



AI, Machine Learning & Big Data 2022 – Jersey Chapter

First published in **Global Legal Insights**

Jersey

Emma German, Monoceros Innovation Advisory Limited
Rachel Harker, Digital Jersey Limited

Trends

Background

The island of Jersey is a small, autonomous state with a highly reputable financial services industry boasting one of the best digital infrastructures in the world. It offers organisations a tax-neutral environment, with no capital transfer tax, capital gains tax, value-added tax, withholding taxes or wealth taxes and so can facilitate cross-border investment.¹ The Government of Jersey, through its agencies Digital Jersey and Jersey Finance, is supportive of fintech and actively promotes Jersey as a jurisdiction for fintech.²

Jersey is fast being recognised as a jurisdiction of interest in the data science and artificial intelligence (“**AI**”) community. Research of the Web Science Institute³ championed the use of Jersey foundations⁴ as structures to hold and manage data assets (as a form of “data institution”).⁵ Foundations are just one of the flexible structures offered in Jersey that could be used for data institutions (see below). It is within this area of data stewardship that Jersey is seeking to establish itself as a centre of excellence; leveraging its world-class fiduciary legal services and robust legal system to provide governance solutions to data institutions (“**Data Stewardship**”).

Jersey possesses the expertise that the data market lacks: a 60-year track record in governance through experienced, regulated fiduciaries and sophisticated legal structures. These professional, regulated fiduciary service providers have a depth of experience in corporate governance, finance and the holding and managing of global, ultra-high-value assets. A few statistics below illustrate the size of the industry:

- £600 billion in trusts managed by regulated trust company businesses in Jersey.
- 1,120 members of the Society of Trust and Estate Practitioners (“**STEP**”).
- 400 foundations formed since the Jersey Foundation was launched in 2009.
- 13,500 highly skilled professionals working in financial services including trust specialists and a world class digital infrastructure.⁶

Jersey’s regulator, the Jersey Financial Services Commission (“**JFSC**”) has a pragmatic approach to fintech regulation and the island is the jurisdiction of choice for many fintech structures seeking a low-tax, well-regulated jurisdiction of domicile. Of note are the world’s largest investment fund (the Softbank “**Vision Fund**”), Checkout.com (who just completed its Series D funding round raise US\$1 billion, which now values the leading global payment solutions provider at US\$40 billion),⁷ various crypto currency exchanges and blockchain platform foundations. Consequently, the island has developed a strong pool of fintech talent, expertise and investors. The JFSC are committed to engaging with organisations wishing to operate an innovative business in Jersey via the JFSC’s Innovation Hub, the FinTech

Forum (see below), the Digital Assets Working Group and Sandbox Jersey. The JFSC itself embraces regtech with its own Application Programming Interface (“API”) to assist with regulatory applications. The JFSC is a member of the Global Fintech Innovation Network. Jersey is experienced at operating to the highest level of data protection standards and has an experienced, pragmatic regulator in the Jersey Office of the Information Commissioner (“JOIC”). Jersey has been recognised for its high standards for over a decade, following the grant of an adequacy decision from the European Commission in 2008. This decision enables personal data to flow freely to Jersey without any further safeguards from the EU Member States and the European Economic Area member countries and *vice versa*.⁸ In addition, many Jersey service providers voluntarily hold ISO certifications for data reflecting their recognition that protections are required for handling commercially valuable data.

In terms of the legal and regulatory backdrop, Jersey has not enacted any specific AI-related laws or regulation. Matters relating to the legal recognition of information electronic records and automation more generally fall to be dealt with by the Electronic Communications (Jersey) Law 2000, as amended (“ECJL”). The ECJL does not extend to the express recognition of electronic agents.

What have been the main developments during the last year?

For the purposes of this chapter, the main development in the data space relates to exploring opportunities to offer data stewardship services from Jersey. Last autumn, Digital Jersey, the island’s government-backed economic development agency, convened a working group to explore the topic (“**Digital Jersey Working Group**”). The Digital Jersey Working Group observed the striking parallels between the good governance skills needed for good data stewardship and those already present in Jersey serving the financial services ecosystem where, with appropriate up-skilling, Jersey should expand its expertise into a new asset class: data. That data would be international data rather than domestic Jersey data.

