INTERNATIONAL DATA
SPACES ASSOCIATION

TF Legal Framework

Workshop & Updates, 15.11.2022

Agenda for Today

Time	Session	Presenter
11:00-11:10	Introduction and Welcome	
11:10-11:30	The updated working mode of the task force, new workstreams that we are planning to implement	Anil Turkmayali
11:30-11:50	Public Voice Workstream: Ideas for position papers and impulse papers - External sources (initiatives asking for opinions from IDSA) - Internal sources (Working Groups) - Ideas from members of TF Legal Framework	Dr. Söntje Julia Hilberg
11:50-12:15	Fields of interest/sub-groups within TF Legal Framework	Dr. Söntje Julia Hilberg Anil Turkmayali
12:15-12:30	Q&A and Open Discussion	
12:30-12:45	Break	
12:45-13:15	Deep dive in the current tasks - Contractual framework - Impulse papers	Dr. Söntje Julia Hilberg
13:15-13:30	Q&A and Open Discussion: How to Proceed?	

Updated Working Mode

The updated working mode of the task force
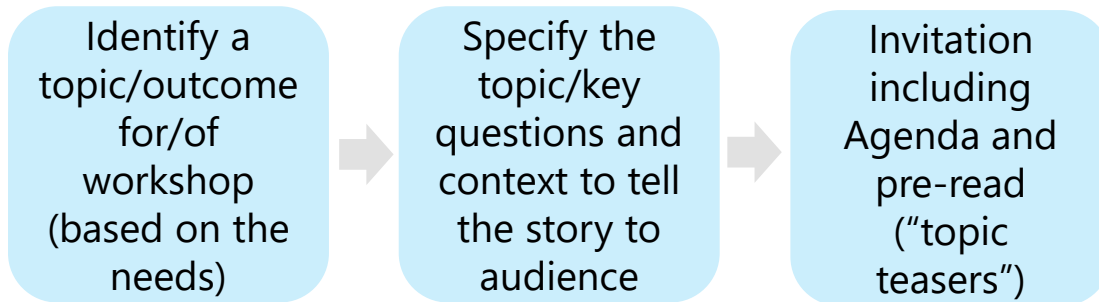New workstreams that we are planning to implement
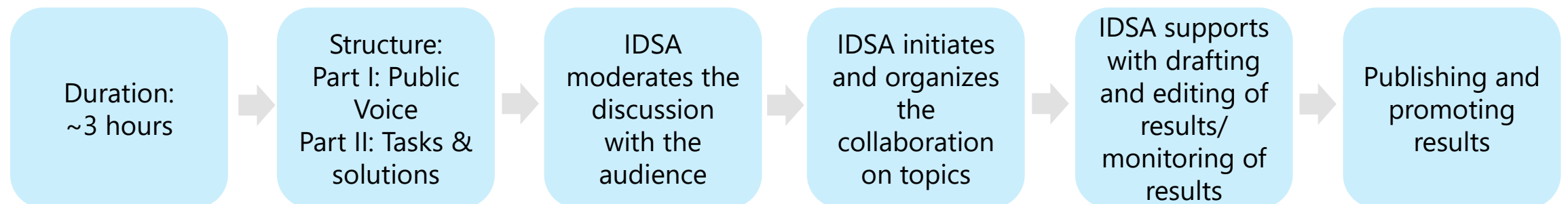
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Task Force Legal Framework
Organization - Workshops

Preparation (IDSA) [4 workhops/year]

Identify a topic/outcome for/of workshop (based on the needs)	→	Specify the topic/key questions and context to tell the story to audience	→	Invitation including Agenda and pre-read ("topic teasers")

„Sounding Board" [ad hoc]

- Round of nominated persons to discuss specific topics/to evaluate relevance
- Outcome: Definition of task/activity for TF Legal Framework

Workshop (IDSA/members of task force legal)

Duration: ~3 hours	→	Structure: Part I: Public Voice Part II: Tasks & solutions	→	IDSA moderates the discussion with the audience	→	IDSA initiates and organizes the collaboration on topics	→	IDSA supports with drafting and editing of results/ monitoring of results	→	Publishing and promoting results

Task Force Legal Framework

Activities –"Activity fields"

Activity field I ("Public Voice")

- Creating position papers and publishing new documentation and posts on legal topics

- A member with an idea for a position paper pitches it in the group and then collaboration teams are formed.

