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Data trusts in Quebec's civil law tradition

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Content

Origin and meanings of data trust

Trust laws in Canada and Quebec

A civil law data trust



Origin and meanings of data trust



Origin and meanings of data trust

Data trust may be understood as:

1. a legal trust
2. an independant stewardship
3. a perspective on data sharing

Trust laws in Canada and Quebec



Trust laws in Canada and Quebec

Common law trust	Civil law trust
Ownership of property with obligations towards the beneficiaries.	Administration of a property appropriated for a purpose.

- **trustee** owns the property and has fiduciary obligation (prudence, diligence and loyalty);
- **beneficiary** is essential to the trust¹;

- **trustee** has power (not ownership) over the property in the trust (administration);
- **purpose** is essential to the trust;
- **beneficiary** is not an essential element²;



1 There is one exception to this principle: the charitable trust

2 There is one exception to this principle: the personal trust

Civil Code of Québec

Traditional ownership

915. Property belongs to persons or to the State or, in certain cases, is appropriated to a purpose.

Trust

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A civil law data trust



Civil law data trust

- 1) evacuation of the question of data ownership
- 2) delegation of consent to the trust
- 3) versatility
- 4) balance different interests related to data collection and sharing
- 5) trustees are responsible

Questions