Whilst a myriad of data stewardship services would be relevant, the core services would revolve around a central governance structure, referred to generally as a “data institution”, which could be a Jersey law trust or foundation or similar. This data institution would hold rights to data assets and be operated and overseen by experienced regulated fiduciaries whether a trustee, guardian, council of members or similar. These fiduciaries would provide a robust governance structure to induce trust and confidence of data providers in holding data assets and oversee opportunities to monetise that data by providing and accelerating controlled access to it (data sharing). The idea being that good stewarding of aggregated datasets will encourage data sharing between parties leading to greater returns in the strategic use and value of that data.

A well-governed data institution should create efficiencies by enabling access to new data insights and facilitating innovation and value creation whilst reducing the risk attached to holding data. Jersey is already home to sophisticated data management services providers including Calligo Limited,⁹ Jersey Telecom plc,¹⁰ Sure¹¹ and Revoke¹² offering data platforms, data science, privacy, security and engineering, data analytics and AI capabilities to global organisations. A more widespread offering of data stewardship services in Jersey will increase the impact Jersey is able to make in this sector as the supporting professions: legal; accounting; and tax expertise etc. will gain deeper expertise to support the industry.

The use of Jersey professional regulated fiduciaries should give Jersey a competitive advantage over other jurisdictions because fiduciary expertise, skill and accountability are assured in the current Jersey fiduciary service offering. This expertise combined with Jersey’s low rate of corporate tax¹³ makes Jersey an excellent jurisdiction in which to domicile data institutions.

At its 2022 annual review, Digital Jersey announced the launch of a data trust pilot for active travel in collaboration with a variety of local organisations and using See.sense Internet of Things (“IoT”) devices from the award-winning cycling tech product provider.¹⁴

Outside of data stewardship, there have been a number of developments in Jersey in terms of uptake at island level around AI and IoT solutions:

- Jersey Electricity plc, the island’s utilities company, launched a new feature on their app claiming to be the first in Jersey that uses AI technology to help their customers estimate the electricity consumption in their homes.
- Digital Jersey together with Jersey Royal Farmers have started to trial smart fields agri-tech using drone and IoT technology.¹⁵

In terms of statutory developments, incidental amendments to the ECJL have been made to clarify that electronic communication includes a reference to an electronic record; and to widen the scope to include “electronic storage” (being storage of an electronic record).

What AI/big data/machine learning trends are you seeing in your jurisdiction?

Given the financial services industry dominates the island’s economy, much of the notable AI activity in the domestic market (serving Jersey) relates to financial services, including:

- **Legal tech**

As with many jurisdictions, it has been the case for several years that Jersey supports the use of AI software in electronic discovery platforms in discovery. The rules of the Royal Court of Jersey RC17/08 (Discovery of Documents held in Electronic Form)¹⁶ provides guidance on how to make discovery of Electronic Documents in a proportionate and cost-effective manner. Specifically, Paragraph 4(c) of Practice Direction RC17/08 on electronic discovery states:

“Appropriate technology should be used in order to ensure that the disclosure of process is carried out efficiently and effectively.”

And further at Paragraph 13(c)(iii) requiring all parties to provide information to other parties before the first directions concerning:

“[A]ny tools and techniques proposed to be used to reduce the burden and cost of disclosure of Electronic Documents” including “the use of agreed software tools.”

In some cases where there have been over a million documents in question, Jersey courts have required the appointment of an expert eDiscovery provider and use of artificial intelligence to enable discovery to be carried out as efficiently as possible.¹⁷

- **Banking**

Many banks registered to undertake deposit taking in Jersey are part of international banking groups who implement various AI tools for middle office and back office tasks. These include onboarding, risk and lending decisions (including risk management), fraud detection and prevention and improving the customer experience with certain banks using voice and speech analysis for account management. These areas often involve repetitive processes that capture and process large amounts of data which make them suitable for automation and for using AI software.

