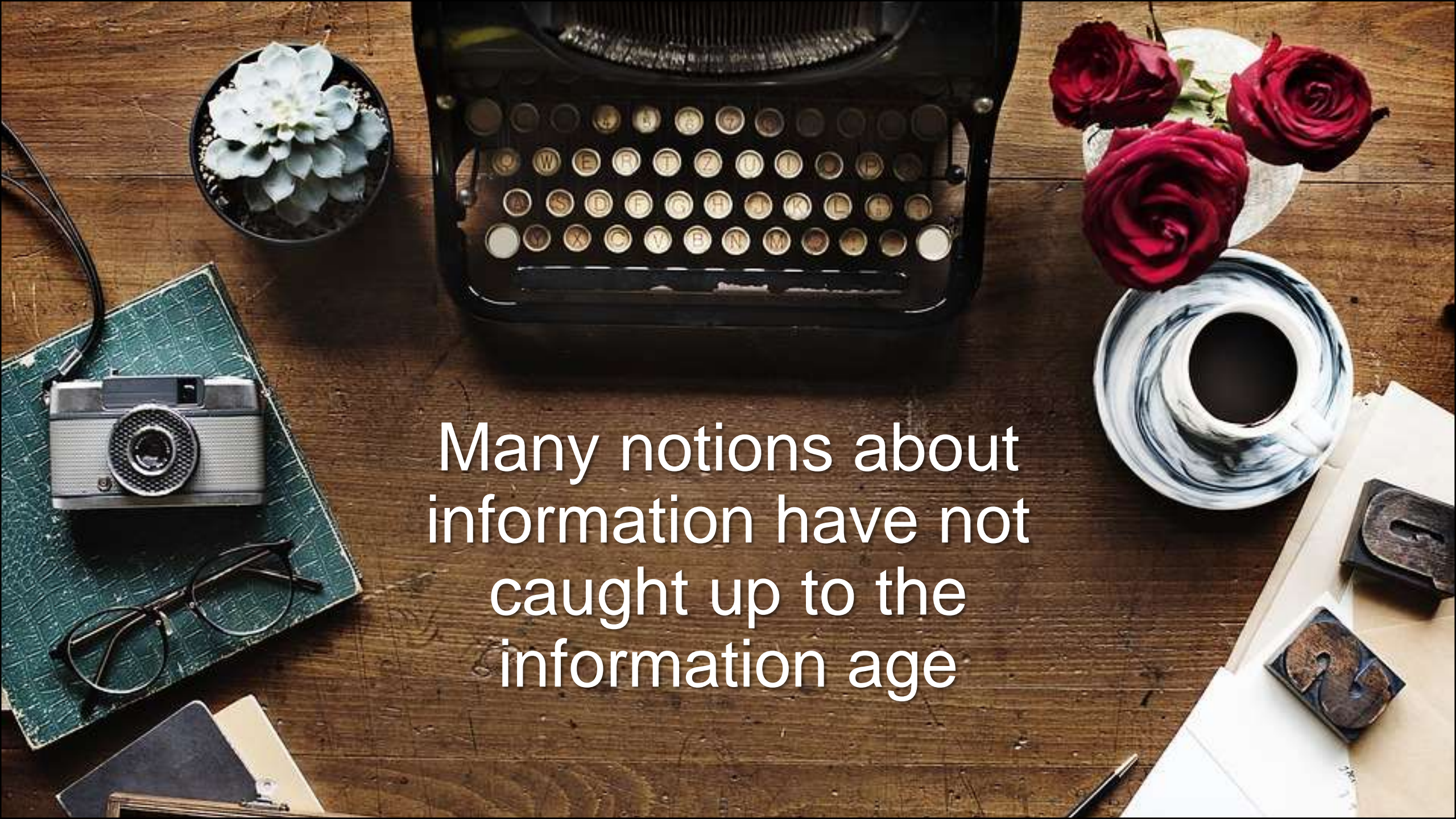


To the Point: Everything You Need to Know About Data Ownership, Rights and Sovereignty (but Were Afraid to Ask)

Mario Faria



Many notions about
information have not
caught up to the
information age

Vexing Questions About the Status of Information

- Is information **property**?
 - Do property rights protect your information? All types of information or just some?
- Is information an **asset**?
 - Can you **value** it? Can you recognize and report on its value?
- What's the difference between information **ownership, control, sovereignty** and rights? And which really matters?
- How can you establish sufficient **rights** to your information?
- What kind of information rights can you and should you convey to others? When and how?
- What about **open data**? **Syndicated** data? **Web content**?
- Are rights different for **on-prem. versus off-prem.** information?

