



Decision Support Tool

Questions and Exercises to Help You Design Your Data Social Utility Trust Deed Together



Research

Design

Implement

Intended audience

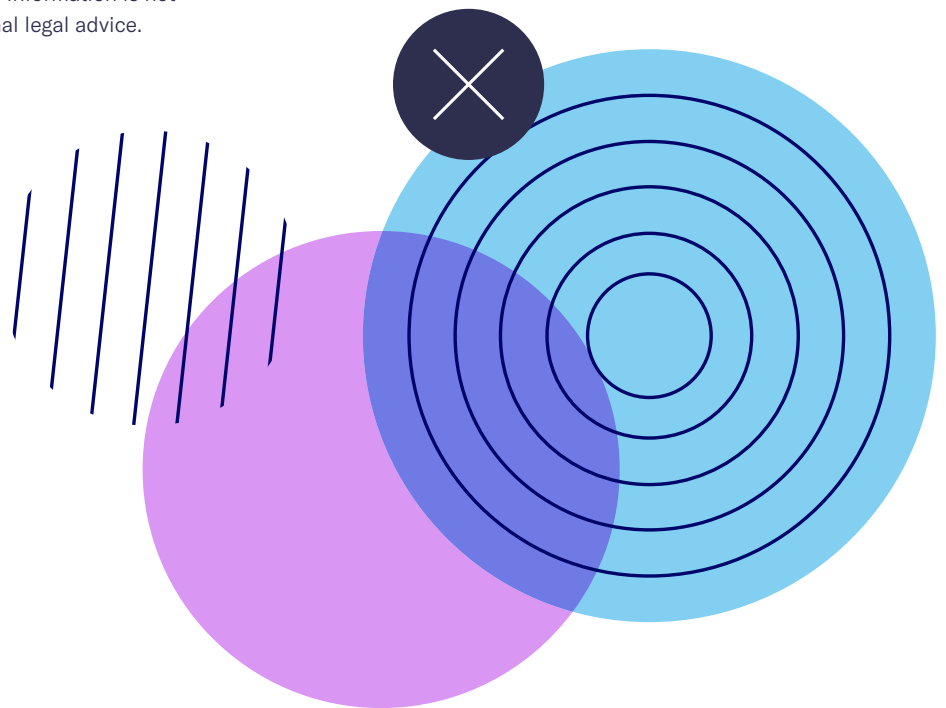
- Data social utility trust project owners.
- Individuals and organizations who work with project owners.

When to use this document

At the project design stage, **after** completing the brainstorming tool and **before** completing the trust deed template.

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

Use this step-by-step guide to **design a data social utility trust (SUT)** that is meant to pool the data of different players. This document will help you produce a first draft of a data SUT deed. In this scenario, the social utility trust becomes a pool to which a number of players contribute data in order to **achieve a goal in the public interest**.

The trust deed (sometimes referred to as the “deed of incorporation” or “incorporating document”) is a social utility trust’s instruction manual. It states the SUT’s core aspects (including its purpose and trustees) and the basis for its operation (how trustees are appointed, their powers, term duration, and other rules, particularly with regard to decision-making, etc.). The trust deed governs actions and decisions taken by future trustees, as well as governance in general. The players can discuss the contents of this document before they adopt it.

Since trustees make very important decisions related to this data, they must:

- 1 Base their decisions and actions on a set of transparent and publicly available rules and principles
- 2 Be overseen by people with different perspectives, experiences, and expertise to ensure compliance with these principles and rules.

To help you create a first draft of this trust deed, TIESS provides you with two tools – [this decision support tool](#), which provides you with a set of questions and small co-creation exercises. This enables you to complete a [trust deed template](#) point by point in collaboration with your partners.

Ready? Let’s go!



Important!

Once you and your partners complete a first draft of the trust deed, **you must enlist legal professionals to draft the final, official version**. The trust deed must be notarized, i.e., signed by a notary.

● The Steps Ahead

● Preamble

Who should be involved in drafting a social utility trust deed?

05

● Part 4

Who oversees trustees?

37

- 4.1 Names and contact information of trustees and committee members are public information 37
- 4.2 Data Governance and Ethics Committee 38
- 4.3 Trustees produce an annual report 39

● Part 1

Who creates this trust?

16

- 1.1 Settlers 16
- 1.2 Settlor roles and responsibilities 17

● Part 5

What are the participation mechanisms?

40

● Part 2

Why create this data social utility trust?

18

● Part 6

What data does this trust cover?

41

- 6.1 Description of data covered by this trust 41
- 6.2 Transferring data to the trust 43
- 6.3 Access to trust data 45

● Part 3

Who administers this trust?

24

- 3.1 Trustees 24
- 3.2 Appointment of trustees 27
- 3.3 Trustee roles and responsibilities 28
- 3.4 End of a trustee's term 36

● Part 7

What is the term of the social utility trust?

46

- 7.1 Term of the trust 46
- 7.2 Termination of the social utility trust 47

- Preamble

Before you begin, ask yourself one question...

Who should be involved in drafting a social utility trust deed?

Project owners, settlors, and first trustees are among the people who work on the writing of a trust deed. We also suggest involving the community (for example, the people and organizations whose data is collected, the users of the data, and the data collectors), starting at this ideation stage.

A data partnership can be based on various groups of stakeholders. This section lists the must-have stakeholder groups for any data partnership, as well as questions to help determine the involvement of these stakeholders and their role in data governance. Thinking about these questions ahead of time will help you complete your trust deed.


In a data social utility trust, the stakeholders (in addition to the settlors and trustees) are:

- **Data contributors** – all persons who generate, collect, and transfer data (personal or non-personal information) or rights to their data to the partnership
- **Data users** – all persons authorized to use the data (questions of how to access the data, and process the data before allowing access, are addressed in other sections.)
- **Affected persons** – whenever personal information is collected, natural persons affected by the collection or use of personal information are stakeholders who should somehow be involved

To help you think this through, you can do this exercise together. See our booklet [*Collective Governance of Social Utility Trusts*](#).



 Who is likely to be a member of this social utility trust community?

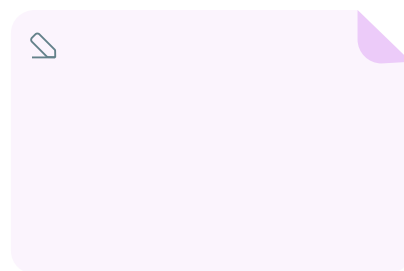
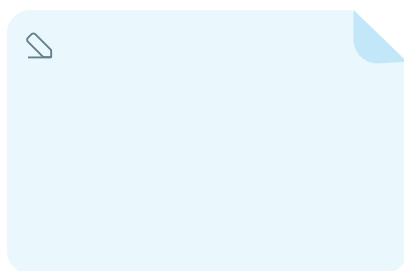
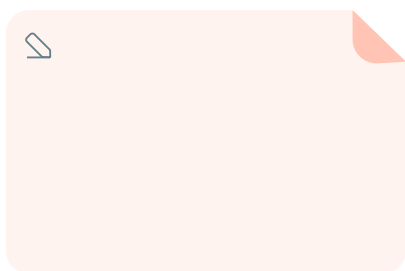
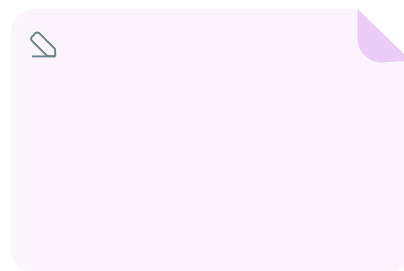
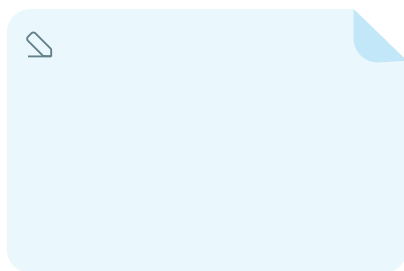
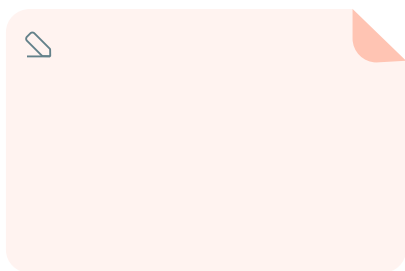
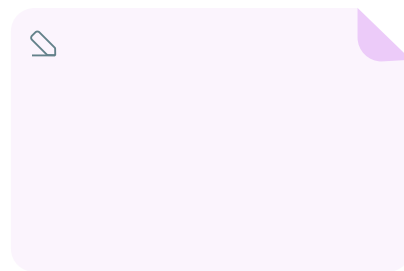
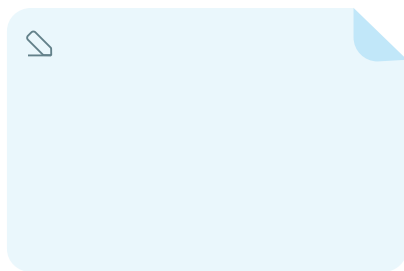
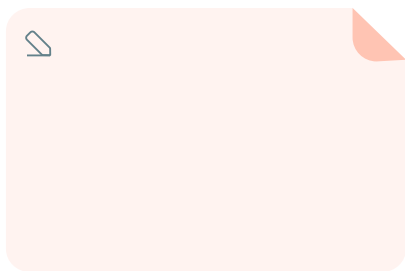
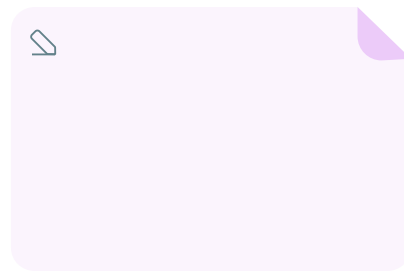
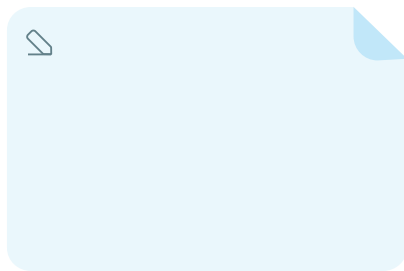
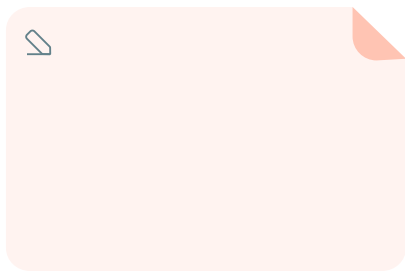
 What mechanisms do you think should be considered in order to involve the community before the social utility trust is created?

