



**DEPARTMENT OF DEFENSE**

**Defense Acquisition Regulations System**

[Docket Number DARS-2026-0002]; OMB Control Number 0704-0369

**Information Collection Requirement; Defense Federal Acquisition Regulation Supplement; Rights in Technical Data and Computer Software**

**AGENCY:** Defense Acquisition Regulations System; Department of Defense (DoD).

**ACTION:** Notice.

**SUMMARY:** The Defense Acquisition Regulations System has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

**DATES:** Consideration will be given to all comments received by [INSERT 30 DAYS FROM DATE OF PUBLICATION].

**ADDRESSES:** Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to <https://www.reginfo.gov/public/do/PRAMain>. Find this particular information collection by selecting "Currently under 30-day Review - Open for Public Comments" or by using the search function.

You may also submit comments, identified by docket number and title, by the following method: Federal eRulemaking Portal: <https://www.regulations.gov>. Follow the instructions for

submitting comments.

**FOR FURTHER INFORMATION CONTACT:** Mr. Reginald T. Lucas, 571-372-7574, or *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil*.

**SUPPLEMENTARY INFORMATION:**

*Title and OMB Number:* Defense Federal Acquisition Regulation Supplement (DFARS) Subpart 227.71, Rights in Technical Data, and Subpart 227.72, Rights in Computer Software and Computer Software Documentation, and related provisions and clauses of the Defense Federal Acquisition Regulation Supplement (DFARS); OMB Control Number 0704-0369.

*Type of Request:* Extension of a currently approved collection.

*Affected Public:* Businesses or other for-profit and not-for-profit institutions.

*Respondent's Obligation:* Required to obtain or retain benefits.

*Frequency:* On occasion.

*Number of Respondents:* 46,534.

*Responses Per Respondent:* 9, approximately.

*Annual Responses:* 427,717.

*Average Burden Per Response:* 1.6 hours, approximately.

*Annual Response Burden Hours:* 647,484.

*Annual Recordkeeping Burden Hours:* 55,841.

*Total Annual Burden Hours:* 703,325.

*Needs and Uses:* DFARS subparts 227.71 and 227.72 prescribe

the use of solicitation provisions and contract clauses containing information collection requirements that are associated with rights in technical data and computer software. DoD needs this information to implement 10 U.S.C. 3771-3775, Rights in technical data, and 10 U.S.C. 3781-3786, Validation of proprietary data restrictions. DoD uses the information to recognize and protect contractor rights in technical data and computer software that are associated with privately funded developments; and to ensure that technical data delivered under a contract are complete and accurate and satisfy contract requirements. DoD has revised the estimated burden due to use of more current data and correction of mathematical errors.

DoD uses the following DFARS provisions and clauses in solicitations and contracts to require offerors and contractors to identify and mark data or software requiring protection from unauthorized use, release, or disclosure in accordance with 10 U.S.C. 3771-3775:

252.227-7013, Rights in Technical Data—Other Than Commercial Products and Commercial Services.

252.227-7014, Rights in Other Than Commercial Computer Software and Other Than Commercial Computer Software Documentation.

252.227-7017, Identification and Assertion of Use, Release, or Disclosure Restrictions.

252.227-7018, Rights in Other Than Commercial Technical Data and Computer Software—Small Business Innovation Research Program

and Small Business Technology Transfer Program.

In accordance with 10 U.S.C. 3771(b)(4), DoD may disclose limited rights data to persons outside the Government, or allow those persons to use data with use, release, or disclosure restrictions, if the recipient agrees not to further release, disclose, or use the data. Therefore, the clause at DFARS 252.227-7013, Rights in Technical Data—Other Than Commercial Products and Commercial Services, requires the contractor to identify and mark data or software that it provides with limited rights.

In accordance with 10 U.S.C. 3781(b), contractors and subcontractors at any tier must be prepared to furnish written justification for any asserted restriction on the Government's rights to use or release data. The following DFARS clauses require contractors and subcontractors to maintain adequate records and procedures to justify any asserted restrictions:

252.227-7019, Validation of Asserted Restrictions—Computer Software.

252.227-7037, Validation of Asserted Restrictions on Technical Data.

In accordance with 10 U.S.C. 3771(b)(2), DoD must protect the rights of contractors that have developed items, components, or processes exclusively at private expense. Therefore, the clause at DFARS 252.227-7025, Limitations on the Use or Disclosure of Government-Furnished Information Marked with Restrictive Legends, requires a contractor or subcontractor to submit a use

and nondisclosure agreement when it obtains data from the Government to which the Government has less than unlimited rights. In addition, DFARS 227.7103-7, Use and nondisclosure agreement, requires intended recipients of technical data or computer software delivered to the Government with restrictions on use, modification, reproduction, release, performance, display, or disclosure, to sign the use and nondisclosure agreement at 227.7103-7(c) prior to release or disclosure of the data, unless the recipient is a Government contractor that requires access to a third party's data or software for the performance of a Government contract that contains the clause at 252.227-7025, Limitations on Use or Disclosure of Government-Furnished Information Marked with Restrictive Legends.

According to 10 U.S.C. 3771(b)(4), DoD may disclose limited rights data to persons outside the Government, or allow those persons to use limited rights data, if the recipient agrees not to further use, release, or disclose the data.

The provision at DFARS 252.227-7028, Technical Data or Computer Software Previously Delivered to the Government, requires an offeror to identify any technical data or computer software that it previously delivered, or will deliver, under any Government contract. DoD needs this information to avoid paying for rights in technical data or computer software that the Government already owns.

DoD Clearance Officer: Mr. Reginald T. Lucas. Requests for copies of the information collection proposal should be sent to

Mr. Lucas at *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil*.

**Kimberly R. Ziegler,**

*Editor/Publisher, Defense Acquisition Regulations System.*

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