

CONSTRUCTIVE (DATA) TRUSTS

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Photo from readwrite –
<https://readwrite.com/2016/12/19/architecture-smart-cities-cl1/>



Google

Why Google consuming DeepMind Health is scaring privacy experts

DeepMind Health has run into data protection problems before and it being moved fully into Google raises more questions. Privacy experts are concerned



WHAT ARE DATA TRUSTS?

“A LEGAL STRUCTURE THAT PROVIDES INDEPENDENT
STEWARDSHIP OF DATA” ~THE OPEN DATA INSTITUTE

TRUSTS AND THE LAW



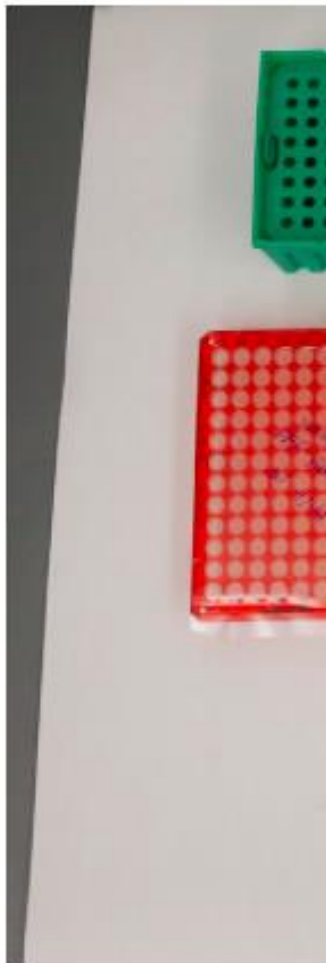
- Creations of the state
- Needs a trustee, trustor(s), and thing of value
- Affirmative duty to act for benefit of trustor(s)
- Fiduciary duties of the trustee

TRUSTS AND THE LAW



FamilyTreeDNA Admits to Sharing Genetic Data With F.B.I.

News



FamilyTreeDNA, an online genealogy site, admitted it was sharing genetic information of the site's users felt

iPhone Apps Caught Recording Screen Data Without Consent

By Nitish Singh - February 8, 2019



Image Courtesy of CNET

- A number of iPhone apps were discovered to be using session replay to track the screen activity of users.



3D Printed Fingerprint Manages to Fool Samsung Galaxy S10's Ultrasonic Sensor

Bill Toulas - April 5, 2019



CONSTRUCTIVE TRUSTS



- Legal fiction
- Equitable remedy
- Unjust enrichment
- Breach of fiduciary duty
 - Zittrain (2013, 2014); Balkin (2016); Dobkin (2018)

QUESTIONS TO RESOLVE



- Unjust enrichment
 - Independent action – State AGs & FTC
- Governance
 - Cooperative community governance