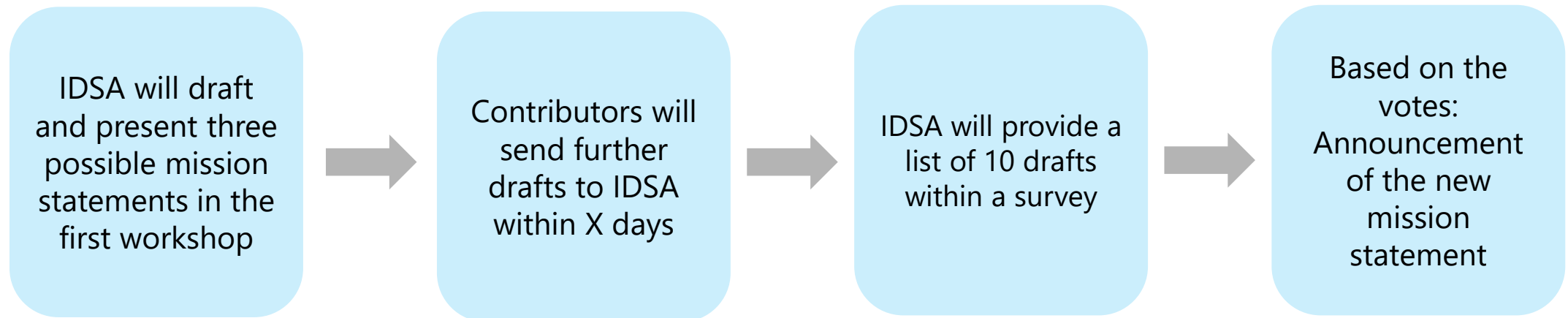Example: AG-Blog | Die Open-Data-Strategie der Bundesregierung | Initiative D21

Activity field II ("Tasks & Solutions")

- This WS aims to identify and resolve specific tasks related to legal domain.

- Outcome: Working results that try to tackle common problems, ideas.

Example: Contract template for a data sharing agreement

Task Force Legal Framework

Organization – Initial steps ("Mission statement")

IDSA will draft and present three possible mission statements in the first workshop

→

Contributors will send further drafts to IDSA within X days

→

IDSA will provide a list of 10 drafts within a survey

→

Based on the votes: Announcement of the new mission statement

Task Force Legal Framework

Organization – Initial steps ("Mission statement")

„To provide compliant, reliable and scalabel legal solutions for data spaces."

„To develop a legal framework for compliant, reliable and scalabel data spaces."

„To provide support regarding legal challenges for the purpose of reducing risks and enabling use cases for data spaces."

„To translate legal requirements into legal solutions for compliant, reliable and scalable data spaces."

Public Voice Workstream

Ideas for position papers and impulse papers
External sources (initiatives asking for opinions from IDSA)
Internal sources (Working Groups)
Ideas from members of TF Legal Framework
Please check and contribute to the Miro board

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Task Force Legal Framework

Activity fields – "Public Voice"

Activity field I ("Public Voice")

- **Public Voice @IDSA** consists of **different formats/channels**:

Impulse Papers	• First ideas, concepts, opinions regarding upcoming topics and developments to stipulate further discussions („*first mover/teaser approach*")
Position Papers	• Ideas, concepts, opinions regarding specific topics/existing discussions or to answer inquiries/requests to position IDSA („*positioning approach*")

- **Format**: Articles published on IDSA website (pdf download), internal sources and mailing to members
- **Content**: Based on different templates considering the different approaches (e.g. Impulse Papers should mainly consist of teasers, „*rather questions than answers*" while Position Papers should consist of clear statements (can also include IDSA member surveys/interviews, „*rather answers than questions*")
- **Organization**: Editorial schedule to be drafted (including possible topics for papers, deadlines (how often should papers be published?, definition of workstream etc.)

Task Force Legal Framework

Activity fields – "Public Voice"

> ### Activity field I
> ("Public Voice")

- **Public Voice @IDSA** consists of **different formats/channels**:

Social Media/Blogs et al.

