# Data Asset Foundations Governance Framework Consultation

## Overview

The Department for Enterprise is seeking views on the proposed Governance Framework for Data Asset Foundations.

The Data Asset Foundations regime is intended to provide a structured legal and governance approach to recognising and managing data as an asset. The proposed Governance Framework will support the operation of that regime and provide clarity on governance responsibilities, oversight and related safeguards.

The accompanying Governance Framework Paper sets out proposals for consultation. Feedback will be used to inform the supporting Regulations and guidance before these are finalised.

## Why your views matter

We are consulting to understand whether the proposed governance arrangements are clear, proportionate and workable for the organisations and individuals who may participate in the Data Asset Foundations regime.

We welcome views on practical implementation, responsibilities and safeguards, as well as any areas where greater clarity or further guidance may be needed.

The Department will consider the responses received in determining the final approach. The proposals remain subject to the consultation and the applicable approval and legislative processes.

## Reasonable adjustments and alternative formats

The Department is committed to equal opportunities and aims to make its documents easy to use and accessible to all.

We will take steps to accommodate reasonable adjustments and provide such assistance as you may require to enable you to access or reply to this consultation.

If you would like to receive this document in another format or need assistance with accessing or replying to this consultation, please email **Kasia.Heggs@gov.im** or telephone +44 1624 639766.

## Responding to this consultation

You can respond to this consultation online by clicking on the 'Online survey' link below.

Alternatively you can download a paper version of this consultation in the 'Related' section below and email it to **Kasia.Heggs@gov.im** or post it to:

**Digital Isle of Man (FAO Kasia Heggs)**
St Georges Court
Upper Church Street
Douglas
IM1 1EX

## What happens next

Once the consultation closes, responses will be reviewed and analysed by the Department. A summary of the feedback and the Department response will be prepared and published on the Consultation Hub.

The responses will help inform the final Governance Framework arrangements, including any necessary revisions to the relevant Regulations and supporting guidance.

Publication of consultation feedback is expected within 12 weeks of the closing date, in line with Government consultation guidance.

## About you

You do not need to provide personal details to respond. If you choose to provide them, they may be used to understand your response and contact you if clarification is needed.

### 1 What is your name?

Name

### 2 Are you responding on behalf of an organisation?

*Please select only one item*

- ◯ Yes
- ◯ No

If 'Yes' please provide the Organisation name

## 3 What is your email address?

Email

## 4 May we contact you if we need to clarify any part of your response?

*Please select only one item*

- ◯ Yes
- ◯ No

## 5 May we publish your response?

Please read our **Privacy Policy** *</privacy_policy/>* for more details and your rights.

**More information**

- Publish in full – your name, organisation name, along with full answers **may** be published on the hub (your email will **not** be published)
- Publish anonymously **–** only your responses **may** be published on the hub (your name, organisation and email will **not** be published)
- Do not publish **– nothing will** be published publicly on the hub (your response will only be part of a larger summary response document)

*(Required)*

*Please select only one item*

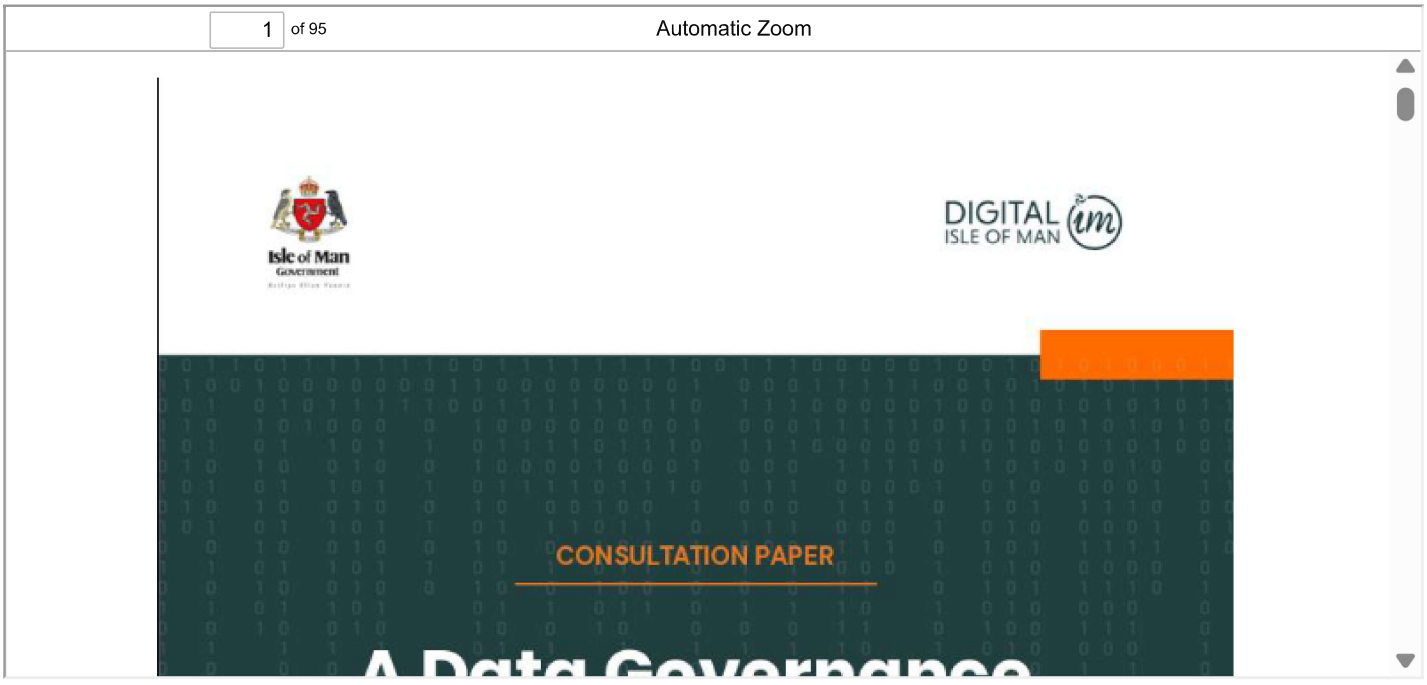
- ◯ Yes, you can publish my response in full
- ◯ Yes, you may publish my response anonymously
- ◯ No, please do not publish my response

## Introduction

This consultation is seeking views on the proposed Governance Framework for Data Asset Foundations set out in the consultation paper.

