

# Bottom-up data Trusts

doi: [10.1093/idpl/ipz014](https://doi.org/10.1093/idpl/ipz014)

S. Delacroix and N. Lawrence

Data ownership is unlikely to provide

the level of control wished for.

It is also a poor answer to the type of

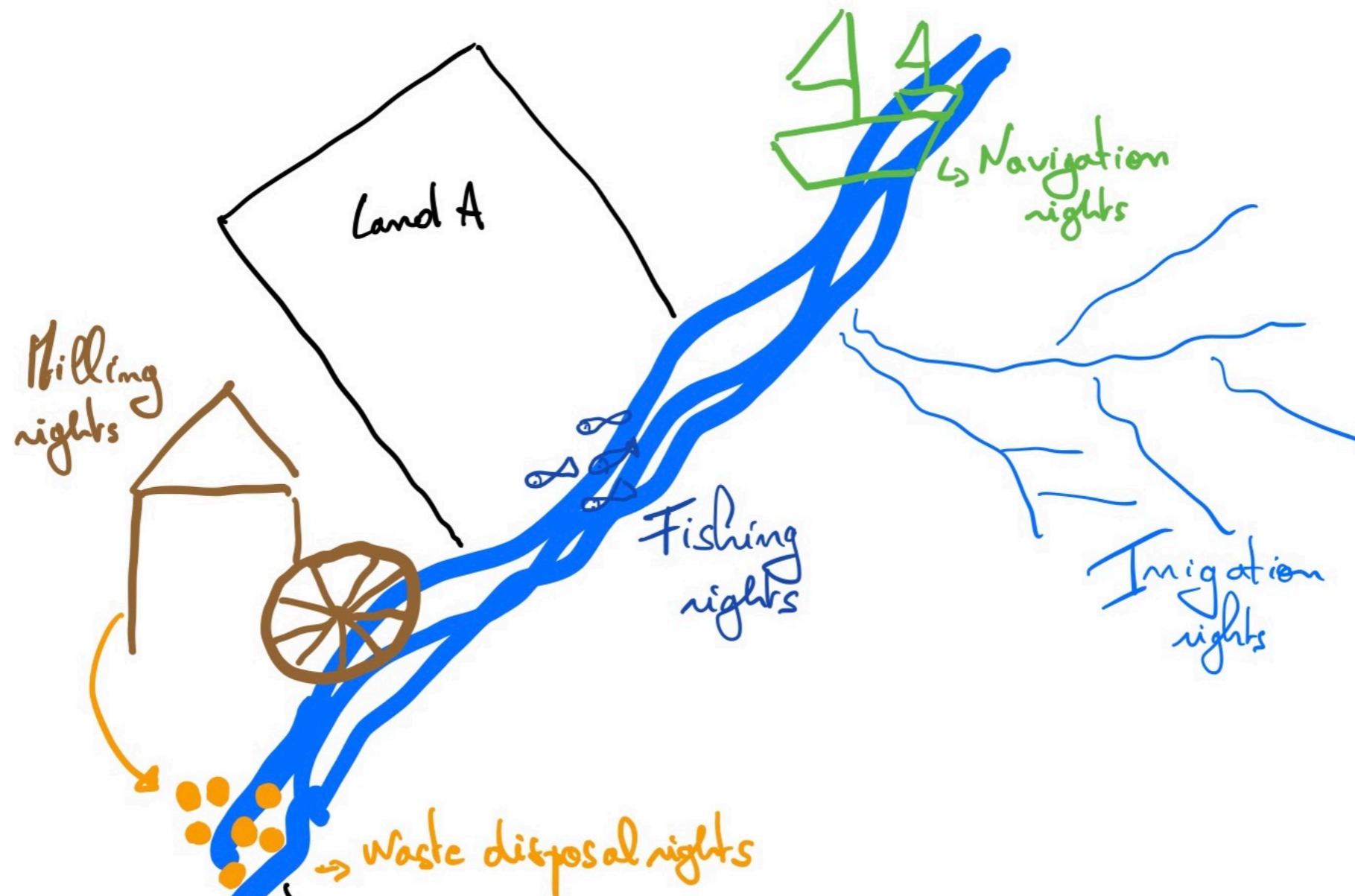
problems (and vulnerabilities) at stake.