Which partners are required to develop, implement, and operationalize the data social utility trust?

As a... (role or function)

...I think (name the partner) is required...

...because...



Source: Open North

Data contributors

Do this exercise together to help you think through how to engage this stakeholder group. Also see our booklet, *Collective Governance of Social Utility Trusts*.

Who should be able to contribute data to the SUT?

As a... (role or function)

...I think (name the contributor) should be able to contribute...

...because...

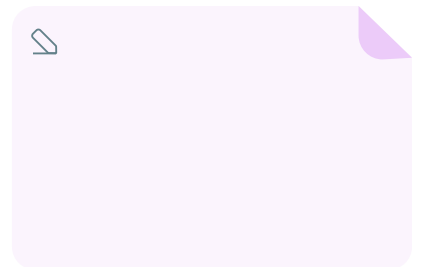
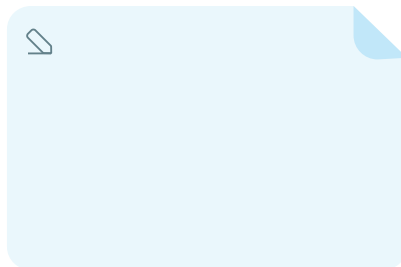
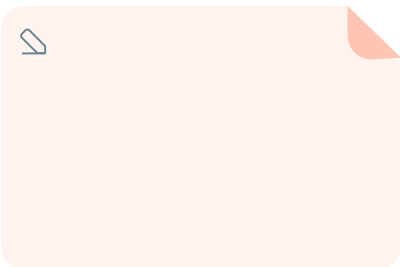
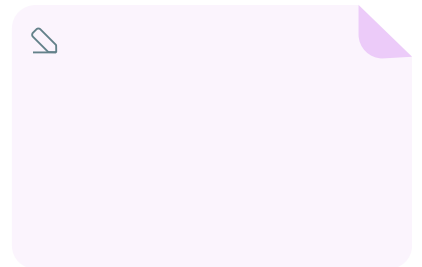
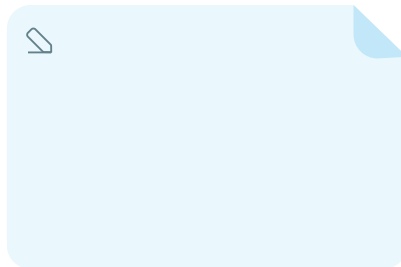
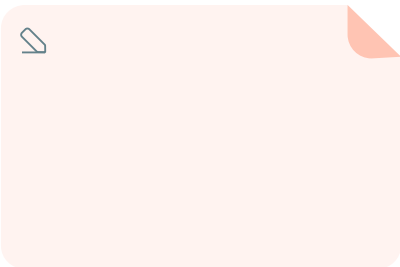
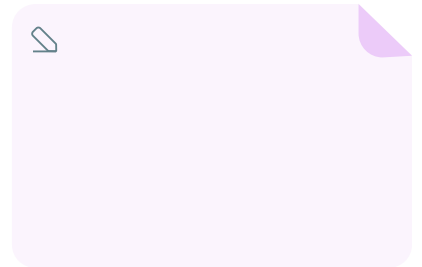
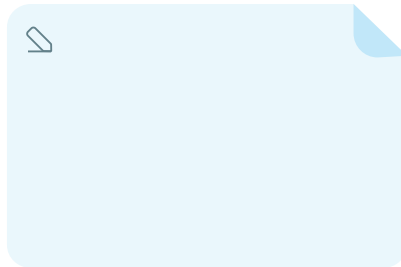
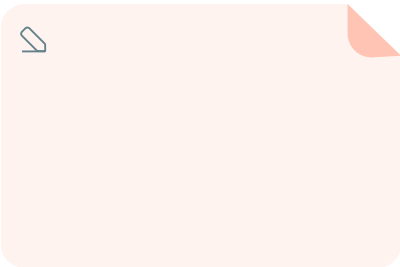
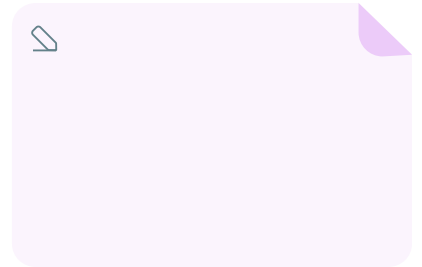

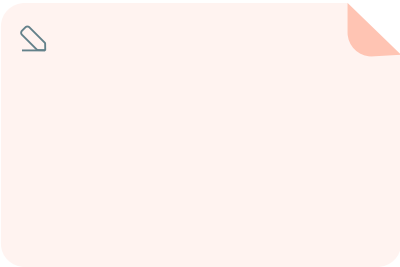
Source: Open North

Who should NOT be able to contribute data to the SUT?

As a... (role or function)

...I think (name the person or organization) should NOT be able to contribute...

...because...



Source: Open North

Does contributing data to the SUT mean that the contributor may receive a *quid pro quo* or participate in governance? If so, what form does this *quid pro quo* or participation take?

As a... (role or function)

...I think contributors should or should not...

...because...

Source: Open North

Data users

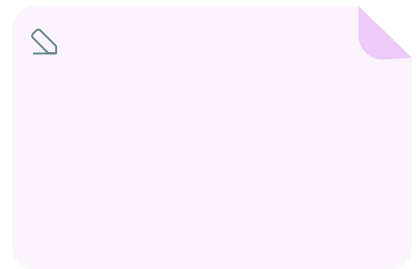
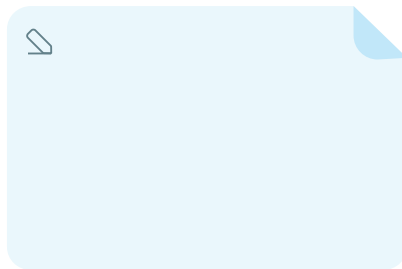
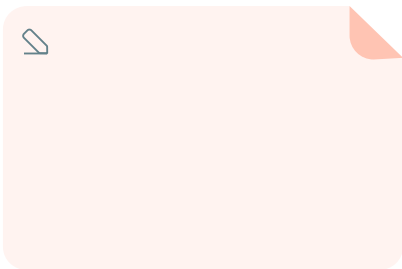
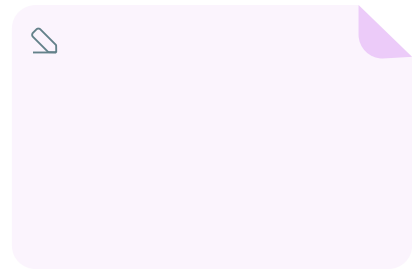
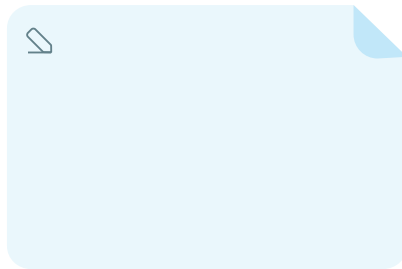
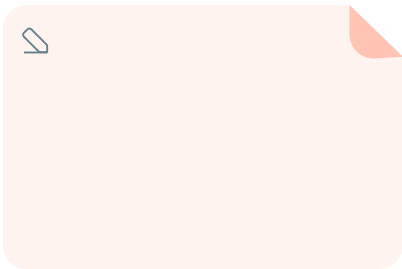
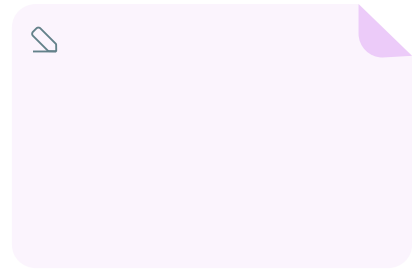
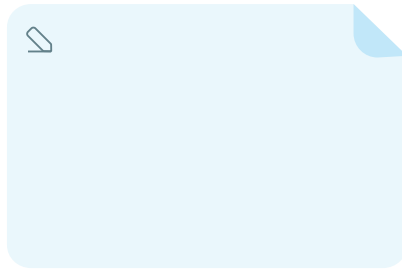
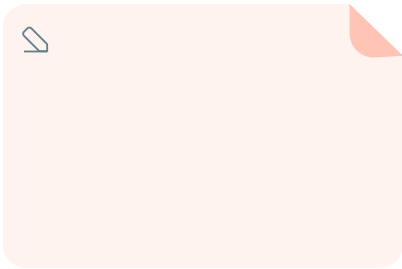
Do this exercise together to help you think through how to engage this stakeholder group. See also *Collective Governance of Social Utility Trusts*.

Who should be able to use SUT data?