- **Reg tech**

Specifically, compliance-related software including digital identity and verification software. Many regulated service providers make use of e-ID solutions (such as Complyadvantage) and blockchain investigation and compliance software (such as Chainalysis) to support them with their compliance and monitoring obligations.

This trend is also seen in the retail sector since the Government of Jersey partnered with UK software company Yoti, to facilitate secure access to government services online

and in person. The Yoti app offers a digital identity solution that uses AI to check ID documents, and undertake facial recognition.¹⁸

- **Roboadvisors** in the investment management space.

There have also been open discussions about the potential to introduce Open Banking and Open Finance solutions in Jersey in the future, for example in the summer of 2021, the TechTalk Virtual Event related to Open Banking / Open Finance.

In the international market (i.e. serving international clients rather than domestic Jersey clients), there has been exponential growth in data services and enquiries about data privacy and machine learning. Historically these enquiries have been from large multinational companies but recent trends see mid-tier firms also seeking these services. Many organisations seek to optimise the strategic use of their data and understand how their data may (or may not) be used. This trend is most notable in relation to sales and marketing data. In these instances, organisations typically seek an outsourced service to host, capture and optimise their data and specifically seek insights and analytics data that will give them a competitive advantage.

What is the state of the technology and competitive landscape?

State of technology

Jersey boasts the fastest broadband speeds in the world, one of the best telecommunications networks globally¹⁹ and state of the art data centres. This technological infrastructure is just one factor that makes Jersey an excellent test bed for innovation whether that is support testing software, payment solutions, devices or technology generally.²⁰ The island has a small population of 100,000, many of whom are skilled professionals engaged in financial services with fibre broadband installed in almost 100% of commercial and residential premises.²¹

In addition, each of the island's telecommunications operators (Jersey Telecom, Airtel-Vodafone and Sure) have an IoT capability. Airtel-Vodafone also holds Mobile IoT lab status in Narrow Band ("NB") IoT which allows organisations to test IoT devices in a live and secure environment in Jersey and in their lab.²²

IoT technology is just one of the areas of Jersey's digital industry that Digital Jersey supports. Digital Jersey has a number of strategic initiatives covering technology, fintech and regtech, digital health as well as offering support for start-ups including offering test bed infrastructure via Sandbox Jersey.

Competitive landscape

The adoption of digital services in Jersey is high²³ and Jersey has a rapidly growing and well-connected digital sector.

Being a low-tax jurisdiction, many organisations use Jersey as a jurisdiction for holding and managing their assets, hence the proposed extension into data assets. In terms of Data Stewardship and as noted above, Jersey has a competitive advantage over many larger jurisdictions because it has over 60 years' experience in offering regulated, professional fiduciary services. These services would underpin the governance framework and operating principles of data institutions.

In terms of AI, the on-island competition is fairly limited as Jersey has a handful of companies with AI and machine learning capabilities, including Calligo Limited,²⁴ Kiya.ai²⁵ (formerly Infracore), C5 Alliance Group,²⁶ Continuum,²⁷ 1-Truth, The Summit,²⁸ Vaiie,²⁹ TCB Consulting³⁰ and Prosperity 24/7,³¹ as well as hosting data centres, including Jersey Telecom, Calligo Limited and Sure. The primary competition for these services come from the UK and the US. JT's data centres are highly secure and resilient and ISO/IEC 27001 and PCI-DSS certified and SOC2 and SOC3 accredited.³²

How are companies maximising their use of data for machine learning and other applications?

As expected, organisations rely on data insights, specifically, data visualisations to drive their strategies. Examples include:

- **Technology companies:**
 - consolidate and collect data on their marketing and sales campaigns and consume this via data visualisations; and
 - use machine learning to compare customers' characteristics to produce targeted marketing campaigns to increase yield.
- **Telecoms companies:**
 - use data visualisations to understand what customers are consuming and when; the characteristics of their customers etc. to drive their sales strategy.
- **Insurance companies:**
 - use machine learning to understand their customers and ensure that the premium is priced correctly and use that to drive their marketing and sales campaigns to target customers in their targeted profile/demographic.
- **Emergency services:**
 - Use data analytics to identify trends to focus resources, training, KPI live reporting, fire safety inspections, health and safety incidents and HR information.³³

What are the key legal issues that are arising out of adoption of AI/big data/machine learning?