Each question will contain the relevant pages of the Governance Framework for Data Asset Foundations consultation paper, as well as the summary of the pages for responders to read and understand the context behind each question.

The **consultation paper can be downloaded separately (opens in a new tab)** *<Consultation%20Paper>* or be seen embedded below:



## Scope of the Data Governance Framework

**Relevant pages**

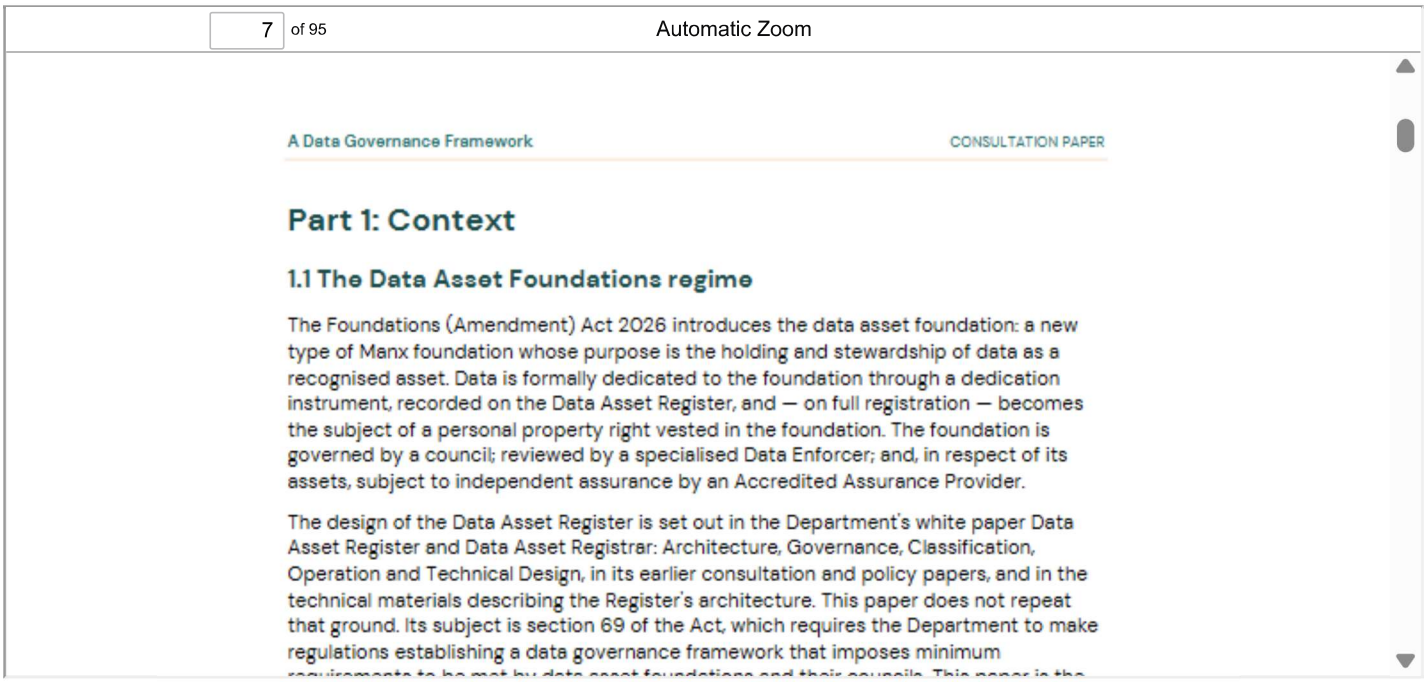
The relevant pages in the Governance Framework consultation paper for this section are the following:

Pages 7 to 8 | 1.2 — What the Data Governance Framework covers
Pages 10 to 11 | 1.4 — Scope of the consultation

### Summary

The Foundations (Amendment) Act 2026 requires the Department to establish minimum governance requirements for data asset foundations and their councils. The proposed framework covers the governance of the foundation, the processes for managing registered data assets, data governance and management standards, the relationship with other laws, and independent assurance. This consultation concerns the proposed governance framework and its supporting instruments. It does not reopen the primary legislation or the arrangements for the Data Asset Register, which were addressed through a separate consultation.

### Governance Framework consultation paper




### 6 Does the proposed scope of the Data Governance Framework cover what is needed?

*Please select only one item*

- ◯ Yes, it does cover what is needed
- ◯ Yes, it mostly covers what is needed
- ◯ No, it does not cover what is needed
- ◯ I am unsure

Please explain your answer or suggest any changes in the box below:

## Proportionality of governance requirements

### Relevant pages

The relevant pages in the Governance Framework consultation paper for this section are the following:

