

**GOVERNMENT REGULATION**  
**No. 267**

of 29 May 2002

**on the Information System of Research and Development**

The Government directs under Section 39 of Act No. 130/2002 Coll. on the Support of Research and Development from Public Funds and on the Amendment to Some Other Related Acts (the Act on the Support of Research and Development) (hereinafter referred to as “the Act”) to implement Section 31 (2), (3) (7) (9) and (12) and Section 32 (1) to (4) of the Act:

**Section 1**  
**Definition of Terms**

For the purpose of this Act

- a) the **activity** shall mean data concerning the programme or data concerning the type of grant project;
- b) the **identification code** shall mean data unambiguously describing in the Information System of Research and Development (hereinafter referred to as “the Information System”) the public tender in research and development, the research and development project (hereinafter referred to as “the project”), the research objective, or the results created in compliance with those rules laid down by the Administrator of the Information System<sup>1</sup> (hereinafter referred to as “the Administrator”);
- c) the **dispatch note** shall mean a document confirmed by the grantor and containing data specified by the Administrator which unambiguously identifies files of data and information about the result of a check up procedure carried out to control the completeness of data submitted and links among such data (hereinafter referred to as “the data control”).

**Section 2**  
**The Data of the Central Records of Research and Development Projects**

(1) The data of the Central Records of Research and Development Projects shall include

- a) the identification code of the relevant project, its name in the Czech and English languages, and the activity;
- b) basic data on the receiver and co-receiver, being:

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<sup>1</sup> Section 35 (2) (c) of Act No. 130/20002 Coll., on the Support of Research and Development from Public Funds and on the Amendment to Some Other Related Acts (the Act on the Support of Research and Development)

1. the business company or the name of the company or the name and surname or the code of the organisational body of the Czech Republic or a self-governing territorial unit; an identification number, if it was assigned; the seat or permanent residence address and the place where business activities are undertaken; the legal form of a legal person; with regard to a legal person which cannot have an identification number, the country where it is registered; the address in the public information network (the Internet address); and an e-mail address, if any; and
  2. data on the organisational body, internal organisational unit or its part authorised under a special legal regulation<sup>2</sup>, establishment deed, foundation deed, or any other document on the establishment or foundation to execute rights and duties concerning the project or its part completion, if any, or
  3. the name, surname, academic and scientific degrees, if any (hereinafter referred to as “degrees”), the birth identification number, and the permanent residence address of a natural person; provided that such a person is not a citizen of the Czech Republic then his/her name and surname, degrees, nationality and birth identification number or, if such a number was not assigned, his/her date of birth; the address in the public information network /the Internet address) and e-mail address, if any;
- c) basic data on a natural person responsible to the receiver for the professional level of the project, or on a natural person responsible to the co-receiver for project completion or other natural persons participating in the project; such data being the name, surname, degrees and birth identification number; if such a person is not a citizen of the Czech Republic then his/her name and surname, degrees, nationality and birth identification number or, if such a number was not assigned, his/her date of birth; and e-mail addresses or the telephone numbers of those persons stipulated in the preceding part of the sentence;
- d) the time limit for project completion, the period during which the Contract on the Provision of a Subsidy for the Support of the Selected Project (hereinafter referred to as “the Contract on the Provision of Support”) shall be in effect or the Decision on the Provision of a Subsidy for the Support of the Selected Project (hereinafter referred to as “the Decision on the Provision of Support”) shall be enforceable, the commencement and termination dates for providing targeted support, the status of the project being solved or its justification, and information on amendments to the Contract on the Provision of Support or the Decision on the Provision of Support, both in the Czech and English languages;
- e) the subject and goals of project completion, the research and development discipline and the division of the project under Section 2 (1) of the Act, in the

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<sup>2</sup> Act No. /1998 Coll. on Universities and on the Amendment and Supplement to Some Other Acts (the Act on Universities), as amended by Act No. 210/2000 Coll. and Act No. 147/2001 Coll., Act No. 219/2000 Coll. on the Property of the Czech Republic and Its Representation in Legal Relations as amended by Act No. 492/2000 Coll., Act No. 229/2001 Coll., Act No. 501/2001 Coll. and Act No. 320/2001 Coll., Act No. 218/2000 Coll. on the Budgeting Rules and on the Amendment to Some Other Acts (the Budgeting Rules) as amended by Act No. 493/2000 Coll., Act No. 141/2001 Coll., Act No. 187/2001 Coll., Act No. 320/2001 Coll., and Act No. 450/2001 Coll., the Commercial Code.