Because of the discovery of:



Framing in terms of ownership

# Is Data like a river?



To ‘own’ a river is to have non-exclusive rights (and obligations)

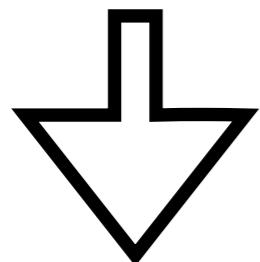
# Letter: Legal instruments exist to empower us, the data subjects

From Sylvie Delacroix and Neil Lawrence, The Alan Turing Institute



# 19th Century Land Societies

Pooling resources



Right to vote

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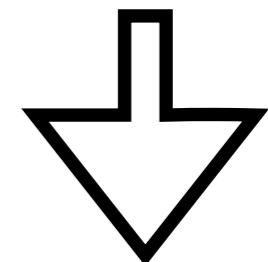
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# 21st Century Data Trusts

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?

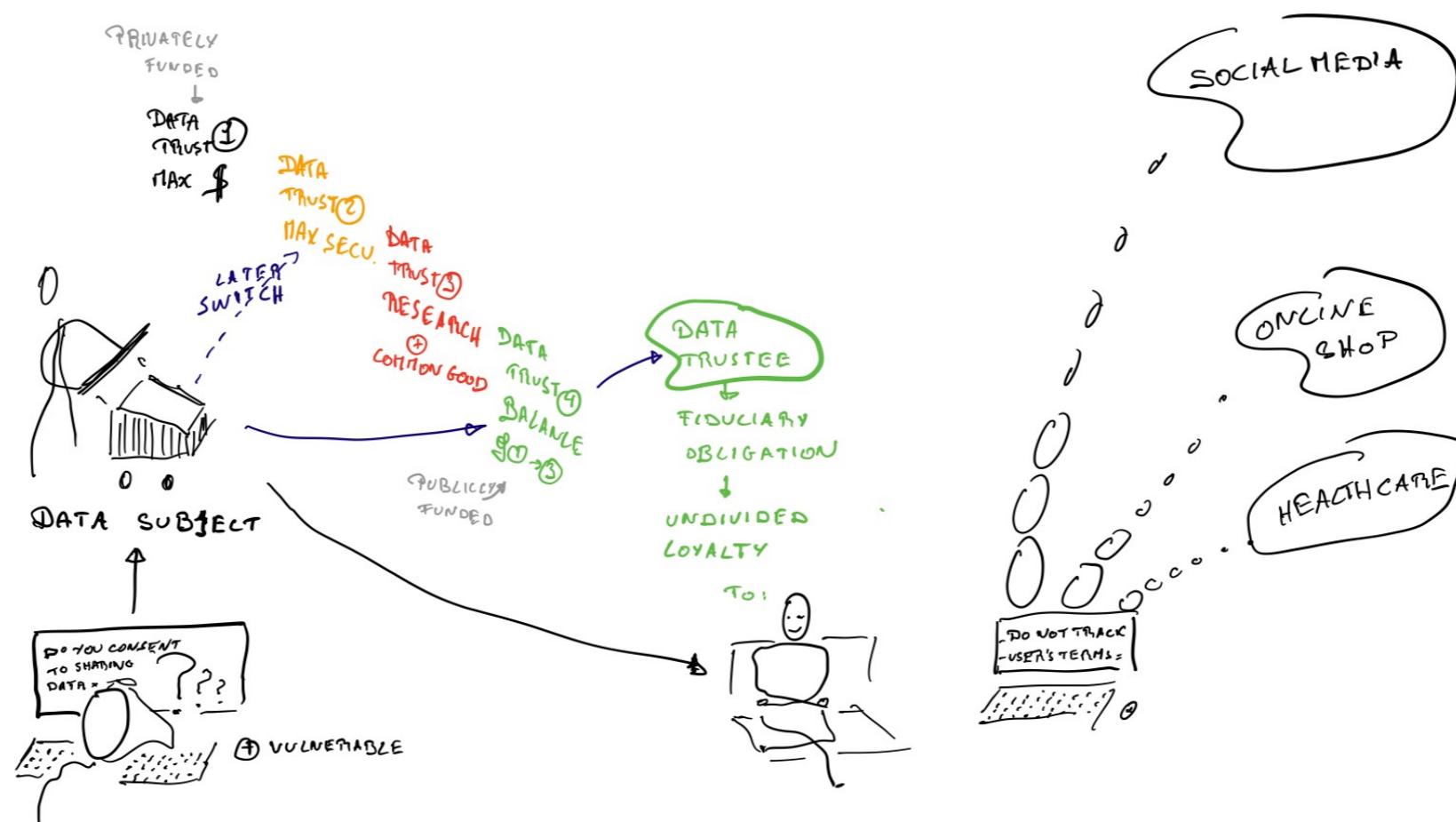
- 19th Century: advances in medic.Sc. called for birth of medical profession.
- Today: advances in data science call for Data Trustees

# Holding data rights under a Legal Trust

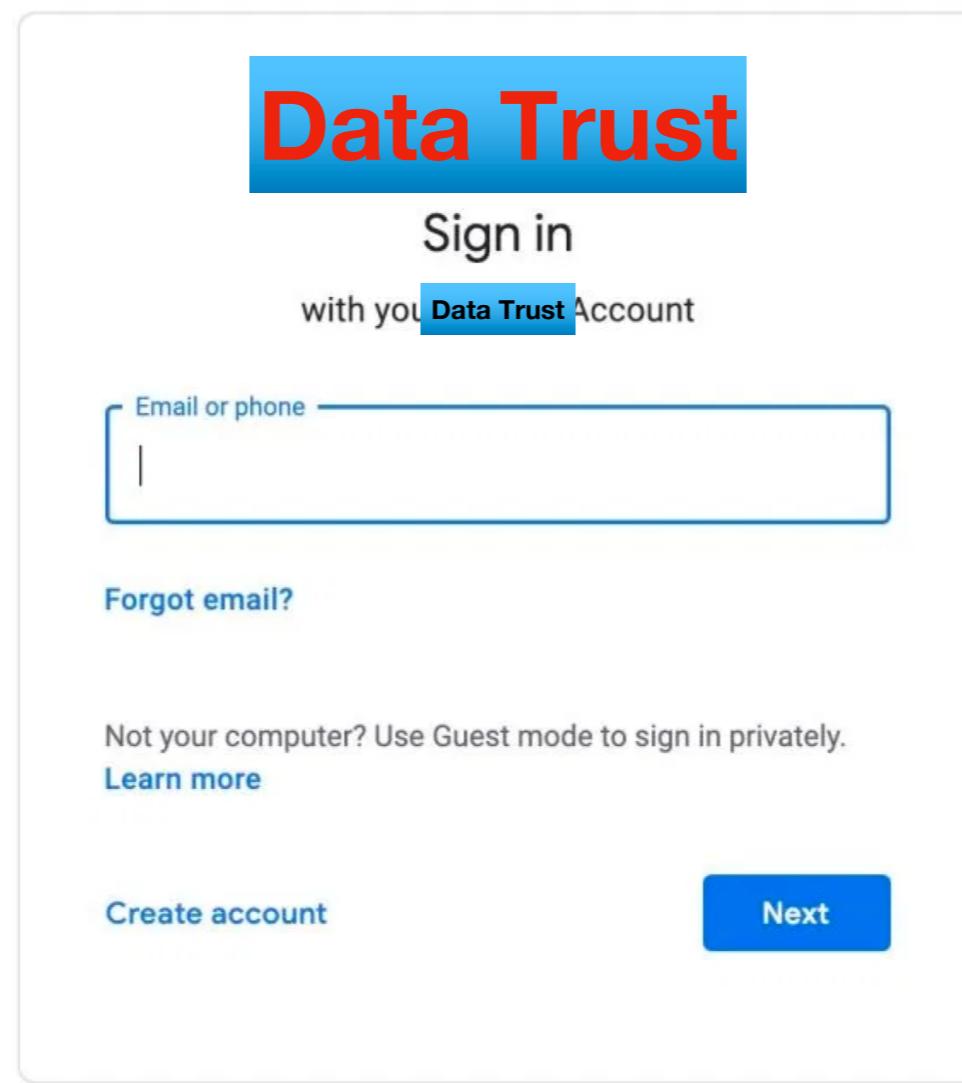
# Implementation Models

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

# Challenging the one size-fits-all approach



# Reversing direction of consent



English (United States) ▾

Help