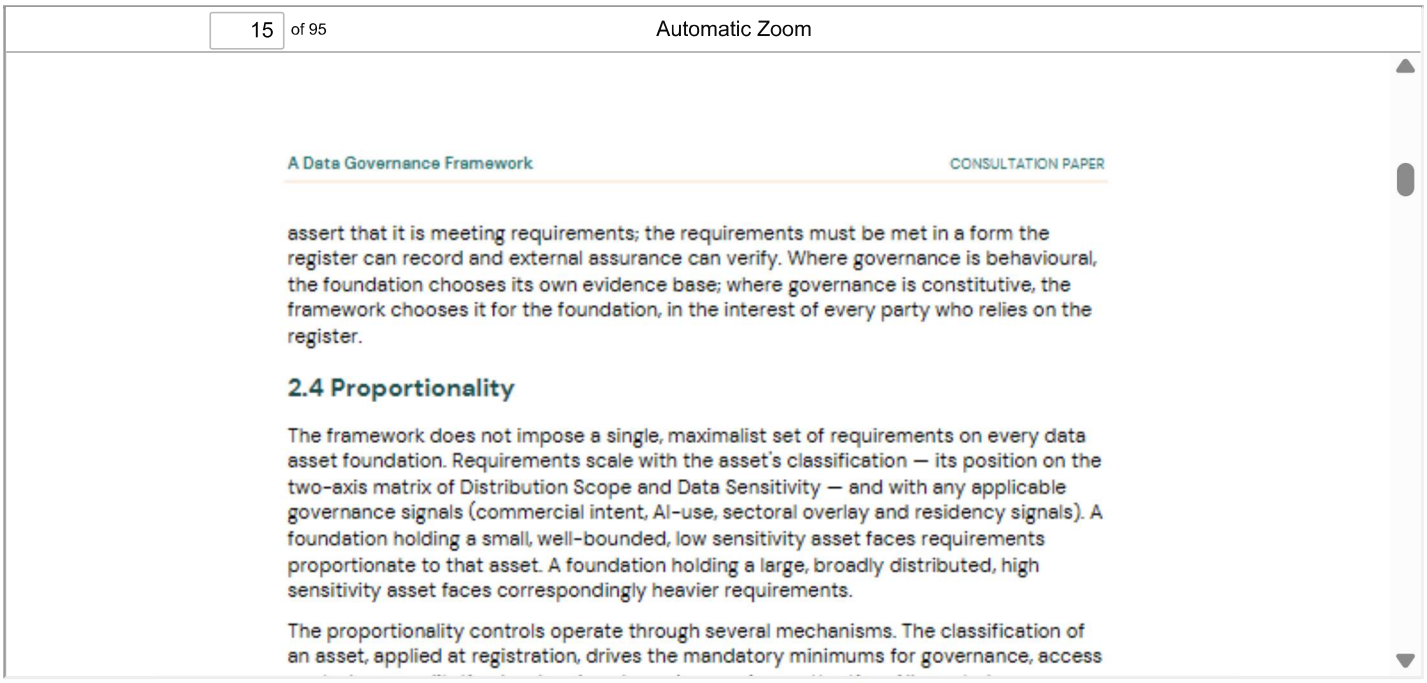
Page 15 | 2.4 — Proportionality
Pages 27 to 28 | 3.4.1 — The two-axis classification

## Summary

The proposed framework would apply requirements according to the classification of each data asset, rather than impose identical requirements on all foundations. Classification considers how widely an asset may be shared and whether it contains personal data, including its level of sensitivity. Other recorded attributes, such as sectoral or residency requirements, may also affect the controls that apply. Classification would determine the depth and frequency of assurance checks, as well as the governance and access controls required. The consultation seeks views on whether this approach is proportionate.

## Governance Framework consultation paper

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assert that it is meeting requirements; the requirements must be met in a form the register can record and external assurance can verify. Where governance is behavioural, the foundation chooses its own evidence base; where governance is constitutive, the framework chooses it for the foundation, in the interest of every party who relies on the register.

### 2.4 Proportionality

The framework does not impose a single, maximalist set of requirements on every data asset foundation. Requirements scale with the asset's classification — its position on the two-axis matrix of Distribution Scope and Data Sensitivity — and with any applicable governance signals (commercial intent, AI-use, sectoral overlay and residency signals). A foundation holding a small, well-bounded, low sensitivity asset faces requirements proportionate to that asset. A foundation holding a large, broadly distributed, high sensitivity asset faces correspondingly heavier requirements.

The proportionality controls operate through several mechanisms. The classification of an asset, applied at registration, drives the mandatory minimums for governance, access

### 7 Are the proposed governance requirements proportionate to a data asset's classification?

*Please select only one item*

- ◯ Yes, the requirements are about right
- ◯ No, the requirements are too demanding
- ◯ No, the requirements are not demanding enough
- ◯ I am unsure

Please explain your answer or suggest any changes in the box below:

## Regulations, standards and guide notes

### Relevant pages

The relevant pages in the Governance Framework consultation paper for this section are the following:

Pages 17 to 18 | 3.1 — The instrument family
Pages 18 to 21 | 3.1.1 — Headline instruments

## Summary

The proposed framework would use three tiers of instruments. Regulations would contain binding legal duties, powers and definitions. Practice directions and standards would provide operational and technical requirements, including procedures and evidence formats, made under a process established by the regulations. Guide notes would offer explanations and examples but would not create legal obligations. The consultation paper explains which types of requirements belong in each tier and identifies the main supporting instruments. Respondents are asked whether this structure would be workable.

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**Part 3: The architecture of the framework**

This Part sets out the architecture of the Data Governance Framework: the family of instruments through which it operates, organised by tier and by the three categories introduced at Part 1.3; the roles by which the framework is discharged; the loci across which governance functions are distributed; the recorded description by which each data asset is fixed; and the accreditation ladder through which assurance is provided. Together these are the structural choices that give the principles in Part 2 their operational effect. Part 4 then walks through how the architecture works in practice across the lifecycle of a foundation and its assets.

**3.1 The instrument family**

The Data Governance Framework is not a single document. It is a body of subordinate legislation and supporting instruments, each carrying the content appropriate to its tier and organised into the three categories introduced at Part 1.3. Two organising cuts operate together: by tier, and by category.

**8** Is the proposed approach to regulations, practice directions, standards and guide notes workable?

*Please select only one item*

- ◯ Yes, they are workable
- ◯ Yes, they are partly workable
- ◯ No, they aren't workable
- ◯ I am unsure

Please explain your answer or suggest any changes in the box below:

# Allocation of governance responsibilities

### Relevant pages

The relevant pages in the Governance Framework consultation paper for this section are the following:

Pages 21 to 23 | 3.2 — The role architecture
Pages 23 to 25 | 3.2.1 — Proposed allocation of functions across the roles

## Summary

The consultation paper identifies the roles involved in governing registered data assets, including the foundation council, data enforcer, Accredited Assurance Provider, Data Asset Registrar and Verification Agent. The Information Commissioner retains a separate role in supervising compliance with data protection law.

The proposed approach assigns primary responsibility for each main governance function to one role, with others providing support where appropriate. This covers activities such as defining and classifying an asset, controlling access, maintaining security and responding to valid data subject rights requests.

Respondents are asked whether these responsibilities have been allocated appropriately.

