

Discussing your API Initiative with the Legal Department



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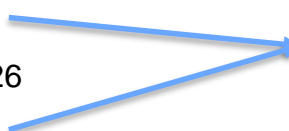
Lawyer

IBM



Profile:

Alan Glickenhause - Digital Transformation Business Strategist

- Assist businesses with their strategy for Digital Transformation, Integration, and the API Economy - all industries, all geographies, and of all sizes.
 - Share insights and best practices through:
 - **1:1 workshops**
 - **Conferences / Events**
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- 

Today we will cover two from these categories

What are technologists afraid of?



Having to talk to Legal!

- They don't speak the same language we do
- They don't understand technology
- They are going to tell me "No!"

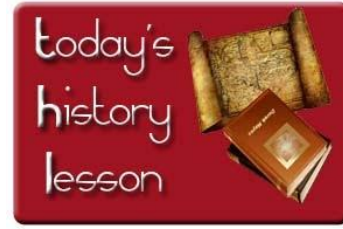
Strategy: Understand Legal's motivation

Determine the information legal needs while also guiding the conversation to meet your needs.

- Legal's primary motivation is to protect the company from lawsuits and to protect business assets.
- Opening access to business assets through APIs might be a potential exposure, so there may be some trepidation from lawyers regarding this topic.
- Your job is to show that you have these issues under control



Learn from history



Think back to the 90s with the world wide web:

- Initially companies built static web sites, trying to direct potential customers to their store.
- Next - some companies saw the opportunity for a **new channel** using **e-commerce**, others moved slower and paid a price for being late.
- Channel conflict was a concern, but also **exposing assets** and potential **security** and **privacy** concerns were legal issues that needed to be solved.

Lessons from this:

- Recognize **APIs as a new channel**
- The question is not **“if we are going to implement APIs”**, but **“what needs to be done”** to make this new channel work

When to discuss the API initiative with Legal



When to involve legal?

- Many early projects may deal with **simplifying existing scenarios** and may not need legal involvement
- As use cases become “**channel**” oriented, or deal with **private** or **sensitive information**, then legal involvement may be required.
- Topics such as **GDPR** and **PSD2** dealing with sensitive personal information or valuable financial information most likely need legal involvement.

Here are a few scenarios to consider:

- Internal Consumers – for projects such as your business’ mobile App, accessing social media, sharing data or analytics inside the company, you probably do not need legal approval. However, mobile itself may have had legal involvement or sharing data may be a concern for sensitive information, but the API use is not the issue.
- Partner consumers – Legal involvement may be required. Ensuring control of private or sensitive data and the use of this data may be concerns. Also, partner on-boarding which is a great API use case should be discussed to ensure that partners given access to the APIs are authorized appropriately.
- Public consumers – may raise the most concern with legal, but probably should not. In general, public APIs are accessing the same information that an unauthenticated user can access on the web site. The concept of public APIs may raise some unwarranted concern. Explain the type of information being exposed and provide assurances that no personal or private information is made available to the general public.

What are the questions legal will ask?

Many of the questions that will be asked will be based upon the audience for the API and the data or transactions you are making available.

This is a sample set of questions you might expect a lawyer to ask:

- How are we ensuring GDPR compliance?
- Does our company own all the data being provided?
- Are all intended audiences entitled to access this data?
- What rights are being granted to the consumer of the API to use the data provided?
- How are the terms of use communicated and enforced?
- How is privacy ensured?
 - Customer privacy – ensuring the customer can only access their own information
 - Organization privacy – ensuring the consuming organization only has visibility to their own customer information and not information belonging to other organizations.
- What is the required policy for data retention?
- What requirements are there for attribution of the content or use of our brand? Is attribution to some other entity required?
- How is inappropriate use of the API identified and rectified?
- What are our liabilities?

Being prepared to answer these questions can go a long way to ensure a successful outcome.



Lawyers are afraid of you too

See joint article published with Maurits Annegarn – Wolters Kluwer - [Legal vs IT: Usage of APIs throughout the Business](#)



Opposite perspective for lawyers to learn about APIs in their business.