- Promotion of task force legal activities and papers (*"marketing/connecting approach"*)

- **Format**: Posts on social media, IDSA website, internal sources and mailing to members
- **Content**: Teaser/short summaries of papers, link to relevant events etc.
- **Organization**: Channels, formats etc. to be defined

Tbd: Report of activities

- *Regular summary of task force legal activities ("marketing/connecting approach")*

- *Format: Short article published on IDSA website/channels*
- *Content: Overview of task force legal activities and link to publications*
- *Organisation: Channels, formats etc. to be defined*

Fields of Interest

Fields of interest/sub-groups within TF Legal Framework
Please check and contribute to the Miro board

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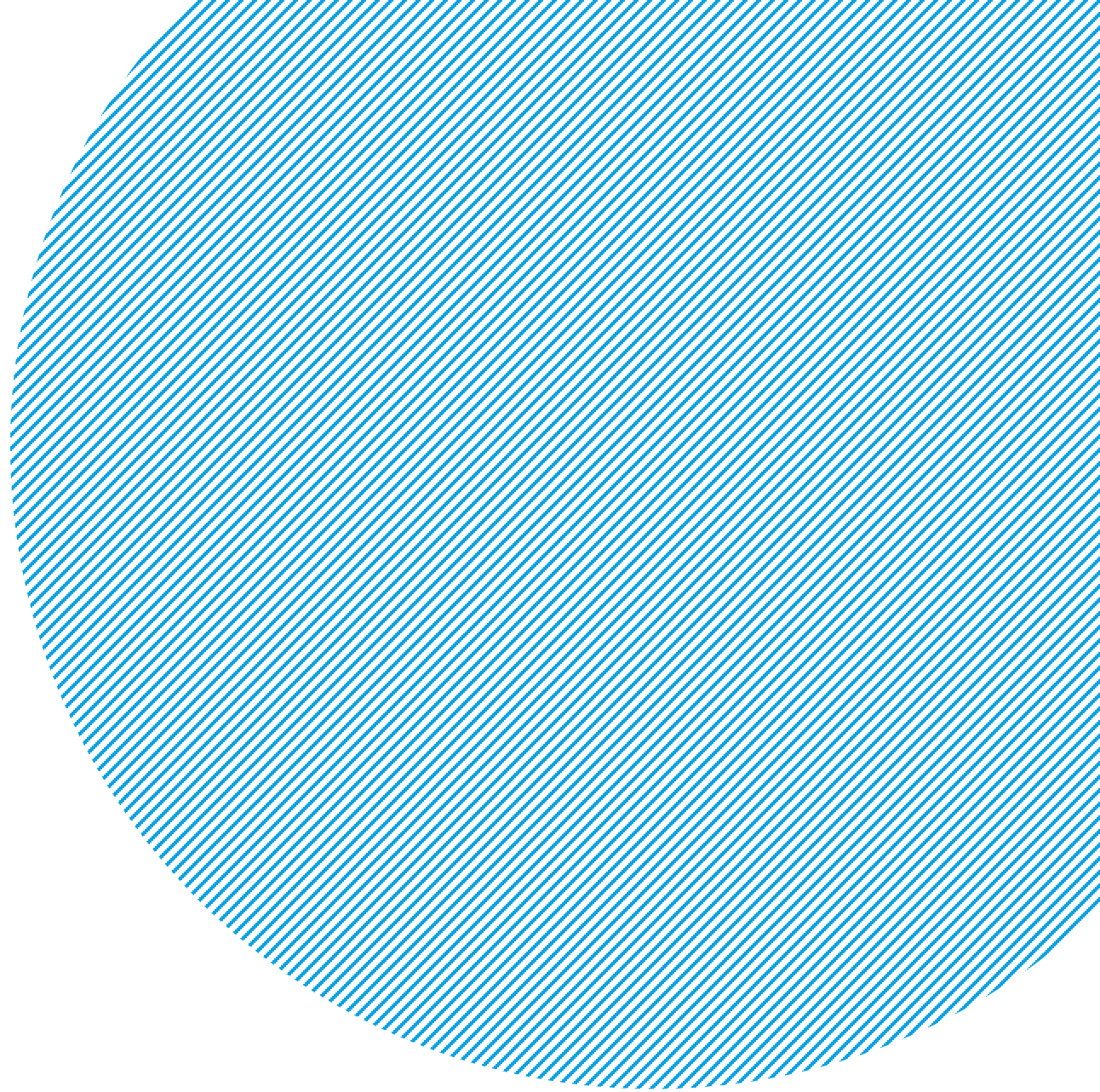# Task Force Legal Framework

Activities – Fields of interest/sub-groups

Regulatory framework (e.g. DGA, DMA, DA)	IP & Know-How	Ethics	...
Compliance (e.g. GDPR, IT Security, Competition Law)	Contractual Framework	Legal interoperability	