The key legal issues are the perennial issues in using data:

- Consent and privacy.
- Mechanics of data sharing.
- The status of data and data assets as a property right at law.

Consent and privacy

In terms of consent and privacy, whether in AI or the big data context, issues concern privacy and obtaining valid consents from the data subject to data processing. The Data Protection (Jersey) Law 2018 (“**DPJL**”) reflects the key provisions in the GDPR concerning the processing of personal data and ensuring that any controller observes the general duties and any processing meets the general principles and conditions for processing. Personal data includes pseudonymous data which has been anonymised such that it can no longer be attributed to a specific data subject. Consent is the key tenet of the GDPR and organisations are well practised at issuing obtaining consent to processing and issuing privacy notices. However, the increased use of AI and generation of inferences and more pervasive combination of datasets has given rise to considerable concerns in the data community over the robustness of obtaining consent.

“Big Data analytics and artificial intelligence (AI) draw non-intuitive and unverifiable inferences and predictions about the behaviors, preferences, and private lives of individuals. These inferences... create new opportunities for discriminatory, biased, and invasive decision-making. Data protection law is meant to protect people’s privacy, identity, reputation, and autonomy, but is currently failing to protect data subjects from the novel risks of inferential analytics. The legal status of inferences is heavily disputed in legal scholarship... The GDPR also provides insufficient protection against sensitive inferences (Art 9) or remedies to challenge inferences or important decisions based on them (Art 23(3)).”³⁴

In addition, there are also questions around the adequacy and suitability of the existing practices around obtaining consent: lengthy, inaccessible terms and conditions; the lack of

knowledge, time and understanding of the data subject to review terms and conditions and data access agreements; and a lengthy inaccessible process to seek redress for data misuse.³⁵

Mechanics of data sharing

Issues around data sharing include:

- **The legal basis on which data is shared** – whether through a multi-party or bilateral data sharing agreement, relying on the outmoded consent-based model, or via a data institution. In each case, unless an established legal structure is used (e.g. a trust or foundation), explicit governance frameworks and processes and procedures to engender trust are needed to put basic governance principles on a contractual footing. Contracts also need to be drafted with sufficient detail to cater for the data flow mechanics to work which may not be sufficiently flexible for multiparty scenarios where additional parties are frequently joined to the contractual arrangements.

If using, e.g., a Jersey trust, many of these basic governance principles would be dealt with by the underlying fiduciary duties owed by trustees forged over hundreds of years. This would leave the governance documents (trust instrument and, e.g., data management agreement) to deal with the detailed governance arrangements for that specific trust.

- **If establishing a data institution, the legal structure to use** – data institutions can take various forms. Examples include a foundation, a trust (in the legal and non-legal sense), a co-operative, a community benefit society and a community interest company. A lack of established data institution prototypes and related legislation means there is no consensus as to the appropriate legal structure to use. Research of the Web Science Institute³⁶ has featured the “data trust” and “data foundation”³⁷ and championed the use of a Jersey law-governed foundation. The table below shows differences between the structures:

	Non-charitable purpose trust (“NCPT”)	Foundation
Source of law	<ul style="list-style-type: none"> • Trust (Jersey) Law 1984. • Extensive case law. Can draw on English legal principles. 	<ul style="list-style-type: none"> • Foundations (Jersey) Law 2009. • Limited case law.
Legal personality	Contracts via trustees.	Yes.
Corporate existence	Exists upon establishment once trust property is contributed.	<ul style="list-style-type: none"> • Upon issuance of certificate of incorporation. • No initial endowment needed.
Governing document	Trust instrument.	<ul style="list-style-type: none"> • Charter and regulations. • Charter must set out objects.
Officers	<ul style="list-style-type: none"> • Trustees (often a corporate or SPV trustee).³⁸ • Enforcer for NCPT. 	<ul style="list-style-type: none"> • Council members must include a Qualified Member who is appropriately licensed. • Guardian.
Owners	<ul style="list-style-type: none"> • Trustees hold legal ownership to trust property. • Beneficial ownership of NCPT are the non-charitable purposes. 	<ul style="list-style-type: none"> • Orphan structure. • No shareholders or beneficiaries.
Fiduciary?	Trustees owe fiduciary duties to beneficiaries to act in good faith per the terms of the trust.	Guardian and Council are accountable to the foundation.