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| Instrument | Tier | Content |
|---|---|---|
| **Sector and Residency Overlay Standard** | Standard | Operational rules for sectoral overlays (financial services, gambling, life sciences and others) and for residency overlays. Read against Practice Direction 1 (Category 1) for the foundation's compliance with applicable overlays. |
| **DAR Regulations — amendment regime** | Regulations | Not an instrument of this framework. The DAR Regulations are made under the Act and deal with the Register: the amendment grounds and processes, provisional and full registration, and disposal and reversion on removal. They are cross-referred from across the framework but are not adopted into it: register mechanics and legal effects sit with the DAR Regulations, and the substantive standard the asset and its |

**9** Are the proposed governance responsibilities allocated to the right roles?

*Please select only one item*

- ◯ Yes, they are allocated right
- ◯ Yes, they are mostly allocated right
- ◯ No, they are not allocated right
- ◯ I am unsure

Please explain your answer or suggest any changes in the box below:

## Suspension of accreditation

### Relevant pages

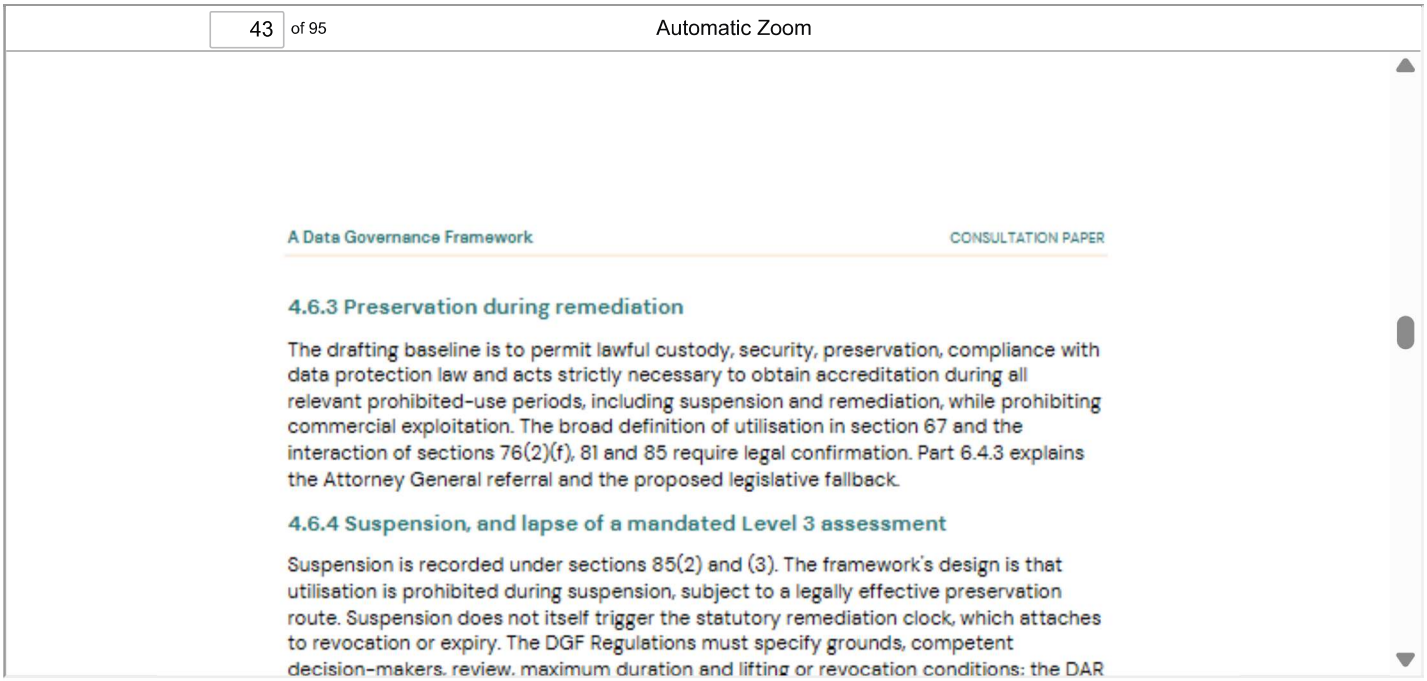
The relevant pages in the Governance Framework consultation paper for this section are the following:

Page 43 | 4.6.4 — Suspension, and lapse of a mandated Level 3 assessment
Pages 66 to 67 | 6.4.4 — Suspension

## Summary

The Act allows a data asset accreditation to be suspended or revoked in circumstances set by the governance framework. Under the proposed approach, suspension would be temporary and could be lifted when specified conditions were met. While suspended, the accreditation would not be valid and the foundation could not utilise the affected asset, subject to any legally effective exception for necessary preservation activities. Unlike revocation or expiry, suspension would not itself start the statutory remediation period. The proposed regulations would specify the grounds, decision-makers, review process, maximum duration and conditions for lifting suspension or proceeding to revocation.

## Governance Framework consultation paper




**10** Do you agree that suspension of accreditation should be a temporary measure, with clear grounds, time limits and conditions for lifting the suspension or revoking the accreditation?

*Please select only one item*

- ◯ Yes, I agree
- ◯ Yes, I partly agree
- ◯ No, I do not agree
- ◯ I am unsure

Please explain your answer or suggest any additional safeguards in the box below:

## Amendments following data subject rights requests

### Relevant pages

The relevant pages in the Governance Framework consultation paper for this section are the following:

