

BHBIA Data Analytics Guidelines

Sharing of and External Use of Purchased Data Assets

These guidelines are part of a series designed to provide guidance on the legal and ethical issues impacting data analysts

SHARING DATA WHICH YOUR COMPANY HAS PURCHASED

These guidelines assume that data to be shared in this context means aggregated (non-personal) information such as sales, activity, segmentation etc. These guidelines do not cover the scope of “personal data” such as Health Care Professional (HCP) records or sub-sets / segments of these.



Data you have ‘purchased’ from a data vendor as part of a syndicated service is likely to be licensed to you, i.e. you have the right to use the data but you do not own it. Bear in mind also that data is often protected (or “seeded”) by the vendor so any onward usage is likely to be detected.

If you need to share the data externally with a third party e.g. an analytics provider, consultant or an agency, you should check the re-distribution rules within the terms of the agreement/contract. The re-distribution rules will dictate if and how you are allowed to share the licensed data.

Often you’ll be expected you to complete a request for a Third Party Agreement (TPA) before any data can be shared with a third party.

A TPA is an agreement which is signed by the 3 parties – the data vendor, the third party and yourself. TPA’s are used to protect the data vendor from mis-use of their data. The vendor has the right to refuse access by third parties in certain circumstances.

PRESENTING ‘PURCHASED DATA’ OUTSIDE OF THE COMPANY

If you want to present licensed data externally i.e. outside of your company to non-company employees e.g. at a conference or as part of a detail aid, then you should obtain permission from the data vendor to do this.

The data vendor will generally want to know when and how it will be presented, and to whom. They will also want to see the data as it will be presented along with any additional data sources, commentary or text.

The data vendor will check that any statements and assumptions you make about the data are fair and accurate and will also confirm how the data should be sourced.

OWNERSHIP OF DATA ANALYTIC TOOLS INTELLECTUAL PROPERTY

When a data analytics tool is purchased, generally the purchaser/user won't own the rights to the Intellectual Property (IP) for this tool.

IP rights for data analytic tools are generally owned by whoever built the tool but the IP rights may have been passed to the purchaser. This should be checked within the specific contract by your procurement team.

Generally speaking without the IP rights a tool cannot be reproduced e.g. if a forecast model was built, the purchaser couldn't re-create it themselves and re-use if they didn't own the IP. You may be able to use screenshots showing the tool but you are advised to obtain written permission from the vendor where possible as the design of the screens or models are likely to be their IP.

REFERENCING OF DATA

It is important to remember to reference your data correctly whether it's within a spreadsheet, report or presentation. This ensures the user/recipient has a clear understanding of how the data were derived as well as making it easier should the dataset need to be updated. Specifics to include:

- Name of data source
- Market definition (inclusions and exclusions)
- Detail of data measure (if this is not clear within data presented) and currency
- Country/region definition if applicable e.g. Europe = x countries or UK = retail pharmacy data only
- Snapshot / time of data extract to illustrate currency

This guidance is provided by the BH&IA for information purposes only and is not intended and should not be construed as regulatory or legal advice. It does not cover all legislative and regulatory requirements pertaining to Members and it is the responsibility of all Members to familiarise themselves with these.

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If you have any queries about these Guidelines, please visit www.bhbia.org.uk and submit your query via 'My BH&IA' dashboard. Please note: this ad hoc advisory service is available to full BH&IA members only.

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