As a... (role or function)

...I think (person/organization) should be able to use the data...

...because...



Source: Open North

Who should NOT be able to contribute data to the SUT?

As a... (role or function)

...I think (name the person or organization) should NOT be able to contribute...

...because...

Source: Open North

Should the use of the data be contingent on a contribution (financial or otherwise) to the SUT?

As a... (role or function)

...I think users should... (state nature of contribution)

...because...

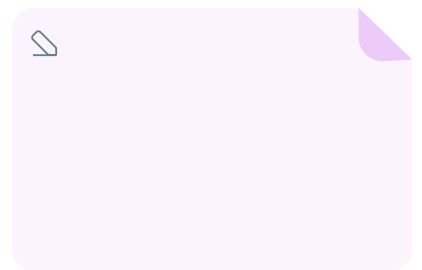
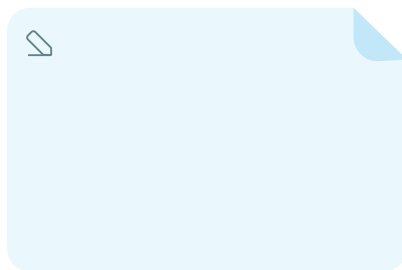
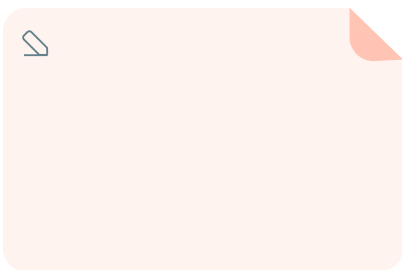
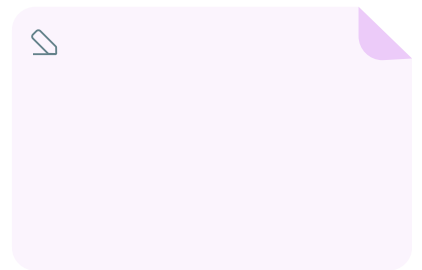
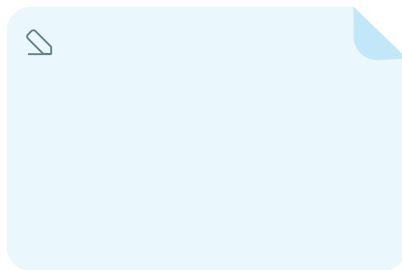
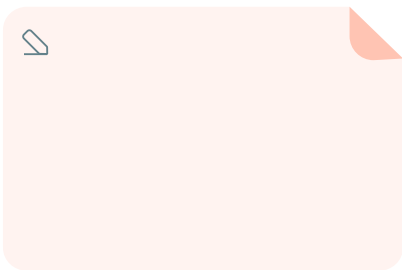
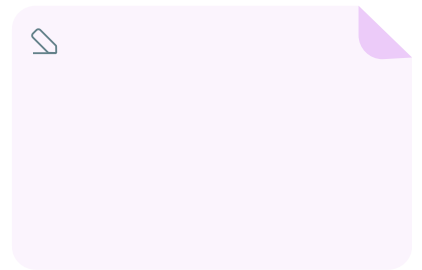
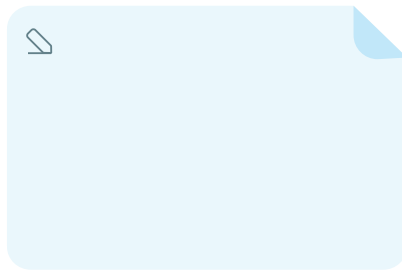
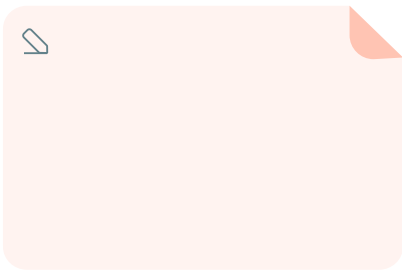
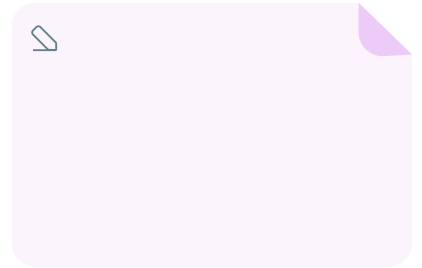
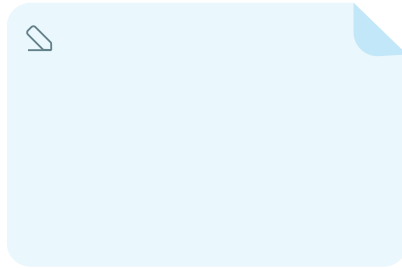
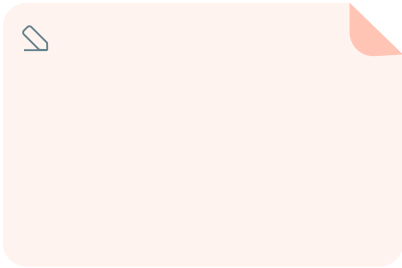
Source: Open North

What other conditions should apply to the use of data?

As a... (role or function)

...I think users should...

...because...



Source: Open North

Affected persons

When personal information is collected, natural persons who are affected by the collection or use of that data are important stakeholders. They can become involved in the partnership in several ways.

Regardless of their level of involvement and integration in data partnership governance, there should be a procedure in place to ensure that affected persons can know what data of theirs that the data partnership holds, correct that data, and withdraw it if they wish.



Careful!

Individuals may be affected in different ways because data about them is collected, or because data about them is *not collected*, or because that data is analyzed in a certain way. Always bear in mind the decisions that are made at all stages of the process, from the decision to collect data to the communication of results.



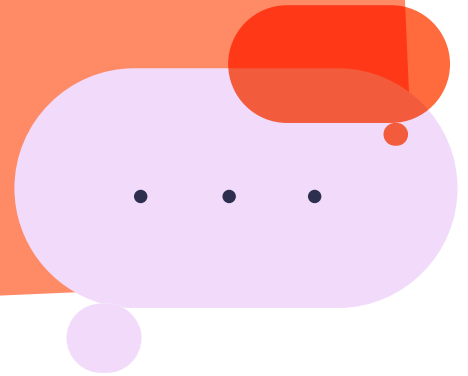
Which individuals will be affected by data collection, processing, analysis, or any other stage or data handling and should therefore be represented in governance?



Have groups that are generally underrepresented been forgotten? If yes, which ones? An underrepresented group is a group that is systematically excluded from the data (due to lack of data collection) or excluded from decisions made that relate to that data.

• Part 1

Who creates this trust?



1.1 Settlers

Settlers create the data social utility trust by:

- transferring one or more assets to it
- naming its first trustees (see [“Who administers this trust?”](#))
- setting the trust’s purpose (appropriation) (see [“Why create this data social utility trust?”](#))

The settlers may be natural persons (human beings) or legal persons (nonprofits constituted under the *Companies Act*, *Cities and Towns Act*, etc.).

The settlers must determine what assets to transfer to the trust. Settlers and data contributors will also have an opportunity to transfer assets to the trust once it is created.



What assets do settlers initially want to transfer to the data social utility trust (a sum of money, digital infrastructure, intellectual property, data, etc.)?



Who are the social utility trust’s settlers?

1.2 Settlor roles and responsibilities

Settlers may retain an active role once the SUT is created.

For example, if they believe trustees are not acting in the best interests of the trust, they may, under the *Civil Code of Québec*:

- take legal action (1290 al. 1 CCQ) against the trustees to:
 - a. compel them to perform their obligations
 - b. perform any act necessary to protect trust assets
 - c. direct them to refrain from doing anything to harm the trust
 - d. have them removed as trustees
- challenge the trustees' actions to defraud the trust in court (1290 CCQ)
- act in place of trustees (with court authorization) when trustees refuse or neglect to act or are prevented from doing so (1291 CCQ)

Since the Act provides for this, it is not necessary to add these elements to the trust deed.

The settlors may also:

- be appointed as trustees
- be appointed to various SUT committees
- receive the trustees' report

These roles must be included in the trust deed.



What role do the settlors wish to play in the future data social utility trust?

- Part 2

Why create this data social utility trust?

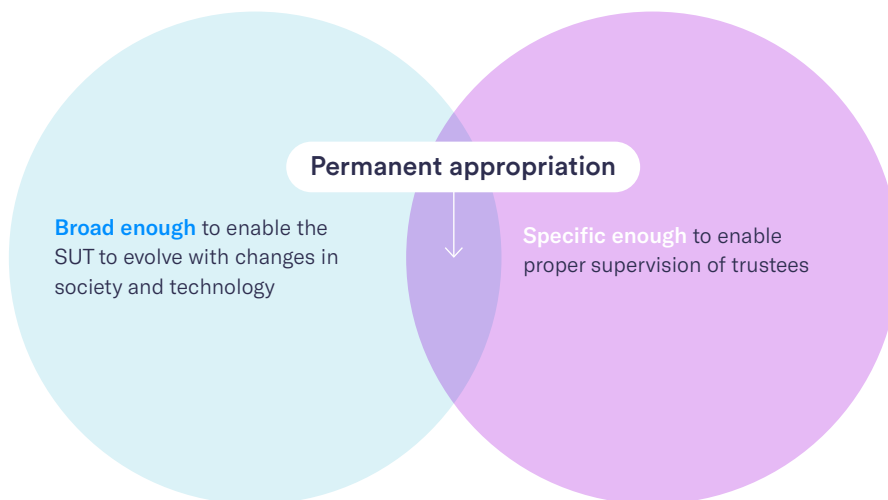
The first steps in any collective project such as a data partnership are to build a common vision of the problem to be solved or the opportunity to be seized, sketch out a solution, and map the means to achieve it. What do these steps mean in the specific context of a data social utility trust?