Czech and English languages;

- f) the allowable costs of the project broken down into individual items, the amount of targeted support which may be broken down into individual items, for the whole time limit determined for project completion and also for each year of project completion;
- g) the identification code of the public tender in research and development if the Contract on the Provision of Support is entered into or the Decision on the Provision of Support is issued in compliance with the result of the public tender in research and development;
- h) data on other projects and research objectives in which the receiver is involved and which are included in the Information System and address similar issues;
- i) a brief evaluation of the project by the grantor, in the Czech and English languages, after the project is completed;
- j) a definition of the protection of data provided according to special legal regulations<sup>3</sup> (hereinafter referred to as “the degree of data confidentiality”);
- k) data specified by the Administrator unambiguously identifying the transferred data file;
- l) other data relating to the support of research and development covered from public funds stipulated by special legal regulations<sup>4</sup> or international commitments of the Czech Republic.

(2) If the Contract on the Provision of Support or the Decision on the Provision of Support relates to more than one receiver then data under paragraph 1 (b), (c), (f) and (h) shall be given for each of the receivers. If more than one co-receiver are involved in project completion then data under paragraph 1 (b), (c) or (f) respectively shall be given for each of them.

### **Section 3**

#### **The Data of the Central Records of Research Objectives**

The data of the central records of research objectives shall include:

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<sup>3</sup> For example Act No.148/1998 Coll. on the Protection of Classified Information and on the Amendment to Some Other Acts, as amended by Act No. 164/1999 Coll., Act No. 18/2000 Coll., Act No. 29/2000 Coll., Act No. 30/2000 Coll., Act No. 363/2000 Coll. and Act No. 60/2001 Coll. and the Judgement of the Constitutional Court No. 322/2011 Coll., the Commercial Code, Act No. 101/2000 Coll. on the Protection of Personal Data and on the Amendment to Some Other Acts as amended by Act No. 227/2000 Coll., Act No. 177/2001 Coll., Act No. 450/2001 Coll. and Act No. 107/2002 Coll., Decree No. 244/1998 Coll. on the Details of Setting up and Marking the Degree of Information and Procedures When Creating, Recording, Transferring, Transporting, Lending, Storing, Otherwise Manipulating and Destroying Classified Documents as amended by Decree No- 338/1999 Coll. and Decree No. 391/2001 Coll.,

<sup>4</sup> For example Act. No. 218/2000 Coll. as amended, Act No. 250/2000 Coll. on the Budgeting Rules of Regional Budgets as amended by Act No. 320/2001 Coll., and Act No. 450/2001 Coll.

- a) the identification code of the respective research objective, its name in the Czech and English languages, and its activity;
- b) basic data on the receiver, which is as follows:
  - 1. the business company or the name of the company or the name and surname or the code of a organisational body of the Czech Republic or a self-governing territorial unit; the identification number, if it was assigned; the seat or permanent residence address and the place where business activities are undertaken; the legal form of a legal person; with regard to a legal person which cannot have an identification number, the country where it is registered; the address in the public information network (the Internet address) and an e-mail address, if any; and
  - 2. data on the organisational body, internal organisational unit or its part authorised under a special legal regulation<sup>2</sup>, establishment deed, foundation deed, or any other document on establishment or foundation to execute rights and duties concerning the completion of the research objective, if any,
- c) basic data on a natural person responsible to the receiver for the professional level of the project or other natural persons participating in the project; such data being the name, surname, degrees and birth identification number; if such a person is not a citizen of the Czech Republic then his/her name and surname, degrees, nationality and birth identification number or, if such a number was not assigned, his/her date of birth; and e-mail addresses or telephone numbers of the persons stipulated in the preceding part of the sentence;
- d) the time limit for the completion of the research objective, the period during which the Contract on the Provision of a Subsidy for the Support of the Selected Project (hereinafter referred to as “the Contract on the Provision of Support”) shall be in effect or the Decision on the Provision of a Subsidy for the Support of the Selected Project (hereinafter referred to as “the Decision on the Provision of Support”) shall be enforceable, the commencement and termination dates for providing targeted support, the status of the project or its justification, and information on any amendments to the Contract on the Provision of Support or the Decision on the Provision of Support, both in the Czech and English languages;
- e) the subject and goals of project completion, the research and development discipline and division of the project under Section 2 (1) of the Act, in the Czech and English languages;
- f) the allowable costs of the project broken down into individual items, the amount of targeted support, which may be broken down into individual items, for the whole time limit determined for project completion and also for each year of completion of a research objective;
- g) data on other projects and research objectives in which the receiver is involved and which are included in the Information System and address similar issues;

- h) a brief evaluation of the research objective by the grantor, in the Czech and English languages, after the relevant research objective is completed;
- i) the degree of data confidentiality;
- j) data specified by the Administrator unambiguously identifying the transferred data file;
- k) other data relating to the support of research and development covered from public funds stipulated by special legal regulations<sup>4</sup> or international commitments of the Czech Republic.

