

## **Challenges and Barriers to Data Access in the Era of Artificial Intelligence**

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Data has always been a valuable resource for innovation and decision-making processes. In recent years, we have witnessed the accelerated development of artificial intelligence (AI) technologies capable of analyzing large datasets and generating, based on sophisticated models, valuable insights and information products. This development has amplified the importance of data as a resource, but significant barriers impeding access to data may have far-reaching effects on the progress of AI technologies and innovation.

In this article, we examine the Israeli regulatory framework governing the status of data and identify a tendency to adopt a proprietary legal regime. We argue that this approach is unsuitable for the characteristics of the data market in the era of AI because it fails to consider the public interest in providing access to data and the potential of data to promote innovation. We contend that a solid theoretical foundation is needed to establish proprietary rights that grant exclusivity over data. It should be part of comprehensive data governance through unified and consistent legislation that considers all aspects of data access and is specially fitted to the unique characteristics of data. A “Data Law” could overcome the proprietary tendency of current legislative frameworks and ensure that data exclusivity is granted sparingly, consistent with the public interest in developing advanced knowledge and fostering innovation.