	Non-charitable purpose trust (“NCPT”)	Foundation
Who safeguards?	The enforcer of the NCPT.	Guardian. Responsible for supervision and approving and ratifying the actions of the Council.
International perception	Often required to provide due establishment legal opinions.	Widely recognised in Europe.
Limitations	<ul style="list-style-type: none"> • Is data property? • Is it capable of being settled into a property as a strict interpretation of Jersey law? • Questionable value of trustee indemnity where trust assets are illiquid. • Feasibility for: (i) data users; or (ii) data users and clearly defined use cases, for the settlor to extract any benefit (as fundamentally classic trusts are established to benefit the beneficiaries rather than the settlors). 	<ul style="list-style-type: none"> • Foundations involve convening various parties for meetings. This potentially increases the administrative burden, cost, and delays decision-making. • Potential expenses of dispute resolution given limited case law. • Similar questions regarding data as property.

The Digital Jersey Working Group recommended to pilot data institutions in Jersey with a foundation and a NCPT, whilst noting that other structures may also assist.

The status of data and data assets as a property right at law

As noted above in the discussion on legal structures is whether data rights constitute property rights under Jersey law capable of being transferred to a trust or foundation. This question stems from the prevailing assumption that data has no inherent value unless aggregated within a dataset, is not an asset and therefore cannot constitute property in its own right.³⁹ These assumptions appear to stem from a 1979 case, dating from long before the advent of the internet, powerful low-cost computing and AI in its current form. This assumption stands at odds with the underlying commercial rationale for AI and data insights: if “the whole is greater than the sum of its parts” it does not follow that the parts have no value at all.

The concept of ownership of data is hotly debated and the British Academy, Royal Society and techUK paper summarises the challenges of recognising “data ownership” hence the shift in focus to data stewardship.⁴⁰

What is the government view with respect to the adoption of AI?

The Government of Jersey actively promotes Jersey as a jurisdiction for fintech under its “Jersey for Fintech” initiative. The initiative is a collaboration between *Jersey Finance*, Digital Jersey and Locate Jersey to realise Jersey’s fintech ambitions and promote Jersey as a destination for fintech activities and for fintech firms to “establish, grow and flourish”.⁴¹

In terms of AI specifically, *Jersey Finance* have been driving uptake of AI in the island through its series of reports on AI: “How AI is Radically Transforming Financial Services.”⁴² The series explains AI and its uses and discusses the legal, ethical and general implications on the Jersey finance industry. *Jersey Finance* also published various other materials relating to AI including: “State of AI 20-20” (a short summary of predictions, ethics, use cases and barriers to adoption of AI)⁴³ videos relating to the impact of AI and practical examples of implementing AI.⁴⁴

Jersey has long been considered a fintech-forward jurisdiction, and is the domicile for many crypto and blockchain organisations including virtual currency exchanges, blockchain foundations, bitcoin and crypto exchange-traded products, and crypto-custodian Komainu.⁴⁵ The JFSC Sound Business Practice Policy⁴⁶ seeks to ensure that only credible, reputable fintech businesses are established in Jersey. It does this through its focus on anti-money laundering and compliance and consumer protection to protect the integrity of Jersey in commercial and financial matters. As noted above, the JFSC has various fintech initiatives to promote fintech and is open to engaging in discussions with organisations considering locating to the island.

What industries/sectors do you see being leaders in the development and adoption of AI/data? How mature, and what demand is there, for services pertaining to AI/data risk-management?