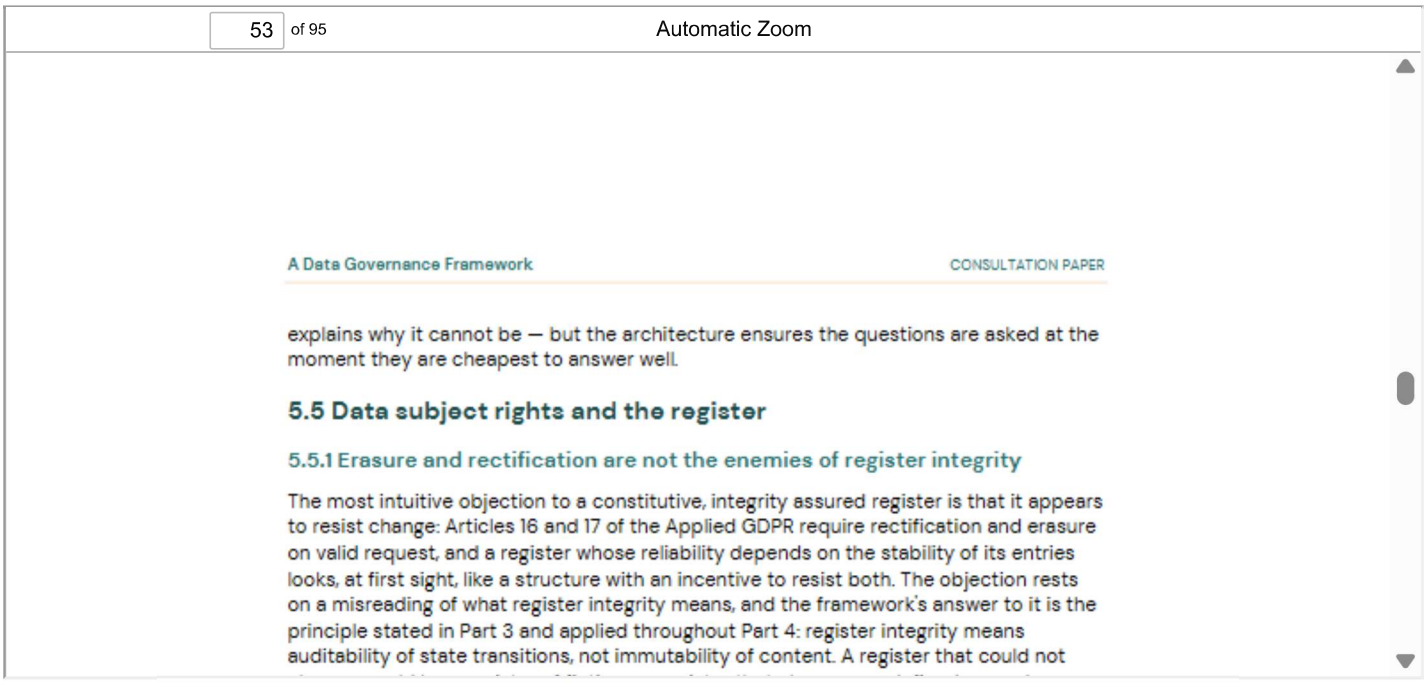
Page 53 | 5.5.2 — The data subject rights amendment pathway
Pages 53 to 54 | 5.5.3 — Amendment and the validity of the accreditation

### Summary

The proposed process would allow a foundation to give effect to a valid data subject rights request without first obtaining the Data Asset Registrar's approval. The foundation would then assess whether the resulting change to the registered asset was routine or material. Material changes would be notified and recorded under the amendment process, with checks on the integrity of the updated asset record. Existing accreditation could remain valid where the amended asset stayed within its previously assured scope; otherwise, affected evidence would need prompt reassessment. The Registrar would not decide whether the underlying rights request was valid.

### Governance Framework consultation paper







explains why it cannot be — but the architecture ensures the questions are asked at the moment they are cheapest to answer well.

#### 5.5 Data subject rights and the register

##### 5.5.1 Erasure and rectification are not the enemies of register integrity

The most intuitive objection to a constitutive, integrity assured register is that it appears to resist change: Articles 16 and 17 of the Applied GDPR require rectification and erasure on valid request, and a register whose reliability depends on the stability of its entries looks, at first sight, like a structure with an incentive to resist both. The objection rests on a misreading of what register integrity means, and the framework's answer to it is the principle stated in Part 3 and applied throughout Part 4: register integrity means auditability of state transitions, not immutability of content. A register that could not

**11** Is the proposed process for handling data subject rights amendments workable?

*Please select only one item*

- ◯ Yes, the process is workable
- ◯ Yes, the process is partly workable
- ◯ No, the process is not workable
- ◯ I am unsure

Please explain your answer or suggest any changes in the box below:

## Independent checks supporting anonymisation claims

### Relevant pages

The relevant pages in the Governance Framework consultation paper for this section are the following:

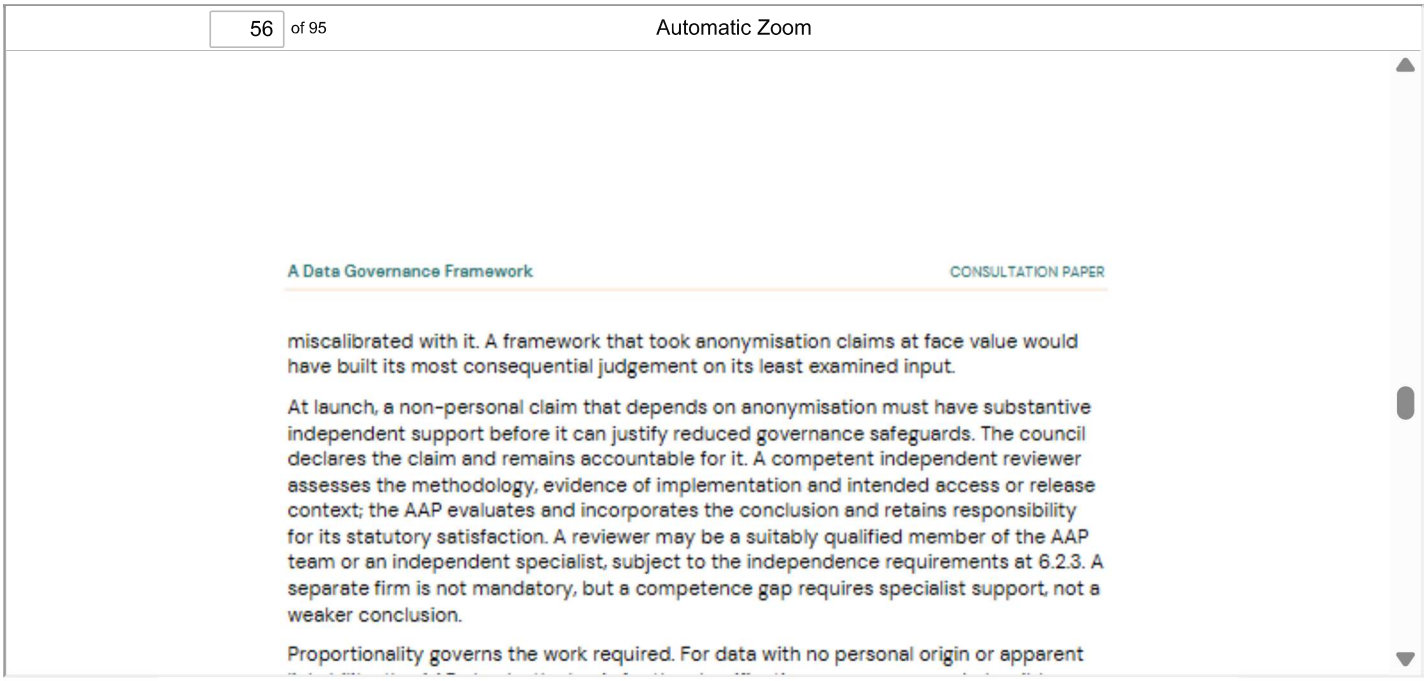
Pages 55 to 56 | 5.8 — The anonymisation boundary

