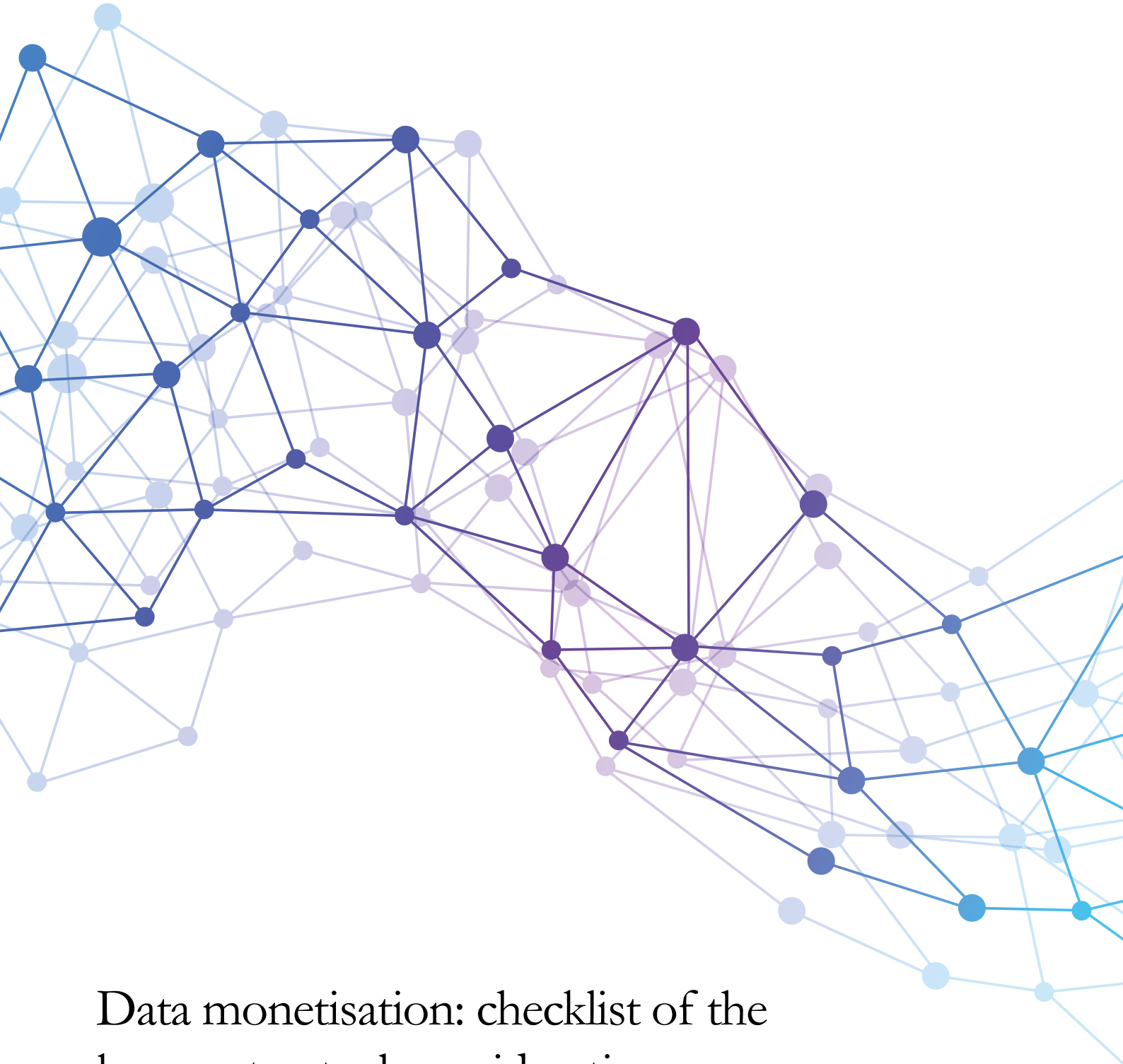


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Data monetisation: checklist of the key contractual considerations

