for Acquisition, Technology and Logistics PDUSD (AT&L) defined an outline for the preparation of a program Technology Development Strategy or Acquisition Strategy (TDS/AS).

C. Memorandum, 9 September 2010, Data Management Strategy (DMS) Guidebook and Worksheet

The Office of the Assistant Secretary of the Army (Acquisition, Logistics and Technology) released guidance on the preparation of a Data Management Strategy. This guidance included reference information on data and data rights as well as procedures and tools to assist programs in the preparation of a DMS.

D. Army Guide for the Preparation of a Program Product Data Management Strategy (DMS), August 2010

The Army DMS Guide was released with Reference C and provided detailed guidance on product data and how to prepare a Data Management Strategy.

3. BACKGROUND

The Principal Deputy Under Secretary of Defense for Acquisition, Technology and Logistics PDUSD (AT&L) released an outline in April, 2011 (Reference 2.B.) to be used for a program Technology Development Strategy or Acquisition Strategy (TDS/AS).

Section (7.6) of the TDS/AS outline is for data related subjects. It impacted the current Army DMS guide by requiring additional content, changing how the information is structured, and by replacing the term “Data Management Strategy” with “Technical Data Rights Strategy (Formerly the Data Management Strategy.” **Figure 1** shows the data related content of the TDS/AS outline.

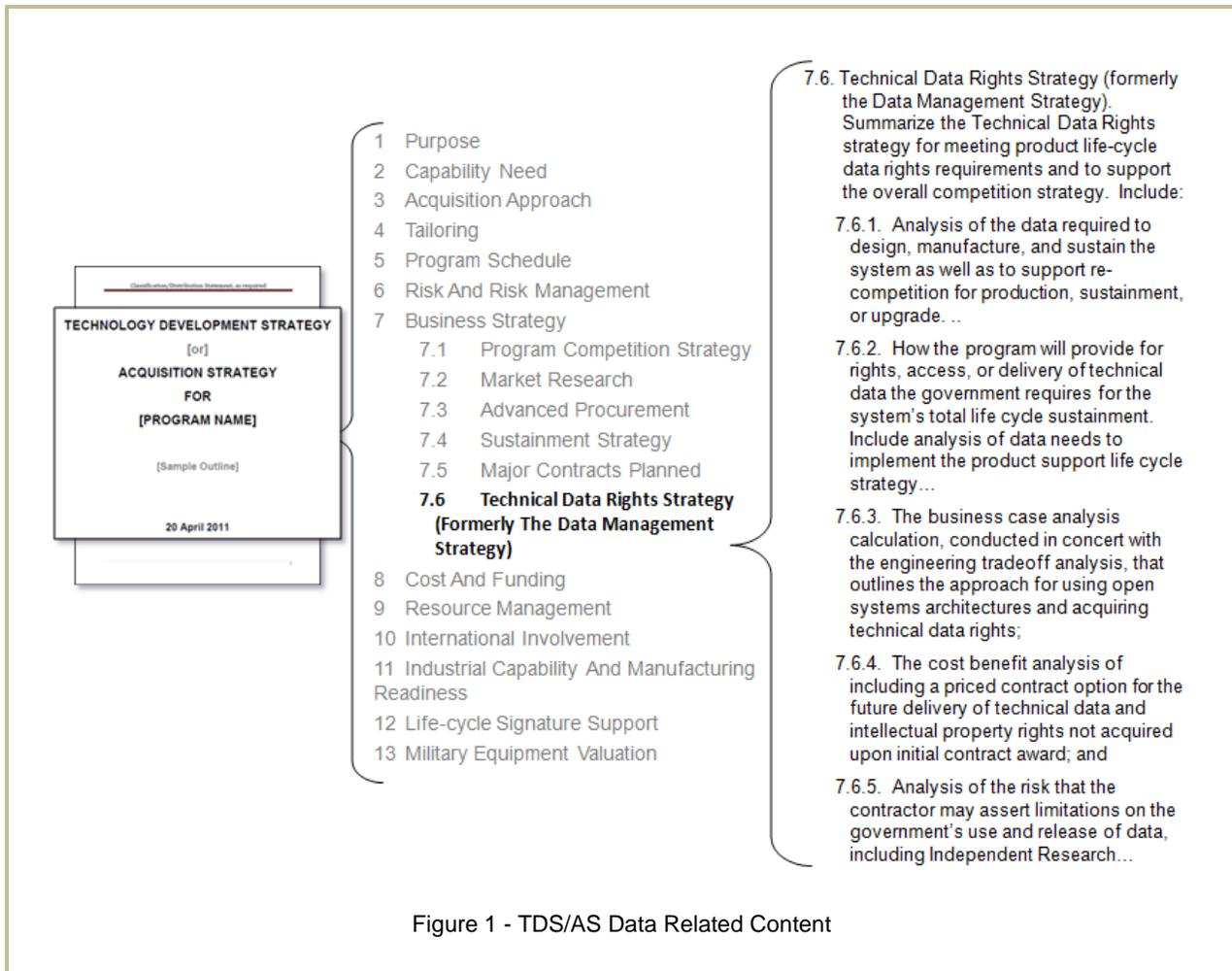


Figure 1 - TDS/AS Data Related Content

Because of the changes outlined above, it became obvious that the Army DMS format and content and the Army DMS guide would require revisions. A major update to the DMS Guide is under development with an expected release date of October, 2012.