### Summary

Where a foundation relies on an anonymisation claim to treat an asset as non-personal and apply reduced safeguards, the consultation paper proposes that the claim must have substantive independent support. A competent reviewer would consider the method used, the evidence of its implementation and the context in which the data would be accessed or released. The Accredited Assurance Provider would evaluate that evidence when making its accreditation decision. Existing independent evidence could be reused where it was current and relevant; more targeted specialist testing would be needed where the exposure, possible consequences or uncertainty justified it. Claims would require reassessment if circumstances materially changed.

### Governance Framework consultation paper







miscalibrated with it. A framework that took anonymisation claims at face value would have built its most consequential judgement on its least examined input.

At launch, a non-personal claim that depends on anonymisation must have substantive independent support before it can justify reduced governance safeguards. The council declares the claim and remains accountable for it. A competent independent reviewer assesses the methodology, evidence of implementation and intended access or release context; the AAP evaluates and incorporates the conclusion and retains responsibility for its statutory satisfaction. A reviewer may be a suitably qualified member of the AAP team or an independent specialist, subject to the independence requirements at 6.2.3. A separate firm is not mandatory, but a competence gap requires specialist support, not a weaker conclusion.

Proportionality governs the work required. For data with no personal origin or apparent

**12** Are the proposed independent checks for anonymisation claims proportionate?

*Please select only one item*

- ◯ Yes, the claims are about right
- ◯ No, the claims are too demanding
- ◯ No, the claims are not demanding enough
- ◯ I am unsure

Please explain your answer or suggest any changes in the box below:

# Mandatory Level 3 external assessment

### Relevant pages

The relevant pages in the Governance Framework consultation paper for this section are the following:

Pages 30 to 31 | 3.5.1 — Mandatory Level 3 in the highest classification cells
Page 67 | 6.5 — The Level 3 mandate

## Summary

The Department proposes that certain registered data assets should require a current Level 3 recognised external assessment as an additional condition of accreditation. This would apply to specified classifications: broadly, widely distributed assets containing identifiable special category personal data, and assets carrying designated sectoral signals at or above a stated distribution scope. The requirement would be linked to the asset's classification and applicable sectoral signals, not to a separate discretionary designation. The precise thresholds would be set through the relevant Standard. The consultation seeks views on whether assessment should be mandatory for these assets and where the thresholds should apply.

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| Level | What is verified | Register effect |
|---|---|---|
| **Level 3 — Recognised External Assessment** | Full data management capability assessment under a recognised approved scheme (such as Data Management Capability Assessment Model (DCAM) or Cloud Data Management Capabilities (CDMC) by EDM Association) of the foundation and its operating arrangements. | External assessment entry in the attestation record, naming the scheme, version and assessor. Mandatory for assets in the highest cells of the two-axis classification matrix; optional and market-driven elsewhere. Treated further at Part 6. |

Levels 1 and 2 constitute the assurance components of the data asset accreditation and are sufficient for full registration of an asset under section 80 of the Act. For designated asset classes, the framework additionally requires evidence of a current recognised Level 3 external assessment before an AAP may issue or renew the statutory

### 13 Do you agree that Level 3 external assessment should be mandatory for the asset classes identified in section 6.5?

*Please select only one item*

- ◯ Yes, I agree with the proposed requirements
- ◯ Yes, but with different thresholds
- ◯ No, it should not be mandatory
- ◯ I am unsure

If you propose different thresholds, please provide details in the box below:

## Level 3 assessment for other assets

### Relevant pages

The relevant pages in the Governance Framework consultation paper for this section are the following:

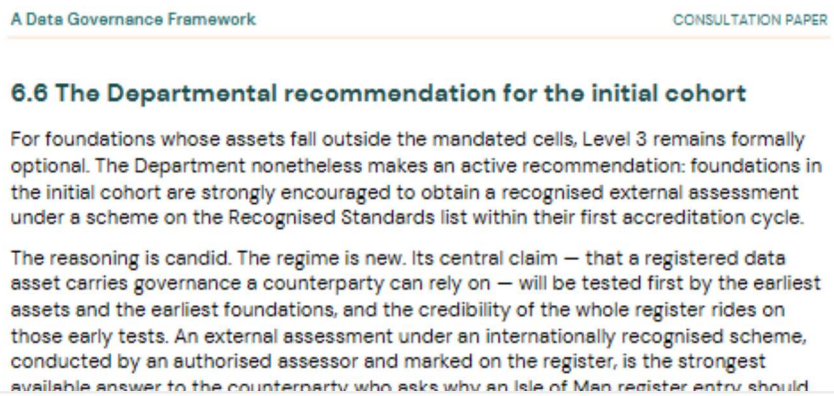
Page 68 | 6.6 — The Departmental recommendation for the initial cohort

## Summary

For assets outside the proposed mandatory Level 3 classifications, the consultation paper would leave recognised external assessment optional. However, the Department proposes to strongly encourage foundations in the initial cohort to obtain such an assessment within their first accreditation cycle. The purpose is to help counterparties assess the reliability of governance arrangements while the new regime develops a track record. This would be a recommendation rather than a legal requirement. Respondents are asked whether that approach is preferable to making the assessment mandatory for all initial participants or leaving the decision entirely to the market.