The purpose (or assignment) of a social utility trust is key to its establishment and operation. It guides all trustee decisions and actions.

The appropriation will have a significant impact on several social utility trust parameters, including the duration, scale, business model, skills, expertise, and knowledge required for its operation, plus the ethical principles that serve as benchmarks to guide its governance and expected community benefits.

The appropriation must not be too specific (so that it doesn't quickly become obsolete due to, for example, its overly detailed terms) or too broad (so it can't be interpreted in different ways, which would give too much power to trustees). In addition, once it's set and official, a social utility trust's purpose is difficult to change, since changes requires legal intervention. This is why it's crucial to think carefully about its structure when you're creating it and take as many relevant elements as possible into account.

This creates conflict between the need for the data SUT to evolve and the framing of trustee powers.



There are no specific or duplicable models for developing an appropriation. In order to help define it, try thinking about a general appropriation and specific appropriations. Even if you keep multiple statements, the appropriation must be understood as a whole, so these statements must be consistent.

A data social utility trust will be subject to laws and regulations that protect the privacy of individuals. Under these laws and regulations, any collection of personal data must be carried out for a specific purpose. This is an important criterion when verifying an individual's consent to share their personal data. The purpose must be precise enough to meet this requirement for this data to be held or transferred to a data trust.

You can do the following exercise with all stakeholders to guide your thinking on the appropriation desired. This exercise helps identify desired and undesirable purposes. The purpose could actually state prohibited uses of trust data (advertising, for example).

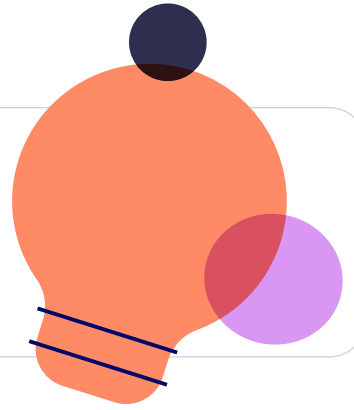
Sample appropriation


A social utility trust X is created to support the social economy's socio-ecological transition. Its specific purpose in accomplishing this is to:

- enable data sharing among players working on the socio-ecological transition in the field of transportation in order to promote innovation, the production of knowledge, or the development of targeted solutions
- create an ethical and privacy-sensitive digital infrastructure
- promote and encourage moderation in data collection and preservation

Under no circumstances can the data held by the social utility trust be used for private, advertising, or other purposes that are incompatible with this socio-ecological transition.





 **What should the purpose (or general and specific appropriations) of your social utility trust be?**

Try setting up a participative exercise (in-person co-creation workshop, on Miro or a similar platform) with stakeholders to provide focus for your thinking:

In terms of data sharing or pooling, the data SUT should be built to accomplish the following specific goals:

As a... (role or function)

... I believe the SUT's purpose should be to...

... because...

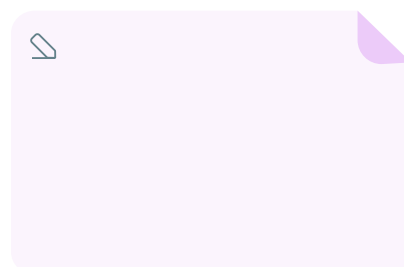
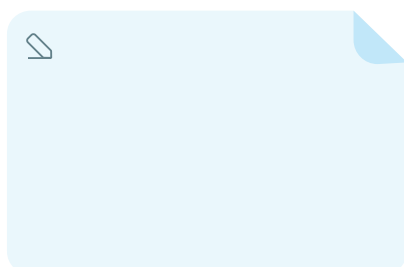
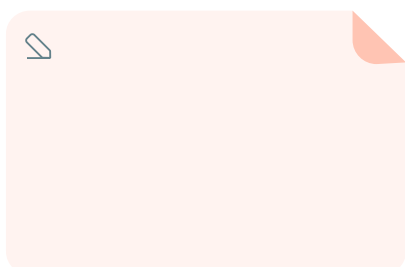
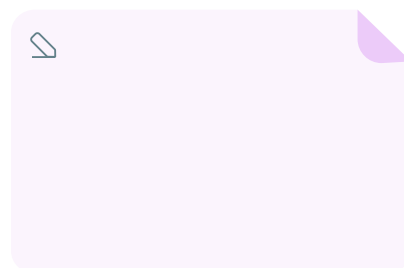
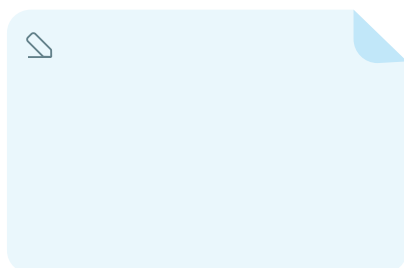
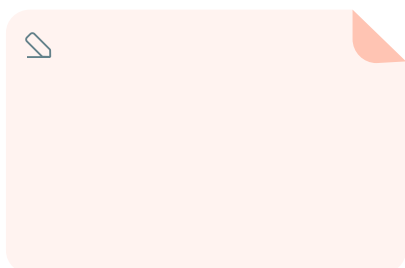
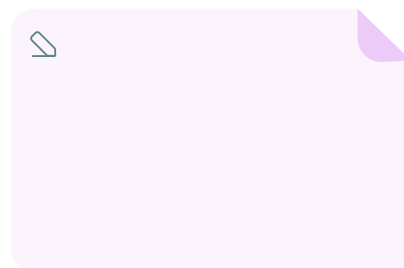
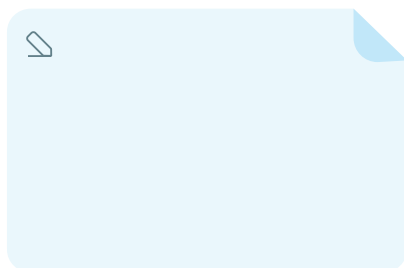
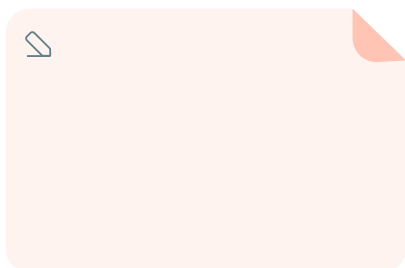
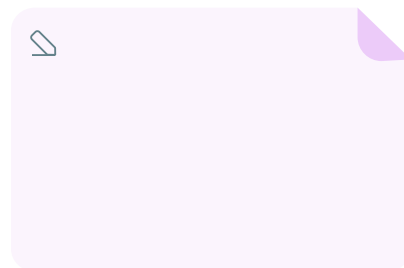
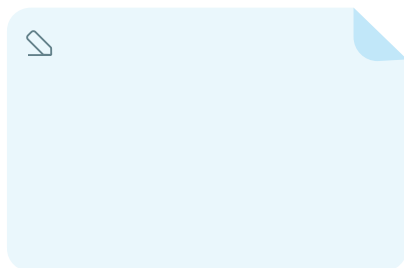
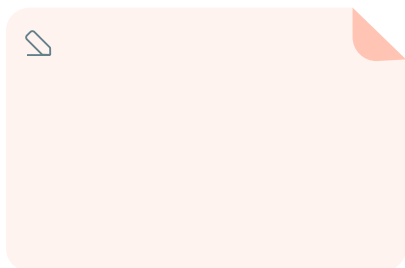
Source: Open North

What data sharing and/or pooling purposes or practices are undesirable or unacceptable?

As a... (role or function)

... I believe that the SUT must not have as its purpose...

... because...



Source: Open North

The data SUT has the following specific data governance goals:

As a... (role or function)

... I believe the SUT's purpose should be to...

... because...