The intention of the name change from “Data Management Strategy” to “Technical Data Rights Strategy” is unknown. However, the sub-sections within 7.6 do address both data and data rights subjects.

This addendum defines the new TDRS content and structure, addresses the TDRS creation process, and provides interim guidance for performing data rights risk and cost-benefit analyses. It also cross-references the content of the original DMS guide to the new TDRS format.

4. DATA MANAGEMENT STRATEGY NAME CHANGE TO TECHNICAL DATA RIGHTS STRATEGY

This addendum obsoletes the title “Data Management Strategy (DMS)” and replaces it with “Technical Data Rights Strategy (formerly Data Management Strategy)”.

The new Army TDRS is the result of combining the content from the previously defined Army Data Management Strategy and the content from section 7.6 of the TDS/AS outline. The content is grouped into three major sections: Lifecycle Data Evaluation & Acquisition, Data Rights Evaluation & Acquisition, and Data Management & Use. These groupings reflect a logical organization of the topics and follow the Army process defined for creating a TDRS.

Figure 2 depicts the name change and introduces the six section structure and content of the new TDRS. The colored squares denote the approximate level of change from the old DMS to the new TDRS. Red indicates a new requirement, yellow a moderate revision, and green no change.

Specific guidance on the content of the new TDRS is addressed in paragraph 6 of this document.

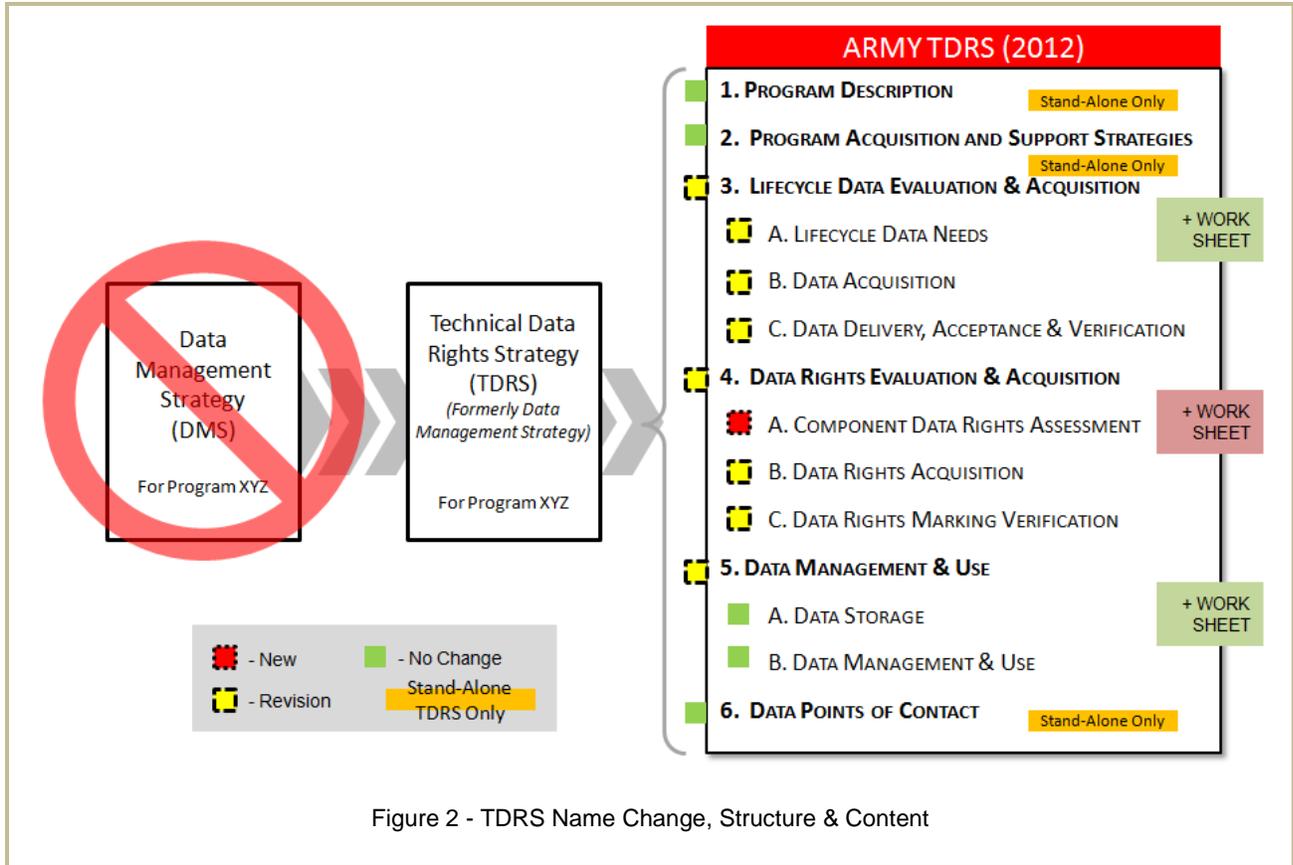


Figure 2 - TDRS Name Change, Structure & Content

5. TECHNICAL DATA RIGHTS STRATEGY (TDRS) CREATION/UPDATE

Like the DMS, the TDRS should be created or updated prior to each program milestone. This creation should be a collaborative effort within the program Integrated Product Team and with other subject matter experts. This group needs to understand the program acquisition approach, product support strategy, and what data and data rights currently exist before creating or updating the program TDRS.