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### 6.6 The Departmental recommendation for the initial cohort

For foundations whose assets fall outside the mandated cells, Level 3 remains formally optional. The Department nonetheless makes an active recommendation: foundations in the initial cohort are strongly encouraged to obtain a recognised external assessment under a scheme on the Recognised Standards list within their first accreditation cycle.

The reasoning is candid. The regime is new. Its central claim — that a registered data asset carries governance a counterparty can rely on — will be tested first by the earliest assets and the earliest foundations, and the credibility of the whole register rides on those early tests. An external assessment under an internationally recognised scheme, conducted by an authorised assessor and marked on the register, is the strongest available answer to the counterparty who asks why an Isle of Man register entry should

**14** For assets where Level 3 assessment is not mandatory, should the Department recommend that foundations obtain it during their first accreditation cycle?

*Please select only one item*

- ◯ Yes, recommend the Level 3 assessment but leave it optional
- ◯ No, make Level 3 assessment mandatory for all initial participants
- ◯ No, Level 3 assessments should be left for the market to decide
- ◯ I am unsure

Please explain your answer or suggest any changes in the box below:

## Practical barriers to assurance assessments

### Relevant pages

The relevant pages in the Governance Framework consultation paper for this section are the following:

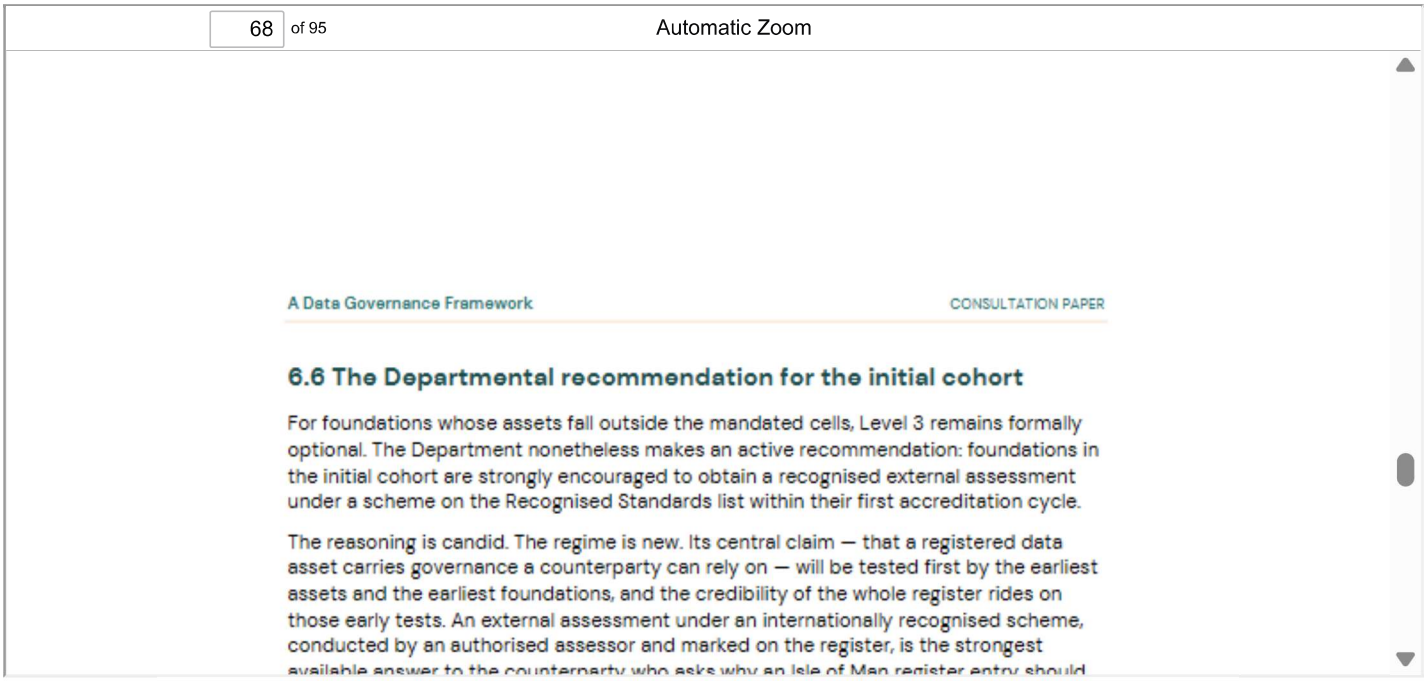
Pages 68 to 69 | 6.7 — Phasing and market readiness

### Summary

The consultation paper explains that the introduction of the assurance requirements depends on accredited providers being available and able to undertake the necessary work. Before a mandatory Level 3 requirement starts, the Department would need an initial group of accredited assurance providers, operational assessment requirements and suitable assessor capacity for Isle of Man engagements. Responses are sought on practical matters such as the availability of assessors, likely assessment timescales, indicative costs and how the timing of assessments might affect completion of registration. This information would help inform implementation and commencement arrangements.

### Governance Framework consultation paper







**6.6 The Departmental recommendation for the initial cohort**

For foundations whose assets fall outside the mandated cells, Level 3 remains formally optional. The Department nonetheless makes an active recommendation: foundations in the initial cohort are strongly encouraged to obtain a recognised external assessment under a scheme on the Recognised Standards list within their first accreditation cycle.

