

# Data Asset Register and Data Asset Registrar White Paper Consultation

Summary of consultation and Department responses

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**Isle of Man  
Government**

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## 1. Introduction

The Department for Enterprise consulted on the proposed Data Asset Register and Data Asset Registrar White Paper.

The consultation sought views on the proposed framework for the Data Asset Register and Data Asset Registrar, including the information to be recorded, the classification model, safeguards and access arrangements, the provisional registration period, protection for third parties affected by Registrar errors, fees, implementation challenges and supporting regulations.

A total of 12 responses were received through the consultation website.

A separate response from the Information Commissioner's Office was also considered as part of the consultation analysis, given its statutory role in relation to data protection. Points raised by the Information Commissioner's Office have been reflected in the relevant sections where they relate to the consultation themes.

The responses were broadly supportive of the proposed framework, but identified several areas where further detail, guidance or implementation planning will be needed before the Register becomes operational.

This document summarises the responses received and sets out the Department's response and proposed next steps.

## 2. About the consultation

The consultation asked respondents to provide views on the proposed Data Asset Register and Data Asset Registrar framework.

The consultation covered:

- the clarity, proportionality and workability of the framework
- the proposed information to be included in the Register
- the proposed classification model
- the balance between transparency, confidentiality and data protection
- the period for completion of registration from provisional registration
- protection for third parties affected by Registrar errors
- the balance between cost recovery and accessibility
- practical challenges, costs and guidance gaps
- wider comments on the operation of the Register or supporting regulations

### 3. Who responded

There were 12 responses to the consultation website.

7 respondents answered on behalf of an organisation.

5 respondents answered as individuals.

A separate response from the Information Commissioner's Office was also considered as part of the consultation analysis.

In relation to publication consent:

- 6 respondents agreed that their response could be published in full
- 4 respondents agreed that their response could be published anonymously
- 2 respondents asked that their response should not be published

The two responses marked as not for publication were not quoted, reproduced or attributed to any respondent. Their points were considered internally and reflected only where they contributed to wider aggregated themes.

### 4. How responses have been considered

The responses have been reviewed and summarised by consultation question.

Where respondents raised points that applied across more than one question, those points have been addressed under the most relevant question or in the cross cutting implementation section.

This document does not reproduce every comment received. It summarises the main points raised, the level of support or concern, and the areas where clarification, further guidance or policy confirmation may be needed.

## 5. Summary of feedback

The consultation showed broad but conditional support for the proposed Data Asset Register and Data Asset Registrar framework.

Most respondents considered the framework to be clear or mostly clear, and most considered the proposed information categories to be appropriate or mostly appropriate.

The strongest repeated message was that implementation will be critical. Respondents asked for practical guidance, worked examples, clear classification criteria, clarity on the assurance provider pathway, transparency on costs and a realistic implementation timeline.

Some respondents raised more fundamental concerns about whether the framework would deliver clear economic or practical benefit. These concerns have been reflected in summary form.

## 6. Responses by consultation question

### 6.1. Question 1: Overall framework

#### 6.1.1. What we asked

Respondents were asked whether they considered the proposed Data Asset Register framework to be clear, proportionate and workable.

#### 6.1.2. Response summary

Response option	Count	Percentage
Yes	2	16.67%
Mostly	6	50.00%
No	3	25.00%
Unsure	1	8.33%

#### 6.1.3. What respondents said

Most respondents therefore considered the framework to be clear or mostly clear.

Supportive comments described the framework as coherent, well structured and clear in its policy intent.

The main concerns were practical rather than structural. Respondents asked how the framework would reduce operational complexity rather than create an additional compliance layer. Some respondents also noted that proportionality for smaller organisations would depend on how guidance, accreditation, fees and operational requirements develop in practice.

A small number of respondents questioned the wider value of the framework and asked who would benefit from it. Some comments also asked for clearer strategic positioning, including how the Register supports economic value, market adoption and third party reliance.

## Department response

The Department welcomes the broadly supportive response to the overall framework and notes that two thirds of respondents considered the framework to be clear or mostly clear.

The Department recognises that the comments raising practical concerns reflect the design of the framework as set out in the White Paper and in the Foundations (Amendment) Act 2026, which establishes the architectural and statutory components, while the operational design will be set out in subordinate regulations, technical specifications and Registrar guidance. Proportionality, particularly for smaller organisations, will depend on those instruments rather than on the primary framework alone, and proportionality remains a continuing design principle for the Department's implementation programme.

