Big Data and Law

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A Practitioner's Guide

by

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Preface

Data are often referred to as the "oil of the 21st century" and Big Data applications are seen as a new "oil platform" to extract this lucrative resource. However, like oil platforms, Big Data applications only yield their treasure to those who have not only the right infrastructure and technical expertise but also an understanding of the legal ramifications.

This book has been written to expose and close a gap in German and European legal commentaries when it comes to Big Data. It examines not only data protection and its legal ramifications but also the Big Data environment as affected by laws including the German Civil Code (BGB), intellectual property law and data protection law. Its German language version was published in December 2018 by the Munich-based publishing house C.H.Beck Verlag.

The book deals with personal and non-personal data (factual data or anonymous data), two types of data which are often combined for Big Data analyses. They often come from the different right holders, are subject to different national laws, trigger different legal requirements and/or are used for different analytical purposes.

In this guide, we offer practical and descriptive solutions for setting up a Big Data project by addressing interdependencies – among data types, right holders, applicable law, lawful ground/legal requirements, purposes – and relevant areas of legal practice. It combines these variable aspects for companies in various Big Data scenarios and offers legally reliable and controllable solutions.

With numerous guidelines and graphics, this book is a practical legal guide to gathering, storing and analyzing personal and other types of data in Big Data applications. It provides comprehensive, practice-oriented assistance and reliability for planning in everyday business in a Big Data environment. It is aimed in particular at lawyers, computer scientists, business economists, managing directors, managers, analysts, consultants, auditors, and internal and external data protection officers.

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November 2019

Dr. iur. Maria Cristina Caldarola, LL.M., MBA
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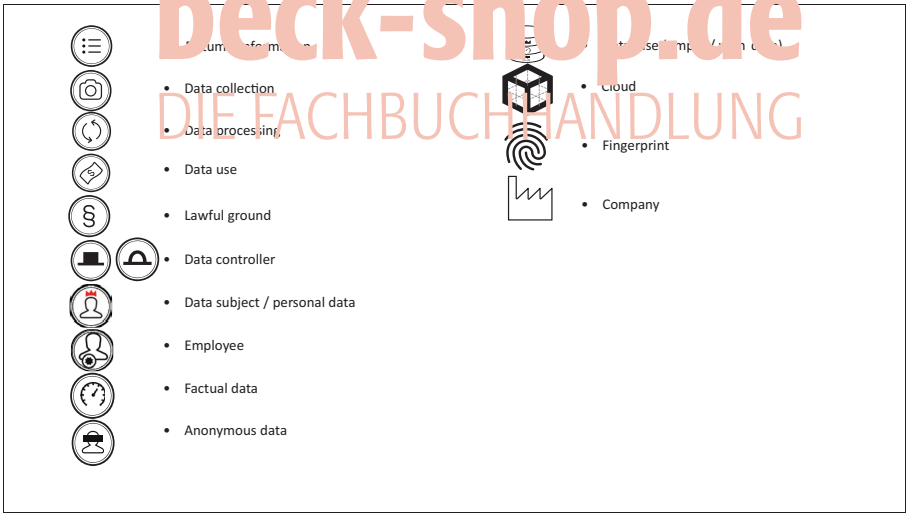
Abbreviations

a. F.	*alte Fassung*; old version
AO	*Abgabeordnung*; Tax Code https://www.gesetze-im-internet.de/englisch_ao/index.html
Art.	Article
BDSG	*Bundesdatenschutzgesetz*; Federal Data Protection Act https://www.gesetze-im-internet.de/englisch_bdsg/index.html
BGB	*Bürgerliches Gesetzbuch*; Civil Code https://www.gesetze-im-internet.de/englisch_bgb/index.html
BGH	*Bundesgerichtshof*; Federal Court of Justice
BVerfG	*Bundesverfassungsgericht*; Federal Constitutional Court
C2P	Controller-to-processor
Data Protection Directive	Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A31995L0046
ed(s).	editor(s)
Fn.	Footnote
GDPR	General Data Protection Regulation https://gdpr-info.eu/
GeschGehG	*Geschäftsgeheimnisgesetz*; Trade Secrets Act
GG	*Grundgesetz*; Basic Law https://www.gesetze-im-internet.de/englisch_gg/index.html
GWB	*Gesetz gegen Wettbewerbsbeschränkungen*; Act against restraints of competition https://www.gesetze-im-internet.de/englisch_gwb/index.html
HGB	*Handelsgesetzbuch*; Commercial Code https://www.gesetze-im-internet.de/englisch_hgb/index.html
IoT	Internet of Things
i. V. m.	*in Verbingung mit*; in conjunction with
LG	*Landgericht*; Regional Court
M2M	Machine to Machine
mn.	Margin number
No.	Number
OLG	*Oberlandesgericht*; Higher Regional Court
OWiG	*Ordnungswidrigkeitengesetz*; Regulatory Offences Act https://www.gesetze-im-internet.de/englisch_owig/index.html
p.	Page
PatG	*Patentgesetz*; Patent Act https://www.gesetze-im-internet.de/englisch_patg/index.html
Rs.	*Rechtsprechung*; Case
StVG	*Straßenverkehrsgesetz*; Road Traffic Act https://www.gesetze-im-internet.de/englisch_stvg/index.html
TFEU	Treaty on the Functioning of the European Union https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A12012E%2FTXT
TKG	*Telekommunikationsgesetz*; Telecommunications Act https://germanlawarchive.iuscomp.org/?p=692
TMG	*Telemediengesetz*; Telemedia Act
u. a.	*inter alia*; amongst others

UKlaG	*Gesetz über Unterlassungsklagen bei Verbraucherrechts- und anderen Verstößen;* Act on Actions for Injunctive Relief for Breaches of Consumer law and Other Laws
UrhG	*Urheberrechtsgesetz*; Copyright Act https://www.gesetze-im-internet.de/englisch_urhg/index.html
UWG	*Gesetz gegen den unlauteren Wettbewerb*; Act against Unfair Competition https://www.gesetze-im-internet.de/englisch_uwg/index.html
WP	Working Paper

Legend



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