Data Cooperatives in Europe: A legal and empirical investigation

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Main goals of research project and agenda

- Mapping the ecosystem of data cooperatives in Europe
- Typologising their varying business models and approaches to collecting & storing data.
- Understanding the concerns and needs of data cooperatives regarding EU law & proposals concerning data
- Analysing how EU law impacts these realities and what changes might be needed to make their lives easier

⇒ **End product**: Journal article, with contributions to theory and practice (especially EU officials and/or for cooperatives themselves).

Situating the Problem: What is Data?

Strings of 1s and 0s.

A raw material: the new oil.

A commodity: a good exchanged in markets.

A thing or object.

An extension of the self.

Capital.

Data is About Context

Platform Environments	Liberal/Neoliberal EU Law	More Just Cooperatives
Data is capital = a way for companies to make revenues, 'datafy' user engagement and extract profits from that engagement	Data is an extension of the self. GDPR tendency to focus on neoliberal self instead of altruistic possibilities	Data as a social good? How to move towards a more radical space for governing data? Are we stuck in neoliberal or libertarian paradigms?

Methodology

1	2	3	4	5	6
TOPIC SCOPING	**RESEARCH**	**PREPARATION**	**INTERVIEWS**	**ANALYSIS**	**EVALUATION**
Identify our project remit and key aims within the EU data cooperative landscape	Identify relevant regulations and proposals (GDPR, DGA) and key actors in the ecosystem	Contact potential interviewees and write interview questions	Conduct interviews with data cooperatives	Pull together desk-based research and interview findings	In light of the interviews, assessing if the proposals facilitate or encumber existing data coops

Data Governance: Law and Policy

GDPR
- Determines parameters and conditions for consent
- Provides individual rights for data subjects (e.g., information concerning data processing at time of collection, data portability rights)

⇒ New proposals seek to empower data subjects in negotiating terms and making informed choices, as well as collectively exercising these rights

New Proposal → Now in Force!

- **Data Governance Act**
  - Allow individuals to better exercise their rights under the GDPR through data intermediation service providers
  - Sets terms for how data intermediation services - including through 'data cooperatives' - can operate across the EU
  - Recitals indicate that data intermediation service providers that facilitate data exchange between data subjects and legal persons as data users, should bear a fiduciary duty to the former.
  - Introduces the concept of data altruism

Data Governance Act (continued)

- **Explicitly recognizes (the role of) data cooperatives:**
  - informed choices about consenting to data use and/or
  - negotiating with third parties

- **Regulates data co-ops and other data intermediation services**
  - creates a notification procedure for data intermediation services for all MSs
  - introduces a set of mandatory conditions for providing data intermediation services
    - Example: Certain types of metadata (e.g., date/time/geolocation) only to be used to provide data intermediation service and made available to data holders upon request.
  - introduces a registration procedure for 'Data Altruism Organisations', and a data altruism consent form.

Interviews: Main questions

- **The cooperative or organisation:**
  - How it works, organisational structure, scale, challenges setting up

- **Legal issues:**
  - Knowledge of GDPR and Data Governance Act (as well as some other proposals)
  - How these law affect them and what changes they would like to see

- **Relations between coops and public institutions**

"We do not want to have responsibility over the data"