Data Ownership, Sovereignty and Rights



A property-based concept indicating possession and/or control; does not necessarily implicate exclusivity

Ownership



Information may be subject to the data protection laws of another country

Sovereignty



An entitlement to obtain, access, use and/or share information; rights can be unlimited or limited

Rights

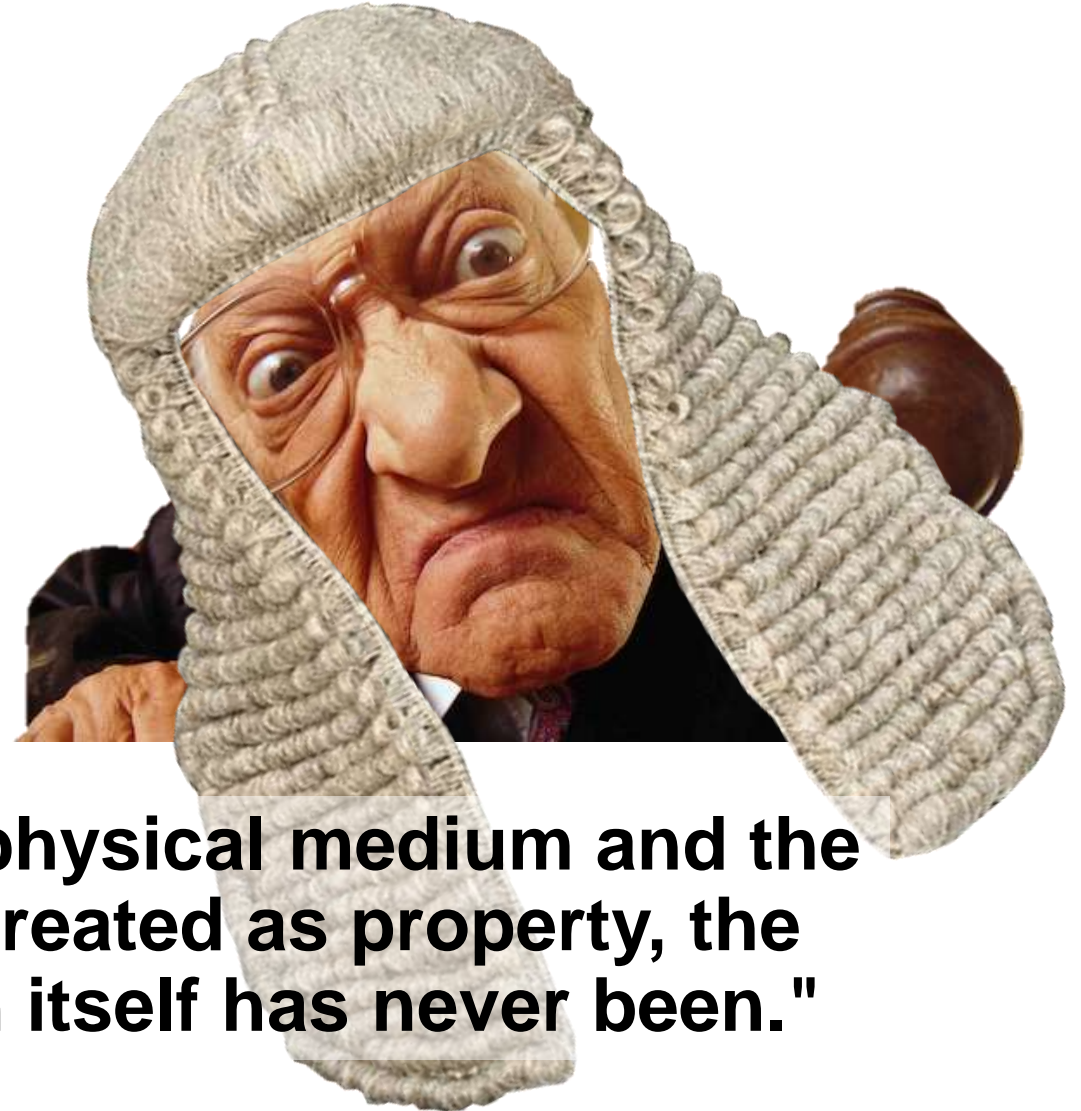
Key Issues

1. What do you need to know and do about data ownership?
2. What do you need to know and do about data sovereignty?
3. What do you need to know and do about data rights?

The World of Data Ownership Legalities Is Ugly

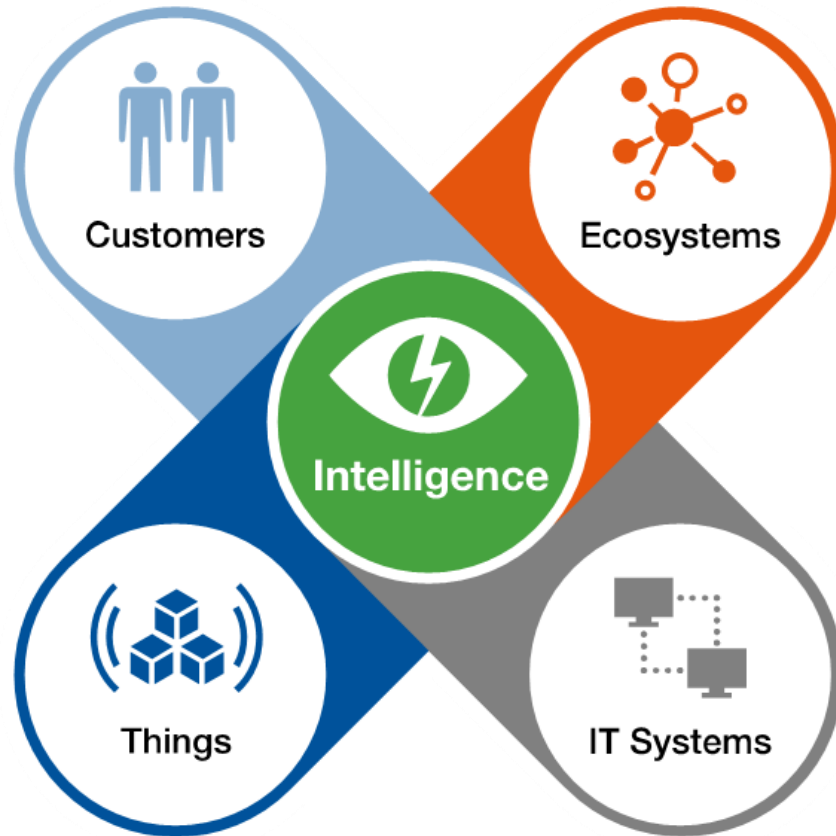
