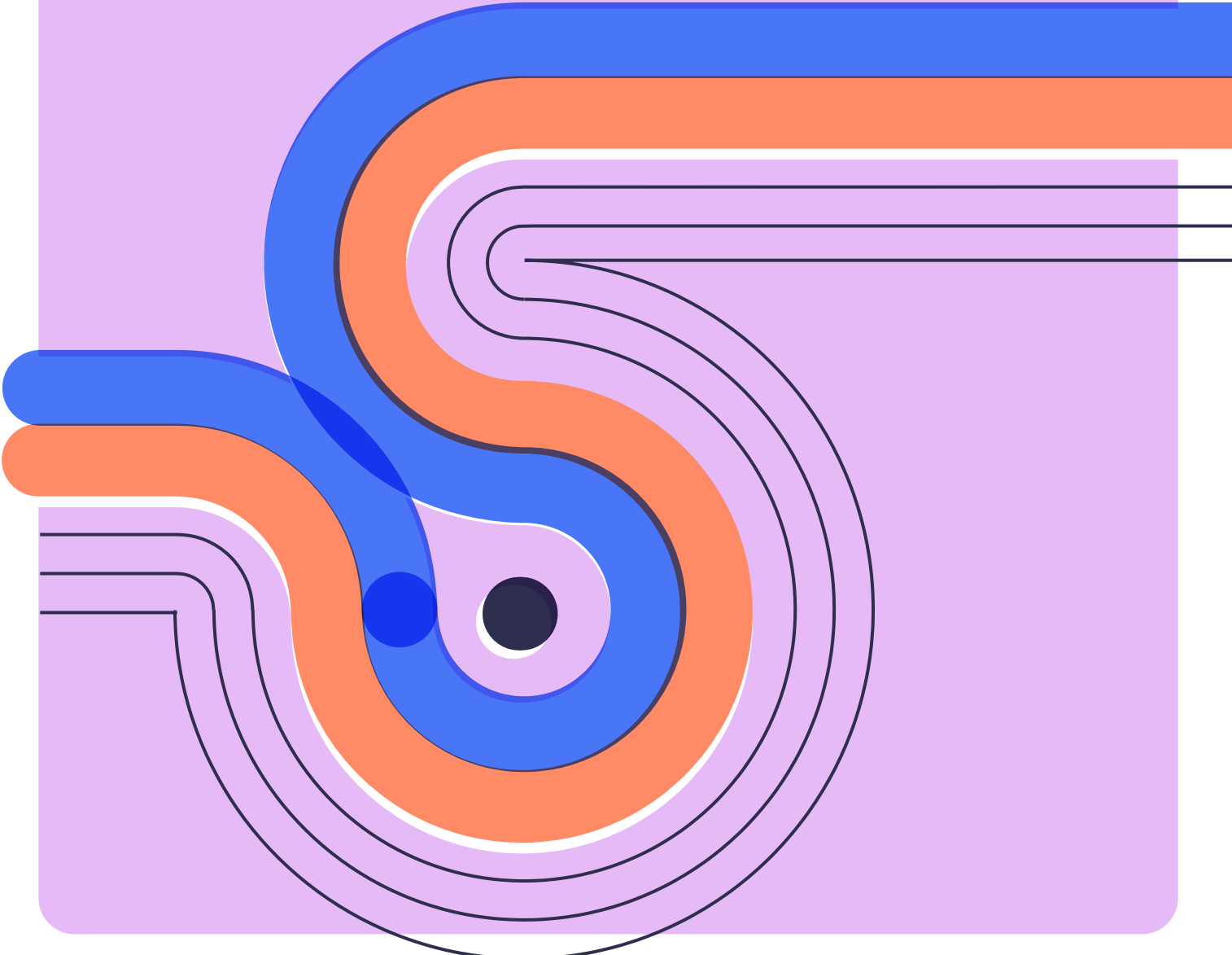




# Data Partnerships

An Introduction



Research

Design

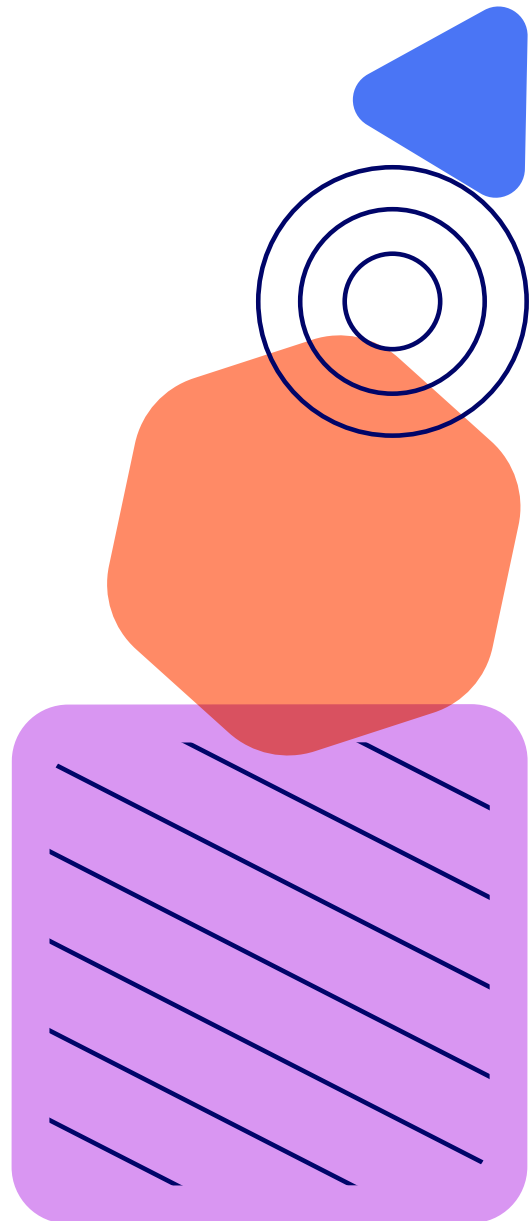
Implement

### Intended audience

- Any person or organization who wants to learn about data partnerships.
- Anyone who wants to know what circumstances make a data partnership worthwhile.
- Project owners who want to learn how to create data partnerships.

### Limit of liability

The information in this publication is for information purposes only and is not intended as advice to readers of their legal rights and obligations. It is based on laws and regulations that may have changed by the time you read it. It may also be inapplicable or not suited to your circumstances. No part of this document should be construed as either a professional opinion or an answer to any particular situation. This information is not intended as a substitute for professional legal advice.



## ● Introduction

# Why do data partnerships matter?

More and more organizations face complex issues and problems that they need to solve **using data**. In such situations, organizations rely on data that is in their possession (internal data) or readily available (open data). However, these data sources may be **insufficient**. For example, data may reflect only one aspect of the problem or its quality may be unsatisfactory.

That's why organizations sometimes need to access data that is neither internal nor open. This is restricted data which may, for example, be held by other organizations or entities (see [Open Data Institute data spectrum](#)). So it's useful to set up data partnerships with these entities (citizens, public institutions, other organizations) in order to share data, control access, and strictly limit use of that data to resolution of the initial problem.

In other words, data partnerships translate into a well-known concept in the intangible world of social economics: [pooling](#) (FR).

The scale of data partnerships depends highly on objectives being pursued. For example, there's a big difference between a working relationship that two organizations would like to deepen and a structuring project that would transform transportation throughout a city.

But in all cases, proponents must assess and overcome the same challenges: “privacy, informed consent, responsible and ethical use, privatization, and access of data, biased or discriminatory algorithmic decision-making, and citizen participation in decision-making.”<sup>1</sup>