#### **Section 4**

### **The Data of the Information Register of Results**

The data of the Information Register of Results shall include:

- a) the identification code of the respective results and their title in the Czech and English languages and in the language in which such results were published (hereinafter referred to as “the original language”);
- b) the identification code of at least one project or one research objective through which the results were achieved;
- c) basic data under Section 2 (1) (b) and Section 3 (b) hereof on the receiver who achieved the respective results;
- d) the total number of authors, originators, or other natural persons involved in achieving the results and having similar rights to the results<sup>5</sup> (hereinafter referred to as “creators”); of these the number of creators who were in labour-law relation to the receiver;
- e) the names, surnames and birth identification numbers of the creators and, if they are not the citizens of the Czech Republic, their names, surnames and birth identification numbers, or if such numbers were not assigned, their dates of birth;
- f) the names of the creators listed in the publication or in any other kind of results;

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<sup>5</sup> For example Act No. 121/2000 Coll., on Copyright and Rights Relating to Copyright and on the Amendment to Some Other Acts (the Copyright Act),, Act No. 527/1990 Coll. on Inventions and Innovations, as amended by Act No. 519/1991 Coll., Act No. 116/2000 Coll., and Act No. 207/2000 Coll.; Act No. 529/1991 Coll. on the Protection of Topography of Semi-conduct Products, as amended by Act No. 116/2000 Coll., Act No. 478/1992 Coll., on Applied Patterns, as amended by Act No. 116/2000 Coll., Act No. 206/2000 Coll., on the Protection of Biotechnological Inventions and on the Amendment to Act No. 113/1998 Coll. on the Protection of Rights to New Plant Species and Animal Breeds, as amended by Act No. 93/1996 Coll.; Act No. 207/2000 Coll., on the Protection of Industrial Patterns and on the Amendment to Act No. 527/1990 Coll., on Inventions, Industrial Patterns and Innovations as amended, Act No. 408/2000 Coll. on the Protection of Rights to Plant Species and on the Amendment to Act No. 92/1996 Coll., on Varieties, Seeds and Seedlings of Grown Plants, as amended (the Act on the Protection of Rights to Varieties of Plants)

- g) the type of results ( publications, product demonstrations carried out by direct actions, results protected under a special legal regulation<sup>5</sup>, or results released to the market); only in the event of results containing classified information under a special legal regulation<sup>6</sup> is a research report also considered to be a type of results;
- h) description of the results in the Czech, English, and original languages;
- i) data specifying given results in full detail;
- j) the discipline of the results of research and development;
- k) data on application of results application under Section 31 (6) of the Act including the year for application of results;
- l) the degree of data confidentiality;
- m) data specified by the Administrator unambiguously identifying the submitted data file;
- n) other data relating to the support of research and development covered from public funds stipulated in special legal regulations<sup>4</sup> or international commitments of the Czech Republic.

## **Section 5**

### **Data Included in the Records of Public Tenders in Research and Development**

Data included in the records of public tenders in research and development shall include:

- a) basic data on the public tender in research and development which is as follows:
  1. the identification code of the public tender in research and development, and the activity;
  2. with regard to the programme, the date on which it was approved by the Government, the Government Resolution number, and the year(s) of commencement and termination of the programme;
  3. the name and goal of the subject of the public tender in research and development, in the Czech and English languages;
- b) data on the grantor who is awarding the public tender in research and development;
- c) data concerning the awarding and terms and conditions of the public tender in research and development, which is as follows:

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<sup>6</sup> For example Act. 148/1999 Coll., as amended, Decree No. 244/1998 Coll., as amended, Decree No. 56/1999 Coll., on Security of the Secured Information Systems Maintaining Classified Information, Ensuring Their Certification and Requirements for Certificates.