In response to comments on strategic positioning and economic benefit, the Department's position is that the value of the Register will be demonstrated through operation rather than asserted in advance. The proposed framework provides a discrete, defensible piece of public data infrastructure on which third party uses, including verification, due diligence and onward reliance, can be developed over time. The Department will continue to engage with industry, professional bodies and the wider Isle of Man digital economy to refine that positioning.

The Department also notes the comment that controlling access is different from controlling use. This is consistent with the Department's design intent, which uses controlled computation environments alongside the Register so that exposure of data assets does not, by itself, transfer use rights.

## 6.2. Question 2: Information recorded on the Register

### 6.2.1. What we asked

Respondents were asked whether the proposed categories of information for inclusion in the Register were appropriate, including governance details, rights declarations, classification and provenance.

### 6.2.2. Response summary

Response option	Count	Percentage
Yes	2	16.67%
Mostly	8	66.67%
No	2	16.67%

### 6.2.3. What respondents said

Most respondents therefore considered the proposed categories of information to be appropriate or mostly appropriate.

Respondents generally supported the proposed information categories and the overall field structure. Comments noted that the categories were comprehensive and logically structured.

Some respondents asked for further detail on how the information would be defined, maintained and updated over time. Points raised included versioning, changes to data assets, conflicting interpretations, processor chains, provenance for existing datasets and evidence behind growth parameter declarations.

Some respondents also asked whether further information should be captured where data is processed across jurisdictions or where third parties rely on the Register for due diligence.

The Information Commissioner's Office response also identified the need for clearer definition of controller and processor roles across the framework, including the Registrar, Data Asset Foundations, original data contributors, Accredited Assurance Providers and the DAR Verification Agent where personal data is involved. It also noted that previous controller obligations may continue where data was collected before being dedicated to a Data Asset Foundation.

## Department response

The Department welcomes the strong support for the proposed categories of information and notes that 83 per cent of respondents considered the categories to be appropriate or mostly appropriate.

The Department accepts that further detail will be required on how individual fields are defined, captured, evidenced, maintained and updated over time. The Register is structured using established open standards, which provide existing patterns for asset versioning, provenance description and update workflows. The Department will publish detailed field-level guidance alongside the subordinate regulations, including how versioning, dynamic assets and changes to data assets are recorded and reflected in registrations.

On retrospective provenance for existing datasets, the Department agrees that the evidence standard must be realistic and proportionate. The Department will set out an evidence framework for legacy data that recognises practical limits on documentation for historic collections while maintaining the integrity of the Register.

The Department accepts the Information Commissioner's Office observation that the controller and processor status of each actor in the framework, including the Registrar, Data Asset Foundations, original data contributors, Accredited Assurance Providers and the DAR Verification Agent, must be clear and consistently applied. A detailed controller and processor mapping will be published as part of the data protection guidance accompanying the regulations, and the Department confirms that previous controller obligations are not displaced by dedication of data to a Data Asset Foundation.

## 6.3. Question 3: Data asset classification

### 6.3.1. What we asked

Respondents were asked what they considered the proposed classification model to be.

### 6.3.2. Response summary

Response option	Count	Percentage
Clear and practical	1	8.33%
Generally workable but requiring guidance	9	75.00%
Too complex	2	16.67%
Unsure	0	0.00%

### 6.3.3. What respondents said

The strongest message was that the classification model is generally workable, but practical guidance will be needed.

Respondents supported the logic of separating distribution scope from data sensitivity. However, concerns were raised about the combined complexity of the full classification profile, including distribution scope, sensitivity level, commercial intent, AI use, regulated sector and residency tier.

Several respondents asked for decision trees, worked examples, sector examples and clear trigger criteria. Particular areas identified for guidance included AI use, re identification risk, overlay attributes, legal professional privilege, regulated sector assets and dynamic assets.

Some respondents warned that without guidance, smaller organisations may misclassify inadvertently, classify defensively or avoid registration.

The Information Commissioner's Office response also highlighted the importance of maintaining a meaningful distinction between classification levels, including clear treatment of pseudonymised data, responsibility for assigning and maintaining classification levels, additional safeguards for Level 2 data and periodic review where re identification risks may change over time.