The basic structure of the new TDRS was outlined in paragraph 4. The content should follow the guidance put forth in this addendum and the Data Management Strategy Guide, (reference 2.D). A template for the new TDRS is at Appendix A. A table cross referencing the new TDRS sections with applicable portions of the DMS Guide is at Appendix B.

Once the program TDRS is complete, its contents should be summarized in the TDRS section of the TDS/AS. Section 7.6 of the outline states *“Summarize the Technical Data Rights strategy for meeting product life-cycle data rights requirements and to support the overall competition strategy.”*

Paragraph 7 of this addendum offers guidance on how to summarize the TDRS contents into the TDS/AS.

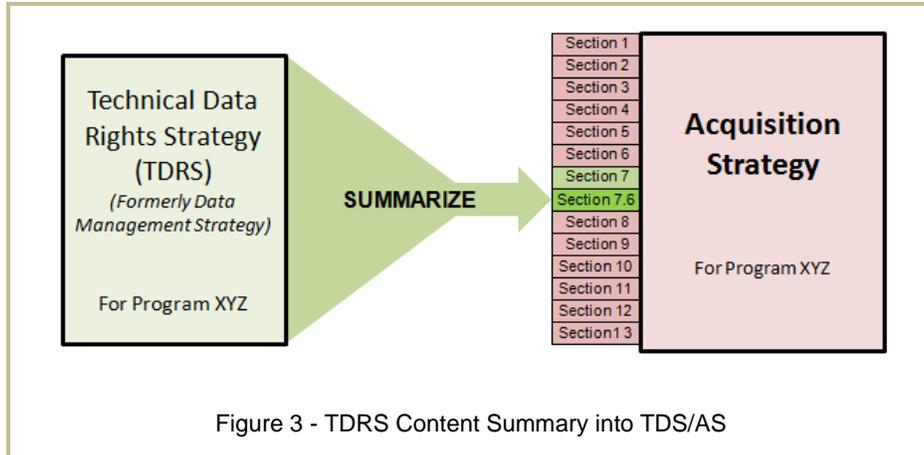


Figure 3 - TDRS Content Summary into TDS/AS

6. TECHNICAL DATA RIGHTS STRATEGY (TDRS) CONTENT

This paragraph discusses the detailed changes in structure and content from the DMS to the new TDRS. The most significant changes are in the newly titled sections called **Lifecycle Data Evaluation & Acquisition**, and **Data Rights Evaluation & Acquisition**. These areas are then divided into the categories of identify/assess, acquire, and verify. In other words, what data and data rights does the program need for its entire lifecycle? How should these needs be met? How will the Government verify that the needs were met? The Data Management & Use section is not really new, but divides the DMS guide content into two sections, **Data Storage** and **Data Management & Use**.

Figure 4 shows the sections of the new TDRS. The paragraphs below describe the content of each TDRS section and references relevant material from the DMS Guide. Appendix B assembles all of the cross references into a single table.