“No” is not an option

- Expect to be uncomfortable – This is not our normal API discussion. Therefore, we are less comfortable in having this “legal” conversation.
- Prepare - Preparing for the expected concerns can go a long way to having a successful outcome.
- Getting to “yes” - Remember, it is not a discussion about whether to use APIs - keep the discussion about what needs to be done to make API use happen.

**MAKE IT
HAPPEN.**

Additional Resources

Alan's Articles, Blogs, Papers, and Videos...

<https://community.ibm.com/community/user/blogs/alan-glickenhause1/2021>

(change year for each year's content)

API Economy and API Management Basics:

- [What is an API? and What is the API Economy?](#)
- [What is an API? An Updated Definition](#)
- [What is API Management?](#)
- [Alan Tells All About APIs](#) (old video – no longer available)
- [IT Uncensored – What is API Management?](#) (old video – no longer available)
- [What are businesses doing with APIs and why are they doing it?](#) (video)
- [API Economy Drivers](#)
- [Happy API Year!](#) (from 2017)
- [I Already Have Partners Accessing My Services. Why Should I Use APIs?](#)
- [Should Business APIs Replace EDI?](#)
- [Providing APIs or Managing APIs – There is a Big Difference](#)
- [Don't be Afraid of Public APIs](#)
- [Does size matter? \(for your business to participate in the API Economy\)](#)
- [API Connect Video Series: API Economy – What's happening and where is this going? \(Part 1\)](#) and [\(Part 2\)](#) (video)
- [APIs and Events – Recognizing Opportunities Instead of Reacting to Problems](#)
- [The Biggest Impediment to API Economy Growth is...?](#)
- [Is Two-Speed \(Bimodal\) IT a Good Thing or a Bad Thing?](#)

Digital Business / Digital Transformation / Cloud Integration:

- [Becoming a Digital Business – Is API Management Enough?](#)
- [Digital Transformation – Becoming a Digital Business](#)
- [Digital Business and APIs – Need to See the Forest and the Trees](#) (article)
- [Digital Business Value when Combining API Management and Istio](#)
- [Digital Transformation Requires Integration Modernization](#)
- [Integration Modernization Requires Good Parenting](#)
- [Why Become a Digital Business?](#)
- [How Systemized Innovation Enables Digital Transformation](#) (article)
- [History of IT Constraints – What Might Constrain Digital Transformation?](#)
- [Creating A Digital Ecosystem – Past, Present, and Future](#)
- [Business APIs – The Secret Sauce in Successful Digital Marketing](#) (article)
- [Overcoming the 3 Largest Obstacles to Digital Transformation](#) (article)
- [Covid-19 and Cloud Integration 1 – Moving Forward](#)
- [Covid-19 and Cloud Integration 2 - Immediate Actions](#)
- [Covid-19 and Cloud Integration 3 - Shopping and Supply Chains](#)
- [Covid-19 and Cloud Integration 4 – Supporting Your Customers](#)
- [Covid-19 and Cloud Integration 5 – Government Scenarios](#)
- [Covid-19 and Cloud Integration 6 - Service businesses, Recreation, Entertainment, Travel, and Risk management](#)
- [Covid-19 and Cloud Integration 7 - Call to Action](#)
- [Good Integration Patterns Never Die, You Just Add More](#)
- [A Perspective on Current Integration Scenarios and What Might Follow](#)

Alan's Articles, Blogs, Papers, and Videos...