As noted above, given the dominance of the finance industry in Jersey, the domestic demand for the development and adoption of AI is likely to centre on the finance industry, predominantly in the back and middle office functions including finance and compliance.

In the export market, it is highly possible for Jersey to become a leading jurisdiction in data stewardship and the indications show significant demand internationally for these services.

From a Jersey context, data stewardship services would include data risk management, governance and potentially the monetisation of data. The parallels (noted above) between the good governance skills needed for good data stewardship and those already present in Jersey serving the financial services ecosystem are clear.

In terms of maturity, last autumn, Calligo (a leading data services provider serving global clients) published their Data Maturity Impact report, which assessed the data maturity of over 500 international companies.⁴⁷ The report concluded that:

- Only 9.3% of respondents had data at the core of their business and used it strategically (Stage 6).
- 24.9% of respondents depended on data and understood its value (Stage 5).
- 50.7% of respondents either had data securely available but it was not governed or relied upon, or had basic use of data but used it inconsistently.
- 15% of respondents either underappreciated the value of their data or had no concept of using data.

The report observed that respondents had an overinflated sense of their data maturity with 81% of respondents assessing themselves to be at Stages 5 and 6 whereas only 34.2% actually were. The report indicates that global organisations need to be more data aware and build a robust data strategy to assist data maturity.

Ownership/protection

Jersey has a secondary register to the UK for IP matters and is likely to be influenced by changes in practice in the UK regarding patentability of inventions created by algorithms.

Antitrust/competition laws

There is much discussion in the international legal community about the potential anti-competitive effects of algorithmic collusion on markets (so-called “robo-selling”), i.e. where algorithms collude particularly in relation to price maintenance. The Jersey Competition Regulatory Authority does not have any guidance specifically related to algorithmic collusion. The guidance and analysis of the Competition & Markets Authority of the UK is likely to be persuasive as is related guidance from the European Union.

Note

Please note that this briefing is only intended to provide a very general overview of the matters to which it relates. It is not and is not intended as legal advice and should not be relied on as such. © Monoceros Innovation Advisory Limited 2022.

* * *

Endnotes

1. <https://www.gov.je/Government/DigitalPolicyFramework/About/Pages/WhatJerseyOffers.aspx>.
2. <https://www.jerseyfinance.je/check-file?file=wp-content/uploads/2020/11/Jersey-for-Fintech.pdf>.
3. https://eprints.soton.ac.uk/428276/1/WSI_White_Paper_1.pdf.
4. <https://static1.squarespace.com/static/5c9f74ddfb182014576eaf38/t/5df3aa9492c2512f27bf9a0c/1576250009077/Building+Trust+Through+Data+Foundations.pdf>.
5. <https://theodi.org/project/rd-data-institutions>.
6. <https://www.jerseyfinance.je/our-work/why-jersey-is-a-trusted-space-for-international-families>.
7. <https://www.jerseyfinance.je/news/carey-olsen-advises-checkout-com-on-us1-billion-series-d-funding-round>.
8. Pursuant to *Regulation 2016/79* (GDPR), all “adequate” decisions are to be reviewed. The Jersey Government has a good working relationship with the EU and does not anticipate any issues arising out of the review. See: *Building Trust in Data Foundations*, Sophie Stalla-Bourdillon, Alexsis Wintour, Laura Carmichael.
9. <https://www.calligo.io>.
10. <https://business.jtglobal.com/solutions/data-centres>.
11. <https://www.sure.com>.
12. <https://revoke.com>.
13. In the absence of any specific legislation to the contrary, it is anticipated that such structures would be taxed in accordance with Jersey’s general taxation rules.
14. <https://seesense.cc>.
15. <https://www.digital.je/initiatives/smart-fields>.
16. <https://www.jerseylaw.je/courts/PDFs/RC1708.pdf>.
17. See: *Hard Rock Limited and Hard Rock Café International (STP) Inc v HRCKY Limited*, available at: [https://www.jerseylaw.je/judgments/unreported/Pages/\[2020\]JRC173.aspx](https://www.jerseylaw.je/judgments/unreported/Pages/[2020]JRC173.aspx) and see: *X Trust Company and Y Limited v C, F, E, D, P, H, I, J, O, U, V, W and Minor and un-born beneficiaries of the Trusts and The adult children of C and F In the matter of the representation of X trust company and Y limited And in the matter of the a trust and the B trust And in the matter of Article 51 of the Trusts (Jersey) Law 1984, as amended*, available at: [https://www.jerseylaw.je/judgments/unreported/Pages/\[2018\]JRC068.aspx](https://www.jerseylaw.je/judgments/unreported/Pages/[2018]JRC068.aspx).
18. <https://www.yoti.com/blog/why-its-time-to-automate-your-customer-verification-process/>.
19. <https://www.digital.je/news-events/digital-news/jersey-first-for-broadband-speed-cements-digital-reputation/#:~:text=Telecoms%20company%20Cable%2C%20partnered%20with%20internet%20performance%20researchers,Mbps%2C%20that%E2%80%99s%2030%25%20faster%20than%20its%20nearest%20rival>. See also: BBC Sounds, Digital Planet “Tech on the island of Jersey”. Available at: <https://www.bbc.co.uk/sounds/play/w3ct1lsk>.