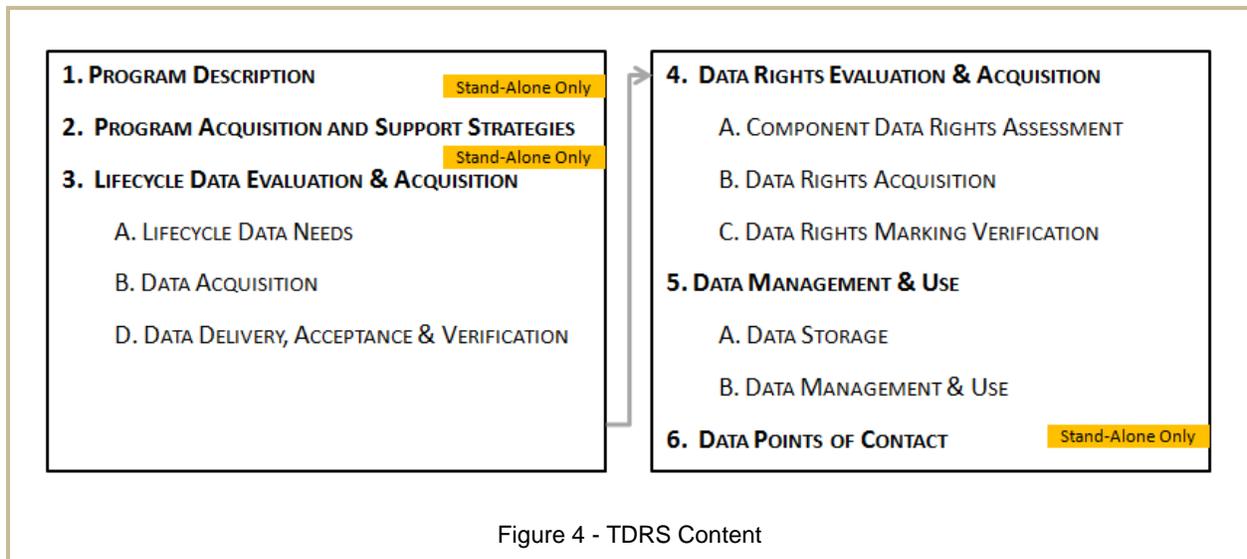


Figure 4 - TDRS Content

A. Section 1 - PROGRAM DESCRIPTION

There is no change from the old DMS for this section. Provide a brief description of the program, the design concept, current and upcoming acquisition phases. Highlight any subject areas which may significantly impact the program data/data rights acquisition and management. This section should NOT be summarized in the TDS/AS as these subjects are covered elsewhere in that document.

B. Section 2 - PROGRAM ACQUISITION AND SUPPORT STRATEGIES

There is no change from the old DMS for this section. Summarize the planned acquisition approach and product support strategies for the program. This section should NOT be summarized in the TDS/AS as these subjects are covered elsewhere in that document.

C. Section 3 - LIFECYCLE DATA EVALUATION & ACQUISITION

This section focuses on the DATA and is a combination of the data subjects contained in the old DMS. The section addresses how the required data will be identified, acquired, verified, and accepted.

The data to be included is Product Definition Information (Requirements, Design, Performance, etc.), Operational Information (Operation, Maintenance, Disposal, etc.), and Associated Information (Product Verification, Configuration Management, etc.).

Basic question to be addressed:

- (i) *What data is needed (and when) to competitively support the program over its entire lifecycle?*
- (ii) *How will the data be acquired? Are there Data Item Descriptions (DIDs) for all the data to be acquired?*
- (iii) *How will the data be delivered and reviewed to ensure compliance with the contractual requirements for data quality?*

*DMS Guide
References*

*2.1.1 Data Categories/Definitions
(Page 6)
Appendix A – Program Lifecycle
Data Requirements*

*2.2 Step 2 – Data & Data Rights
Acquisition (Page 11)
Appendix D – Data Formats*

*2.3 Step 3 – Data Management &
Use (Page 17)
Appendix E – Data Delivery*

[Link to Data Acquisition Chart](#)

[Link to DMS Cross Reference Info for TDRS Section 3](#)

D. Section 4 - DATA RIGHTS EVALUATION & ACQUISITION

This section focuses on DATA RIGHTS and combines a number of separate sections from the old DMS. This material is new and therefore does not reference any specific portions of the DMS Guide. The material is divided into three subject areas:

- Identifying data rights needs, anticipated or known restrictions, and developing courses of action to mitigate them
- Ensuring data rights are acquired by the Government
- Verifying delivered data markings are in accordance with the contract agreements

E. Sub-Section 4.A - Component Data Rights Assessment

This sub-section is almost entirely new and addresses components identified as having data rights restrictions which will affect the proposed program plans.

The Department of Defense "Better Buying Power" initiatives require all programs to remove obstacles to competition. A primary obstacle to competition is insufficient or restricted technical data rights.

Data Rights are license agreements between the data originator and the Government about the legal usage of specific sets of data. The data rights assessment gathers information on what the Government needs to do and what the Government can legally do. The Government's "needs" are defined by gathering all of the relevant information from the program strategies and understanding what the program plans are for the component's acquisition/purchase (system and spare parts), installation, training, and maintenance. The Government's "legal" uses may be restricted by the underlying intellectual property rights, e.g., copyrights and trade secrets, and the corresponding data rights licenses for the component. Program success is dependent on the alignment of these uses.

The term "component" refers to any item or assembly at which data rights restrictions are, or could be, imposed (i.e. the "black box"). The accurate identification and data rights assessment of the components normally requires a product work breakdown structure. The first question to address is:

- (i) *What components are not expected to or do not meet the program data rights needs based on information gathered from the Acquisition approach, Support Strategy?*

A component's data rights restrictions can be grouped into three categories: **Existing rights**, **Anticipated rights**, and **Asserted rights**. Existing rights would normally apply to an existing design and the data rights have already been defined. Anticipated rights are estimates of what data rights restrictions might be imposed on the Government. Asserted rights are those declared by a contractor when they respond to a Government issued Request for Proposal. Anticipated rights will require a risk analysis to properly address the variability of the estimates.

The Government may already have acquired or negotiated data rights that meet the program needs. As such, no further analysis would be unnecessary. However, the previously negotiated data rights agreements may not meet the program needs and further analysis and negotiations would be warranted.

Figure 5 shows an imbalance where the Government needs exceed the currently defined legal uses for a specific component (a.k.a. “restricted”). EACH data rights restricted component identified by question (i) becomes the focus of the remaining steps in section 4.A.