The reasoning is candid. The regime is new. Its central claim — that a registered data asset carries governance a counterparty can rely on — will be tested first by the earliest assets and the earliest foundations, and the credibility of the whole register rides on those early tests. An external assessment under an internationally recognised scheme, conducted by an authorised assessor and marked on the register, is the strongest available answer to the counterparty who asks why an Isle of Man register entry should

**15** What practical barriers could affect the delivery of assurance assessments?

Please share your thoughts in the box below:

# Additional powers for data enforcers

### Relevant pages

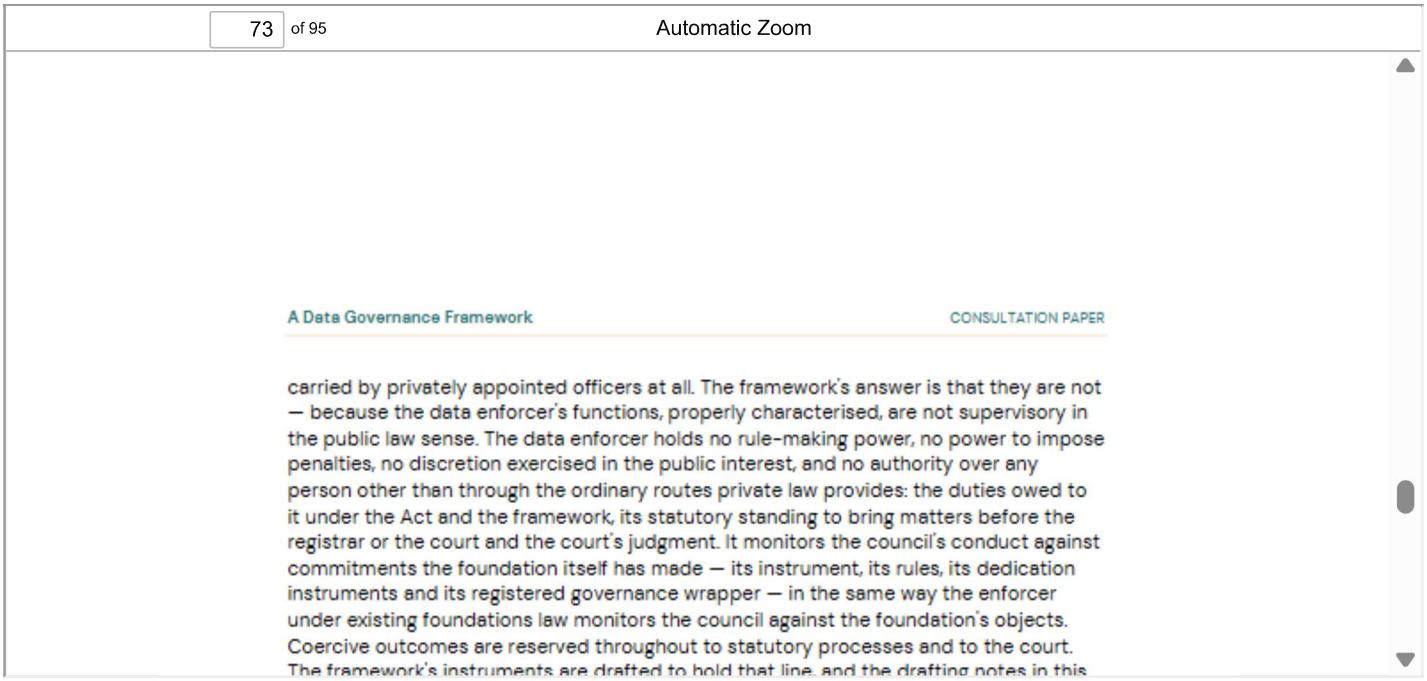
The relevant pages in the Governance Framework consultation paper for this section are the following:

Pages 73 to 75 | 7.2 — The data enforcer (sections 86 and 87)
Page 75 | 7.2 — Additional powers under section 92(3)(s)

## Summary

Every data asset foundation must appoint a data enforcer. The role is to review the council's conduct against the foundation's governance requirements and raise concerns through the appropriate processes; it is not a public regulator. The consultation paper asks whether Regulations should give data enforcers two additional powers: requiring the council to account for the administration of data assets, and sanctioning or authorising council actions that the foundation rules would otherwise not permit. The Department has not yet decided whether to confer these powers. The paper identifies a balance between helping the Enforcer secure corrective action and avoiding a wider supervisory role.

## Governance Framework consultation paper




### 16 Should data enforcers be given the additional powers being considered in part 7.2?

*Please select only one item*

- ◯ Yes, they should be given the additional powers
- ◯ Yes, they should be given the additional powers but with conditions
- ◯ No, they should not be given the additional powers
- ◯ I am unsure

If you believe additional powers should be subject to conditions, please specify these in the box below:

## Independence of data enforcers

### Relevant pages

The relevant pages in the Governance Framework consultation paper for this section are the following:

Pages 73 to 75 | 7.2 — The data enforcer (sections 86 and 87)
Pages 74 to 75 | 7.2 — Independence, qualification and liability

## Summary

The data enforcer reviews the conduct of a foundation's council, so the consultation paper proposes safeguards intended to preserve the enforcer's independence. These include qualification and independence criteria, restrictions on council members and connected persons holding the office, and arrangements intended to protect an enforcer from removal for properly carrying out the role. The Department also proposes mandatory accreditation of data enforcers, supported by training. The consultation seeks views on whether these measures would provide sufficient independence for the role to be effective.

## Governance Framework consultation paper



### 17 Are the proposed safeguards for data enforcer independence sufficient?

*Please select only one item*

- ◯ Yes, the safeguards are sufficient
- ◯ Yes, the safeguards are partly sufficient
- ◯ No, the safeguards are not sufficient
- ◯ I am unsure

Please explain your answer or suggest any changes in the box below:

## Final comments on the Governance Framework

**Relevant pages**

The relevant pages in the Governance Framework consultation paper for this section are the following:

Pages 7 to 82 | Parts 1 to 8 — Main consultation proposals
Pages 83 to 95 | Annexes A-B — Proposed asset boundary schema and index of framework instruments

### Summary

This question provides an opportunity to comment on any other aspect of the proposed Data Governance Framework not covered by the preceding questions. Respondents may wish to identify matters that need further consideration in the proposed governance requirements, the relationship with data protection law, assurance and accreditation, or the arrangements for oversight. The full consultation paper and its annexes provide the background for any additional feedback.

### Governance Framework consultation paper



**18** Do you have any other comments on the proposed Data Governance Framework?

Please share your thoughts in the box below: