Data trusts in Quebec’s civil law tradition

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December 3rd, 2020
Content

Origin and meanings of data trust
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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

<table>
<thead>
<tr>
<th>Common law trust</th>
<th>Civil law trust</th>
</tr>
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<tbody>
<tr>
<td>Ownership of property with obligations towards the beneficiaries.</td>
<td>Administration of a property appropriated for a purpose.</td>
</tr>
</tbody>
</table>

- **trustee** owns the property and has fiduciary obligation (prudence, diligence and loyalty);
- **beneficiary** is essential to the trust\(^1\);
- **trustee** has power (not ownership) over the property in the trust (administration);
- **purpose** is essential to the trust;
- **beneficiary** is not an essential element\(^2\);

\(^1\) There is one exception to this principle: the charitable trust

\(^2\) There is one exception to this principle: the personal trust
915. Property belongs to persons or to the State or, in certain cases, is appropriated to a purpose.
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2 There is one exception to this principle: the personal trust
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