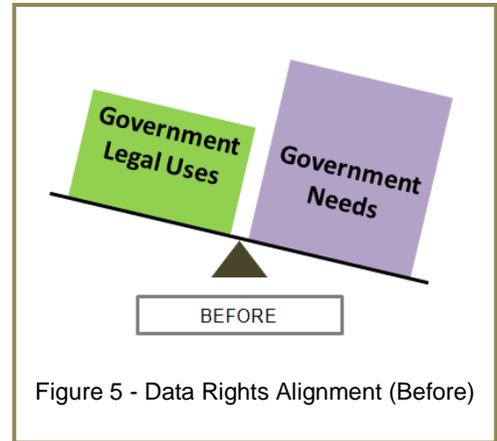


Figure 5 - Data Rights Alignment (Before)

Once a data rights imbalance is identified, it is prudent for the Government to identify potential courses of action to align the Government needs and legal uses. Therefore, the next question is:

- (ii) *What potential courses of action could be taken to address the imbalance between the Government’s needed uses and the Government’s legal uses for each restricted component?*

Therefore, it is necessary to first identify a range of actions that could be taken to achieve a balance. Potential courses of action include: a) Challenging the restricted data rights assertion, b) Negotiating costs for additional data rights, or c) Accepting the data rights restriction and revising the program acquisition and/or support strategies. Any combination of these and other actions can be taken. Once defined, it is necessary to recommend which one is the best for the program and the Government.

Now that the various courses of action have been identified for a data restricted component, it is possible to determine which one is the best by performing a component Data Rights Cost-Benefit Analysis. Therefore, the question is:

- (iii) *Of the potential courses of action for each restricted component, which is the best based on business analysis case techniques?*

The goal of this step is to determine the best course of action to align the legal and needed uses for a component. **Figure 6** shows the end result for two basic scenarios. The first solution depicts the Government negotiating with the data originator for additional legal uses of the data to align with our needed uses. The second solution depicts the Government adjusting the acquisition and/or support strategies to align with the existing legal uses.

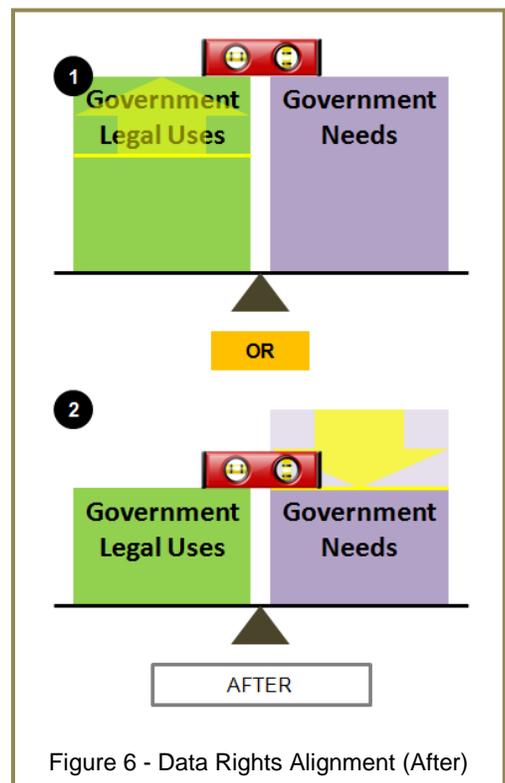


Figure 6 - Data Rights Alignment (After)

A number of business case or cost-benefit analysis guides have been released. However, they do not seem to adequately address the very specific issues and variables involved with data rights. Army representatives are currently developing cost-benefit analysis guidance specifically for data rights. The intent is to include it with the major update planned for October 2012.

Anticipated variables for these calculations will include: quantity of components to be acquired, estimated or known cost of component from the restricted source, estimated or known cost of data rights necessary to competitively procure the component, and estimated or known cost of procuring the component from competitive sources. Additional complexity for the calculations is introduced by the range of program strategies (acquisition, repair, maintenance, training, etc.) which would be impacted by the data rights restriction.

Once the optimal data rights plans of action have been determined, the program must take steps to implement them. As a minimum, the data rights assessment results and plans of action should be included in the TDS/AS.

Until definitive guidance on performing a data rights business case or cost-benefits analyses is issued, programs are encouraged to contact their legal and data management representatives for guidance.

[Link to Data Rights Analysis Chart](#)

[Link to DMS Cross Reference Info for TDRS Section 4.A](#)

F. Sub-Section 4.B - Data Rights Acquisition

In order to ensure all data rights issues are clearly defined or identified, statements of work must be properly worded, contracts must include appropriate data-related clauses and contract data requirements lists, and contractor proposals must include data rights assertions. Attention to these tasks will improve the Government’s negotiating position if/when additional data rights are needed.

Basic question to be addressed:

- (i) *What contract clauses are needed to ensure appropriate data rights?*
- (ii) *How the Government will require contractors to document the basis for their data rights assertions?*

***DMS Guide
References***

2.2 Step 2 – Data & Data Rights Acquisition (Page 11)

Appendix C – DFARS Contract Clauses for Data Rights

2.2.1 Data Rights Assertions (Page 12)

Appendix B – Government Data Rights Procedures Background Information

Basic question to be addressed:

*DMS Guide
References*

(iii) *If needed, how does the Government plan to acquire/fund any additional data rights?*

2.2 Step 2 – Data & Data Rights Acquisition (Page 11)

Appendix H - Required Resources and Risk Assessment

(iv) *How will the Government ensure agreement on all data costs and data rights prior to or at time of contract award?*

NONE

[Link to Data Acquisition Chart](#)

[Link to DMS Cross Reference Info for TDRS Section 4.B](#)

G. Sub-Section 4.C - Data Rights Marking Verification

Just like verifying data quality, it is also necessary to verify that the data delivered under contract is marked in accordance with the data rights agreements established by the contract. This step is usually performed when the data itself is delivered to the Government for review and acceptance.