Business and Value

- [Why Your Business Needs APIs \(and Why Your APIs Need IBM API Connect\)](#) (white paper) + [Blog](#)
- [Why Choose IBM API Connect?](#)
- [API Monetization – What Does It Really Mean?](#)
- [API Connect Video Series: API Monetization](#) (video)
- [API Monetization Understanding Business Model Options](#) (white paper) + [Blog](#)
- [Gartner Once Again Recognized IBM as a Leader in 2020 Magic Quadrant](#) (2020)
- [Gartner Once Again Recognized IBM API Connect as a Leader in 2019 Magic Quadrant](#) (2019)
- [IBM's API Management Undisputed #1 in Market Share – Again](#) (2019)
- [IBM's API Management Undisputed #1 in Market Share](#) (2018)
- [Analyst Firm Lists IBM API Connect as an API Management Leader](#) (2020)
- [Analyst Firm Lists IBM API Connect as an API Management Leader](#) (2018)
- [Analysts Cite IBM as a Leader](#) (2016)
- [What is the ROI for API Connect? – Forrester TEI Study Demonstrates Economic Benefits](#)
- [Forrester TEI Study Results Show 674% ROI](#)
- [RFP Template – Assistance in Choosing an API Solution Partner](#)
- [IBM API Connect: Powering the New Channel](#)
- [Do APIs Cause Channel Issues and Loss of Direct Customer Interaction?](#)
- [State of the API Economy](#) (video interview)
- [State of the API Economy 2020](#)
- [State of the API Economy – January 2019](#)
- [How to Get the Business to Participate in an API Initiative](#)
- [How IBM API Connect Helps Royal Mail Group Deliver](#)
- [The Business of API Marketplaces](#) (article)
- [Now Trending: API Platform Economy](#) (article)
- [Ecosystem and Marketplace Strategy with Alan Glickhouse of IBM](#) (interview)

Strategy, Governance, and Best Practices

- [Creating an API Economy Strategy](#)
- [Creating an API Economy Strategy – short version](#) (video)
- [Implementing Governance of an API Initiative](#)
- [Organization and Governance of API Initiatives](#)
- [What are the Recommended Roles for an API Initiative?](#)
- [What is the Recommended Organizational Structure for an API Initiative?](#)
- [Real World Experiences with API Centers of Excellence \(CoE\)](#)
- [Recommendations for an API Economy Center of Excellence](#) (white paper) + [Blog](#)
- [API Center of Excellence and Governance](#) (interview)
- [API Economy Best Practices](#) (white paper) + [Blog](#)
- [API Connect Video Series: API Economy Best Practices](#) (video)
- [Identifying Good Candidates for APIs](#)
- [The 7 Biggest Mistakes Companies Make on their API Initiatives](#)
- [GDPR Considerations for Integration and the API Economy](#)
- [API Management Across Multiple Lines of Business \(LoBs\)](#)
- [API Versioning – Best Practices \(and not so great practices\)](#)
- [API Connect Video Series: API Use Cases](#) (video)
- [API Economy – 4 Business Drivers and 7 Use Case Categories – Series Overview](#)
- [API Economy Business Drivers: #1 – Speed](#)
- [API Economy Business Drivers: #2 – Reach](#)
- [API Economy Business Drivers: #3 – Innovation](#)
- [API Economy Business Drivers: #4 – Domains](#)
- [API Economy Use Case Identification: #1 – Mobile](#)
- [API Economy Use Case Identification: #2 – Social](#)
- [API Economy Use Case Identification: #3 – Data](#)
- [API Economy Use Case Identification: #4 – Other](#)
- [API Economy Use Case Identification: #5 – Partner](#)
- [API Economy Use Case Identification: #6 – Public](#)
- [API Economy Use Case Identification: #7 – IoT](#)
- [API Products – Who, What, Where, When, Why, and How](#)
- [APIs as a Product Livestream](#) (video)
- [Monetizing API Products](#)
- [Beating \(or Catching Up with\) the Competition through APIs](#)
- [The API Economy Journey Map: How Are You Doing?](#)
- [API Economy Journey Map FAQs](#)
- [Discussing Your API Initiative With the Legal Department](#)
- [Why Isn't My API Achieving the Desired Results?](#)
- [Changing Culture – How Committed Are You?](#) (article)

Alan's Articles, Blogs, Papers, and Videos...