## Department response

The Department welcomes the broad acceptance of the proposed classification model and acknowledges the consistent message that guidance and worked examples will be needed before the model can be applied with confidence.

The Department accepts the design principle of separating distribution scope from sensitivity level, and accepts that the combined classification profile, including commercial intent, AI use, regulated sector indicators and residency, must be presented to registrants in a way that supports correct and consistent classification. The Department will publish classification guidance ahead of operational commencement, including decision trees, worked examples by sector, criteria for AI use, treatment of re-identification risk, treatment of legal professional privilege and treatment of regulated sector assets. The Department will also engage directly with smaller organisations and professional services firms to test the guidance before publication.

The Department accepts the Information Commissioner's Office point that the distinction between classification levels must remain meaningful and that pseudonymised data remains personal data under the Applied General Data Protection Regulation and is not to be treated as anonymised data. The classification model is designed to reflect this position and this will be made explicit in the regulations and guidance.

The Department confirms that responsibility for assigning classification levels rests with the Data Asset Foundation as registrant, subject to verification by an Accredited Assurance Provider and guided by decision trees published by the Registrar. Provision will be made for periodic review of classification where re-identification risks or processing context may change over time, and additional handling requirements for higher sensitivity classifications will be set out in the technical specifications and regulations.

## 6.4. Question 4: Data protection, access and confidentiality

### 6.4.1. What we asked

Respondents were asked whether the proposed safeguards and access model provide an appropriate balance between transparency, confidentiality and data protection requirements.

### 6.4.2. Response summary

Response option	Count	Percentage
Yes	1	8.33%
Mostly	8	66.67%
No	2	16.67%
Not answered	1	8.33%

### 6.4.3. What respondents said

Most respondents who answered considered the safeguards and access model to be appropriate or mostly appropriate.

Respondents supported the principle of a tiered access model and the distinction between public metadata and restricted information. Some comments also asked for clearer treatment of the interaction between data subject rights, registered data assets and any future reliance or collateralisation model.

However, respondents raised areas where further clarity may be needed. These included the eligibility and oversight of approved professional users, metadata risk, re identification risk, processor relationships, processor jurisdictions, foreign compelled access risk and the relationship between the Registrar and the Information Commissioner.

Some respondents also noted that controlling access is different from controlling use once data has been exposed. Controlled computation and auditable environments were raised as possible areas for further operational consideration.

The Information Commissioner's Office response raised several data protection points. These included the need to make clear that registration does not displace data protection rights or obligations, that inclusion on the Register does not limit the Information Commissioner's statutory powers, and that registration does not create a lawful basis for processing personal

data. The response also highlighted the need to address transparency, purpose limitation, lawful basis, data subject rights, erasure, retention, immutable records and international transfers where personal data is involved. It also recommended clearer treatment of when a Data Protection Impact Assessment or prior consultation with the Information Commissioner may be required.

#### Department response

The Department welcomes the support for the tiered access model and the principle of separating public metadata from restricted information. The Department accepts that the eligibility, oversight and accountability of approved professional users requires further detail and will set out that detail in data governance and data asset register regulations and Registrar guidance, including criteria for designation, accreditation and consequences of misuse.

The Department accepts the Information Commissioner's Office position in full on the following points and will reflect them clearly in the regulations and guidance. Registration on the Data Asset Register does not displace data protection rights or obligations. Registration does not limit, qualify or otherwise affect the statutory powers of the Information Commissioner. Registration does not, of itself, create a lawful basis for processing personal data. Where a Data Protection Impact Assessment is required under data protection law, it is required under that law and is not modified by the existence of the Register. Where the outcome of such an assessment indicates residual high risk that cannot be reduced, prior consultation with the Information Commissioner is required under the Applied General Data Protection Regulation.

The Department accepts the points raised on metadata risk, re-identification risk and processor jurisdictions. The Department's design intent is that controlled computation environments operate alongside the Register, so that controlled access is supported by infrastructure designed to limit onward use. The technical safeguards and operational obligations of these environments will be set out in the technical specifications and in the Registrar's published operating model.

On the relationship between the Registrar and the Information Commissioner, the Department will provide for an information sharing and engagement framework between the two bodies, recognising that the Registrar exercises functions under the Foundations (Amendment) Act 2026 while the Information Commissioner exercises functions under the Applied General Data Protection Regulation and other data protection legislation.