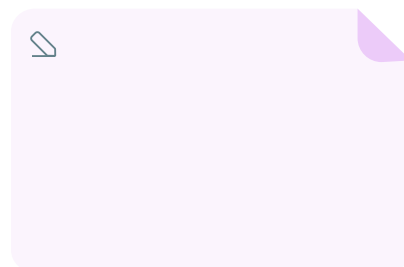
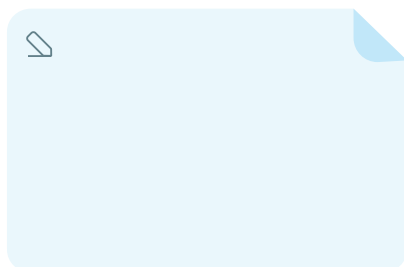
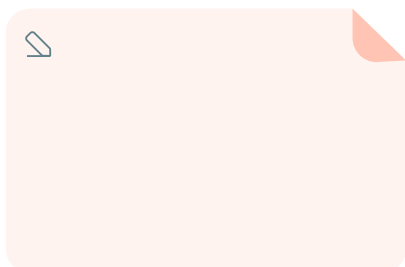
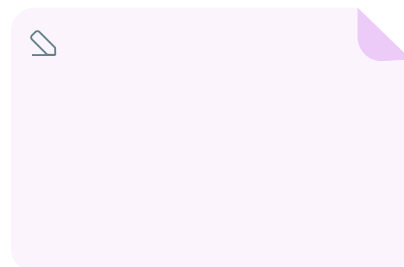
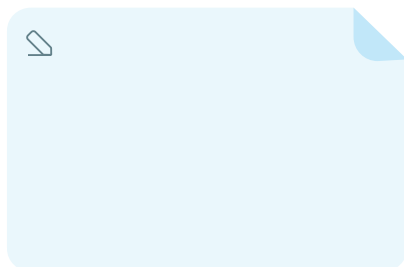
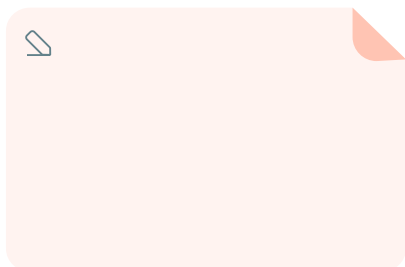
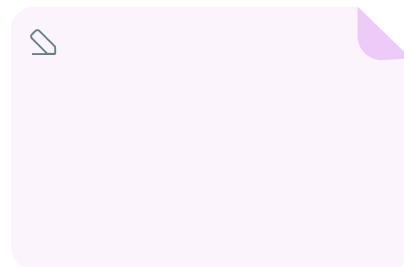
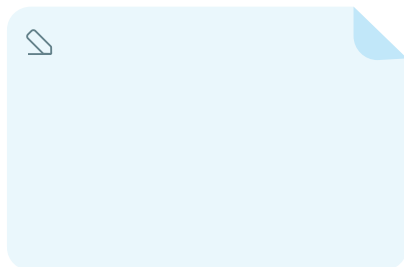
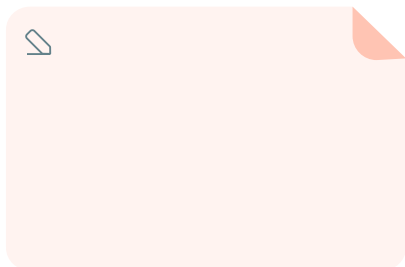
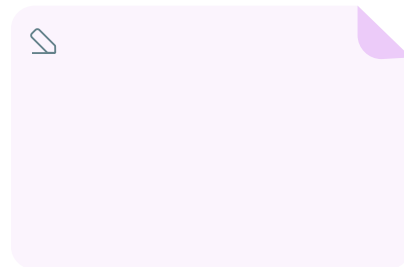
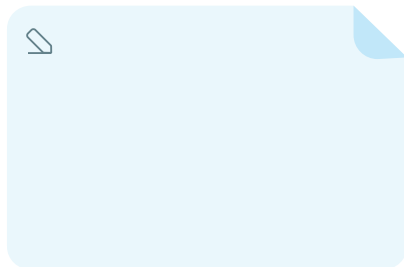
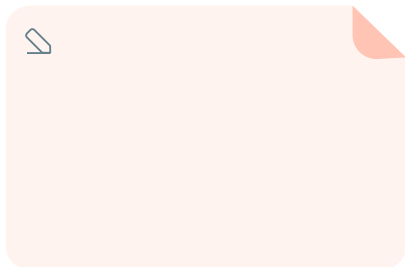
Source: Open North

What data governance purposes or practices are undesirable or unacceptable?

As a... (role or function)

... I believe that the SUT must not have as its purpose...

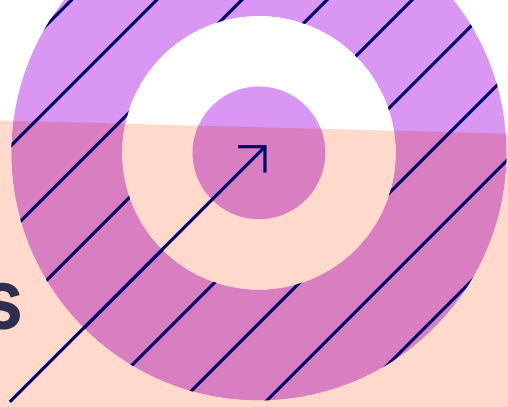
... because...



Source: Open North

- Part 3

Who administers this trust?



A trust allows for assets to be held and administered by people who act in an interest other than their own. It is crucial to provide guidance on what these people can and cannot do, while allowing them some leeway.

The trust's purpose (appropriation) limits the scope of decisions and actions that trustees can take. But since the devil is in the details, settlors should use this section of the trust deed to stipulate what trustees may or may not do. They should carefully examine and adapt this part of the deed to the purposes (appropriations) of the specific trust.


This section also covers certain governance details (terms of trustee appointments and replacements, and criteria on how trustees manage the trust).

3.1 Trustees

Original trustees (initial trustees)

Social utility trusts need trustees when they're created. Settlors appoint these original trustees. Trustees cannot be legal persons.

To better understand all of the elements that relate to the fiduciary role (responsibilities, appointment, etc.), see our booklet *Trustees: the Heart of Social Utility Trusts*.

 **On what criteria should the settlors appoint the original trustees (experiences, skills, expertise, training, place of residence, etc.)?**


 **Who could take on the roles of original trustees? Why? For how long?****Number of trustees**

The number of trustees depends on the specific context of each project. The following criteria may affect the number of trustees:

- project scope/amount of work required to accomplish the purpose
- number of stakeholders
- expertise, knowledge, or experience required within the trustee group
- desired representation and diversity
- conditions for being a trustee
- the possibility (or not) of the SUT hiring employees
- etc.

In all cases, there must be an odd number of trustees in order to avoid tie votes.


A specific number of trustees may be mentioned in the trust deed. It is also possible to allow for flexibility by stating that, depending on the trust's needs and resources, the number of trustees may be 3, 5, 7, or 9.

 **How many trustees are required to fulfil the purpose of the social utility trust?**

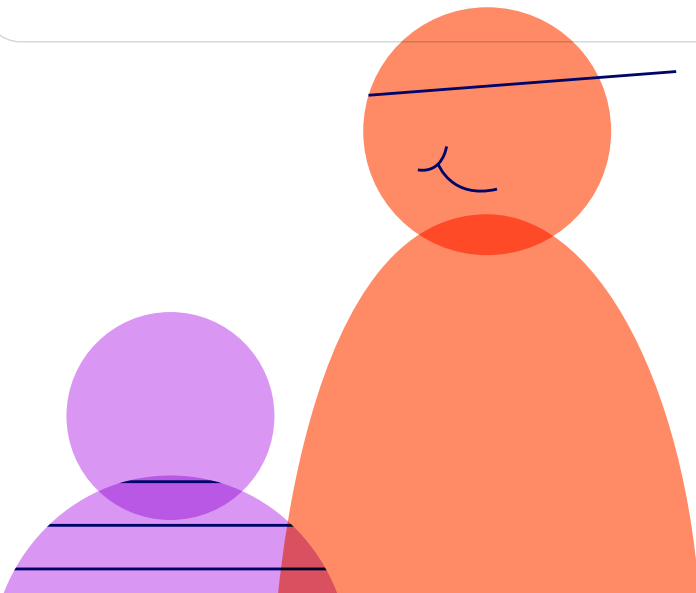
• **Part 3** Who administers this trust?

Trustee term of office

The trustees' term of office must be stated in the trust deed.

 **What should the minimum or maximum trustee term be? Why?**

 **Should there be a maximum number of consecutive terms? Why?**



3.2 Appointment of trustees

Appointment process

The trustee appointment process must be stated in the trust deed. Appointments can unfold in several ways.



How should trustees be appointed?

Trustee requirements

This section details the eligibility requirements for all trustees. These may include their place of residence, experience, or conditions prohibiting them from holding several positions in various organizations.



Do trustees need specific skills, characteristics, or experience? How can we ensure representativeness among trustees, especially for those who are often structurally underrepresented in data or data analyses?

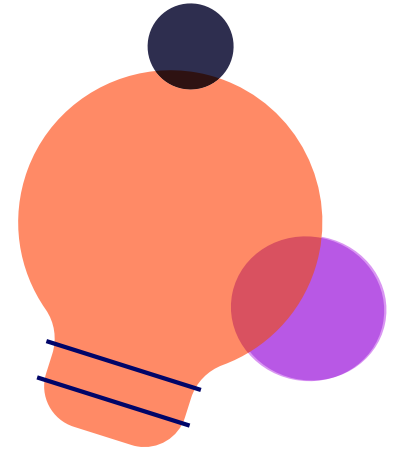
3.3 Trustee roles and responsibilities

Trust administration

Holding assets

Trustees are responsible for administering trust assets and ensuring that it follows through on its purpose (appropriation). The *Civil Code of Québec* gives trustees broad powers, including to enter into any contracts, assume any obligations, and engage in any activities or operations they deem appropriate, necessary, or incidental to administration of all trust assets.

However, it is possible to limit these powers by explicitly mentioning them in the trust deed.



What decisions should trustees be able to make? What actions can trustees take?



What decisions or actions should trustees be prohibited from taking? What consequences or risks could result from these prohibitions?

Conflict of interest prevention and avoidance

This duty is part of the obligation to act in the best interests of the trust. The trust deed may include mechanisms to prevent and avoid conflicts of interest.



What other mechanisms can be put in place to prevent and avoid conflicts of interest (for example, a declaration of each trustee's personal and professional affiliations, a record of involvement in other organizations, a trustee ethics charter that contains a definition of conflict of interest, etc.)?

Act in accordance with the highest privacy standards and norms

The creation of a data social utility trust should be an opportunity to strengthen privacy protection. To do this, trustees must be aware of developments in this field and act in accordance with accepted best practices.

