

# Data and Privacy



## Data and Privacy Expertise

To quote Australia's Productivity Commission, there is enormous untapped potential in Australia's data. Over the past 20 years, the amount of data that is collected digitally has exploded, as has the development of technologies to analyse and exploit that data. New business models are emerging daily with innovative ideas around collecting, using and sharing different types of data, including business information and personal data – many of which could not have been contemplated even a few years ago. Australian businesses, across all sectors, need to optimise the use of data, including data collected in their own business operations and data that is accessed from third parties.

Holding Redlich is able to assist you with all legal issues involved in the collection, use and sharing of data in your business, from establishing appropriate contractual arrangements to helping you navigate intellectual property issues, ensuring regulatory compliance and, when required, quick and efficient dispute resolution.

### Contracting

We have a reputation for creativity and innovation in acting for clients in negotiating contractual arrangements. We are experienced in preparing contracts for the commercialisation of data and data sharing and use agreements. We are able to advise on workable solutions, including on issues such as protection of and access to intellectual property, IT arrangements, limitation of liability, risk allocation, confidentiality arrangements, maintenance and support arrangements and responsibility for interfaces.

### Intellectual property

Our primary concern is always to protect the interests of our clients. Our team is highly knowledgeable in intellectual property law, particularly copyright which is a key issue in data arrangements, but also in the areas of trade marks, domain names and more. We work with clients to maximise protection of their data assets and intellectual property rights.

### Governance and Regulatory

We assist our clients to develop and implement data governance frameworks, including risk management strategies, which reflect the applicable regulatory environment.

We are able to provide concise, strategic and commercial advice on the steps required to comply with regulation. Regulation which may impact data collection, use and sharing includes not only the Privacy Act, but also the Competition and Consumer Act and sector specific legislation such as the Telecommunications Act for the telecommunications sector. New legislation, such as that proposed to apply to encryption, may also have an impact.

### Litigation and dispute resolution

Our team of expert litigators and advisors is committed to helping our clients achieve optimal outcomes. Whether our clients seek proactive risk management through the development of policies and procedures or advice and representation in litigation and regulatory investigations, we work alongside them to help guide their businesses through this increasingly complex landscape. We have particular expertise in acting in privacy related matters, having acted for the Office of the Australian Information Commissioner in a number of different matters.

### Related areas:

- General corporate
- M&A
- Information Technology
- Cybersecurity

For information on our expertise in these related areas, see [here](#).

## **Our Team**

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