A responsible and ethical partnership requires thoughtful and consistent decision-making by everyone involved to meet these challenges. And that's the main theme of data governance, a theme that runs through all data partnerships and social utility trust [tools](#) that Open North and TIESS provide for you.

## Happy reading!

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<sup>1</sup> Open North. (2021). *Digital Data Partnerships: Building the Foundations for Collaborative Data Governance in the Public Interest*, p. 14.

• Part 1

# Data partnerships: 8 questions

## 1 What is data?

Data are representations of reality that can take many forms: text, numbers, images, sound, and video.

Data exists when the following two elements are present:

- A a reality to be observed (e.g., people visiting a museum);
- B a form that represents this reality (e.g., a number, list of names).

Raw data only becomes meaningful through **analysis and decision-making work that begins as soon as it is collected** (what is collected, how, how often, etc.). This data must be sorted, filtered, and cross-referenced according to the type of information the organization wants to extract from it.

## 2 What is a data partnership?

A data partnership is any **collaborative initiative between two or more individuals or organizations that requires the sharing and use of data** for a common goal.

Data partnerships are used to address real-world problems that require a collaborative approach. They can result in data pooling or sharing in order to create new knowledge and a better understanding of various problems or situations. Data governance in a partnership meets a number of criteria, such as being collaborative.



### 3 What is data governance?

Data governance encompasses all **factors that influence data-related decisions**. Some of these decisions emerge while planning a data partnership, so it's important to think very early about who makes decisions, how, and towards what end.

- See *Digital Data Partnerships: Building the Foundations for Collaborative Data Governance in the Public Interest* (Open North).

### 4 What is the difference between data sharing and data pooling?

Data sharing refers to an **exchange of data** between actors for a particular purpose.

Data pooling refers to the **pooling of several data sources** in order to cross-reference data and extract useful, relevant information based on the partnership objective.<sup>2</sup> It is also possible to pool the means (financial, technical, and human resources) and methods necessary to analyze these combined data.

### 5 Are there any data partnerships in Québec?

Data partnerships have been created in a wide variety of settings and fields.

