

DRAFT: Informatics Export Control Procedures

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The text below is intended to go on a webpage, and link to the Export Control Due Diligence webform. It is inspired by the Ethics procedure webpage.

1 Introduction

[Acknowledgement: text in this section adapted from Keith Edwards' Export Control Due Diligence document]

The UK Government (like most governments) want to control the export of 'sensitive' materials and technology. This concept is rather broadly construed, but the focus is on material/technology which could help 'the wrong people' develop Weapons of Mass Destruction (WMD's), modern weapons systems in general, or things which facilitate acts of terrorism. This includes a large number of 'dual-use' items, whose primary purpose is not military/weapons related, but which could play a role in the development of such systems, e.g. centrifuge technology developed for medical research can also be used in the uranium enrichment process.

In most cases, the things you wish to export will not be controlled, but for some categories of material/technology and/or some destinations, exporting is simply illegal and you could be subject to criminal prosecution if caught doing it. For controlled categories, exporting would require a licence.

Exporting isn't just shipping packages overseas: unsecured electronic transfers, whether by email or upload to a website/repository, file sharing and allowing downloads from overseas are also exports; taking material overseas on a laptop or giving someone else material to take overseas is also exporting, even if the material isn't going to be shared with anyone else; technical discussions held, e.g. from your office via phone/Zoom/Skype with someone overseas could also be exporting. Sending project deliverables to an overseas project sponsor/partner; submitting a publication to an overseas conference review committee and uploading software to an overseas repository (even if you intend public access under an open source licence) are all examples of exporting.

If you are potentially exporting hardware, software, data or technical information—whether as Principal Investigator of a research collaboration, supervisor of a studentship or student project, consultant to industry or simply a researcher wishing to collaborate with academics or students overseas, you need to be aware of your personal responsibility for export control compliance and you need to ensure that any staff/students working under you are also aware of their responsibility for it.

The Informatics Export Control Due Diligence process is in place to ensure that all staff and students who might be involved in exporting materials are aware of their personal responsibility for compliance with the University's policy and procedures for Export Control and Sanctions, which reflect UK legal requirements.

Non-compliance with export control and sanctions legislation is a serious criminal offence and can result in very significant financial penalties or custodial sentences of up to 10 years for the individuals concerned, as well as constituting a disciplinary offence in University terms. Please be sure you understand this point—the regulations apply to the person doing the exporting, not merely their employer, i.e. to individual staff and/or students, not merely to the University.

2 Export Control due diligence via online form

The online form at <http://???> will take you through a number of questions to determine if you are exporting, if UK sanctions apply, if end-use controls apply, if exemptions apply, if the research is subject to export control, or if US extra-territorial export control regulations apply.

If any of these prompts raise issues, you will be asked to discuss the case further with the School Export Control Champion (currently Keith Edwards).

Here is a PDF version of the form [\[link to pdf\]](#). This is for your information only. Don't worry if it looks long. In the online version, the form branches extensively, so that you don't need to complete parts which are not relevant to you and your project.

3 Timeline for completing Export Control due diligence

Rationale: It had been suggested that Export Control due diligence could be carried out post-award. This would reduce the volume of work, as not all proposals are successful. However, it was recognised that due consideration of export control issues needs to take place at the time the proposal is written, as it may need to be redesigned to address issues raised.

Proposed research	When EC review is sought	Responsible researchers
PhD projects	Annual year report	Supervisor and student
Post-doc fellowships	Submission of funding proposal	Post-doc mentor
Any form of funded research for which there is a proposal	Submission of funding proposal	PI
Research performed by a visitor	When the visit is approved	Staff hosting the visitor
Personal research for which there is no proposal	Before research starts	Individual conducting the research

It is assumed that UG and MSc projects do not normally need export control review, as the work would generally not meet the definition of sensitive technology.

The section below is not for inclusion in the webform.

4 Resource implications

1. It will be necessary to implement a webform, similar to the Ethics form, for Export Control Due Diligence.
2. Tracking of correspondence about specific cases will require use of a request tracker (RT) system (similar to the Ethics process).
3. The other important issue is the availability of staff to handle the queries. The School Export Control Champion (ECC) is only one person, in contrast with the Ethics committee. However, there is no one else that currently has the necessary expertise in SoI. Work by the ECC to discuss relevant issues with each Institute should help streamline the process.