Example:

- Datateam Business Media vs. Your Response:
 - Contract issue.
 - Payment refused until database returned.
 - Should property rights apply?



"Whilst the physical medium and the rights are treated as property, the information itself has never been."

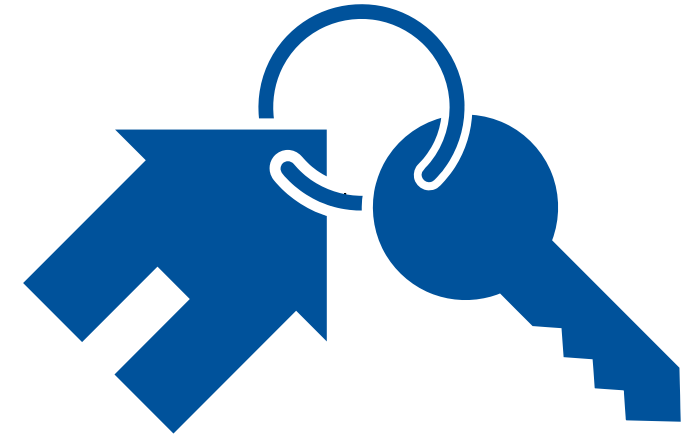
Why This Is of Critical Importance



- Dozens of court cases related to information misuse and mishandling.
- Digital business demands both data sharing and data control.
- Information ecosystems are emerging.
- Investors are starting to pay attention to your collection and handling of information.
- Physical data protection only goes so far.

