

Data Ownership



Who owns data?

- Ownership involves determining rights and duties over property.
- The concept of data ownership is linked to one's ability to exercise control over and limit the sharing of their own data.



Personal data refers to data sets describing a person ranging from physical attributes to their preferences and behavior.

Genome data, GPS location, written communication, spoken communication, lists of contacts, internet browsing habits, financial transactions, supermarket spending, tax payments, criminal record, laptop and mobile phone camera lens recording, device microphone recordings, driving habits via car trackers, mobile and health records, fitness activity, nutrition, substance use, heartbeat, sleep patterns and other vital signs.



- A key component of personal data ownership is unique and controlled access i.e. exclusivity.
- Ownership implies exclusivity, particularly with abstract concepts like ideas or data points. It is not enough to simply have a copy of one's own data. Others should be restricted in their access to what is not theirs. Knowing what data others keep is a near-impossible task. The simpler approach would be to cloak oneself in nonsense information.



Today data is being controlled, and therefore owned by the **owner of the sensors**. The individual making the recording or the entity owning the sensor controls what happens to that data by default.

For example, banks control banking data, researchers control research data, and hospitals control health record data. Due to historical reasons, the current scenario is such that research institutions hold data about a fragment of data describing part of an individual. Health research data in Europe exist in a fragmented manner controlled by different institutions.



Who owns the copyright of biograph and photos?

- In general, when the shutter is released, the photographer who pressed the button owns the copyright. An exception is when the image falls into the “work-made-for-hire” (also known as “work for hire”) category.
- If I write your biography, I own copyright.
- Another example: in the rate professor website, the rate is about the professor, but the data is not the professor's



A work-made-for-hire relationship

(1) the photographer is an employee hired to take photographs for the employer—an example would be a photojournalist who is an employee of a newspaper but not a wedding or portrait photographer who is hired for one event;

(2) the photographer is hired to provide photographs for collective works or compilations and signs a written agreement that specifically states that the work is to be considered a work made for hire.

Therefore, freelance photographers are subjected to work-for-hire status only when they agree to it contractually.



- In simple terms, copyright for photographers means owning property. With ownership, you get certain exclusive rights to that property. For photographic copyrights, the ownership rights include:
 - (1) to reproduce the photograph;
 - (2) to prepare derivative works based upon the photograph;
 - (3) to distribute copies of the photograph to the public by sale or other transfer of ownership, or by rental, lease, or lending;
 - (4) to display the photograph publicly;
- Found in the U.S. Copyright Act at 17 U.S.C. 106
(<http://www.copyright.gov/title17/92chap1.html#106>)



What is the difference between copyright and creative commons?

- Creative Commons is a type of licensing. Licensing means that you grant others some of the rights that you have to the photograph. For example, you may allow someone to reproduce your photo in the December issue of a magazine. You still own the copyright to the photograph, but you allow someone else to use a piece of it. Creative Commons provides different licensing packages without pay. The packages allow some flexibility with your licensing, such as whether you allow commercial use of your photo and whether you require certain attribution, such as your name or website, with the use.



Photo Ownership

- If I photograph you, I own the photo
- Limits on me can be:
 - ❖ On taking the photo in certain private areas: e.g., in your home; in a bathroom in my store
 - ❖ On using the photo in certain ways: As implied endorsement ;As implied libel



- Similar limits on what data I can record about you and what I can do with it after

You can't record video in any location where a person would expect to have a high degree of privacy.

- **Illegal Recording Under the Wiretap Act**

Under the federal Wiretap Act, it is illegal for any person to secretly record an oral, telephonic, or electronic communication that other parties to the communication reasonably expect to be private. (18 U.S.C. § 2511.)



- There are two huge exceptions built into this law that have the capacity to gut it of effect. A recording otherwise in violation of the Wiretap Act is legal if:
- one person to the conversation consents to the recording, or the person making the secret recording is authorized by law to do.



Intellectual property basics

- Copyright
 - Artistic expression
 - A rearrangement is derivative work
- Patent
 - Idea for making or doing
- Trade secret
 - I have it, but I don't tell anyone

For more information on copyright, visit the U.S. Copyright Office website at <http://www.copyright.gov>

