

# Bottom-up data trusts

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doi: 10.1093/idpl/ipz014



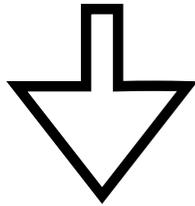
<https://datatrusts.uk>

Letter: Legal instruments exist to empower us, the data subjects



# 19th Century Land Societies

Pooling resources



Right to vote

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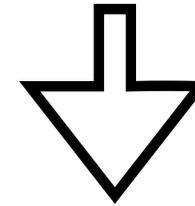
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# 21st Century Data Trusts

Pooling data



Political  
&  
Economic  
Empowerment

# *Data Trusts = Remedy to:*

- Lack of tool enabling long-term **collective** action
- Data **consent** rarely more than ‘make believe’
- Lack of governance that **removes obstacles** to the research potential underlying datasets

# Data Trustees

- *Fiduciary* obligation of undivided loyalty
- *Intermediary layer* between data subjects and data controllers

# 21st-century profession?

- 19th Century: advances in medic.Sc. called for birth of medical profession.
- Today: advances in data science call for Data Trustees

# Challenging the one size-fits-all approach



# Implementation Models

- Participatory governance v. Hands-off delegation
- Centralised v. Decentralised

***Holding data rights under  
a Legal Trust***

# Reversing direction of consent

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# Reversing Habit of passivity

- Today's data governance encourages a Habit of passivity (who isn't tired of consent pop-ups?)
- To reverse this: bottom-up data infrastructure that gives a social, political & economic voice to variety of groups

# Learning new forms of civic participation

- Data trusts = one vehicle within which one may learn new forms of civic participation
- Acquiring a voice to shape data-reliant futures (better use of natural resources, healthcare, education etc)

# Challenges

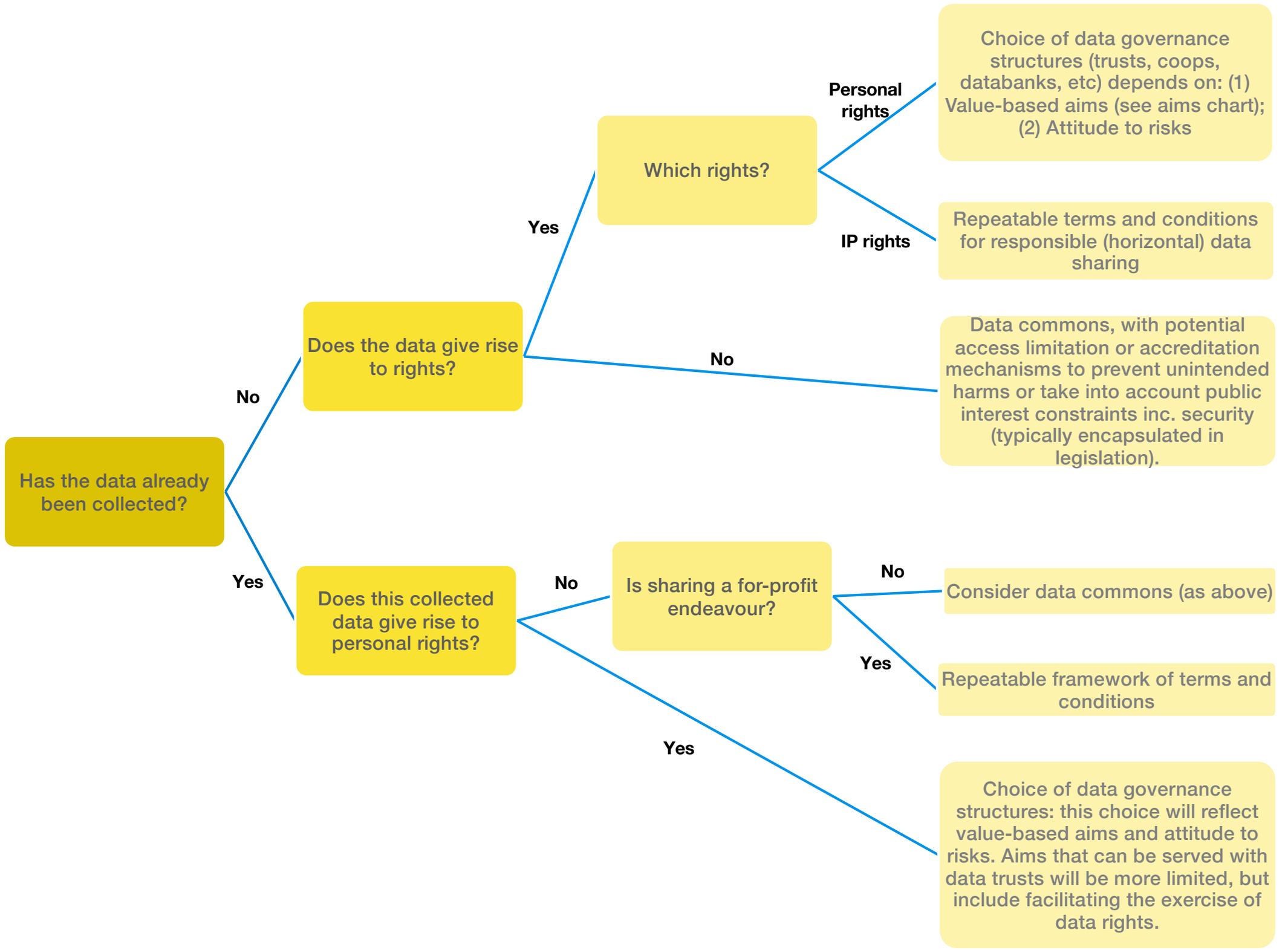
- 1. Low levels of data awareness:** how do we make sure data trusts do not end up empowering only the least vulnerable part of the population?
- 2. Data monetisation is rarely empowering**
- 3. Countering the ‘race to the bottom’:** need for actors with long-term, genuine empowerment ambitions

# Worth it?

**Given the vulnerabilities at stake:**

Yes

*Unlike contractual or corporate frameworks, [e]quity employs ex post moral standards, emphasizes good faith and notice, couches its reasoning in terms of morals, and is sometimes vague rather than bright line'*



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Report

# Exploring legal mechanisms for data stewardship

A joint publication with the AI Council, which explores three legal mechanisms that could help facilitate responsible data stewardship

4 March 2021

Reading time: 157 minutes



The three legal mechanisms discussed in the report are **data trusts**, **data cooperatives** and **corporate and contractual models**, which can all be powerful mechanisms in the data-governance toolbox.

The report is a joint publication with the [AI Council](#) and endorsed by the [ODI](#), the [City of London Law Society](#) and the [Data Trusts Initiative](#).



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# Taking data trusts from theory to practice



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in

