



ODI - Data Trust Exploration Group - Meeting 2 - meeting notes

Date: 14:00-16:00 GMT, Wednesday 13 February 2019

Location: online

Related materials:

- [Slide deck](#)
- [Research questions](#)

Attendees:

- Peter Wells, ODI - Chair (in place of Jeni Tennison)
- Jack Hardinges, ODI - Secretariat
- William Hoffman, World Economic Forum - Member
- Katja Bego, Nesta - Member
- Feng Gao, Open Data China/SODA - Member
- Sue Daley, TechUK - Member
- Jasmine McNealy, Independent - Member
- Malte Beyer-Katzenberger, European Commission - Member
- Nabeel Ahmed, Toronto Open Smart Cities Forum - Member
- Claire Chapman, Office for AI - Member
- Sean McDonald, Independent - Member
- Alex Hubbard, Information Commissioner's Office - Member
- Kadie Armstrong, Open Data Services - Member
- Nora Ni Loideain, Information Law & Police Centre, Institute of Advanced Legal Studies, University of London - Member

Apologies:

- Roger Taylor, Centre for Data Ethics and Innovation - Chair
- Lilian Edwards, Independent - Member
- Jat Singh, Independent - Member
- Adam Green, Equiniti Group - Member

Agenda:

- **Hellos/welcome - 5 mins**
 - Thanks to members who contributed items to the agenda.
- **Discussion of ODI data trust pilots (Peter) - 30 mins**
 - There were a couple of requests from the group for the ODI to share more information on the pilots it is running.

- The definition the pilots are working to: 'A data trust is a legal structure that provides independent stewardship of data'.
- The context and purpose for each pilot
 - Discussion of three pilots: 1) to steward data collected by the Greater London Authority, Borough of Greenwich and other partners (e.g. data collected by car parking sensors and other 'street furniture', and data collected by equipment in local authority-owned buildings), 2) to steward data about food waste currently held by multiple private sector organisations (including food and drink manufacturers and retailers), and 3) to steward data collected by international NGOs and other organisations related to the protection of endangered wildlife.
 - Q: what criteria was used to select the pilots? A: ODI and UK Government consulted networks back in summer last year for orgs or groups of orgs interested piloting a data trust, which produced long list of candidates; narrowed down based on: 1) need to explore local, national and international dynamics, 2) need to address personal and non-personal data, 3) need to work with public, private and third sector data holders, 4) existence of a problem/challenge that could be addressed by increasing access to data, 5) expected level of engagement with stakeholders, and 6) interest in/ability to implement the outputs of this stage of work.
 - Q: what is the data collected by each of the pilots? how does it relate to people? A: not all of the data addressed by the pilots is personal data (e.g. in GLA pilot, one data type is charging points but not data about who's using the charging points); we'll be able to share more detail on data in scope at next DTEG meeting.
- The research questions and challenges being addressed by the pilots
 - Action: ODI to share full list of research questions with the group (also to be made public later today)
 - The group is invited to contribute to the research questions.
- The activities being undertaken for each pilot
 - The set of activities:
 - user research and engagement to understand the data holders', potential data users' and other stakeholders' objectives, requirements and desired outcomes for a data trust.

- legal analysis to explore the requisite legal personality, and subsequent process for and implications of incorporating a data trust.
 - designing a decision-making process for a data trust based on different deliberative and engagement techniques.
 - designing a data reuse process that potential data users would use to discover, seek to gain access and gain access (or not) to the data via a data trust.
 - assessing the technical architecture that could be used to underpin and enable access to data via a data trust.
 - research to explore how the benefits of data access could be distributed equitably to the different stakeholders of a data trust.
 - assessing the viability of implementing a data trust in that particular context.
- There is some variance for how the activities are undertaken, not exactly the same process across the three.
 - Q: will a data protection impact assessment be used for each of the pilots? A: yes, for pilots where personal data is involved; we can make this more explicit (e.g. to allow people to challenge the workings as we go); other tools also being used, such as the Data Ethics Canvas.
 - Q: are there issues with the wildlife pilots re legal jurisdictions? A: yes, there are data holders and users in locations such as Peru and Mongolia; this will be addressed by the legal analysis for pilots where relevant.
 - There is an assumption that work is focused on technical means of data storage and technical means of sharing - ODI keen to make point that a data trust might not necessarily store/pool data (i.e. not all in one repository).
 - These activities will be pulled into a design for a data trust that we will give to the pilot stakeholders (i.e. in exchange for their time and effort they've put into the pilots).
 - Invitation for people to get in contact directly with the team members
 - Action: ODI to share ODI blog post about the team working on the pilots
- The activities being undertaken across the pilots

- Running DTEG.
- Synthesis to work to help ensure consistency (where appropriate), which will be culminate in written report to bring out generalised research findings.
- Event to be held in April
 - expect it to be held on 15 April in London; agenda will leave space for other people to speak/share work as well.
- The ODI will also tender for an independent assessment to be run to evaluate the work.
 - Confirmation that members of the DTEG are able to apply.
- Timeline and the outputs of the work
 - By end March 2019:
 - A design of a data trust for each pilot, along with a recommendation to organisations involved.
 - A synthesis report covering lessons learned, recommendations for UK Government and guidance to data stewards.
 - Independent assessment of the programme and set of recommendations for data trusts.
- Evaluating the results and findings of the pilots
 - Synthesis report covering lessons learned, recommendations for UK Government and guidance to data stewards.
 - Independent assessment of the programme and set of recommendations for data trusts.
- Q: how much of this information is public; can we talk about it? A: anything we've described or is in the slides can be shared.
- Q: does the ODI have different archetypes of data collaboration/data sharing archetypes? With various legal technical social layers? A: yes, collected initially in data access map; developing into robust taxonomy/set of archetypes is difficult.
- **Updates from the group - 30 mins**
 - Invitation for the group to share related projects, findings or work.
 - Not directly applicable, but interesting work happening in the UK on ethical implications of data collection by surveillance technology.
 - Work due to begin in the US to explore data trusts, particularly the applicability of trust law to govern data in US, Canada and UK. Will

address use of data trusts by civil society organisations and marginalised populations.