Culturepedia (FR), established by the nonprofit *Culture pour tous* and five of its partners, measures the socioeconomic impact of arts and culture on the overall health of communities. How? By cross-referencing and analyzing a wide range of data in unprecedented ways. This partnership was the first-ever data social utility trust in Québec. In February 2023, five trustees were appointed, and the creation of Culturepedia was approved.

PULSAR, an interdisciplinary partnership in the healthcare field, cross-references data from several research projects in order to provide a comprehensive longitudinal picture of the determinants of physical, mental, and social well-being. PULSAR serves as a collaborative space for scientific projects that aim to contribute to sustainable health and better address societal health and wellness issues.

Finally, the nonprofit rental register *Vivre en Ville* asks Québec tenants to enter data on their rent in order to create an overall picture of the rental market.

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<sup>2</sup>Note: Organizations may need to combine multiple databases on their own.

## 6 How are data partnerships actually created?

There are many different ways to implement a data partnership, each of which can be tailored to the partnership's objective and context. While there is no one-size-fits-all model, the most frequently mentioned ones are:

- A a **trusted intermediary** who serves as a liaison between persons (natural and legal) who provide data and those who wish to access it
- B a **shared data pool** that enables the combination of different data sources so they can be analyzed as one source
- C one-off **contractual agreements** between several organizations

These approaches can take various forms depending on the specific goal and context of your partnership.

- See [Découvrir 4 modèles d'affaires possibles pour mieux circonscrire son choix](#) (FR - Discover 4 business models to narrow down your choice)
- See [Montréal in Common: Data Governance Workstream](#) (Open North)
- See [Gouvernance des données: la fiducie d'utilité sociale, un outil à fort potentiel](#) (FR - Data governance: the potential of social utility trusts) (TIESS)

## 7 Can I share data without setting up a partnership?

Yes! Unless you have other people's personal information, you can share data using a Creative Commons licence. These licences enable you to set permissions and restrictions for those who use the databank. This is known as **open data**.

For example, Wikipedia data is made available under the [CC BY-SA 3.0](#) licence. This means that users can:

- **share** – copy, distribute, and communicate materials by any means and in any format
- **adapt** – remix, transform, and create source material for any use, including commercial

### provided that they:

- **acknowledge** – credit the work's author and include a link to the licence
- **share under the same conditions** – subsequent sharing of the work, even if modified, must use the same licence.

- For more information, visit the [Creative Commons website](#).



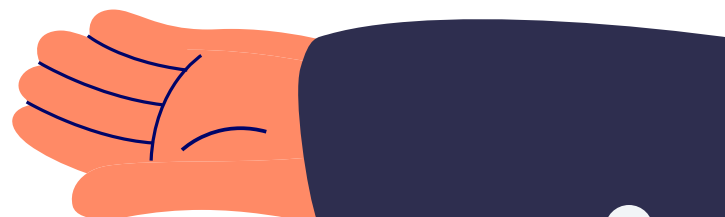
## 8 Are there other ways to share data in the public interest?

Another avenue is **data altruism**, a term introduced by the European Union that we hear more and more often. It refers to the sharing of a natural or legal person's data with an independent nonprofit organization on a free and voluntary basis, without *quid pro quo* and exclusively for the purpose of serving a cause in the public interest.<sup>3</sup> The cause can be related to health, action against climate change, improving mobility, or any area of scientific research.

- See *Partager les données à des fins d'intérêt général : des modèles (juridiques) en construction*. (Anne-Sophie Hulin, OBVIA) (FR - Sharing Data in the Public Interest: Emerging [Legal] Models).