1. the date of publication of the public tender in research and development in the Commercial Journal, the dates of the beginning and the end of the of the public tender time limit and the time limit for its evaluation, and the assumed commencement date for project completion;
  2. the manner in which draft projects in the Czech and English languages will be submitted;
  3. the manner in which the results of the public tender in research and development will be published, in the Czech and English languages;
  4. the total amount of targeted support specified by the contracting authority for the subject of the public tender in research and development and its itemization in individual years;
  5. the terms and conditions of the public tender in research and development including reasons for non-acceptance (rejection) and exclusion of draft projects from this public tender, criteria for evaluating draft projects and requirements for investigating the qualifications/competence of the applicant, in the Czech and English languages;
  6. the place where documents concerning the public tender may be obtained, the place, form and time for submitting draft projects, and information on the name, seat, telephone, e-mail address and fax number of the grantor or a person authorised to organise the public tender in research and development;
  7. other information sources on the public tender in research and development;
- d) data on evaluating the public tender in research and development, which is as follows:
1. the number of draft projects delivered, the number of draft projects accepted, the number of draft projects which shall be, on the basis of a Decision made by the grantor under Section 21 (7) of the Act, provided targeted support;
  2. the total approved amount of targeted support and its itemisation in individual years;
  3. in the event that the public tender in research and development is cancelled, the date and the reasons for its cancellation, in the Czech and English languages;
- e) data specified by the Administrator unambiguously identifying the submitted data file;
- f) other data relating to the support of research and development covered from public funds stipulated in special legal regulations<sup>4</sup> or international commitments of the Czech Republic.

## Section 6

## **The Procedure to Be Observed by the Grantor When Providing Data on Published Public Tenders in Research and Development and Their Evaluation**

(1) Prior to publishing any public tender in research and development on the basis of which the grantor shall provide target support from his/her budget chapter, the grantor shall forward to the Operator and Administrator of data elements and codes of the Information System (hereinafter referred to as “the Operator”)<sup>7</sup> valid data in the scope specified by the Administrator under Section 5 (a) to (c) and (f) hereof. The grantor shall forward to the Operator such data in wording corresponding to the wording of data published in the Commercial Journal.

(2) If the data on the published public tender in research and development submitted under paragraph 1 is modified, the grantor shall forward new valid data to the Operator in the form of a complete data file forwarded in the relevant year not later than 10 working days prior to the day which was determined in the previous data file as the date for publishing this public tender in research and development.

(3) The grantor shall forward the data stipulated in paragraphs 1 and 2 or the data on evaluation of the public tender in research and development under Section 5 (d) hereof to the Operator using the equipment specified by the Administrator for processing and transmitting data on information media together with a dispatch note. The dispatch note shall be forwarded in hard copy or in electronic form as a signed data message under a special legal regulation.<sup>8</sup>

(4) The grantor shall always prior to forwarding the data to the Operator check up on such data using a valid version of programme means provided by the Operator.

### **Section 7**

#### **The Procedure to Be Observed by the Receiver when Providing Data on Projects and Research Objectives and Their Results**

(1) The receiver shall meet the obligations under Section 12 (1) and (4) of the Act through the grantor to whom the receiver shall forward the data on projects or research objectives and the data on their results in the form and within the time limit specified by the grantor under Section 31 (3) of the Act and under special legal regulations<sup>3</sup>.

(2) If the Contract on the Provision of Support or the Decision on the Provision of Support is modified the receiver shall provide the grantor with the valid data in the form and within the time limit specified by the grantor.

(3) In the event that data which is not subject to the Contract on the Provision of Support or the Decision on the Provision of Support, or is not subject to the grantor’s approval the grantor shall ensure that the valid data is transferred to the Information System on the basis of the receiver’s notification forwarded to the grantor as hard copy or in electronic form as a signed data message under a special legal regulation<sup>8</sup>.

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<sup>7</sup> Section 2 (d) of Act No. 365/2000 Coll., on Information Systems of Public Administration and on the Amendment to Some Other Acts.

<sup>8</sup> Section 2 (c) and Section 3 of Act No. 227/2000 Coll., on the Electronic Signature and on the Amendment to Some Other Acts (the Act on the Electronic Signature)



## **Section 8**

### **The Procedure to Be Observed by the Receiver When Forwarding Data on Projects and Research Objectives and Their Results**

(1) Prior to the provision of targeted support or institutional support the grantor shall forward to the Operator valid data in the scope specified by the Administrator under Sections 2 and 3 hereof on projects and research objectives for which support of research and development is being provided from public funds in the relevant calendar year from the grantor's budget chapter and within the time limits stipulated under Section 31 (4) of the Act. The only exception is data on project or research objective assessments under Section 2 (1) (i) and Section 3 (h) hereof, and valid data on actual costs of the project or research objective, which the grantor shall forward to the Operator within six months from the beginning of the calendar year following the year when the relevant project or research objective is closed.

(2) The grantor shall forward to the Operator data on the results of all projects or research objectives supported from the budget chapter of the grantor in the scope specified by the Administrator under Section 4 hereof within the time limit stipulated in Section 31 (6) of the Act.