## 6.5. Question 5: Provisional registration period

### 6.5.1. What we asked

Respondents were asked what period should be prescribed for completion of registration from provisional registration, meaning the period within which accreditation must be obtained and submitted.

### 6.5.2. Response summary

Response option	Count	Percentage
A single period should apply to all assets	2	16.67%
Different periods should apply depending on asset type or class	5	41.67%
Unsure	5	41.67%

### 6.5.3. What respondents said

There was no single preferred approach.

Respondents who supported different periods considered that timing should reflect the classification profile, sensitivity level, complexity of the asset and assurance requirements.

A repeated concern was that the assurance provider market does not yet exist. Respondents noted that early registrants may face delays caused by assurance provider availability rather than their own inaction. Some suggested that extensions may be needed where delays are caused by market readiness or assurance provider capacity.

### Department response

The Department notes that the consultation did not produce a settled view. A substantial proportion of respondents favoured different periods depending on asset type, classification or assurance requirements, while the remainder were largely undecided.

The Department will consider a differentiated approach in light of operational feasibility, particularly during the initial phase. It may determine that the extendable period should vary according to the nature and complexity of the underlying asset.

The Department also accepts the point raised regarding Accredited Assurance Provider market readiness. While the skills required to carry out assessments already exist, and the assurance provider market is developing, provision will be made for extension or pause mechanisms where a registrant can demonstrate that any delay is attributable to assurance provider availability or capacity, rather than inaction on the part of the registrant. The detail of these provisions will be set out in the regulations and in the Registrar's operating procedures.

## 6.6. Question 6: Protection for third parties affected by Registrar errors

### 6.6.1. What we asked

Respondents were asked whether some form of protection, such as an indemnity fund, should be available where a third party suffers loss due to an error by the Registrar.

### 6.6.2. Response summary

Response option	Count	Percentage
Agree	5	41.67%
Disagree	1	8.33%
Unsure	6	50.00%

### 6.6.3. What respondents said

Responses were mixed and did not show a settled view.

Some respondents supported protection for third parties where loss is caused by Registrar administrative error. Respondents also raised the need to distinguish between Registrar error, foundation misrepresentation, assurance provider negligence and technical specification issues.

Other respondents were unsure, noting that the answer depends on the role the Register ultimately plays and the extent to which third parties are expected to rely on it.

## Department response

The Department recognises that responses on this question were mixed and that no settled view emerged.

The Department accepts that any protection mechanism would need to distinguish carefully between different categories of loss, including loss caused by Registrar administrative error, loss caused by foundation misrepresentation, loss caused by assurance provider negligence and loss arising from limitations or errors in the technical specification. These categories differ in legal character, in liability allocation and in the appropriate remedial route. The Department does not consider it appropriate to commit to a single mechanism, such as an indemnity fund, in advance of the detailed policy work being completed.

Detailed proposals on third party protection will be developed in parallel with the operational design of the Register, taking into account the role the Register comes to play in third party reliance, the maturity of the assurance provider market and the comparative position in equivalent regimes. Any indemnity, compensation or guarantee mechanism that the Department proposes will be the subject of further public consultation before it is established.

## 6.7. Question 7: Fee structure and accessibility

### 6.7.1. What we asked

Respondents were asked how the fee structure should balance full cost recovery with making the Register accessible to startups, SMEs and the voluntary sector.

### 6.7.2. Response summary

Response option	Count	Percentage
Prioritise full cost recovery	2	16.67%
Prioritise accessibility and lower barriers to entry	2	16.67%
Aim to balance both	6	50.00%
Unsure	2	16.67%

### 6.7.3. What respondents said

Most respondents favoured a balanced approach.

Respondents recognised that the Register must be financially sustainable, but warned that early cost recovery could reduce adoption. Several comments noted that total participation costs would include more than Registrar fees. Costs may also include assurance provider costs, professional advice, technical requirements, tooling, data governance capability and possible membership or training costs linked to external frameworks.

Respondents raised particular concerns about startups, SMEs, the voluntary sector and smaller professional services firms. Some suggested a lower cost entry route, fees based on asset complexity, or commercial pricing for optional services.

### Department response

The Department welcomes the broad preference for a balanced fee structure and accepts the consultation message that the Register must be financially sustainable while early fee design must not discourage adoption.