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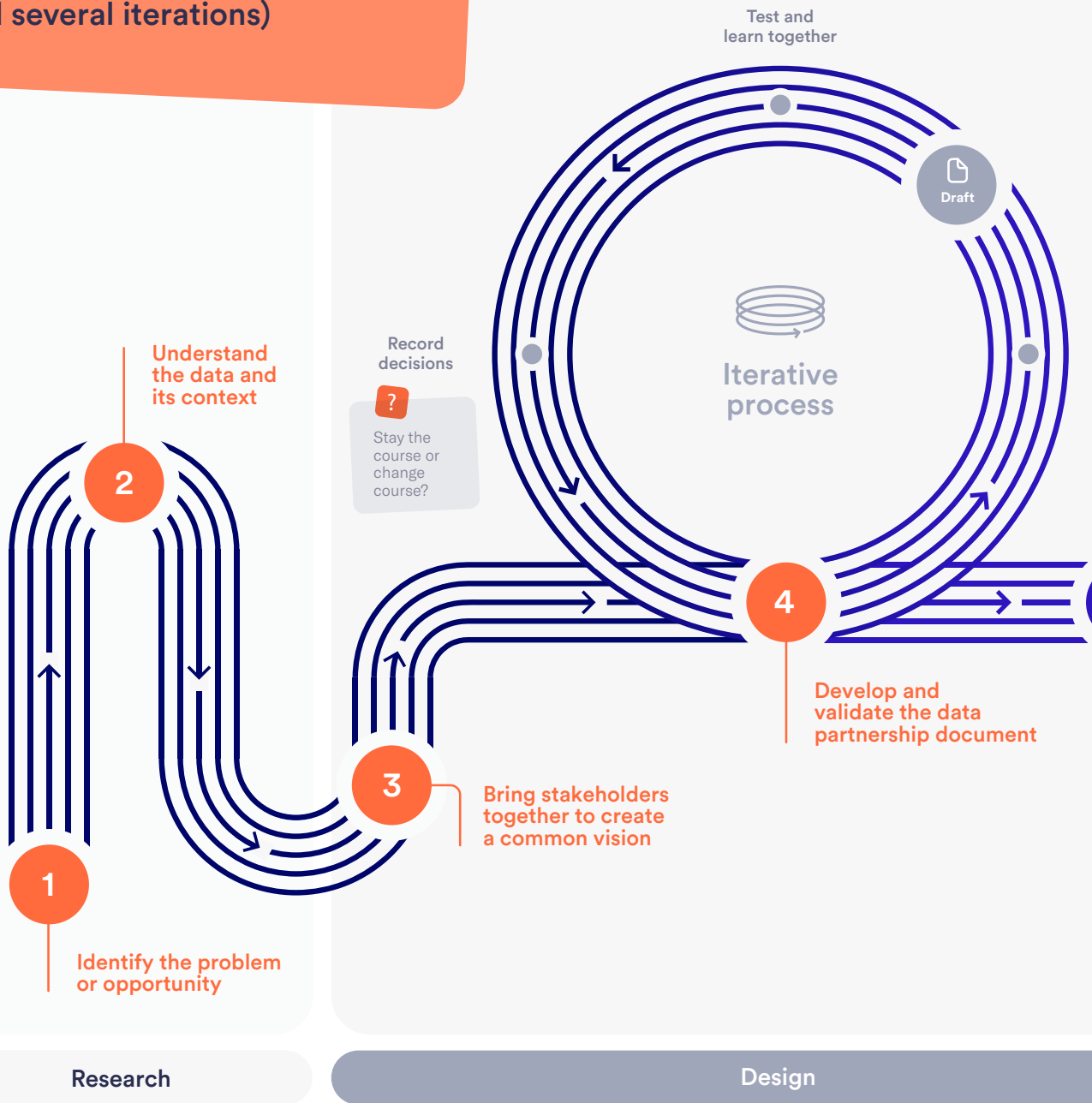
<sup>3</sup> Hulin, Anne-Sophie. (2023). *Partager les données à des fins d'intérêt général : des modèles (juridiques) en construction*. (FR - Sharing Data in the Public Interest: Emerging [Legal] Models). OBVIA.