Basic question to be addressed:

*DMS Guide
References*

(i) *How will the delivered data markings be reviewed to ensure compliance with the negotiated data rights?*

2.3 Step 3 – Data Management & Use (Page 17)

Appendix F – Data Storage and Maintenance

[Link to Data Acquisition Chart](#)

[Link to DMS Cross Reference Info for TDRS Section 4.C](#)

(Continued)

H. Section 5 - DATA MANAGEMENT & USE

This section addresses how the data will be stored, managed, and used after it has been accepted by the Government.

Basic question to be addressed:

(i) *How and where will the data be stored?*

(ii) *How will the data be maintained, exchanged/used, and shared?*

*DMS Guide
References*

*2.3 Step 3 – Data Management & Use
(Page 17)*

*Appendix F – Data Storage and
Maintenance*

*2.3 Step 3 – Data Management & Use
(Page 17)*

*Appendix G – Life Cycle Access and Use
of Data*

[Link to DMS Cross Reference Info for TDRS Section 5](#)

I. Section 6 - DATA POINTS OF CONTACT

List the persons knowledgeable about the TDRS content. This section should NOT be summarized in the TDS/AS as these subjects are covered elsewhere in that document.

7. SUMMARIZING TDRS CONTENT IN THE TDS/AS

Once the TDRS is complete, it should be summarized in the program TDS/AS. **Figure 7**, depicts where the contents of the TDRS should be summarized in the TDS/AS.

Authors are encouraged to utilize a consistent writing style to support a readable and comprehensible TDS/AS. There are no instructions regarding how the information should be formatted in section 7.6.

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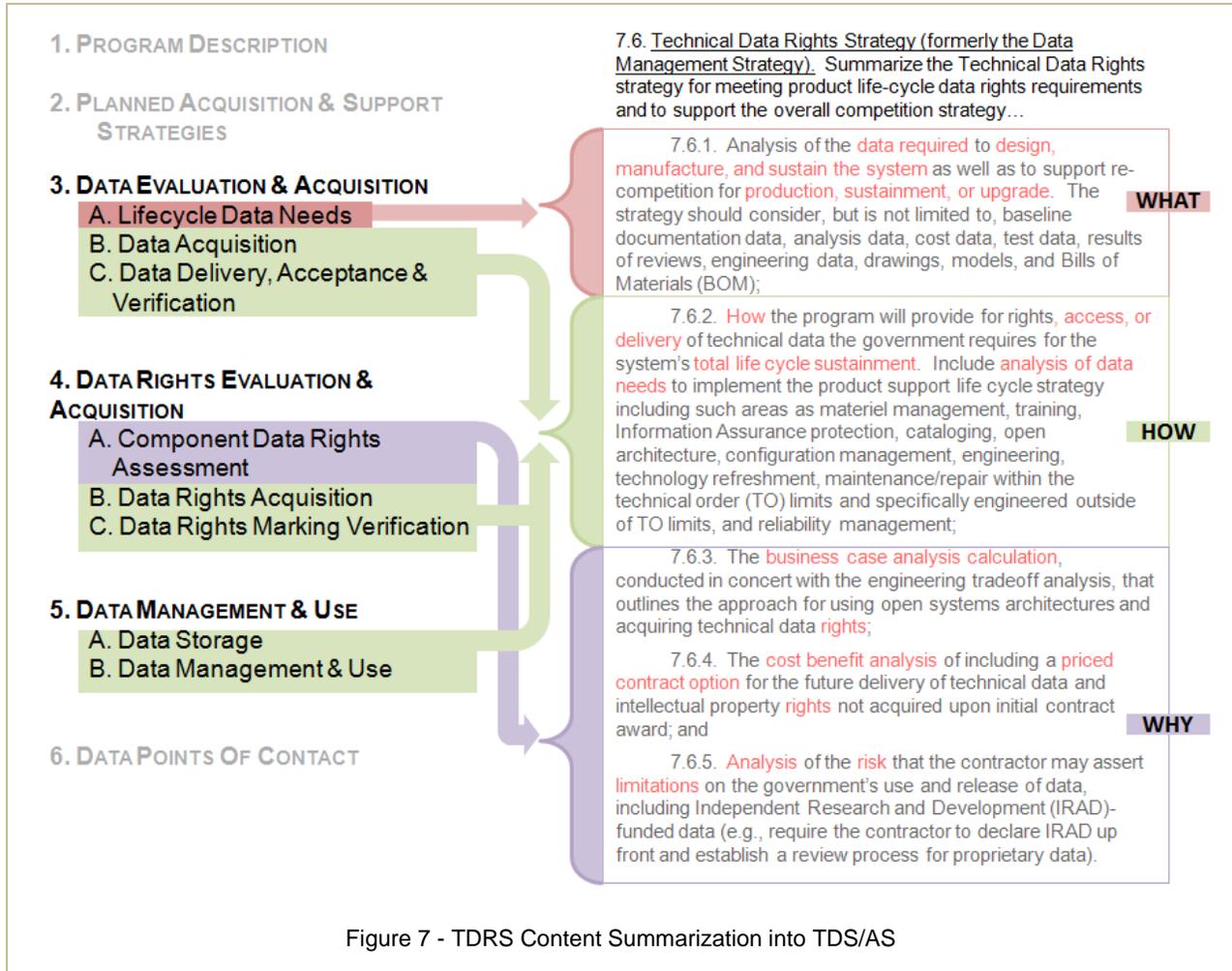


