

A fiduciary approach to child data governance

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Introduction

Children's data rights, like children themselves, often require supervision.

Nearly every system that creates value or risk also creates ways to participate in that system, explicitly or implicitly. In data and algorithmic systems, defining and sharing data inputs both add value and politics. Social media systems often give users some amount of control over other users' behaviour – whether as a direct moderator, a sharer, or reporting abuse. And, of course, buying stock in a digital platform company may entitle a person to recoup financial value, and, in some systems, decision-making authority. In each of these examples, the underlying systems vary, but they are shaped by the decisions, resources, and participation of large numbers of people – people who have a legal obligation to have the authority to consent, or in the case of children, to have the consent of an authorized, approving adult.

The primary difference between children's data governance and general data governance is the presumption that children are not able to effectively represent their

own interests. Nearly every modern conception of data rights and governance focuses on locating the responsibility for decisions – privacy, data protection, even the Health Insurance Portability and Accountability Act (HIPAA), all use models of consent and public interest – to justify data sharing. And, just as in the physical world children, especially those who fall under the age limits for data rights laws, cannot legally directly consent to the agreements that form the basis of the legitimacy of the digital world. Children are not the only group of people who cannot represent their own interests in the way that data rights are created, shared and used to shape the world on their behalf.

In data and algorithmic systems, defining and sharing data inputs both add value and politics

This is not a new set of issues – nearly every legal tradition in the world addresses the need to create credible representatives for vulnerable, illegible, or incapacitated populations when dealing with decisions that affect their rights. The United Nations Declaration of Human Rights specifically establishes that childhood is 'entitled to special assistance' and the United Nations Convention on the Rights of the Child describes both the rights and conditions of representation of children's rights. While there is a broad range of ways that different cultures and legal traditions ap-

proach protecting the rights of children and those who are unable to consent for themselves, every legal system has an approach to assigning fundamental rights. We rely on these protections in nearly every major, specialist industry. At a basic level, we recognize that most people aren't capable of being an expert in everything – and so we create 'fiduciary relationships' in professions that have either, (1) a large asymmetry in information; and (2) where a person's fundamental rights are at stake. As a result, some professions – like lawyers and doctors – create fiduciary relationships between all service providers and clients, whereas other professions – like insurance brokerage – create fiduciary relationships as a subset of the industry. Fiduciary relationships create legally enforceable, broadly stated duties of loyalty and care; essentially, fiduciaries have to do what's in the best interest of the client, regardless of whether it's the best thing for the professional. These relationships are similar to 'best interests of the child' tests, often applied in adjudicating children's rights. For the purpose of this analysis, those assignments are 'fiduciary relationships' – meaning they are legally enforced, create a standard of care, and enforce the practice of protecting people's rights.

Fiduciary relationships, while varying in nuance, share three core elements: (1) the transfer of a property or right; (2) a trust relationship between the 'owner' of that right and the trustee; and (3) the potential for harm to the owner, based on trustee action.¹ While not applicable in every instance, the common characteristics and standards established by fiduciary structures provide a framework for understanding the practical needs of protecting children, children's rights, and the digital systems where their use and abuse happens.

One of the inherent effects of defining, interpreting and designing fiduciary duties in emerging contexts is that they – like digital transformations themselves – tend to formalize systems. That can be a good thing, creating ways to pursue rights for populations even beyond the intended groups. The risk, however, is that we narrowly understand or define those rights as simple protection from direct harm, as opposed to the fiduciary standard – which requires enough capacity to be able to pursue someone's best interests. In James Scott's conception, the formalization of authorities of governance is a type of public legibility – an ability to be seen by systems of power.² In fiduciary law, that concept is understood as 'identity' – and in broader legal rights enforcement, it's called 'standing'.

This analysis raises the same questions in the context of child digital rights and data governance, using examples of data and digital rights to highlight

issues, and pointing to the common characteristics of fiduciary models that protect the rights of vulnerable and illegible groups in similar circumstances.

Data governance and rights

There are a lot of definitions of data rights and governance, each with a unique context and purpose – in fact, differing expectations for important public and legal terms is a source of significant tension in digital and analogue contexts alike. For the purposes of this analysis, the term 'data rights' refers to the political and traditionally protected rights that arise during the creation and use of data, mostly without the means of protecting or pursuing them. Similarly, for the purposes of this analysis, the term 'data governance' refers to systems that create enforceable standards for data rights, oversee and execute those standards, and resolve disputes arising from violated data rights.