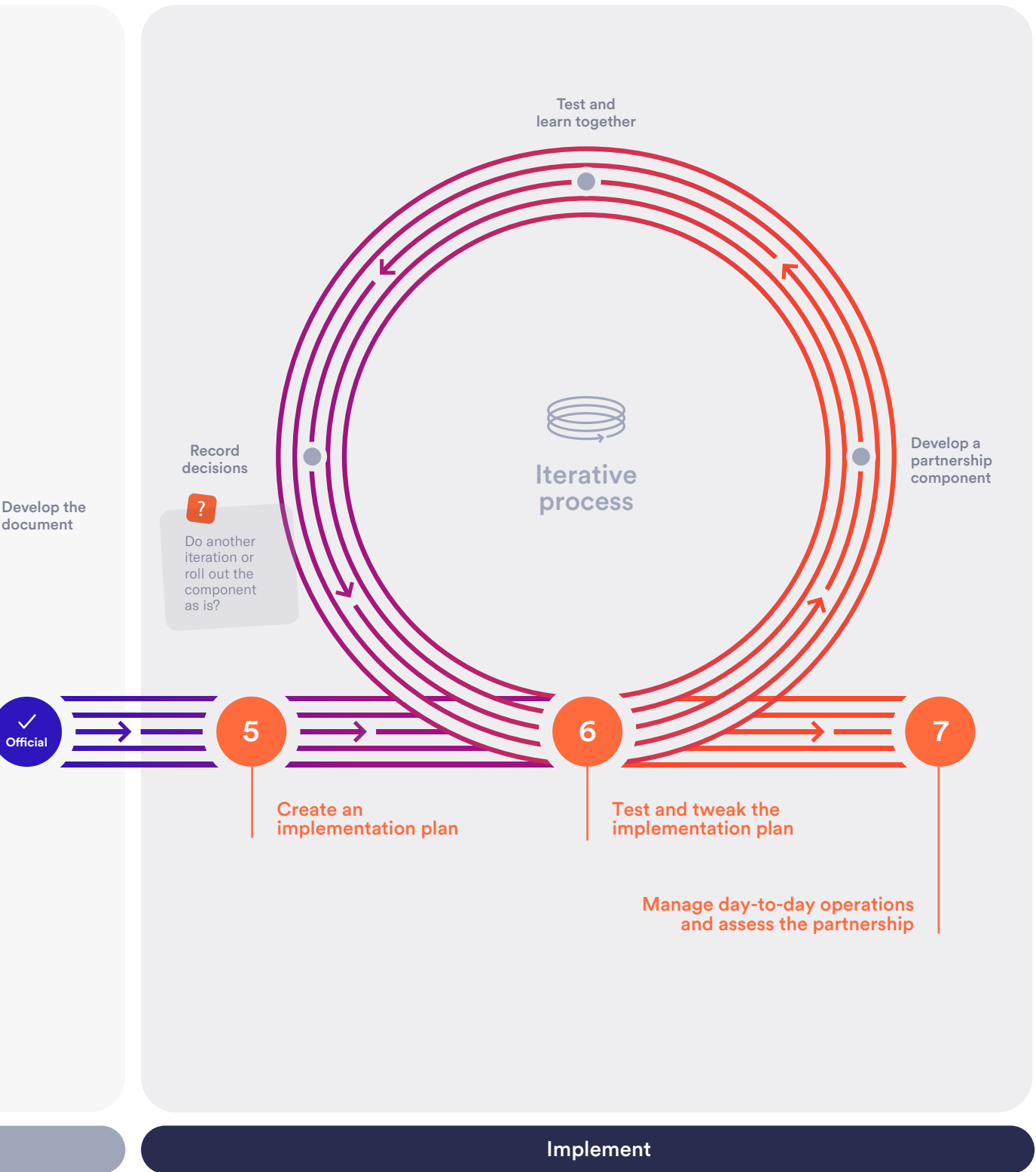
• Part 2



# Create a data partnership in 7 steps

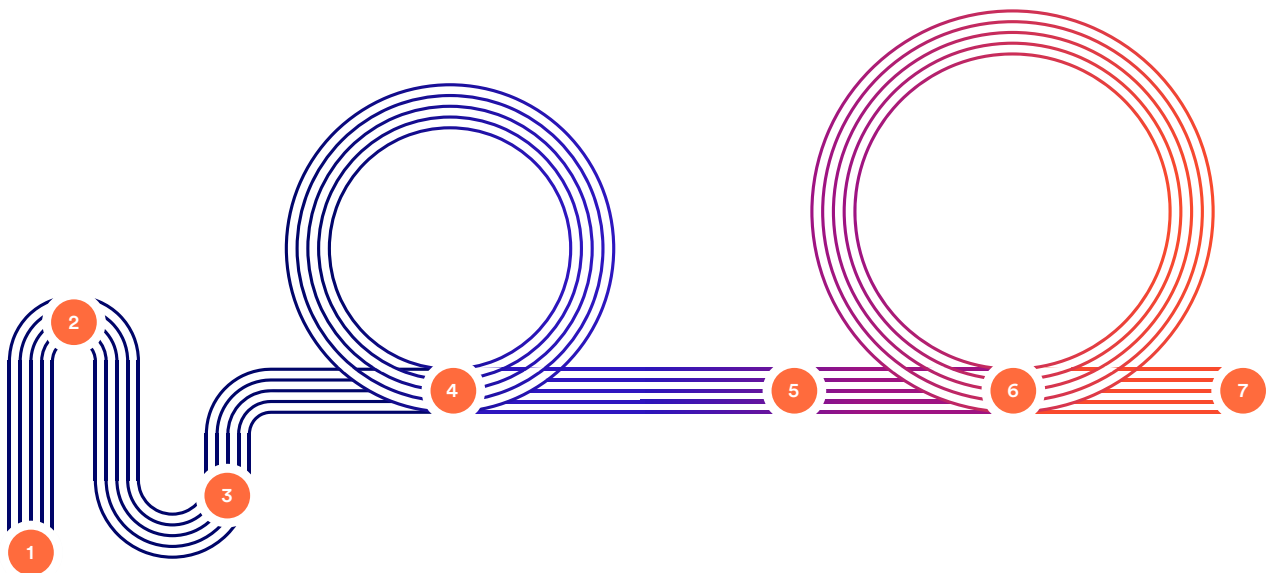
(and several iterations)







Steps	 Things to review	 What's involved?
<p><b>1</b></p> <p><b>Identify the problem or opportunity</b></p>	<ul style="list-style-type: none"> <li>Purpose</li> <li>Stakeholders</li> </ul>	<p>This step helps to identify the problem to solve or the opportunity to seize. You start with the big questions, like why pool our data? Do our goals align or complement one another? Etc. It's essential to first understand the needs of potential stakeholders in depth.</p>
<p><b>2</b></p> <p><b>Understand the data and its context</b></p>	<ul style="list-style-type: none"> <li>Data characteristics</li> <li>Technology infrastructure</li> <li>Legal framework</li> <li>Stakeholders</li> <li>Skills and experience</li> </ul>	<p>This involves understanding the data (nature, source, format, quality, limitations, etc.) that could help you solve a problem or seize an opportunity. You also need to identify stakeholders at this stage who could join the partnership or be involved in the initiative.</p> <p>This must be done early in the process, since the success of a partnership depends primarily on the ability to bring the right stakeholders together. For example, if the data describes the movements of certain populations (sensitive personal data), these populations will be the first to experience risk if the partnership is mismanaged. It's best to include the parties in project governance.</p>