Privacy

Terms

# Two challenges

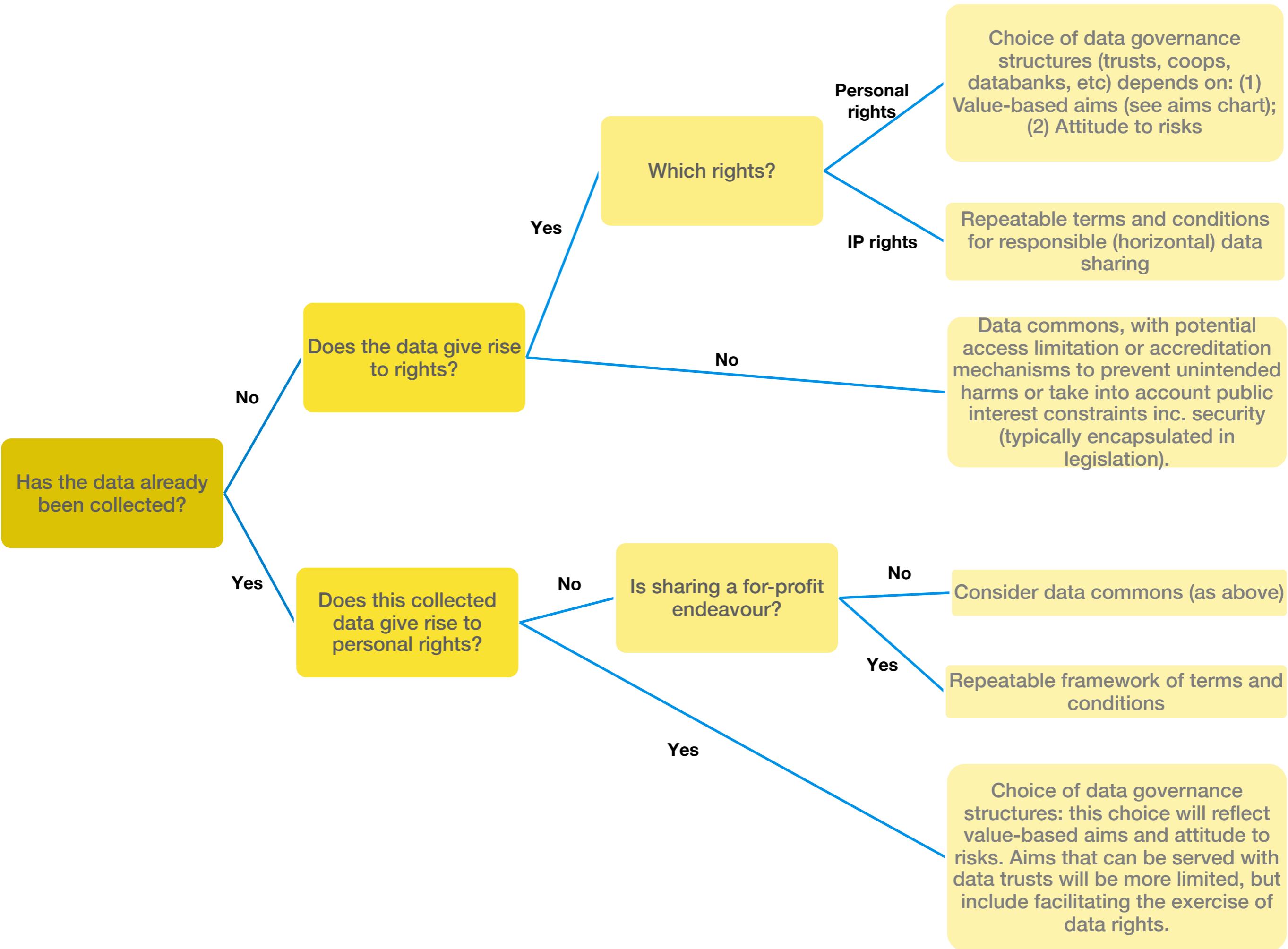
- 1. Conflicts of Trusts?**
- 2. Uptake:** publicly funded ‘default’ Trust in the absence of choice? Local data sharing needs?

# 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'*



Datatrusts.uk