The Department accepts that the total cost of participation is wider than Registrar fees and includes assurance provider costs, professional advice, technical implementation, governance capability and other inputs. Indicative cost ranges and a participation cost assessment for typical registrant profiles will vary and be determined by the service providers, and we will encourage them to maintain an open dialogue where appropriate before commencement so that prospective registrants can plan with confidence.

The Department accepts that smaller organisations, startups, the voluntary sector and smaller professional services firms warrant particular consideration. The fee structure set in regulations will be designed to reflect asset complexity rather than organisational size alone, and the Department will consider mechanisms such as a lower complexity registration route, fee scaling and separate pricing for optional services. Fee regulations will be subject to further consultation.

## 6.8. Question 8: Practical challenges, costs and guidance gaps

### 6.8.1. What we asked

Respondents were asked whether there are any practical challenges, costs or guidance gaps that organisations may face when registering a data asset under the framework.

### 6.8.2. What respondents said

9 respondents provided comments and 3 did not provide additional comments.

The points below summarise the main themes raised and do not quote, reproduce or attribute individual responses.

The main practical challenges identified were:

- the assurance provider market does not yet exist and needs to be developed before the regime can operate effectively
- smaller organisations may need practical guidance, templates, decision trees, examples and tooling to support registration
- technical requirements, including gateway requirements and verification processes, may be difficult for smaller organisations to assess or meet
- the role and competency requirements for Data Enforcers need to be clear
- retrospective provenance for existing datasets may be difficult and should be based on a realistic evidence standard
- dynamic data assets may create ongoing version control and maintenance burdens
- implementation timelines need to be realistic so that potential registrants and professional advisers can prepare

Some respondents asked for illustrative assurance provider criteria, indicative cost ranges, minimum viable technical standards for lower classification assets and a realistic implementation cost assessment for typical registrant profiles.

## Department response

The Department welcomes the detailed and constructive comments received on this question and accepts that the operational success of the Register depends on a coordinated implementation programme and not on the statutory framework alone.

The Department recognises Accredited Assurance Provider market readiness as a critical dependency. The Department's view is that the relevant market already exists in substance: the professional skills and disciplines, technical capabilities and governance expertise required to undertake assessments are already present across the professional services. The purpose of accreditation will be to formalise, standardise and give legal effect to those existing capabilities. Illustrative assurance provider criteria will be published ahead of commencement, and the Department will engage directly with the professional services to support market entry. The provisional registration regime and any associated extension mechanisms will recognise the realities of market development.

The Department will publish a guidance package alongside or in advance of operational commencement, including registration guidance, classification decision trees, sector examples, processor chain examples, treatment of dynamic assets, treatment of legacy datasets, gateway technical requirements and minimum viable technical standards for lower classification assets. The role description, competency framework and operating expectations for Data Enforcers will also be published.

An indicative implementation timeline will be published that provides realistic lead-in time for potential registrants and professional advisers to prepare. The Department recognises that the regime cannot become fully operational until the accreditation process, wider service industry readiness, technical infrastructure, guidance package and the Registrar's operating model are in place.

## 6.9. Question 9: Other comments and recommendations

### 6.9.1. What we asked

Respondents were invited to provide any other comments or recommendations regarding the proposed operation of the Data Asset Register or the regulations that may support it.

### 6.9.2. What respondents said

7 respondents provided comments and 5 did not provide additional comments.

The points below summarise the main themes raised and do not quote, reproduce or attribute individual responses.

The comments covered several areas:

- the need to clarify the position on external standards, membership, training or framework alignment, including whether any requirement would continue beyond the pilot phase
- the need for clearer definitions of key operational terms and scope
- concern that mandatory membership of an external body could create cost barriers or market concentration
- the need to publish the assurance provider pathway early
- the potential value of a phased or pilot rollout
- the potential value of a post commencement review
- the need for a realistic implementation timeline
- the opportunity for the Isle of Man to position the Register as trust infrastructure for data governance, verification and controlled use
- the need to address the interaction between the framework and data protection law where personal data is involved

## Department response

The Department welcomes additional comments received and will consider each point carefully during the implementation phase.

Key operational terms and the scope of the framework will be defined in the regulations and supporting guidance. The Department accepts that clear and consistent definitions are particularly important where the framework introduces concepts that do not have settled meaning in existing legislation.