While the unique rights and governance that arise from digital systems vary substantially by context, there are two nearly universal characteristics of digital transformations to focus on here: (1) data and digital rights exist mostly in private law, subject to government regulation and enforcement – which vary significantly by context; and (2) data rights are often asymmetrical by design, as the purpose of using data (instead of more participatory processes) is to achieve efficiencies at scale – meaning that, even with established digital fiduciary representation, there is more governance work necessary to build systems of enforceable rights. So, while the core concepts around fiduciary loyalty and care are critical tools to begin articulating and defining child data rights and governance needs, their effective implementation relies on the evolving political negotiations around defining the digital public interest in global private markets. A right is only as good as the institution that enforces it.

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Legal data rights

Data rights enforcement suffers from what US Supreme Court Justice Louis Brandeis called the "curse of bigness".³ The world's legal systems are designed

to agree at a very high level about basic rules, enabling each government to define and devolve how their own laws work. Digital and data systems, by contrast, typically seek to work at scale – and internet-based technologies can be global overnight. There is a fundamental mismatch, then, between the scale of accessible legal rights enforcement systems and the digital spaces they’re seeking to change. In both cases, there is a range of traditional legal theories with analogies in data and digital systems – and those analogies increasingly define the rights and protections that emerge, especially for people unable to shape those rights themselves. That mismatch means that most people in most jurisdictions aren’t able to resolve the issues they have through

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normal channels, like courts. And, without those avenues, we’re seeing an increasing number of governments develop new rights – whether data protection or interpretations of privacy – instead of ensuring the effective enforcement of rights that currently exist.

Digital rights are, as the saying goes, human rights⁴ – and humans are the only thing using data or technology that have any rights before the law. The UN Convention on the Rights of the Child specifically articulates a special level of protection required for children – including rights to life, identity, speech, and standing in court proceedings that affect them, among others.⁵ In other words, international law sets a de facto fiduciary standard in the administration of the rights of children – the ‘best interest of the child’ principle – which, presumably, applies to the ways digital systems affect the rights of children. Here are just a few of the legal rights and contexts emerging from child data and digital systems:

- **Human rights.** A number of important human rights systems are often impacted by, if not delivered directly through, technologies, such as humanitarian aid, mobility and citizenship, and, most recently, health status through contact tracing apps. A huge number of human rights issues emanate from those contexts, specifically for children – especially considering that access often depends on access to devices and credit, which vary

substantially. The more that public systems digitize, especially through the use of privately owned technologies and systems, and impact fundamental freedoms, the more digital rights issues arise for children.

- **Property rights.** There is an extraordinary array of digital goods, many of which children produce as part of established commercial ecosystems. Some of these ventures and holdings are substantial and exist in a world where children’s status and rights are largely undifferentiated. The ability of minors to participate in online marketplaces has been the source of more than one controversy, for example social media companies refusing to refund the unaware parents of children who have spent enormous amounts of money on in-app purchases.⁶ Analogue markets acknowledge and limit the rights of children as commercial actors for a range of public interest reasons, but online markets directly and indirectly trade on children’s participation, where they don’t directly exploit it. Among a range of other rights concerns, that trade creates legal property rights, most of which aren’t administered in ways that reflect children’s unique protections.
- **Representation.** A significant number of the world’s most popular digital systems are visual media and involve amplifying imagery to generate attention. In most cultures, children’s representation rights are protected – it’s illegal to use their image for commercial purposes without a guardian’s explicit approval. But the rate and type of commercial representations happening in digital systems are both direct, through platforms like TikTok and WeChat, and indirect, as captured (or not) by mobility systems used to help cities understand and design urban spaces, but that can also capture children in surveillance systems. While there is a significant amount of research suggesting cause for concern in the social, political, and commercial representation of children⁷ – there is significantly less controversy that the practice is happening and implicates a range of legal rights that receive very little meaningful implementation.
- **Speech.** Children have a uniquely established and, usually, protected right to free expression – with explicitly noted exceptions for security and the protection of the reputation of others.⁸ Digital platforms have drawn a significant amount of controversy, often as proxies for the governments of their countries of origin, for their treatment of

political speech, as national definitions vary substantially. Some platforms proactively censor content about topics of political concern in ways that upset free speech advocates and, at the same time, struggle to stop the amplification of content known to be harmful and, more commonly, incorrect. These aren't the only ways in which children's speech rights are materially affected by digitization. They are another type of rights where child protections are broadly recognized in law and implemented in the physical world that go largely unarticulated or differentiated in digital systems.

