

THE UNDER SECRETARY OF DEFENSE

3010 DEFENSE PENTAGON
WASHINGTON, DC 20301-3010



ACQUISITION,
TECHNOLOGY
AND LOGISTICS

JUL 19 2007

MEMORANDUM FOR SERVICE ACQUISITION EXECUTIVES

SUBJECT: Data Management and Technical Data Rights

Technical data – recorded information used to define a design and to produce, support, maintain, or operate the system – is critical to the life-cycle sustainment of any system. Given that many of our systems may remain in the defense inventory for decades following acquisition, technical data decisions made during the acquisition process can have far reaching implications over the life span of the system. Consequently, to ensure thoughtful and rigorous data management and data rights strategies are effectively integrated with program planning, I direct the following policy be implemented.

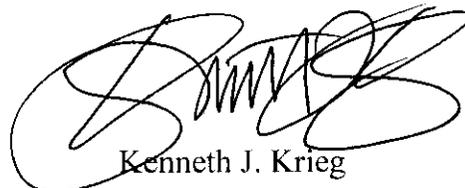
Program Managers for Acquisition Category (ACAT) I and II programs, regardless of planned sustainment approach, shall assess the long-term technical data needs of their systems and reflect that assessment in a Data Management Strategy (DMS). The DMS shall:

- Be integrated with other life cycle sustainment planning and included in the Acquisition Strategy.
- Assess the data required to design, manufacture and sustain the system as well as to support re-competition for production, sustainment or upgrade.
- Address the merits of including a priced contract option for the future delivery of technical data and intellectual property rights not acquired upon initial contract award and shall consider the contractor's responsibility to verify any assertion of restricted use and release of data.

The DMS shall be approved in the context of the Acquisition Strategy prior to issuing a contract solicitation.

This policy responds to section 802 of the John Warner National Defense Authorization Act for FY 2007, Public Law No. 109-364. All Acquisition Strategies for ACAT I and II programs reviewed or updated subsequent to this date will reflect this policy. The policy will be included in the next revision of DoDI 5000.2 and associated business practice included in the Defense Acquisition Guidebook.

My point of contact is Mr. Chuck Silva, ODUSD/L&MR (Material Readiness and Maintenance Policy), at 703-604-1075.



Kenneth J. Krieg



cc:

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