Keys to Data Ownership

1. Identify competing interests, external claims and put a stake in the ground
2. Establish and demonstrate control
3. Manage information as an asset
4. Resolve external claims to ownership
5. Dispense with notions of internal ownership



Strategic Planning Assumptions

By 2020, 25% of large organizations will be either sellers or buyers of data via formal online data marketplaces.

By 2020, 50% of organizations will reject solutions from new vendors that contractually inhibit their ability to extract their own data.

Key Issues

1. What do you need to know and do about data ownership?
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3. What do you need to know and do about data rights?

Data Sovereignty Defined and Exemplified

Data Sovereignty is the concept that information which has been converted and stored in binary digital form is subject to the laws of the country in which it is located.

Example: The Ireland case of Microsoft vs. U.S. Department of Justice.

Is **Data Sovereignty** a barrier to cloud adoption?



Data Sovereignty — It's All Over the Map

The lack of a unified global approach to data and regulation is a serious impediment to global business and generating business value.

Examples:

- European model: GDPR effective May 2018
- New Chinese Initiative: Cyber Security Law effective June 2017
- New Markets in Financial Instruments Directives MiFID II/MiFIR effective January 2018
- United States: Patchwork federal and state
- Canada: Consent before collect
- Mexico: Habeas concepts
- Russia: Personal data of Russian citizens must be stored in Russia



Key Data Sovereignty Considerations

1. Government agencies increasingly want access to your data
2. Understand the various data regulations and precedents wherever you do business
3. Establish a code of digital ethics
4. Architect data collection, storage, security, transmission and access with sovereignty in mind



Key Issues

1. What do you need to know and do about data ownership?
2. What do you need to know and do about data sovereignty?
3. What do you need to know and do about data rights?

