

Open Health Tools

Due Diligence Procedures for Committers

In-house Development

Content that is developed by Open Health Tools, or under contract with Open Health Tools will be committed to the CVS frequently during the development process. In this situation, Committers need to ensure that the code does not include any code copied from any other source what-so-ever, without approval of the OHT-MO. In addition, implementations of third party APIs or standards need to be approved by the OHT-MO.

Receiving contributions

IMPORTANT NOTE: Committers should never accept a contribution received via private e-mail. It is important that all contributions are received through one of the channels described above to ensure that all necessary licenses are granted and that there is a public, timestamped, and archived record of the submission. In addition, it is important that all contributions come from Contributors who have registered, so that Open Health Tools has the coordinates of the Contributors of all the IP on the site – and that there is a Contributor Employer Consent Form on file for that Contributor.

Appropriateness of Contributions

A Committer cannot always assume that contributed content can be freely used or redistributed. Committers are obligated to ensure the appropriate due diligence has been completed before incorporating and redistributing content received from others. The process for performing due diligence depends on whether the contribution is deemed to be a “significant” one. A "significant" contribution is a substantial amount of code or content that introduces major new functionality into the code base, or any code or module which will be distributed under any license other than the EPL. If necessary, the OHT-MO can assist in determining whether a contribution should be classified as “significant.”

For “significant” contributions, the following four steps should be used in determining if the contributed content is suitable for committing to an Open Health Tools project,

- The Contributor must be Verified with a [Contributor Employer Consent Form](#) on file – as defined above.
- The PMC must approve of the content’s suitability for the Open Health Tools project. The analysis performed by the PMC is usually one of a purely technical nature.
- The Committer, with assistance from one or more Verified Contributors, must complete the [Open Health Tools Contribution Questionnaire](#).
- The OHT-MO must approve the contribution. This decision will be based upon the OHT-MO’s due diligence review of the contribution’s content and licensing as described in the [Open Health Tools IP Policy](#).

For simple bug fixes and minor enhancements contributed under the Open Health Tools Terms of Use, PMC and OHT-MO approval is not required. However, the Committer is expected to ensure the appropriateness of the contribution and its availability for redistribution and modification by the Open Health Tools. There are many factors in making this determination, including things like license compatibility, confidentiality, copyright rights, patents, export control laws, no profanity, acceptable standards of code quality and coding style, etc. If a Committer has any concerns on these topics, he or she should seek assistance from the OHT-MO.

If the contribution has any “legal” terms or conditions associated with it whatsoever (other than a simple statement saying the contribution is licensed under the EPL) the contribution must be approved by the appropriate PMC before being utilized . Possible “legal” terms or conditions include anything referring to “copyright”, “patent”, “trade secret”, “confidential”, “license” or “rights,” or any other language purporting to grant or reserve any rights to use or distribute the contribution, or limit public distribution of the contribution. The PMC (with assistance from the OHT-MO as necessary) will determine if the “legal” language is consistent with the EPL as applicable.

Given the amount of time required to complete the due diligence process on these packages, the Committer should allow sufficient time for the appropriate due diligence to be completed before committing the code to the repository.

Cryptography

If the contribution is known or is believed to contain any type of encryption or decryption software, the contribution must be approved by the appropriate PMC before being utilized.

Open Health Tools will apply for an Export Commodity Control Number (ECCN) from the U.S. Government Department of Commerce, Bureau of Export Administration, to ensure that the code is deemed eligible for export. However, the classification that we seek will not permit cryptanalytic functionality, such as a cryptographic codebreaker. It is the Committer’s obligation to ensure that the content does not contain functionality that would require a change in export classification.

Any modifications, additions or removal of cryptographic code, should be brought to the PMC’s attention.

Any Contributions containing Cryptography should have information regarding the Cryptography documented in the “About” file for the plug-in that will contain the Contribution. The Committer should work with the OHT-MO to ensure the About file has the appropriate documentation before the contribution is committed to the CVS repository.

Code Quality and Style

Each project may have its own standards for quality and style. However, any profanity found in the code or its comments are considered unacceptable and should be removed before the content is contributed. For more details on the project's standards, please consult with the PMC.

Legal Documentation

It is very important that all content contains the correct legal documentation. Please read the Guide to Legal Documentation for Open Health Tools.

If you require assistance in preparing any of this documentation, contact your PMC or the OHT-MO. All legal documentation should be approved by the OHT-MO prior to committing the content.

Third-Party Content

There are cases where content redistributed at Open Health Tools is not received as a contribution under the EPL. Rather, the content was obtained from another source and is redistributed under another license. The most common case is a Committer who wishes to redistribute content maintained by another open source project, outside of the Open Health Tools. Examples of packages currently being redistributed by Eclipse (and which would likely meet Open Health Tools' distribution criteria) are projects maintained by [The Apache Software](#), [Mozilla](#), [GTK+](#), [JUnit](#), and [JCraft](#).

Before any such package can be redistributed by Open Health Tools, the Committer must contact the PMC for a decision on whether the package's functionality is required and accepted for the project. Once the PMC approves the contribution, the PMC must contact the OHT-MO to:

- Obtain approval from the OHT-MO regarding the compatibility of the contribution's license with the EPL, and
- Initiate the due diligence review by the OHT-MO.

Once the OHT-MO has approved the package, the OHT-MO will work with the Committer to prepare the appropriate legal documentation.

Tracking Contributions

Tracking of each contribution within a project is very important from a legal point of view. As well, it allows for the appropriate acknowledgement of each Contributor. Currently at Open Health Tools this information about each contribution is typically maintained within the standard copyright and license notice contained within the source files. However, it is advisable that each project maintain a Project Log file to track the summary information about each contribution and links to related bug reports within a

project. A well maintained Project Log file will be a valuable piece of information during the due diligence and preparation of a major release of a project. To find out about the Project Log file related to your project, contact your PMC.

Summary

To avoid downstream problems, it is necessary to exercise the appropriate due diligence. In addition to these specific standards, the organization relies on Committers to exercise their own judgment with respect to other factors that may deem the contribution to be inappropriate for use. If a Committer has doubts about the appropriateness of the contribution for any reason, then that Committer should investigate and consult with the applicable PMC, who will call on or direct you to legal resources if necessary.