The regime is being introduced on a phased basis, with a pilot phase that will allow the operational design, guidance and infrastructure to be tested and refined before the regime moves to full operation. A post-commencement review will be conducted at an appropriate point.

The Department welcomes the comment on the opportunity for the Isle of Man to position the Register as trust infrastructure for data governance, verification and controlled use. The Department's strategic intent is consistent with that framing and will continue to be developed through engagement with industry, the Information Commissioner and international counterparts.

The Department's detailed position on the interaction between the regime and data protection law is set out in the response to the Information Commissioner's Office in section 7.

Lastly, concerns were raised regarding the potential implications of mandatory external membership requirements, including possible cost barriers and market concentration. These points will be considered further as the framework and implementation approach continue to develop.

## 7. Information Commissioner's Office response

This section summarises additional data protection points raised by the Information Commissioner's Office, including points that cut across the consultation questions and areas that go beyond the specific question structure.

The Information Commissioner's Office acknowledged the commercial ambition and novelty of the proposed framework but noted that the Isle of Man's reputation as a trusted and well-regulated jurisdiction depends on the data protection framework being seen internationally as rigorous and independently regulated.

The Information Commissioner's Office raised the following key points.

## 7.1. Data classification

The response welcomed the creation of a mechanism to register, audit and assess data sets in principle, and noted that the Register could support traceability, auditability, accountability, data lineage, provenance tracking and risk management.

The response also noted that the distinction between Level 1, Level 2 and Level 3 data should remain meaningful. In particular, pseudonymised data remains personal data under the Applied GDPR and should not be treated as anonymised data.

The Information Commissioner's Office recommended that the framework should specify who is responsible for assigning and maintaining classification levels, provide for periodic review of classification where re identification risks evolve, and define any additional safeguards or handling requirements for Level 2 data.

### Department response

The Department welcomes the Information Commissioner's Office acknowledgement of the framework's potential to support traceability, auditability, accountability, data lineage, provenance tracking and risk management.

The Department accepts in full that the distinction between Level 1, Level 2 and Level 3 data must remain meaningful and that pseudonymised data remains personal data under the Applied General Data Protection Regulation. This position will be reflected in the regime, including the wider regulations, practice directions and guidance notes.

The Department accepts the Information Commissioner's Office recommendations on responsibility for classification, periodic review and additional safeguards for Level 2 access. Responsibility for assigning and maintaining classification levels will rest with the Data Asset Foundation as registrant, subject to verification by an Accredited Assurance Provider and the Registrar's guidance. Periodic review of classification will be provided for in regulations, with prescribed triggers including changes to the data, changes to processing context, changes to re-identification risk and elapsed time. Additional safeguards and handling requirements for Level 2 data will be set out in the technical specifications and regulations.

## 7.2. Role of the Information Commissioner

The response noted that the White Paper describes the Information Commissioner's role as consultative and supervisory, not gatekeeping. The Information Commissioner's Office stated that this requires further explanation to avoid uncertainty for applicants and third parties.

The response recommended that it should be made explicit that inclusion on the Data Asset Register does not limit, qualify or otherwise affect the Information Commissioner's powers under data protection law.

The response also welcomed the acknowledgement that a Data Protection Impact Assessment may be required where processing presents a high risk to the rights and freedoms of individuals. It noted that prior consultation with the Information Commissioner is required where high risk has been identified and the organisation is unable to reduce that risk.

### Department response

The Department welcomes the engagement of the Information Commissioner's Office on this point and confirms that inclusion of a data asset on the Data Asset Register does not limit, qualify or otherwise affect the statutory powers of the Information Commissioner under the Applied General Data Protection Regulation or any other enactment.

This position will be reflected expressly in the regulations and guidance, and the Department will provide for an information sharing and engagement framework between the Registrar and the Information Commissioner so that each can exercise their respective functions effectively.

The Department also confirms the position set out in the White Paper and reiterated in the Information Commissioner's Office response on Data Protection Impact Assessments. Where processing of personal data presents a high risk to the rights and freedoms of individuals, a Data Protection Impact Assessment is required under data protection law. Where the outcome of that assessment indicates residual high risk that cannot be reduced, prior consultation with the Information Commissioner is required. The existence of the Register does not modify these requirements.