Q&A and Open Discussion

Workstreams, Fields of interest/sub-groups within TF
Legal Framework

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Coffee Break

Deep Dive in Current Tasks

Contractual framework
Impulse papers

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Task Force Legal Framework

Activity fields – "Tasks & Solutions"

> ### Activity field II
> („Tasks & Solutions")

- **Tasks & Solutions @IDSA** consists of **different activities**:

  [Tasks "on demand"]
  - Task force legal discusses different topics addressed by other IDSA working groups/task forces and provides answers/solutions ("*on demand approach*")

- **Format**: Drafting question & answer sheet, providing link to relevant information or contact persons, providing legal documents
- **Content**: E.g. document/overview of questions & answers, drafts for legal documents etc. [Note: IDSA will decide, if and how results should be published (might be linked to "Public Voice")
- **Organization**: Implementation of tasks & solution channel to contact the task force legal and communicate results; monitoring of results etc.

Task Force Legal Framework
Activity fields – "Tasks & Solutions"

Activity field II
(„Tasks & Solutions")

- **Tasks & Solutions @IDSA** consists of **different activities**:

Tasks "on our agenda"

- Task force legal discusses different topics addressed by task force legal members and drafts solutions („*pro-active approach*")

- **Format**: Drafting of results
- **Content**: E.g. document/overview, drafts for legal documents etc. [Note: IDSA will decide, if and how results should be published (might be linked to "Public Voice")
- **Organization**: Task force legal members can „pitch" topics in workshops; IDSA supports in drafting and monitoring of results etc.

Task Force Legal Framework

Activity fields – "Tasks & Solutions"

Activity field II – „Tasks & Solutions" Roadmap / Topics			
Task(s)/Question(s) addressed	**Expected Outcome**	**Contributors**	**Timeline**
How would an IDS contract framework for data exchanges would look like? (SITRA & iShare templates as sources of inspiration/base)	IDS Data Sharing Contract Templates (Contract Framework – Appendix to the IDSA Rule Book 2.0)	To be identified Cooperation / Alignment with Rule Book Working Group	Oct 2022 – 1st quarter 2023 (alignment with timeline for Rule Book 2.0)

Task Force Legal Framework

Activity fields – "Public Voice"

> ### Activity field I - („Public Voice")
> ### Editorial Plan / Topics

Impulse Papers (2022/2023) [Work in progress]

Interoperability of data spaces by "common terms"

– Introduction: "common terms" does not only mean the consolidation of terms between different regulations (this seems to be already an issue considering the different definitions proposed by the different EU Acts like DGA, DA-E), but (1) between such regulations with already existing initiatives and (2) such initiatives in relation to each other

– DGA and IDS RAM (example: data intermediation services)

– Why we need "common terms"

– Compare of existing terms (DGA, IDSA, Gaia-X, Others)

– Towards "common terms": How can existing terms be aligned? What existing glossaries can be used/are out there? [DSSC as an example]

– Conclusions

Task Force Legal Framework

Activity fields – "Public Voice"

Activity field I - („Public Voice") Editorial Plan / Topics

Impulse Papers (2023) [Proposed]

– **"Data ethics" – Beyond legal compliance**

  – Introduction: Data ethics in the context of data sharing

  – Overview of existing approaches

  – IDSA approach

  – Conclusion and outlook

Task Force Legal Framework

Hot Topics (addressed by Working Groups)

1. What would be the legal enforcement of IDS if the case is taken into a court?
2. What kind of legal enforcement can be put into action, when you join and/or leave a data space?
3. How the transition from technical legal agreements to real-life contracts be possible (contracts that are signable by real people)?
4. What would a legal interoperability framework for a data space consist of? (what kind of framework? Business, technical, etc..)
5. Current regulation applicable to a data exchange. Our thought was that when you're buying something, let say an ice cream, you're not signing a contract, but you're relying on some legal basis (let say contract law for instance) protecting the stakeholders, freeing them to remind all the rules appliable to such transaction (since they are implied by the regulation). Hope this is not a too naïve view. But then what would be those current (implied) rules appliable to a data exchange? And where are the gaps we should pay a special attention to include in the contract to protect the stakeholders?
6. Create an IDS contract for data exchange (covering the transaction process especially)
7. Map ODRL language with a standard contract to identify gaps
8. Liability of the different stakeholders to a data exchange in an IDS environment
9. Data ethics
10. What's the role of IDS on legal matters: what is the position, which guidance will IDS provide, not just related to setting the legal agreements but also in case the parties are not adhering to them?

Q&A and Open Discussion:

How to Proceed?

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