(3) The grantor shall forward to the Operator valid data on the projects or research objectives being solved or on their results which were changed during the given calendar year, within the time limit stipulated in Section 31 (5) of the Act, in the form of a complete data file submitted within the calendar year in question.

(4) Whilst forwarding data under paragraphs 1 to 3 the provisions stipulated in Section 6 (3) and (4) hereof shall be adhered to accordingly.

## **Section 9**

### **The Procedure to Be Observed When Entering Data Forwarded by the Grantor into the Information System**

(1) The Operator shall include in the Information System only data forwarded by the grantor using the procedure stipulated in Section 6 (3) and (4) or in Section 8 (4) and (5) hereof or, if the subject of the project completion or research objective is classified information, using a procedure stipulated by special legal regulations<sup>6</sup>.

(2) The Operator shall notify the grantor on the inclusion of the data in the Information System in writing using hard copy or electronic form as a signed data message under a special legal regulation<sup>8</sup> within the time limit specified in Section 31 (8) of the Act.

(3) The Operator shall return to the grantor and shall not include in the Information System a data file forwarded to the Information System showing errors revealed by a valid version of software when checking the data or if the data does not meet the requirements stipulated by the Act and special legal regulations<sup>3</sup>. The Operator shall inform the grantor of

the aforementioned facts and their respective reasons using hard copy or through electronic form as a signed data message, under a special legal regulation<sup>8</sup> within the time limit corresponding to the time limit for the inclusion of the data into the Information System.

(4) The Operator shall observe the Operational Rules of the Information System which shall be developed and approved by the Administrator after they are discussed with administrator of the relevant budget chapters.

## **Section 10**

### **The Manner of and Time Limits for the Provision of Data from the Information System**

(1) The Operator shall not disclose data on a public tender in research and development through the public information network earlier than on the date which the Operator is informed by the grantor shall be the date published in the Commercial Journal under Section 5 (c) (1) and Section 6 hereof.

(2) The operator shall provide valid data from the Information System:

a) to the general public under Section 31 (11) (a) of the Act as follows:

1. data on the public tender in research and development, to be published not earlier than on the date on which the respective tender is published, meaning on the date specified by the grantor in the last data file forwarded to the Operator;
2. data on the evaluation of a public tender in research and development within 30 calendar days from the date on which such data is included in the Information System;
3. data on projects or research objectives and data on the results of projects and research objectives within 30 calendar days from the date on which such data is included in the Information System;

b) to the grantor through electronic mail or through the public information network within 30 calendar days from the date of delivery of the request or its clarification;

c) to the receiver in hard copy, on electronic media, through electronic mail or the public information network within 30 calendar days from the date of delivery of the request or its clarification;

d) to the Ministry of Education, Youth and Sports and to the Administrator through electronic mail or the public information network within 30 calendar days from the date of delivery of the request or its clarification;

e) to other entities under Section 31 (11) (e) of the Act using the procedure stipulated in letter (c) unless special legal regulations or international commitments of the Czech Republic stipulate otherwise the manner and time limits for providing such data.

(3) A request under paragraph 2 (b) to (d) may be submitted as hard copy or through electronic mail as a signed data message under a special legal regulation<sup>8</sup>. In the event that such a request is unintelligible or it is not clear what data is requested and in what form, or if the request is formulated too generally, the Operator shall call upon the person making such request within a period of seven calendar days from the delivery of the request to clarify it. If the person making the request does not clarify the request within 30 calendar days the Operator shall not be obliged to provide the data requested.

## **Section 11 Joint Provisions**

(1) When maintaining, making accessible, forwarding or otherwise processing personal data, a special legal regulation shall be observed.<sup>9</sup>

(2) The Provisions of Section 2, 5 and 6, Section 10 (1) and Section 10 (2) (a), (1) and (2) hereof shall not apply to a public tender in research and development under Section 1 (1) (a) (3) of Act awarded under a special legal regulation<sup>10</sup>.

## **Section 12 Effect of This Regulation**

This Regulation shall come into effect on 1 July 2002.

Prime Minister  
Ing. Zeman.p

Deputy Prime Minister:  
JUDr. Rychetsky m.p

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<sup>9</sup> Act No. 101/2000 Coll. on the Protection of Personal Data and on the Amendment to Some Other Acts, as amended.

<sup>10</sup> Act No. 199/1994 Coll., on Awarding Public Tenders as amended by Act No. 148/1996 Coll., Act No. 93/1998 Coll., Act No. 28/2000 Coll., Act No. 256/2000 Coll., Act No. 39/2001 Coll., Act No. 142/2001 Coll. and Act No. 130/2002 Coll.