### 7.3. Controller and processor status

The response noted that data protection law requires all processing of personal data to be attributable to clearly identified controllers and, where relevant, processors.

The response noted that further clarification is required on the allocation of responsibilities across the framework, including the Registrar, Data Asset Foundations, original data contributors, Accredited Assurance Providers and the DAR Verification Agent.

The response also noted that where data was collected before being dedicated to a Data Asset Foundation, previous controller obligations may continue and are not automatically resolved by dedication or registration.

#### Department response

The Department accepts in full the Information Commissioner's Office position that all processing of personal data must be attributable to clearly identified controllers and, where relevant, processors, and that this attribution must be addressed consistently across the framework.

A detailed controller and processor mapping will be published as part of the data protection guidance accompanying the regulations. The mapping will address each actor in the framework, including the Registrar, the Data Asset Foundation as registrant, original data contributors, Accredited Assurance Providers and the DAR Verification Agent (where appropriate). The Department notes for completeness that the DAR Verification Agent is infrastructure operated by the Registrar, and the controller analysis will reflect that fact.

The Department also accepts that previous controller obligations may continue where personal data was collected before being dedicated to a Data Asset Foundation, and that those obligations are not automatically resolved by dedication or registration. This will be made explicit in the regulations and guidance and will be reflected in registrant obligations at the point of registration.

## 7.4. Data subject rights

The response welcomed the White Paper's statement that data protection rights must take precedence over any property rights created by registering data assets, but noted that further explanation is needed on how this will work in practice.

The response raised points on transparency obligations where personal data was originally collected without any expectation that it would later be registered, commercialised or transferred within a data asset regime.

The response also raised the need to explain how rights of erasure and rectification would operate where cryptographic integrity chains, immutable records, historical metadata or persistent references are involved. It recommended that retention periods for Register metadata should be defined where personal data is involved.

### Department response

The Department welcomes the Information Commissioner's Office acknowledgement of the White Paper's statement that data protection rights take precedence over any property rights created by registering data assets. The Department confirms that position and accepts that the practical operation of those rights, including their interaction with cryptographic integrity chains, immutable records, historical metadata and persistent references, requires further explanation.

On transparency where personal data was originally collected without expectation of registration, commercialisation or transfer, the data protection guidance accompanying the regulations will set out the obligations that arise in those circumstances, including engagement with data subjects, application of Article 14 transparency obligations and assessment of compatibility of purpose.

On rights of erasure and rectification, the Department accepts that the operational design must distinguish between the underlying data, which remains subject to ordinary rights of erasure and rectification, and Register metadata, which performs an integrity and audit function. Retention periods for Register metadata where personal data is involved, the mechanism for operationalising erasure and rectification at the data asset layer, and the treatment of historical references on the Register will be set out in regulations and guidance.

## 7.5. Purpose limitation and lawful basis

The response noted that personal data must be processed only for the purposes for which it was collected and not further processed incompatibly with those purposes.

The response noted that registration does not itself create a lawful basis for processing personal data, and that where a registered data asset is transferred, licensed or processed by a new controller, that controller must identify and document its own lawful basis and intended purpose before processing.

The response also noted that the creation of registrable or tradeable value in datasets could create incentives for expanded retention, aggregation or enrichment of personal data, which must be carefully aligned with data minimisation and storage limitation requirements.

### Department response

The Department accepts in full the Information Commissioner's Office position that registration of a data asset does not, of itself, create a lawful basis for processing personal data, and that where a registered data asset is transferred, licensed or otherwise processed by a new controller, that controller must identify and document its own lawful basis and intended purpose before processing.

This position will be reflected expressly in the regulations and guidance and will be a precondition of any access, transfer or licensing arrangement involving personal data within a registered data asset.

The Department also accepts the point that the creation of registrable or tradeable value in datasets could create incentives for expanded retention, aggregation or enrichment of personal data. The classification model, the requirement for accredited verification, the controlled computation infrastructure and the continuing application of data minimisation and storage limitation requirements together provide structural mitigation, but the Department accepts that the design and operation of the regime must continue to be informed by these considerations. The Department will engage with the Information Commissioner on these matters as the regime develops and on any post-commencement review.

## 7.6. International transfers

The response noted that the Isle of Man currently holds adequate country status with both the UK and the EU.