Figure 7 - TDRS Content Summarization into TDS/AS

Appendix A - *Technical Data Rights Strategy Template*

_____ Program Technical Data Rights Strategy (formerly Data Management Strategy)

1. PROGRAM DESCRIPTION

(Provide a brief description of the program, the design concept, current and upcoming acquisition phases, and highlight any subject areas which may significant impact the program data/data rights acquisition and management.)

2. PLANNED ACQUISITION AND SUPPORT STRATEGIES

(Summarize the planned acquisition approach and product support strategies.)

3. DATA EVALUATION & ACQUISITION

(How the required data will be identified, acquired, verified, and accepted. Required data to be included is Product Definition Information (Requirements, Design, Performance, etc.), Operational Information (Operation, Maintenance, Disposal, etc.), and Associated Information (Product Verification, Configuration Management, etc.).)

A. Lifecycle Data Needs

(What data is needed (and when) to competitively support the program over its entire lifecycle?)

B. Data Acquisition

(How will the data be acquired? Are there Data Item Descriptions (DIDs) for all the data to be acquired?)

C. Data Delivery, Acceptance & Verification

(How will the data be delivered and reviewed to ensure compliance with the contractual requirements for data quality?)

4. DATA RIGHTS EVALUATION & ACQUISITION

(Identify components with data rights restrictions and determine the best courses of action for each, taking steps to ensure the appropriate data rights are acquired, and then verifying that the delivered data is marked in accordance with the contract agreements).

A. Component Data Rights Assessment

(What components do not meet the program needs based on information gathered from the Acquisition approach, Support Strategy and the existing, anticipated, or asserted Data Rights? What potential courses of action could be taken to address the imbalance between the

Government's needed uses and the Government's legal uses? Of the potential courses of action for each component, which is the best based on business analysis case techniques?)

B. Data Rights Acquisition

(What contract clauses are needed to ensure appropriate data rights? How will the Government require contractors to document the basis for their data rights assertions? If needed, how does the Government plan to acquire/fund any additional data rights? How will the Government ensure agreement on all data costs and data rights prior to or at time of contract award?)

C. Data Rights Marking Verification

(How will the data markings be reviewed to ensure compliance with the negotiated data rights?)

5. DATA MANAGEMENT & USE

(Define how the data will be stored, managed, and used after it has been accepted by the Government?)

A. Data Storage

(How and where will the data be stored?)

B. Data Management & Use

(How will the data be maintained, exchanged/used, and shared?)

6. DATA & DATA RIGHTS POINTS OF CONTACT

(List the persons knowledgeable about the TDRS content.)

Appendix B - *TDRS Cross-Reference to DMS Guide & Appendices*

Table referencing areas of the current Army Data Management Strategy Guide which apply to specific sections of the new TDRS.

(Use Alt-Left Arrow to go back to document)

TDRS Template Reference	DMS Guide Reference Information	DMS Guide Appendices Reference Information
1. PROGRAM DESCRIPTION	Refer to Program Strategies and Plans	-
2. PLANNED ACQUISITION & SUPPORT STRATEGIES	Refer to Program Strategies and Product Support Strategy	-
3. DATA EVALUATION & ACQUISITION	-	Appendix I – DMS Worksheet Tool (Data Management Sheet)
3.A. Lifecycle Data Needs	2.1.1 Data Categories/Definitions (Page 6)	Appendix A – Program Lifecycle Data Requirements
3.B. Data Acquisition	2.2 Step 2 – Data & Data Rights Acquisition (Page 11)	Appendix C – DFARS Contract Clauses for Data Rights Appendix D – Data Formats
3.C. Data Delivery, Acceptance & Verification	2.3 Step 3 – Data Management & Use (Page 17)	Appendix E – Data Delivery
4. DATA RIGHTS EVALUATION & ACQUISITION	2.1.2 Data Rights Needs and Options (Page 7)	Appendix I – DMS Worksheet Tool (Data Rights Sheet)
4.A. Component Data Rights Assessment	2.2.1 Data Rights Assertions (Page 12) 2.2.2 Risk Assessment/Risk Management – Part 1 (Page 15) 2.3.1 Risk Assessment/Risk Management – Part 2 (Page 18)	Appendix B – Government Data Rights Procedures Background Information Appendix H – Required Resources and Risk Management

