

RP – Big Data Legal Aspects, Martin Čapek, 2019

Abstract

Herein presented paper focuses primarily on a complicated relationship between law and data as such, putting greater emphasis on individual legal aspects of use of the big volume data, so called “big data”, and their key role for modern digital economy. The paper itself is divided into three main chapters. First chapter presents more general description of the big data phenomenon and at the same time it describes various possibilities of their use. In the second chapter, the big data as well as the data as such and their use are viewed through the lens of relevant areas of law. The final chapter uncovers a set of selected challenges to which, in general, the use of data faces in the digital world while attempting to outline their theoretical solutions.

Within the scope of the first chapter the primary objective was to bring the big data phenomenon closer to the wider legal community without having been unnecessarily burdened with technical details. The description of the big data thus focused not only on their typical features, but also on their processing and general use in society, including the relevant specifics of use in individual sectors.

At the outset the second chapter as a key chapter of this paper focuses on data and information in the context of law while at the same time attempts to emphasize their conceptual differences. On the basis of this analysis this chapter goes on to analyze specific legal areas (primarily at European Union level) that directly or indirectly affect legal relationships arising out of data use and are also capable of providing imaginary protection to data. In particular, it deals with copyright law, database protection law and data protection law. In relation to data protection law, this chapter also focuses on the specifics and risks arising out of the use of the big data.

In the last chapter based on identification of the individual challenges and pitfalls with which the present legal framework typically in relation to data has to deal with there are outlined some potential solutions particularly concerning ownership and protection of data. The conclusion of this work belongs to reflection on the various findings that need to be taken into account when looking for effective solutions to the problems standing in the way of creating a modern digital economy.