The response also noted that the existence of an equivalent data register in another jurisdiction does not mean that jurisdiction is adequate for personal data transfer purposes.

The response stated that where personal data within a registered asset is transferred to, or accessed from, a non adequate jurisdiction, appropriate safeguards will be required. It also noted that DAR Asset Passports and Portable Evidence Packages are governance and transparency mechanisms, not substitutes for transfer mechanisms under data protection law.

The Information Commissioner's Office recommended that the White Paper include an explicit cross border transfer framework and that any equivalence assessment involving non adequate jurisdictions should involve the Information Commissioner.

### Department response

The Department welcomes the Information Commissioner's Office observations on international transfers and confirms its agreement with the position that the existence of a comparable regime in another jurisdiction does not, of itself, render that jurisdiction adequate for personal data transfer purposes.

The Department confirms that where personal data within a registered data asset is transferred to, or accessed from, a non-adequate jurisdiction, appropriate safeguards under the Applied General Data Protection Regulation will be required, and that DAR Asset Passports, Portable Evidence Packages and similar Register-level instruments are not substitutes for those safeguards.

The Department accepts the recommendation that the framework include an explicit cross-border transfer position. This will be set out in the regulations and guidance and will distinguish between Register-level mechanisms, which support transparency, traceability and governance, and the transfer mechanisms required under data protection law. The Department also accepts that any equivalence assessment involving non-adequate jurisdictions in the context of the Register should involve the Information Commissioner.

The Department also notes the wider point that the Isle of Man's adequate country status with both the United Kingdom and the European Union depends on the data protection framework being seen internationally as rigorous and independently regulated, and confirms that protecting that adequacy position is a continuing priority for the Department.

## 8. Cross cutting implementation points

Several issues were raised across more than one consultation question.

### 8.1. Guidance and worked examples

Respondents asked for practical guidance. This included decision trees, worked examples, sector examples, classification criteria, AI use criteria and guidance for SMEs. The Department accepts that practical guidance is essential to the operational success of the framework - a guidance package will be published alongside or in advance of operational commencement.

### 8.2. Assurance provider readiness

Accredited Assurance Provider capacity was identified as a key implementation dependency. Some respondents appeared to proceed on the basis that a relevant assurance provider market does not yet exist, and raised concerns that early registrants may be affected by availability, cost and timing constraints. The Department's view is that the relevant professional skills and assurance capabilities already exist within the market, although the accreditation framework and provider pipeline will need to be formalised before commencement.

### 8.3. SME and voluntary sector accessibility

Several respondents raised points about proportionality for startups, SMEs and the voluntary sector. Respondents noted that affordability depends on the full cost of participation, not only Registrar fees. The Department recognises that affordability depends on the total cost of participation, which includes assurance provider costs, professional advice, technical implementation and governance capability.

### 8.4. Data protection and confidentiality

Respondents raised points around data subject rights, metadata risk, re identification risk, processor chains, processor jurisdictions, lawful basis, purpose limitation, transparency, retention, international transfers, strategic reliance on registered information and the relationship between the Registrar and the Information Commissioner. The Department's detailed position on the interaction between the framework and data protection law is set out in the response to Question 4 and in the response to the Information Commissioner's Office in section 7.

## 8.5. Technical implementation

Respondents asked for more detail on gateway requirements, controlled computation, verification processes, dynamic assets, version control and minimum viable standards for lower classification assets. The Department accepts that the technical detail of the regime is material to its operational success. Detailed technical specifications will be published covering gateway requirements, controlled computation infrastructure, verification processes, treatment of dynamic assets and version control in due process.

## 8.6. Implementation timing

Respondents asked for a realistic implementation timeline and sufficient lead in time before full operation. The Department accepts that a realistic implementation timeline and sufficient lead-in time are required before full operation. The regime is being introduced on a phased basis and the Department will publish the roadmap in due course.

## 9. Next steps

Thank you to everyone who took the time to respond to this consultation.

The feedback received, including the separate response from the Information Commissioner's Office, will be used to inform the final drafting of the Data Asset Register and Data Asset Registrar Regulation.

The Department for Enterprise has approved this response for publication. This document summarises the key points raised during the consultation, sets out the Department's response and confirms the proposed next steps.

The Department will also consider what supporting guidance, implementation material and engagement will be required before the Register becomes operational.