20. <https://technation.io/insights/digital-jersey>.
21. <https://www.digital.je/initiatives/internet-of-things>.
22. <https://www.digital.je/news-events/digital-news/airtel-vodafone-gains-global-accreditation-in-narrow-band-nb-iot-technology>.
23. <https://technation.io/insights/digital-jersey>.
24. <https://www.calligo.io>.
25. <https://www.kiya.ai>.
26. <https://www.c5alliance.com>.
27. <https://www.continuum.je>.
28. <https://www.thesummit.je>.
29. <https://vaiie.com>.
30. <https://www.tcbconsulting.com>.
31. <https://prosperity247.com>.
32. <https://business.jtglobal.com/solutions/data-centres>.
33. <https://www.c5alliance.com/latest/jersey-fire-and-rescue-power-bi>.
34. See: Wachter S and Mittelstadt B (2018) “A Right to Reasonable Inferences: Re-Thinking Data Protection Law in the Age of Big Data and AI” University of Oxford – Oxford Internet Institute, available at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3248829.
35. AI Council and Ada Lovelace Institute (2021) “Exploring legal mechanisms for data stewardship”, available at: <https://www.adalovelaceinstitute.org/report/legal-mechanisms-data-stewardship/> referencing at p32 British Academy, Royal Society and techUK (2018) “Data ownership, rights and controls: Reaching a common understanding”, available at: <https://royalsociety.org/-/media/policy/projects/data-governance/data-ownership-rights-and-controls-October-2018.pdf>.
36. https://eprints.soton.ac.uk/428276/1/WSI_White_Paper_1.pdf.
37. <https://static1.squarespace.com/static/5c9f74ddfb182014576eaf38/t/5df3aa9492c2512f27bf9a0c/1576250009077/Building+Trust+Through+Data+Foundations.pdf>.
38. This assists managing liability and ease of availability of personnel to attend meetings.
39. See: Pinsent Masons: Data trusts: legal and governance considerations (2019), available at: <http://theodi.org/wp-content/uploads/2019/04/General-legal-report-on-data-trust.pdf>, p12 and p27 referring to J Ritter & A Mayer: Regulating Data as Property: A New Construct for Moving Forward” (2019) 6 Duke Law & Technology Review 220, 247–252, available at: <https://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=1320&context=dltr> and referring to *Oxford v Moss* (1979) 68 Cr App Rep 183.
40. British Academy, Royal Society and techUK (2018) “Data ownership, rights and controls: Reaching a common understanding”, available at: <https://royalsociety.org/-/media/policy/projects/data-governance/data-ownership-rights-and-controls-October-2018.pdf>.
41. <https://www.jerseyfinance.je/our-work/jersey-for-fintech>.
42. <https://www.jerseyfinance.je/jersey-the-finance-centre/sectors/fintech/artificial-intelligence>.
43. <https://www.jerseyfinance.je/news/the-state-of-artificial-intelligence-20-20>.
44. <https://www.jerseyfinance.je/events/jersey-finance-put-practically-ai-in-finance>.
45. <https://www.komainu.com>.
46. <https://www.jerseyfsc.org/industry/guidance-and-policy/sound-business-practice-policy>.
47. For an overview see: <https://www.calligo.io/blog/the-data-ditch-a-toolkit-to-identify-and-escape-it>.