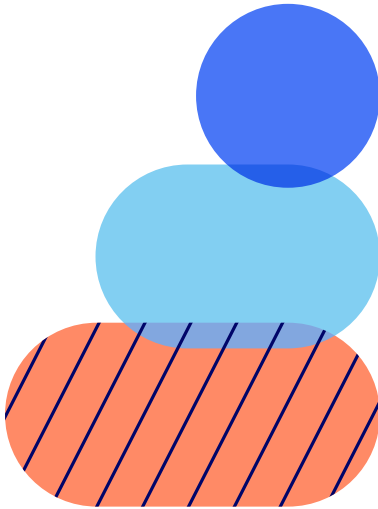


What mechanisms can be put in place to ensure that trustees remain informed of developments in the field of privacy?

• **Part 3** Who administers this trust?

Implement an effective and fair decision-making process

The trust deed may provide more or less detailed terms for trustee meeting and decisions. Anything not stated in the trust deed may be filled by trustees once they are appointed.



Establish a trustee compensation process (if they receive compensation)



How often should trustees meet? How should they meet?



**Who sets trustee meeting agendas?
Who calls the meetings? Who can attend?**



**How will trustees make their decisions?
What processes will they follow?**



**Will the trustees be compensated?
Will their expenses be reimbursed?
If yes, under what terms?**

Adopting policies

A trust deed cannot be easily changed. In order to properly govern a data social utility trust (both in its governance and funding and in its day-to-day management), trustees must set internal policies. The trust deed may state that trustees have a duty to adopt such documents and list the main elements these documents address.

Here are some examples that are specific to data.

Charter of data governance principles

This charter sets out all principles that data decisions should comply with.

It is, in essence, a very broad statement of the ideas that should govern the trust. The purpose of such a charter is to:

- 1 Guide trustee decisions
- 2 Ensure that decisions are made in accordance with set guidance for data governance

This charter of principles can be adopted in different ways.

- Settlor(s) may provide an initial charter, but also enable trustees to amend it or adopt a new charter.
- Settlor(s) may also enable trustees to choose the charter of principles they wish to apply while also providing guidance as to intent. (e.g., requirement to not use data for commercial ends and to protect privacy). This trustee power can be limited by requiring them to consult certain stakeholders before adopting, amending, or replacing the charter of principles.

Tip

Developing a charter of data governance principles can be lengthy and complex. It is therefore advantageous to adopt an existing charter such as the [Montréal Digital Data Charter](#), the [Montréal Declaration for Responsible Development of Artificial Intelligence](#) or the [International Open Data Charter](#), if applicable. However, it is a good idea to retain the ability to change the charter if it becomes obsolete.



On what ethical and fundamental principles should data governance be established?



Is there already a charter of principles that matches the settlor(s) vision?

Data governance: scope

The data governance framework is the guide to putting governance into action and integrating elements of the charter of principles into everyday life.

This framework may include, but is not limited to:

- the nature of the data under trustee control
- the purposes of setting up a databank, if such a bank is established
- expected and unacceptable uses of data
- intended territory throughout the data life cycle
- terms for sharing, accessing, or using data or data rights, plus procedures for modifying these terms
- duration of data retention, archiving, and storage, and its destruction
- data documentation, classification, analysis, and processing
- data quality and interoperability standards and norms
- how personal information is removed
- confidentiality and privacy measures
- recourse available to data contributors against the trust
- complaint procedures and other public accountability mechanisms

This non-exhaustive list is largely based on the [Sustainable Health Databank management framework \(FR\)](#). See also [Montréal in Common governance framework](#).



Which of the following elements apply to your project? Which ones do not apply? Why? Would you add other elements?



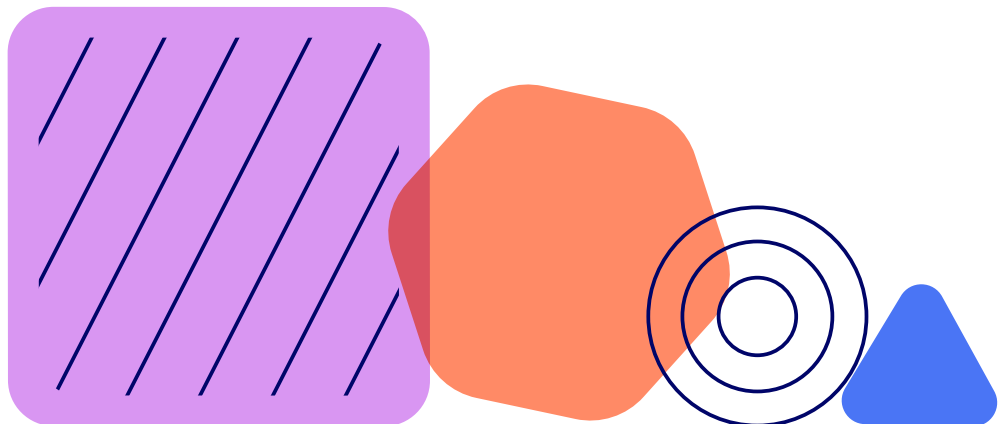
Are there other documents or policies that trustees will have to draft and adopt?

Delegation of trustee powers, if necessary



Will trustees need help to fill certain needs for expertise or perspectives that they do not have? Do they have to hire employees or consultants to help them carry on with the SUT's purpose (appropriation)? Do they have to delegate certain tasks to another organization? Specify.

You may wish to facilitate a collaborative workshop to help you think about this as a group. See an example of how to facilitate this workshop on the next page.



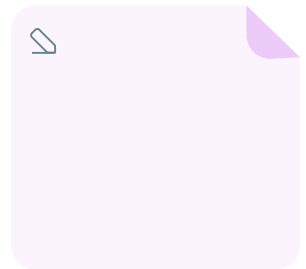
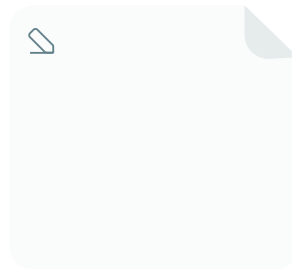
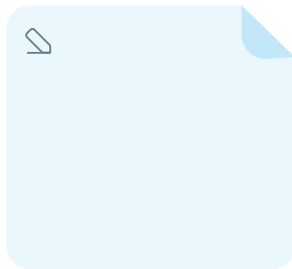
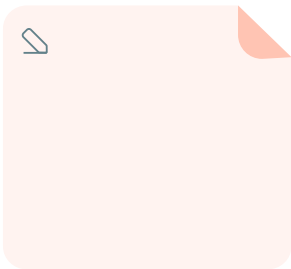
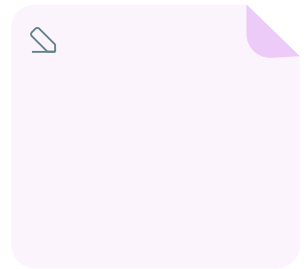
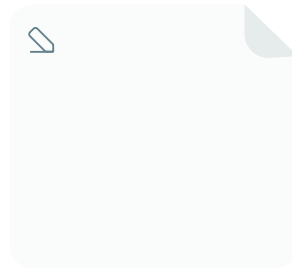
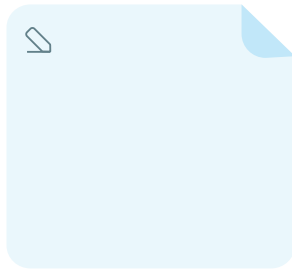
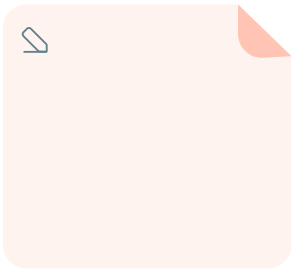
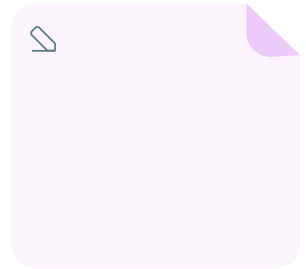
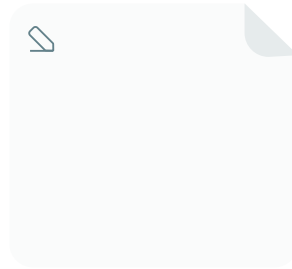
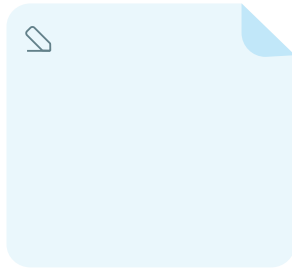
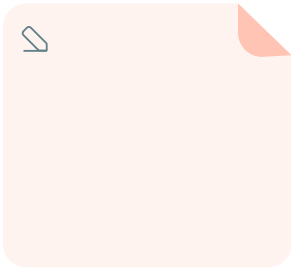
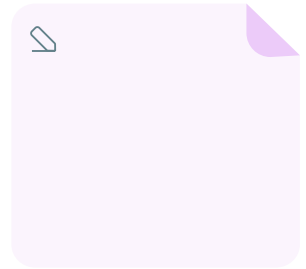
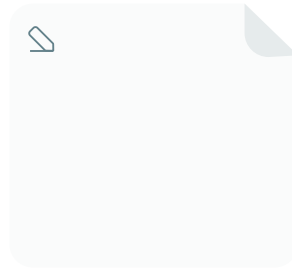
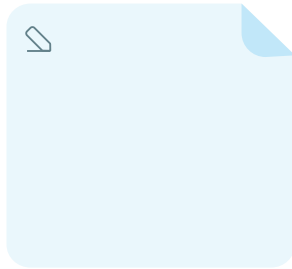
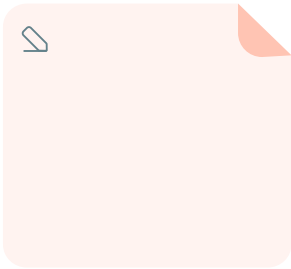
What tasks or actions should be delegated to employees, external consultants, or another legal entity?