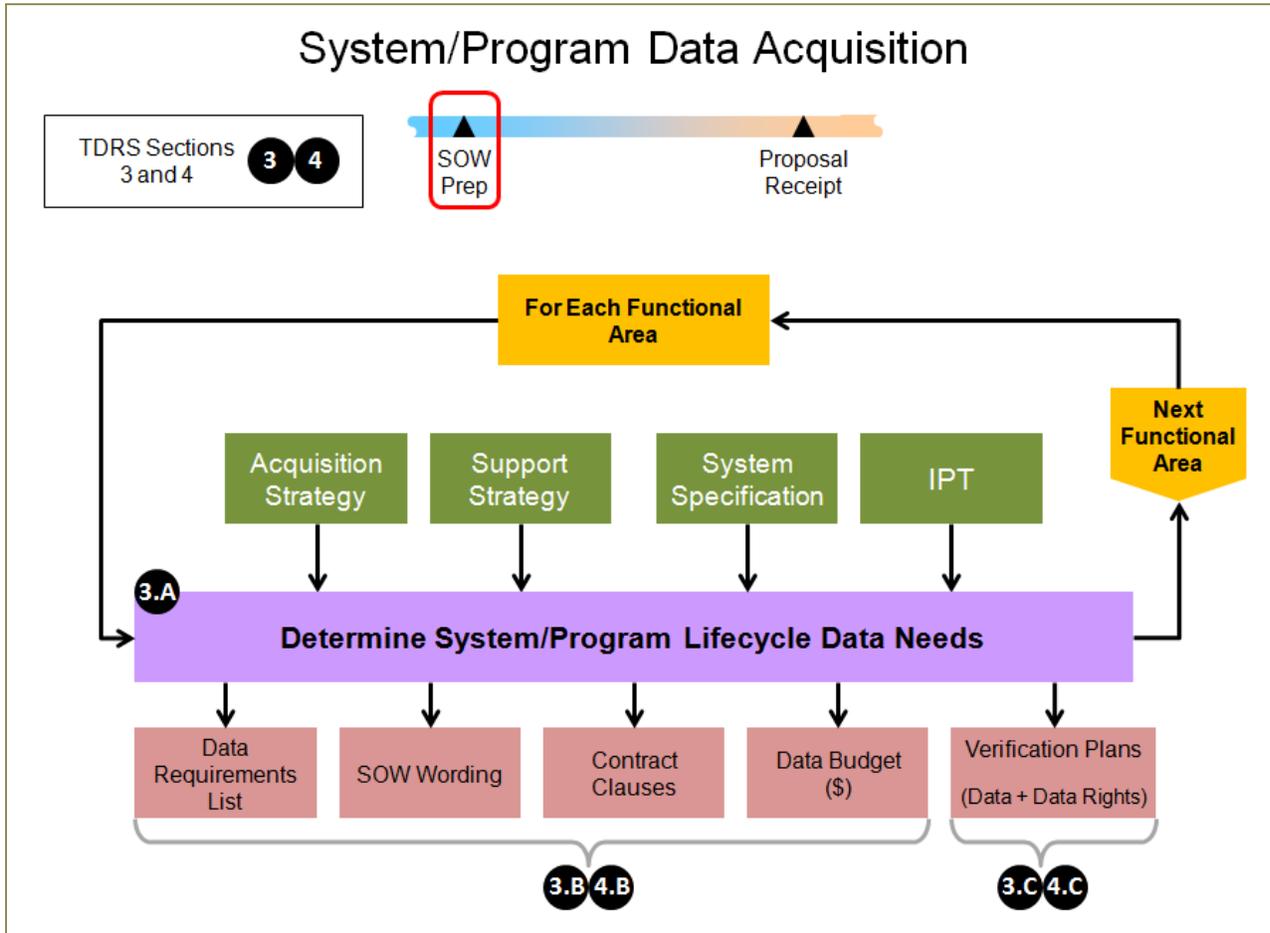
TDRS Template Reference	DMS Guide Reference Information	DMS Guide Appendices Reference Information
4.B. Data Rights Acquisition	2.2 Step 2 – Data & Data Rights Acquisition (Page 11)	Appendix B – Government Data Rights Procedures Background Information Appendix C – DFARS Contract Clauses for Data Rights
4.C. Data Rights Marking Verification	-	Appendix E – Data Delivery
5. DATA MANAGEMENT & USE	-	Appendix I – DMS Worksheet Tool: Data Management Assessment
A. Data Storage	2.3 Step 3 – Data Management & Use (Page 17)	Appendix F – Data Storage and Maintenance Appendix H - Required Resources and Risk Assessment
B. Data Management & Use	2.3 Step 3 – Data Management & Use (Page 17)	Appendix G – Life Cycle Access and Use of Data
7. DATA POINTS OF CONTACT	Self-explanatory	-

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Appendix C - *Component Data Acquisition Flowchart*

A graphical depiction of the steps to address sections 3 and 4 of the TDRS

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Appendix D - *TDRS Component Data Rights Analysis Flowchart*

A graphical depiction of the steps to address section 4.A of the TDRS

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