**Emma German****Tel: +44 7797 740 444 / Email: emma@monocerosinnovation.com**

Emma German has a background as an experienced corporate lawyer working within the legal and regulatory framework supporting blockchain, tokenisation, digital and cryptoassets, AI and payments. Emma founded Monoceros Innovation to create value for stakeholders in all sectors with innovation and, through Monoceros Innovation, is launching the Greening Society, a Net Zero scheme for Jersey using emerging technologies.

Emma is also a Jersey Law Commissioner. Her work at the Jersey Law Commission focuses on the modernisation of Jersey laws to make them fit for the digital age to support the financial services industry and innovation more broadly. Emma drives thought leadership at Monoceros Innovation and is available for non-executive directorships.

**Rachel Harker****Tel: +44 1534 789 333 / Email: rachel.harker@digital.je**

Rachel is a Digital Jersey Technology Consultant and a highly experienced applied technologist who has worked on a diverse portfolio of physical-digital development programmes. At Digital Jersey she champions better use of data on the Island, the development of Jersey's Digital Twin and leads the Data Stewardship programme. Additionally, she works with R&D and innovation departments at a range of global companies finding solutions to major multi-disciplinary technical challenges. She holds an MEng in Engineering (Fluid Mechanics & Thermodynamics) from the University of Cambridge.

**Monoceros Innovation
Advisory Limited**

Les Marais, La Route du Marais, Jersey
Tel: +44 7797 740 444
URL: www.monocerosinnovation.com

Digital Jersey Limited

First Floor, Forum 4, Grenville Street, St Helier JE2 4UF, Jersey
Tel: +44 1534 789 333
URL: www.digital.je



About us

Overview

Monoceros Innovation Advisory Limited (“**Monoceros Innovation**”) is an innovation consultancy established in Jersey and founded by Emma German an experienced Jersey advocate with experience advising on regulatory and fintech related matters.

Monoceros Innovation is a private limited company with company number 133604 having its registered office at Les Marais, La Route du Marais, St Ouen, Jersey JE3 2GG.

Services

Monoceros Innovation provides a full suite of advisory and management consulting services in 4 main areas:

- ♦ innovation strategy;
- ♦ governance including non-executive directorships;
- ♦ growth strategy; and
- ♦ thought leading.

Our services are aimed at encouraging responsible innovation in the public and private sector.

Please note that our services do not include legal or financial advice.

Key contact – Emma German

Emma German is a senior lawyer, innovation consultant and Law Commissioner in Jersey who has a deep interest in the development and adoption of emerging technology primarily (but not exclusively) in financial services.

Emma’s keen interest in data-driven technologies and strong legal background brings with it various legal and analytical skills and qualities that she applies to the consultancy:

- ♦ Critical thinking – a willingness to hold people to account to ensure the correct and reasoned outcome and correct process has been followed;
- ♦ Strong ethics and ability to uphold good corporate governance;
- ♦ Risk management.





Important Notices

Further information

For further information please contact Emma German.

Overview

Monoceros Innovation accepts no responsibility or liability for any reliance placed on the contents of this article and related information nor for any related oral advice and views provided in presentations, discussions, meetings or telephone conversations.

Monoceros Innovation owes no duty of care and assumes no liability to any third-party recipient or any third party who receive a copy of this article.

This article is only intended to provide a general overview of the matters to which it relates. It is not legal advice and should not be relied upon as such.

©Monoceros Innovation Advisory Limited, 2022. All rights reserved.