As a... (role or function)

... I think the trustees should delegate...

... to (name stakeholders)...

... because...



Source: Open North

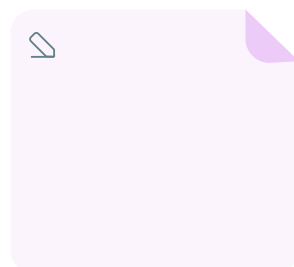
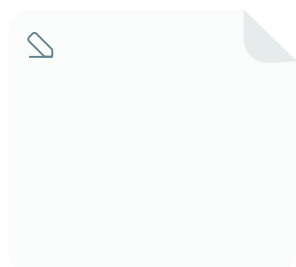
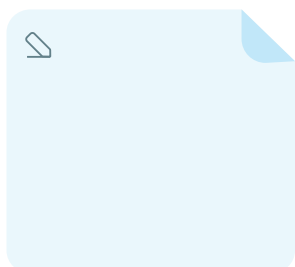
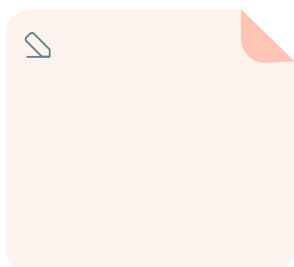
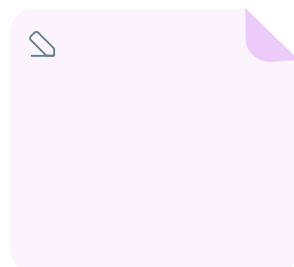
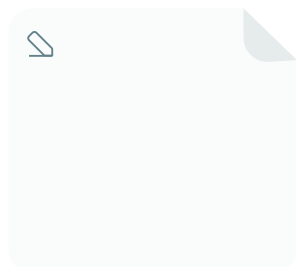
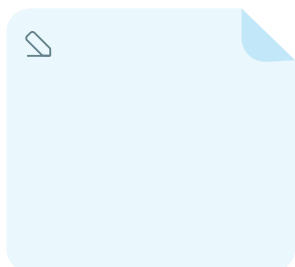
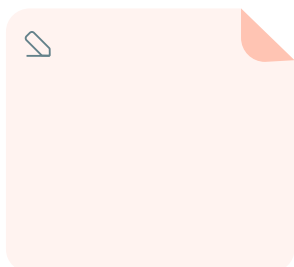
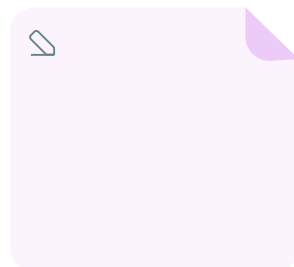
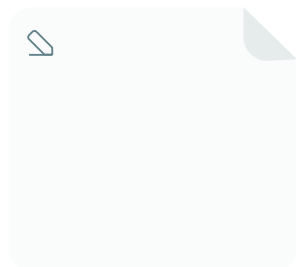
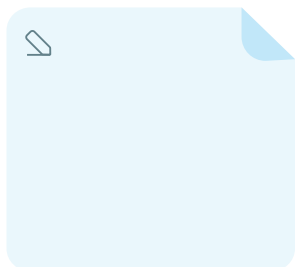
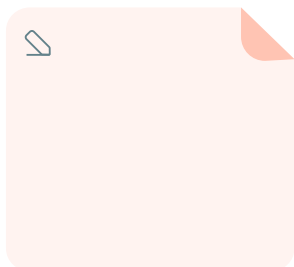
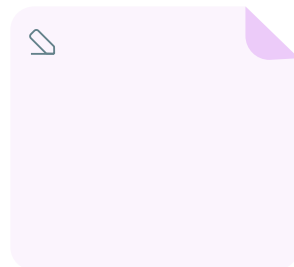
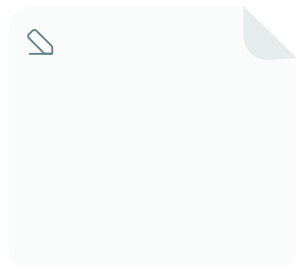
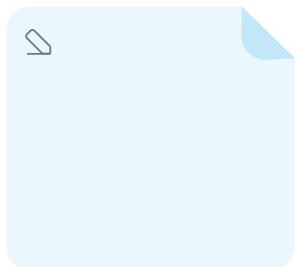
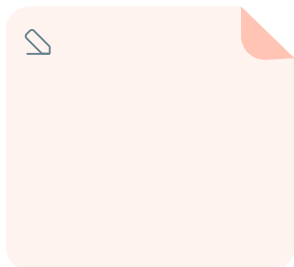
What tasks or actions should not be delegated to employees, external consultants, or another legal entity?

As a... (role or function)

.. I don't think the trustees should delegate...

... to (name stakeholders)...

... because...



Source: Open North

Creating committees (as needed)

Trustees may establish committees when the need arises. These committees can meet a one-off need or exist long-term.



Will certain committees have to be created by trustees? Should these committees be listed in the trust deed? What roles and mandates will these required committees have? Who will be on these committees?



Is it necessary or useful to create other forums to help achieve the purpose (appropriation)? What scope or mandate would they have?

3.4 End of a trustee's term

The *Civil Code of Québec* states that a trustee's responsibility ends in the following situations:

- trustee dies
- trustee resigns
- trustee is replaced
- trustee declares bankruptcy
- trustee is declared unfit

The trust deed may provide for other situations that would result in ending a trustees' term.



In what other situations should trustee's be removed from office?

- Part 4

Who oversees trustees?

In a social utility trust, it is important for the community to have a second look at trustees' decisions and actions. This enables them to ensure that the purpose of the social utility trust is actually carried out in a manner consistent with the rules set out in the trust deed.

There are ways to ensure that trustee decisions and actions are checked. See our booklet *Collective Governance of Social Utility Trusts*.

4.1 Names and contact information of trustees and committee members are public information

There is no public registry of social utility trusts. You need to know the identity of an SUT's administrators to be able to contact them and comment on or question the operation of the social utility trust.



How do trustees make their identity and contact information public?

4.2 Data Governance and Ethics Committee

A key issue in the development of a social utility trust is determining who receives mandatory reports. It's crucial to determine who receives reports and so can oversee trustee administration.

One way to handle this issue is to create a Data Ethics and Governance Committee composed of stakeholders and/or trust users. The committee's mandate includes a careful review of reports. This example was outlined in the [trust deed template](#).

Another method would be to set up a yearly (or more frequent) meeting between data contributors, data users, and individuals affected by the data so that attendees can review trustee decisions and actions.



Which authority will be responsible for following up on trustee decisions and, if necessary, questioning trustees about their decisions?



What information must be provided to persons who receive reports so that they can oversee the trustees? How and how often?



Who will be part of this authority?



What mechanisms (complaint, review) should be put in place in the event a report is disputed?



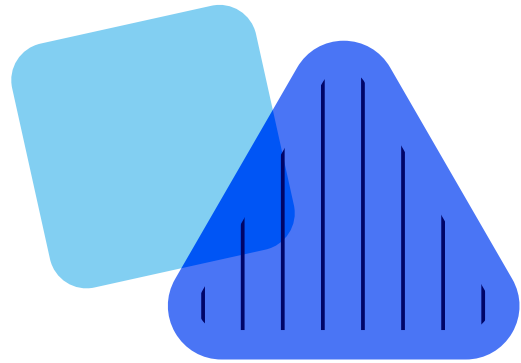
How is this authority organized (meeting frequency, discussions, voting, consultation, etc.)?

4.3 Trustees produce an annual report

In addition to reporting to the Data Governance and Ethics Committee, the trust deed should state that trustees must produce an annual report to be made publicly available.

This report could contain, for example, the following information:

- decisions on data use, access, and sharing
- an analysis of the compliance of decisions with the trust management framework and the data governance charter
- methodology used to conduct this analysis
- the data governance action plan and commitments for the following year



What information should be included in the annual report?



How will this report be made public?

- Part 5

What are the participation mechanisms?


Social utility trusts are sometimes used to create data partnerships (see TIESS and Open North document [Data Partnerships: An Introduction](#)). By definition, a data partnership brings multiple stakeholders together, even if they don't all have the same role or interests. One of the biggest challenges in a data partnership is to articulate all these elements in order to work towards a common goal. Having stakeholders actively participate is the best way to meet this challenge.



Careful!

Before setting participation strategies, stakeholders must first be clearly identified. See [Part 1](#) of this tool.

Once stakeholders have been identified, list the participation mechanisms to include in the trust deed. For more ideas, see our booklet *Collective Governance of Social Utility Trusts*.

 **What strategies can be used to involve the various stakeholders in governance of the social utility trust? How will their visions, perspectives, expectations, and needs be considered in governance?**

- Part 6

What data does this trust cover?

Any data social utility trust must include governance mechanisms that enable informed decision-making at each stage of the data life cycle. This includes issues related to data collection, sharing, processing, access, and analysis.

6.1 Description of data covered by this trust

When a social utility trust is meant to promote or facilitate data sharing, answers to the following questions are essential in order to provide a picture of the data to be shared and the information it conveys.

To help you with this, contact community organizations in your city or region, or that work in a field of activity that is similar to yours. The more people you speak with, the less likely you are to replicate data inequities and the more likely you are to solve the problem you're dealing with.

1 What data does the trust cover?

(i.e., data that the trust wishes to access and whose use it wants to govern)



2 Who collects the data?



3 How is data collected?



4 What information does it provide?
What are its potential limitations
(bias, missing data, etc.)?



See our booklet *Collective Governance
of Social Utility Trusts*

7 What stages of the data life cycle (planning,
classification, acquisition, storage, processing,
analysis, use, sharing, archiving, destruction) is
the trust aimed at? Why?