## Steps



### Things to review



### What's involved?

3

#### Bring stakeholders together to create a common vision

- Purpose
- Stakeholders
- Benefits
- Transparency
- Ethical principles
- Scale

This step involves building a shared vision of what the data partnership could be, based on stakeholder thoughts and ideas as well as the results of steps 1 and 2. This vision includes common objectives, the scope of data to be pooled or shared, etc. It also entails developing a shared understanding of how shared data can help partners solve a problem or seize an opportunity.

4

#### Develop and validate the data partnership document

- Temporality
- Data quality
- Stakeholders
- Decision-making processes
- Business model
- Ethical principles
- Transparency
- Risk management
- Data use cases

This step enables stakeholders to turn their shared vision into concrete ideas. An initial ideation phase results in a preliminary document that outlines what the partnership (prototype) might look like. The document is then submitted to stakeholders. You may need several iterations before you have a document that meets the expectations and needs identified in Step 1. Iterations are necessary when creating a formal document that frames a partnership.

#### Tip

**For archiving and learning purposes (and in the interest of transparency), you should track changes made to each version and the reasons for said changes. Feel free to take small steps and test the usefulness of some data on sub-issues. You can run these tests in the next step.**

## Steps



## Things to review



## What's involved?

5

### Create an implementation plan

Technology infrastructure

Stakeholders

Skills and experience

Data quality

Access conditions

Decision-making processes

Ethical principles

Transparency

Risk management

Benefits

Day-to-day operations

Assessment strategy

How do you operationalize the contents of the data partnership presentation document? In this step, you collectively answer practical questions, such as how do you finance the partnership? How should roles and responsibilities be divided? Do you need training? What is the monitoring and assessment strategy? What decision-making process does the partnership need to analyze requests for additions or withdrawals of data? This step also includes planning and implementation of partnership components, tools, and processes (or other elements).

#### Tip

**It's a good idea to proceed step by step. Again, several iterations may be required.**

In this step, you develop a component, tool, process, or other element in the implementation plan, test it in real life with potential users, and then assess it and adjust it. To ensure that the partnership proves useful, several iterations of this process may be required before you plan development of the next tool, component, process, or other element. Repeat this step for each component, tool, process, or other element to be developed to ensure that the partnership is fully functional.

6

### Test and tweak the implementation plan

Things to review are similar to those in the previous step. Adapt them based on the partnership.

Now that the partnership (or at least its initial version) has been developed and deployed, we must establish day-to-day operations, give ourselves the means to assess whether it achieves its intended objectives, and also determine what unintended negative consequences its deployment could amplify.

7

### Manage day-to-day operations and assess the partnership

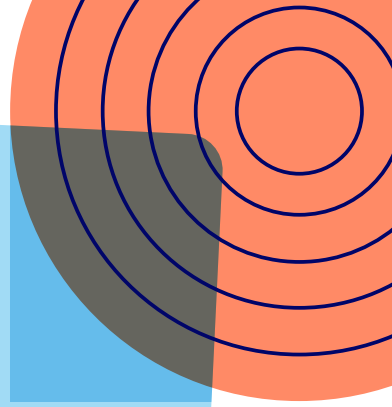
#### Tip

**You need to assess the partnership as frequently as possible, i.e., on an ongoing basis, and make any adjustments as you go. Without regular assessment, how can you ensure that the partnership actually bolsters the common good?**

- Part 3

# Various legal arrangements or vehicles

## for creating a data partnership



Data partnerships take many forms, including legal ones. Let's zoom in on four of them.