Architecture, Technology, and IBM Products

- [Introducing API Connect](#) (video)
- [APIs and SOA – Better Together](#) (video)
- [API Connect Video Series: APIs and Services What's the difference?](#) (video)
- [Positioning APIs and Services – Let's End the Confusion!](#)
- [How To Get To Two Speed IT](#)
- [An ESB is Not API Management](#)
- [Is a Combined ESB and API Management a Good Idea?](#)
- [IBM Brings Multiple Integrations To a Single Platform; Focuses on Optimizing Integration for the Multi-Cloud Enterprise](#) (interview)
- [Using APIs and Microservices as a Fast, Low-Cost and Low-Risk Innovation Engine](#) (article)
- [API Connect Video Series: IOT – Focus on Security](#) (video)
- [Internet of Things APIs – Focus on Security](#)
- [Analytics: The Icing on Top of Your API Management Cake](#)
- [Clearing Up Misconceptions About APIs and Microservices](#)
- [Which Comes First, The API or The Service?](#)
- [Do Not Be Afraid of API Initiative SUCCESS](#)
- [Integration Architecture Decisions – APIs, Services, and Microservices](#)
- [Use API-First Design to Address Multi-Cloud Architectures](#) (article)
- [How Do You Ensure API Quality?](#)
- [API Connect V2018 Whitepaper Now Available](#)
- [Ping Identity and IBM Partner to Protect Against API Cyberattacks](#)
- [IBM API Connect Wins 2019 iF Design Award](#)
- [Integration Monitoring – Do You See the Trunk or the Entire Elephant?](#)
- [Today's Biggest IT Constraint – Break Through It!](#)
- [Focus on the API Developer](#) (article)
- [Principles for API Security](#) (white paper) + [Blog](#)
- [Plan Ahead! Don't Build an API Superhighway into a Cul-de-sac](#)

Industry

- [FAQ – Which Geographies and Industries are Most Advanced in the API Economy](#) (article)
- [API use cases for every industry](#)
- [APIs for Aerospace and Defense Blast Off](#)
- [What's driving APIs in Automotive?](#)
- [Identifying API Use Cases: Automotive](#) (white paper) + [Blog](#)
- [Banking on APIs](#)
- [Banking on APIs – part 1](#) and [part 2](#) (podcast)
- [PSD2: Banking and the API Economy](#) (video panel discussion)
- [Q&A with the Head of Technology at Open Banking Ltd.](#)
- [Identifying API Use Cases: Banking](#) (white paper) + [Blog](#)
- [Drilling into API usage in Chemical and Petroleum](#)
- [APIs for CPG – Managing Bathrooms to Supply Chains](#)
- [Learning your ABCs using APIs – APIs in Education](#)
- [No Shock the Electronics Industry is Charged Up about APIs](#)
- [Financial Services – Planning to Retire on APIs](#)
- [Identifying API Use Cases: Life Insurance / Financial](#) (white paper) + [Blog](#)
- [Government APIs – Do More with Less](#)
- [Identifying API Use Cases: Government](#) (white paper) + [Blog](#)
- [Healthcare APIs – A Cure to Accessing Healthcare Systems](#)
- [Healthcare Providers – A Prescription for APIs](#)
- [Identifying API Use Cases: Healthcare / Life Sciences](#) (white paper) + [Blog](#)
- [Healthcare and APIs](#) (podcast)
- [Sample API Use Cases for Insurance](#) (article)
- [Creating an Insurance API Platform](#) (article)
- [APIs for Insurance – Avoid the Risk of Falling Behind](#)
- [Identifying API Use Cases: P&C Insurance](#) (white paper) + [Blog](#)
- [Legal vs IT: Usage of APIs throughout the Business](#) (article)
- [APIs: A Prescription for Challenges in Life Sciences](#)
- [Building APIs for the Manufacturing Industry](#)
- [Media and Entertainment – Hooray for APIs!](#)
- [Unearthing API Use Cases in Metals and Mining](#)
- [Today's Special: APIs for the Retail Industry](#)
- [Identifying API Use Cases: Retail](#) (white paper) + [Blog](#)
- [ReshAPIng Cities – Using APIs to Build Smarter Cities](#)
- [Software Industry API Use Cases – Eating Our Own Cooking](#)
- [Telecom and APIs – Now We Are Talking](#)
- [Identifying API Use Cases: Telecommunications](#) (white paper) + [Blog](#)
- [APIs are Taking Off In Travel and Transportation](#)
- [APIs for Utilities – Let's Do Something About the Weather!](#)
- [API Industry Standards and Regulatory Requirements](#)