

## Contemplating Data

By Brian Kirkpatrick

The Big Data world transcended the Information Age. As a result, businesses should now think about how data relates to information, how data can be used, and whether data is properly cared for as a part of its technology contracts.

### What's the difference?

It's easy to think of data as information – using the words interchangeably. Or maybe data is thought of as merely a subset of information. Sometimes, data and information should 'just be friends'. Technically, information is organized, structured, and useful on its own. Conversely, data needs to be processed, organized, and interpreted to be useful. Data are blocks that used to create valuable information in various forms.

### New uses of data

Many large corporations with resources to store massive amounts of data are learning that collecting data is the first step in building valuable information; even if the immediate use is undetermined. In other words, the more blocks collected means the more information that can be constructed. So data is being saved into data lakes that are large object-based storage repositories holding data in its native format until it is needed. New visualization tools are now required to organize the data because traditional databases cannot manage the Big Data. Once the data is aggregated, building and monetizing the information is largely a matter of creativity.

### Whose data is it?

Examples of data that are monetized include browser logs, television shows watched, social network text, GPS trails, trouble shooting call flows, biometrics, and the list goes on for a long time – it can be called Big Data for a reason. The issues for businesses to consider are what data does and should remain under the control of the business and how the data should be protected. Many companies are working on ways to collect data, aggregate it, and monetize it. Products and services that a business uses may actually be collecting the businesses' data allowing the providers to use the data to improve or create products or services, thereby effectively monetizing the businesses data. Even though a business may not yet have the resources to use its own data does not make the data worthless. Many software providers require its' customers to expressly agree that data collected will be licensed or even completely granted to the provider.

Consulting an attorney before signing service agreements can ensure that your information and data is used and protected in the most appropriate means.



**About the author Brian Kirkpatrick:**

Brian practices exclusively in intellectual property and technology law. He has drafted and negotiated hundreds of software contracts with a wide breadth of complexity including large-scale master services agreements (MSA's), software as a service (SaaS) agreements, and End-User License Agreements (EULA's). Before entering the legal profession, Brian was a licensed securities representative and Vice President level middle-market commercial banker.

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