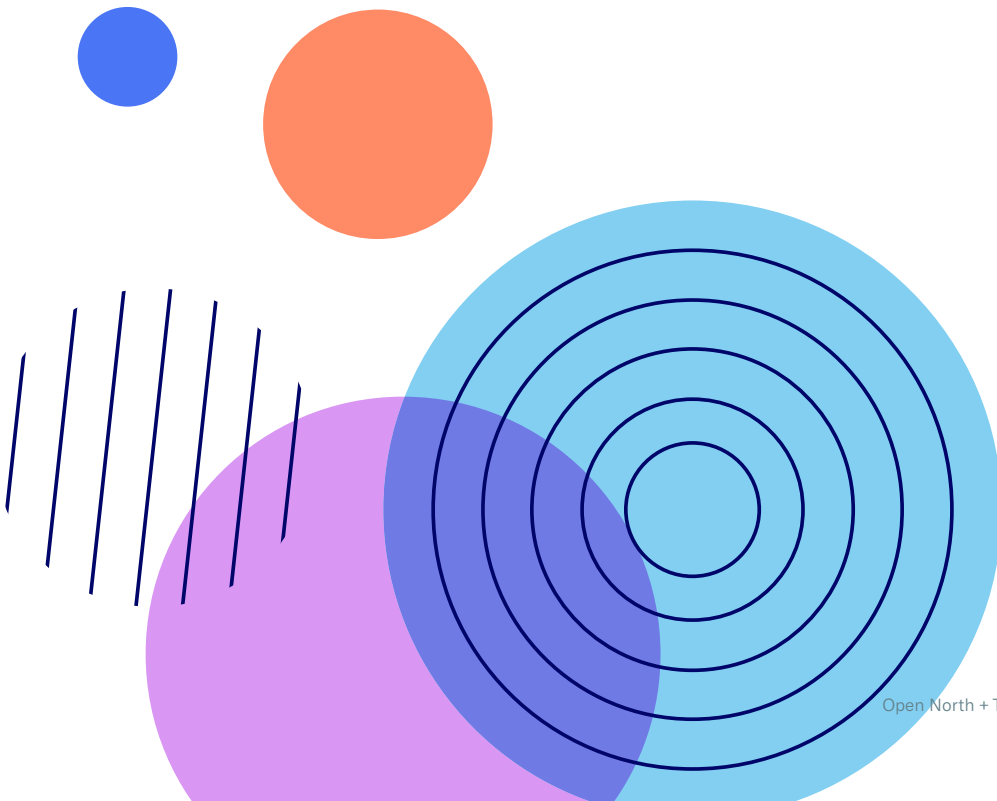
	Social utility trust	Nonprofit organization	Cooperative	Contractual agreement
Overview	In a social utility trust (SUT), natural persons hold and administer assets in the public interest.	A nonprofit is a group of people who pursue ethical or altruistic goals and who have no intention of making money to share among its members.	A cooperative is a group of people who come together to operate a business based on rules of cooperative action, including collective and democratic control.	A contractual agreement is a contract between two or more partners that sets out the parameters of their partnership.  This agreement contains terms and conditions, as well as each partner's rights and obligations.



	<b>Social utility trust</b>	<b>Nonprofit organization</b>	<b>Cooperative</b>	<b>Contractual agreement</b>
<b>Who owns the assets (data)?</b>	<p><b>Administers other people's property</b></p> <p>No one owns the assets in the trust.</p> <p>Trustees <b>administer</b> assets in the trust in the public interest. They must hew to the purpose assigned to the assets.</p>	<p><b>Owens the assets</b></p> <p>A nonprofit organization <b>owns</b> its assets.</p>	<p><b>Owens the assets</b></p> <p>The cooperative <b>owns</b> its assets.</p>	<p><b>Defined by contract</b></p> <p>The contractual agreement must stipulate who owns data and intellectual property. There are no common rules.</p>
<b>Purpose</b>	<p>Social utility trusts promote the public interest, particularly in terms of culture, education, philanthropy, religion, or science.</p> <p>They are not primarily for making profit or operating a business.</p>	<p>A nonprofit's goals are those of the legal person that operates it. These may be of a social, educational, religious, philanthropic, sporting, or other nature and must not be to procure profit or any economic benefit for its members.</p>	<p>A cooperative is about meeting the common economic, social, or cultural needs of its members who join together to run a business for that purpose.</p>	<p>Parties to the contract determine the partnership's goals, which may be in any order.</p>

	Social utility trust	Nonprofit organization	Cooperative	Contractual agreement
Key takeaways	<ol style="list-style-type: none"> <li>1 Settlers appropriate assets for a socially useful purpose.</li> <li>2 Settlers transfer assets to an SUT.</li> <li>3 Trustees agree to administer the SUT and hold the assets.</li> </ol>	<ol style="list-style-type: none"> <li>1 A social mission.</li> <li>2 At least 3 founders.</li> <li>3 Letters patent issued by the Crown.</li> </ol>	<ol style="list-style-type: none"> <li>1 The reason why it was formed.</li> <li>2 At least 5 founders, except in the case of worker cooperatives (3).</li> <li>3 Articles of Incorporation issued by the Crown.</li> </ol>	<ol style="list-style-type: none"> <li>1 At least two partners.</li> <li>2 An agreement signed by each partner.</li> </ol>
Is there a new legal entity?	<p><b>No</b></p> <p>SUTs are not legal persons.</p> <p>Legally, trustees are the ones who act, in their capacity as trustees.</p>	<p><b>Yes</b></p> <p>Nonprofits are legal persons, which are distinct from their members.</p> <p>They can act legally (rent, sell, contract, borrow) through their board of directors, which legally represents them.</p>	<p><b>Yes</b></p> <p>Cooperatives are legal persons, which are distinct from their members.</p> <p>They can act legally (rent, sell, contract, borrow) through their board of directors, which legally represents them.</p>	<p><b>No</b></p> <p>Each party to the contract remains a stand-alone entity. Each party has rights and obligations under the contract.</p>