- The ICO is about to open up application process for access to regulatory sandbox for innovative uses of data. The sandbox will provide space for enhanced engagement with ICO on advanced use cases of personal data, particularly looking for complex data sharing. Some of the types of projects and topics discussed on these calls would be relevant - ICO currently collecting intentions to apply.
 - Action: ODI to share information on ICO sandbox.
- Two academic papers on data trusts have recently been published: one from University of Southampton and one from Washington University.
 - Action ODI to share links to these papers.
- Other work happening on Canadian/US projects which involves applying trusts to the governance of data. Likely to be a conference on advanced data governance design this summer in Washington DC.
- Discussion of data trust-related developments in Toronto. Not a lot of movement since we last spoke - planned public event today on civic digital trust was postponed due to snowstorm. The definition of civic digital trusts is different, it seems to be about more than data governance (i.e it spans to decisions related to new data collection).
- Data trusts are one approach to data access/governance - what do we call the wider set/pool of these approaches? Collaboratives, exchanges? Discussion about data access and governance - restatement that data trusts are a specific instrument/form of governance. Some people and organisations are using 'data trust' to describe any form of data sharing/governance - it was important for ODI to focus on something specific.
 - Action: ODI to reshare data access map.
- Discussion of data cooperatives and mutuals, as well as data commons. Data cooperatives in agriculture sector - message seems to be "farmers own their data", which isn't quite as nuanced as it needs to be (i.e. it's about pathwork of rights to the data that's generated). FarmHack in Netherlands are interested in this concept of data trusts to govern data. Point made that cooperative are organisations - a data trust structure might look quite different.

- **Similar models/approaches to stewardship (Jack) - 25 mins**

- Some of the models the ODI has learnt about
- Emerging difference between 'organisation-led' data trusts where an organisation or pool of organisations cede some control to a data trusts, and 'people-led' data trusts where it's a pool of individuals
- Comparison of organisation-led data trust with the Administrative Data Research Network:
 - It had a defined purpose, to enable access to data for research into certain themes or topics.
 - It had a set of principles and terms; in order to gain access to the data, researchers and their projects must have met criteria.
It had a board/panel that "made sure the process of granting access to data was fair equitable and transparent".
 - It had a detailed set of operating procedures and decision-making processes.
 - It determined the technical means of enabling data access (including using physically restricted environments).
- Organisation-led comparisons: DataPitch, Facebook / Social Science Research Council partnership, Genomics England Access Review Committee, Yale University Open Data Access (YODA) Project, Clinical Study Data Request, Smart DCC, The National Trust, Trust Ports, etc.
- People-led comparisons: DECODE, Personal Data Stores (PDS), Personal Information Management Systems (PIMS), data portability initiatives such as Open Banking and Data Transfer Project, data cooperatives, etc.
- ODI will include some of these comparison in outputs from data trust work.

- **For discussion next time: legal questions related to data trusts (Jack) - 10 mins**

- The ODI is working with legal partners on the pilots: BPE (a UK-based specialist in STEM law, who are working on GLA/Greenwich pilot), Pinsent Masons (who have an internal working group on data trusts to join together practices, who are working on wildlife and food waste pilots) and Chris Reed (academic lawyer at Queen Mary University of London to challenge their work and synthesise findings).
 - All are contactable directly; invitation to group to get in touch if interested.



- ODI would like to include discussion of legal aspects at next DTEG meeting.

Suggested topics are:

- Legal forms, structures and personalities
 - Implications for privacy/data protection, commercial confidentiality and intellectual property
 - Issues of 'ownership'
 - Compliance with the trust (including enforcement and audit)
 - External representation, oversight and/or certification
 - Termination and winding up
- Action: group to provide feedback on topics and suggest others for discussion at next meeting
 - Action: ODI to arrange for legal partners to attend next DTEG meeting

- **AOB - 10 mins**

- Process for new members to join the group
 - ODI would like the group to recommend process for making decisions about requests to join DTEG
 - Discussion of sub groups divided by topics or themes.
 - Discussion of the fact that group is still working out whether it's even useful to meet, so might be wise to have a few more meetings before opening or making other plans for beyond initial four meetings.
 - Action: ODI to share ToR again and encourage group to suggest terms related to taking on new membership.
- Event on 15 April in London at Alan Turing Institute (including travel and ideas for the agenda)
- Reminder of invitation to use mail list to share links and information between meetings.

- **Actions - 10 mins**

- ODI to share full list of research questions with the group (see above).
- ODI to share ODI blog post about the team working on the pilots.
- ODI to share information on ICO sandbox.
- ODI to share links to recently published academic papers on data trusts: 1) 'Beyond Open vs. Closed: Balancing Individual Privacy and Public Accountability in Data Sharing' and 'Data Trusts: Ethics, Architecture and Governance for Trustworthy Data Stewardship'.
- ODI to share link to the data access map.



- DTEG group to provide feedback on legal topics and suggest others for discussion at next meeting.
- ODI to arrange for legal partners to attend next DTEG meeting.
- ODI to re-share DTEG Terms of Reference and encourage group to suggest terms related to taking on new membership.
- ODI to share meeting notes for review.
- DTEG group to review minutes ahead of their publication.