2020

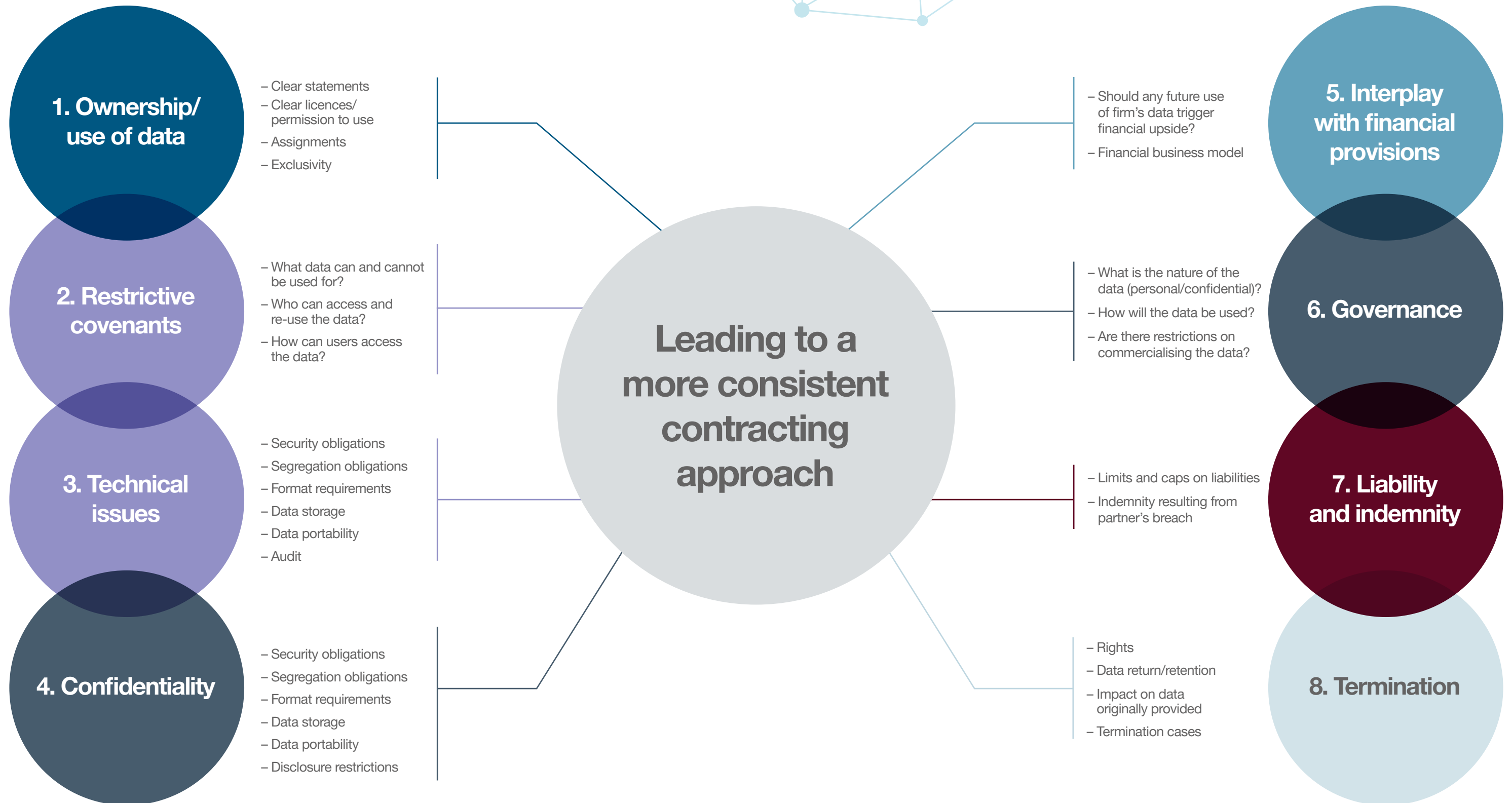
Ask the following questions to determine what contractual protections and rights might be required:

- What is the deal structure?	- Who are the key stakeholders?	- What is the nature of the counterparties?
- What are the objectives of the deal?	- What data sets are involved? <ul style="list-style-type: none">- Who owns the data?- Is it confidential?- Is it valuable?- What background data is there? (<i>pre-existing data</i>)- What foreground data is there? (<i>data that is developed over the lifetime of the project</i>)	- What are the data flows? <ul style="list-style-type: none">- How is the data currently used?- Does the data have value beyond the organisation?- Where and how is data stored?
- What rights and obligations will the counterparty have over your data?		
- What rights and obligations will you have over the counterparty's data?		
- What restrictions will there be on the use/disclosure of the data by each party?	- What publication rights might parties want?	- What security requirements are there for the data?
- What is the accuracy and consistency of the data? What is the integrity of the data?		

Ways in which you can achieve contracting consistency:

- Build a menu of possible contractual protections	- Create flowcharts and decision trees	- Use scorecards to assess contractual risk prior to signing a contract
- Establish guidelines setting out preferred and prohibited contracted positions	- Have drafting options for data-related clauses – <i>clause books</i>	- Produce a central repository of deal precedents considered to represent best practice

Menu of contractual protections



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