	Social utility trust	Nonprofit organization	Cooperative	Contractual agreement
Legal framework for governance	<p>The <i>Civil Code of Québec</i>, in the sections dealing with trusts and administration of other people's property.</p> <p>Personal information laws, if applicable.</p> <p>The trust deed that created the social utility trust.</p> <p>Internal policies and regulations.</p>	<p>The <i>Civil Code of Québec</i>, in the section on legal persons.</p> <p>The <i>Companies Act</i>.</p> <p>Personal information laws, if applicable.</p> <p>General regulations.</p> <p>Internal policies and regulations.</p>	<p>The <i>Civil Code of Québec</i>, in the section on legal persons.</p> <p>The <i>Cooperatives Act</i>.</p> <p>Personal information laws, if applicable.</p> <p>General regulations.</p> <p>Internal policies and regulations.</p>	<p>The <i>Civil Code of Québec</i>, in the section on contracts.</p> <p>Personal information laws, if applicable.</p> <p>The contract.</p>





# Ready to continue your research?

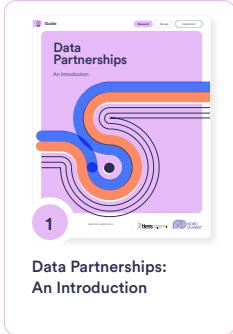
A selection of resources is available to help you better understand certain concepts in this tool, to help you think through the matter, and to provide concrete suggestions that meet your needs.

Research

Design

Implement

Documents to read (as applicable) during a project's ideation stage



**Data Partnerships: An Introduction**



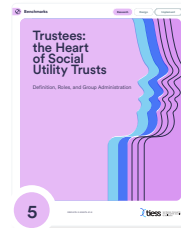
**Business Models for Data Partnerships**



**The Social Utility Trust: A Path to Data Partnerships**



**Collective Governance of Social Utility Trusts: Four Community Engagement Strategies**



**Trustees: the Heart of Social Utility Trusts: Definition, Roles, and Group Administration**

Research

Design

Implement

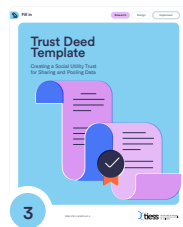
Useful tools to help you create a data social utility trust (FR) or a social utility trust (FR)



**Brainstorming Tool: 7 Questions to Ask Yourself Before You Create a Data Social Utility Trust**



**Decision Support Tool: Questions and Exercises to Help You Design Your Data Social Utility Trust Deed Together**



**Trust Deed Template: Creating a Social Utility Trust for Sharing and Pooling Data**



**Brainstorming Tool: 9 Questions to Ask Before Creating a Social Utility Trust**



**Decision Support Tool: Questions and Exercises to Design Your Social Utility Trust Deed Together**

Research

Design

Implement

These documents will all still be useful after the social utility trust (SUT) has been created. After all, the SUT is a flexible and evolving tool. You may need to review its business model, certain ways of doing things, or the level of community involvement, when possible.

## Further reading

- [Digital Data Partnerships: Laying the foundation for collaborative data governance in the public interest \(Open North\)](#). (Open North)
- [Gouvernance de données : la fiducie d'utilité sociale, un outil à fort potentiel – Synthèse de connaissances](#) (FR - Summary: Data Governance: The Potential of Social Utility Trusts).

Did you find this booklet useful?  
Do you have any suggestions to make it better?  
Please complete our [feedback form](#) (FR).

(TIESS)

- “De la fiducie de données en droit civil québécois. Étude exploratoire pour un outil en construction” (FR - Data trusts in Québec civil law: an exploratory study on a tool under development - FR), (2021) 67-2 *McGill Law Journal* 119–156.
- “[Introduction à la fiducie québécoise de données](#)” (FR - Introduction to Québec Data Trusts), *Cyberjustice Laboratory Blog* (November 26, 2020).
- “[Partager les données à des fins d'intérêt général : des modèles \(juridiques\) en construction.](#)” (FR - *Sharing data in the public interest: emerging [legal] models*) *OBVIA Blog* (January 12, 2023).

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Québec



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## About

### Open North

Open North, a nonprofit founded in 2011, is dedicated to advancing the common good. We work alongside governments, civic organizations and social purpose enterprises to create and implement practical solutions through transformative digital strategies and data governance frameworks.

### TISS

Territoires innovants en économie sociale et solidaire (TISS) is a social innovation liaison and transfer body recognized by Ministère de l'Économie, de l'Innovation et de l'Énergie (MEIE). It unites numerous stakeholders in the social and solidarity economy and territorial development, as well as research centres, universities, and colleges. TISS contributes to territorial development by equipping social and solidarity economy organizations so that they can transform their practices and face social challenges in innovative ways. Discover our other resources: [tiess.ca](https://tiess.ca)