- Francesc (*Salus Coop*)
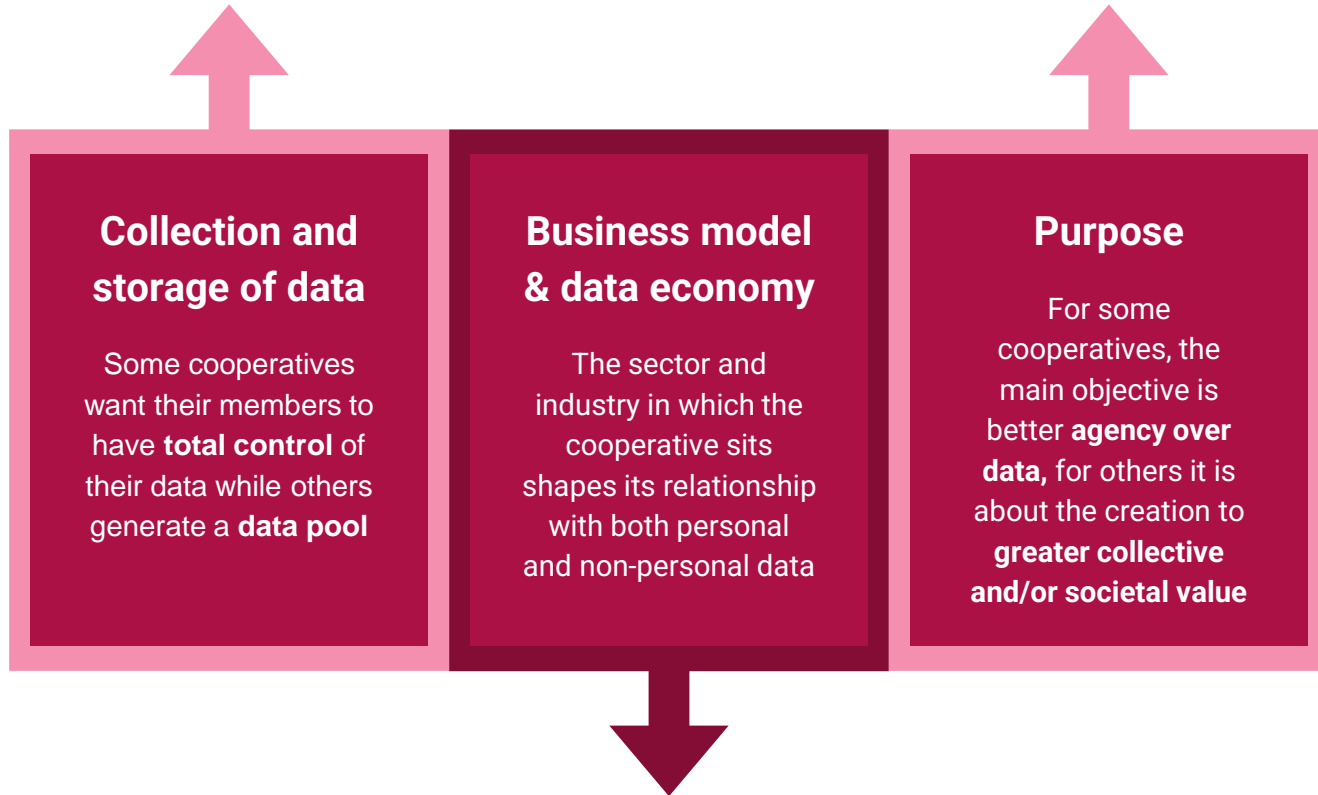& Christian (*polypoly*)

Main takeaways

- The data cooperative space in Europe is rich and should be prioritised by digital and non-digital policy-makers
- Data coops are interested in public collaboration and extends public purpose data governance activities
- Data coops are under-resourced from both legal and policy perspectives
- Environmentally-friendly data cooperative solutions should be prioritised
- Different attitudes towards legal infrastructure
  - Using blockchain or multi-party computation as a legal shield
  - Lack of initiatives focused on co-managed data pools, limited by the GDPR
- Data coops can serve as carve-outs from data protection law to increase the socio-economic and relational value of collective data

Understanding Data Coops – Axis

Collection and storage of data

Some cooperatives want their members to have **total control** of their data while others generate a **data pool**

Business model & data economy

The sector and industry in which the cooperative sits shapes its relationship with both personal and non-personal data

Purpose

For some cooperatives, the main objective is better **agency over data,** for others it is about the creation to **greater collective and/or societal value**

Next steps

- Conducting more interviews with data cooperatives
  - Collection & Storage of Data
  - Industry
  - Purpose
  - Monetization

- How do we bridge the gap between the needs of data cooperatives (legal, political, and economic support) with regulatory developments?

- Wider exploration of the data economy
  - How do we ensure that the transfer or capture of private *and* public data can be used for the common good to generate collective value?

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Conclusions

- Data cooperatives present an alternative collaborative and radical model for data governance
- Data cooperatives have the opportunity to be **lawmakers** as opposed to law-takers. Public institutions should proactively incorporate **inputs from data cooperatives** and support **innovative developments** in our data economy
- Our initial interviews demonstrate the necessity for **community and multi-stakeholder engagement** to facilitate the legal, socio-technical, and economic infrastructures for data cooperatives' success

Thank you very much!

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