5 Who might be interested in this data? Who
do we want to share the data with?



See our booklet *Collective Governance
of Social Utility Trusts*

8 To what extent does sharing this data help
carry out the trust's intended purpose?



6 Who could be affected by the use of this
data? Are there any foreseeable risks?



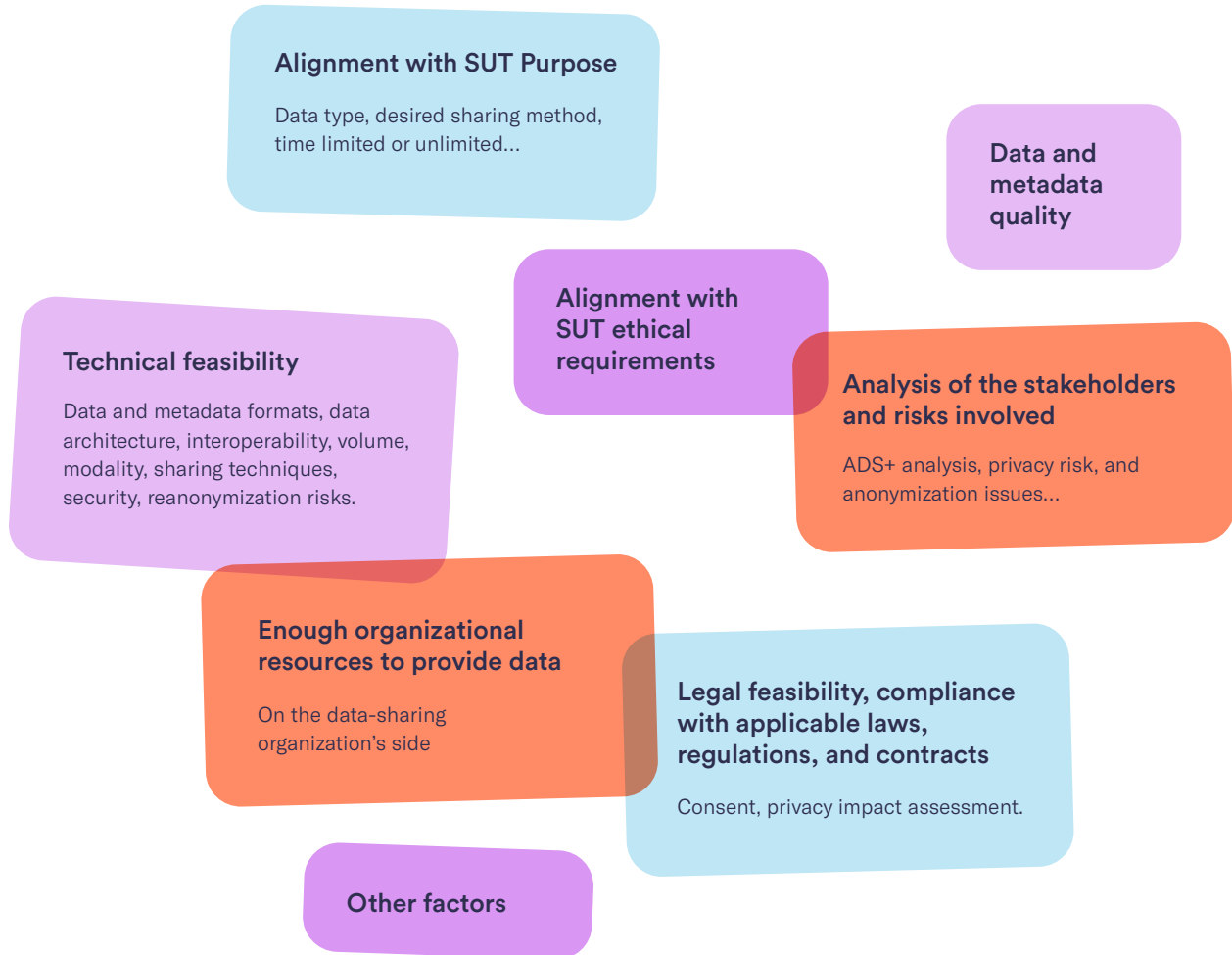
See our booklet *Collective Governance
of Social Utility Trusts*

9 What are the potential barriers to sharing this
data? (personal information, data sensitivity,
contractual commitments that restrict sharing
and reuse, ethical risks, low reliability, low
interoperability, etc.)



6.2 Transferring data to the trust

The trust deed may include a list of factors to be considered when assessing the addition of datasets to the trust:



Source: Open North



What other factors should be considered when assessing the addition of datasets to the trust and also be reflected in the trust deed?

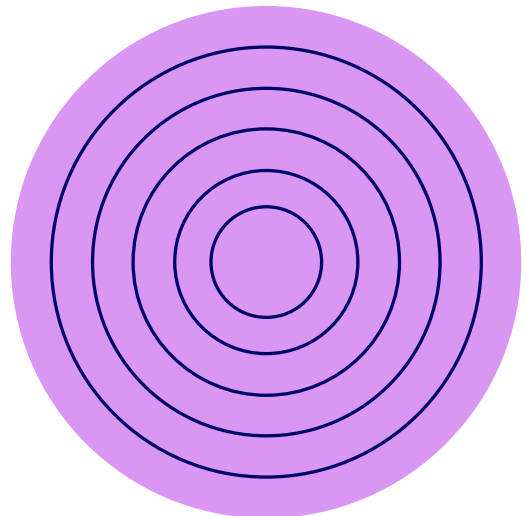
Once the social utility trust has been created, trustees need to determine additional guidelines and terms in order to accept and hold third-party data. When doing so, trustees must ask the following questions.

Data

- Will the trust hold the data for a limited time or permanently?
- What processes (e.g., decision-making, quality analysis, standardization) should be used to add new datasets to the trust when the data is pooled?
- What measures should be taken to ensure the quality of contributors' data?
- What steps should be taken to ensure data is shared ethically and with the consent of individuals?
- What steps should be taken to ensure that sharing or pooling is done in compliance with privacy laws and regulations?

Contributors

- Does sharing data with the social utility trust give contributors an advantage? Do you have to have shared data with the trust before you can request access to all the pooled data?
- Does the trust refuse to hold the data of certain organizations or to allow certain organizations to benefit from the data?



6.3 Access to trust data

Data is not either strictly closed (not accessible) or open (accessible by all). The Open Data Institute suggests thinking about data and access on a spectrum.

A data social utility trust may set up different terms depending on the type of data it holds. It can also create different access levels.



 **What is the desired data access level in this social utility trust?
Does it require different access levels? Why and how?**

- Part 7

What is the term of the social utility trust?

7.1 Term of the trust

A social utility trust may be fixed-term or perpetual (with no predetermined term).



Given its purpose, what should the term of the social utility trust be?


7.2 Termination of the social utility trust

The *Civil Code of Québec* states that a social utility trust ends in the following situations.

- It reaches the term specified in the trust deed.
- Its goal has been achieved.
- It is impossible to achieve this goal.

You can list other situations in the trust deed that result in termination of the social utility trust.

 **What other situation should result in termination of the trust?**

 **What will happen to the trust assets when it is terminated (under the terms of the trust deed or for other reasons stated)?**

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



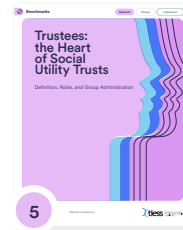
Business Models for Data Partnerships



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

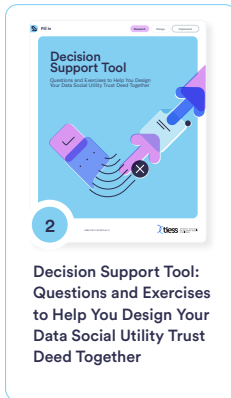
Design

Implement

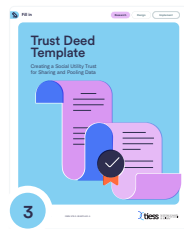
Useful tools to help you create a data social utility trust (FR) or a social utility trust (FR)



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.

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

Acknowledgements

This work was made possible thanks to the sustained, ongoing involvement of many people, including members of our steering committee: Alexandre Cailhier ([Open North](#)) • Lauriane Gorce ([Open North](#)) • Émilien Gruet ([TIESS](#)) • Andrée Harvey ([LaCogency](#)) • Anne-Sophie Hulin ([Université de Sherbrooke](#)) • Samuel Kohn ([Open North](#)) • Yves Lapierre ([Floë](#)) • Patrick Lozeau ([Montréal Urban Innovation Laboratory - LIUM](#)) • Véronique Marino ([LaCogency](#)) • Marie Plamondon ([Open North](#)) • Alexandra Popovici ([Université de Sherbrooke](#)) • Anastasia Vaillancourt ([Culture pour tous](#)). TIESS would also like to thank En Clair for their valuable advice on explaining the law in layperson's terms.

Contributions

Writing: Jessica Leblanc | Language editing and revision: TIESS
| Graphics: [MamboMambo](#)

This guide was made possible by the financial support of Ministère de l'Économie, de l'Innovation et de l'Énergie du Québec and the City of Montréal.

Québec 



Published by Territoires innovants en économie sociale et solidaire, November 2023.

To quote from this document: TIESS. (2023). *Decision Support Tool: Questions and Exercises to Help You Design Your Data Social Utility Trust Deed Together* Montréal.

About

TIESS

Territoires innovants en économie sociale et solidaire (TIESS) 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. TIESS 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