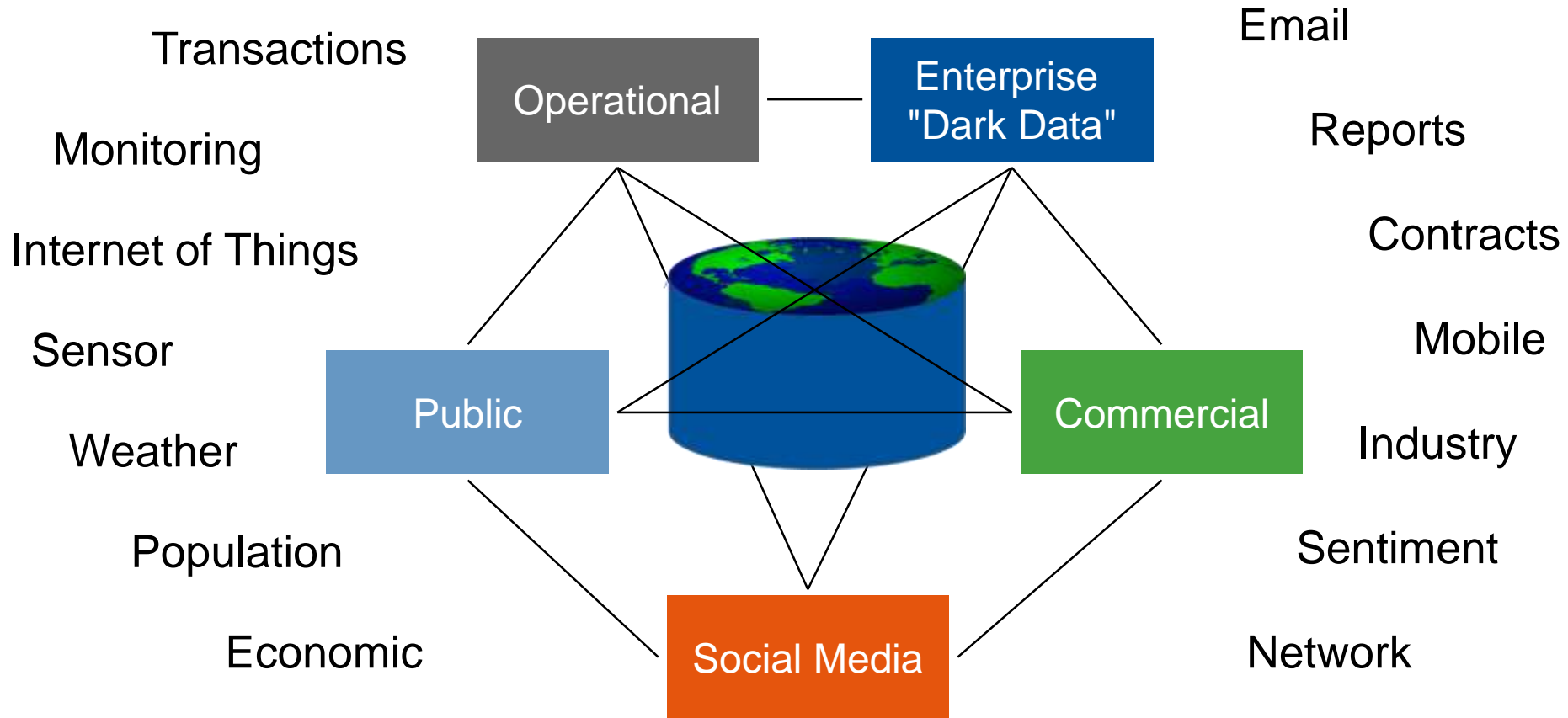
Data Rights and Wrongs

Beechwood House Publishing vs. Bespoke Data Organization:

- Contractual use.
- Copying records.
- Subcontractors.
- Seeds!
- Unauthorized use.
- Investment → Award.



Data Rights Considerations



Remember: Rights to access and use data requires some kind of action by the data holder

Data Rights Strategy

1. Rights increasingly need to be explicit, specifying use and handling (e.g., GDPR)
2. Identify which data is most important to secure rights, and which kinds of rights to secure
3. Identify opportunities to acquire data rights
4. Involve necessary organizational leaders
5. Drive enterprise value from data rights
6. Use contract principles for data rights (even internally)
7. Scale to a business/consumer/government/citizen ecosystem



Action Plan for Data and Analytics Leaders

Monday Morning:

- Action: *Discuss* assigning an executive to manage the data assets (e.g., CDO)
- Action: *Create* a strategy to renegotiate weak data ownership and rights provisions

Next 90 Days:

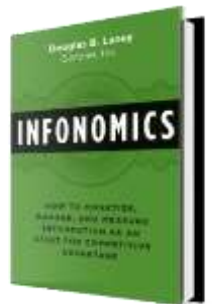
- Action: *Update* information governance to bridge data protection with data value
- Action: *Update* internal and external privacy and security policies

Next 12 Months:

- Action: *Identify* data sources that may afford you flexible data ownership and rights
- Action: *Evaluate* expanding digital business across a B2C2G2C ecosystem

Recommended Gartner Research

- ▶ [Predicts 2017: Licensing, Legal and Language Lessons for Data and Analytics Leaders](#)
Douglas Laney, Andrew White, Dolores Ianni and Others (G00316495)
- ▶ [Data Ownership of IoT-Connected Equipment Poses New Challenges for CIOs](#)
Kristian Steenstrup and Eric Goodness (G00325832)
- ▶ [Why Privacy Is an Opportunity to Drive Data Value](#)
Lydia Clougherty Jones (G00331837)
- ▶ [How Data and Analytics Leaders Can Leverage GDPR for Increased Business Value](#)
Lydia Clougherty Jones and Roxane Edjlali (G00332563)
- ▶ [Digital Connectivism: Good Connections, Bad Connections](#)
Frank Buytendijk (G00314843)
- ▶ **Infonomics: How to Monetize, Manage, and Measure Information as an Asset for Competitive Advantage**
Douglas B. Laney (2017)



For information, please contact your Gartner representative.