- **Violation/tort.** Many of the most powerful digital rights protections are rooted in traditional protections, like privacy, negligence, and breach of contract. These protections vary substantially by jurisdiction, some are implemented by courts and others by regulators, but nearly all of them require government enforcement of one type or another. In many industries, consumer protections are set, or heavily influenced, by trade bodies, which set standards for professional conduct and liability. These public institutions and systems are notably absent from most forms of professional data and digital practice and, even where they do exist, very rarely include direct or indirect representation of children or their rights. Similarly, most of the bodies that adjudicate data rights, whether as private customer service or as public law enforcement, require adult participation – and very few have systems to appoint or create adult representation for children who would otherwise have valid claims.
- **Data protection.** There are a number of regional and commercially oriented data protection laws, the highest-profile of which is the European Union's General Data Protection Regulation (GDPR). GDPR confers the same data protection rights to children that it does to adults, and explicitly creates the foundation for their assignment and representation in articles 80(1-2).⁹ In some cases, the GDPR requires that children's data is treated as sensitive data, requiring valid consent or legitimate purpose – though practice varies substantially. To date, guidance and practice remains relatively subjective – the United Kingdom's Information Commissioner's Office, for example, issued guidance suggesting that the legitimacy of a child's ability to assign their rights depends on the regulator's perception of their 'competence'.¹⁰ Regardless of implementation, the more important point is the recognition that data protection laws increasingly create rights, causes of action, and institutional mechanisms to implement, assign, and enforce those rights on behalf of children.

The point of the above is not to be comprehensive, but to demonstrate that there is a diversity of children's data rights, all of which likely require special attention and, more importantly, representation in the way digital systems are designed and governed. And of course protecting children in complex, rights-based systems is what a number of fiduciary models were designed to do.

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A fiduciary approach to children's data rights

Societies approach assigning fundamental rights in a variety of ways, but there are common elements that can serve as a framework – or a set of system requirements – to underpin public approaches to children's data and data rights. While the focus of most fiduciary scholarship centres on debates about the complexities of managing the nuances of loyalty and care – the nuances of duties, transparency and monitoring, and enforceable accountability of fiduciaries – digital governance ecosystems are starting one step further back, still trying to define the basic rights of users and, sometimes, how to assign them.

One of the strengths of fiduciary approaches is that they focus on relationships in the administration of digital rights, as opposed to more fixed, machine-implementable standards. As a result, the primary impact of introducing fiduciary relationships into digital platform ecosystems may be to catalyze experimentation with governance structures within a set of ethical standards – rather than dictate a specific structure of governance. At its core, however, the introduction of fiduciary relationships into digital systems drives the creation of procedural standards and liabilities for the administration of rights. And often the challenges posed by ensuring the existing rights of children, drive organizations to articulate and operationalize rights frameworks. While there are a number of public interest reasons to define digital fiduciary relationships, there is less clarity on

the most effective way to introduce fiduciary representation requirements and liabilities.

While the details matter, and vary, there are two typical ways to go about creating fiduciary relationships: statutory and volitional. **Statutory approaches** to fiduciary relationships rely on governments to create and impose liability surrounding the administration of rights, like appointing guardians for children. **Volitional approaches** to fiduciary relationships are ones that we voluntarily agree to, which individuals can do through private contracts that are enforced by a government, like a power of attorney or a trust. While state action is a critical element in any digital rights ecosystem, the international nature of many digital ecosystems adds significant complexity to the prospect of relying exclusively on state-imposed fiduciary duties, especially beyond jurisdictions where data rights holders maintain significant assets. The closest there is to an international definition of a fiduciary, for example, is the Hague Convention on the Law Applicable to Trusts and their Recognition of 1985 which, to date, only has 14 signatories.¹¹ The international and commercial nature of most data ecosystems means that volitional, private law approaches are – structurally and culturally – a better fit to creating fiduciary relationships infrastructure for the protection of children’s data rights in digital ecosystems.

There is a significant amount of momentum toward intervening in redesigning digital governance mechanisms

The idea of digital platforms, or ecosystems, as fiduciaries isn’t new¹² – but there is still very little scholarship focusing on digital fiduciaries performing the duties of analogue fiduciaries, namely, representing the interests of those unable to do so themselves in complex and asymmetrical systems, such as children due to their age and capacity. The majority of scholarship considering the use of fiduciary duties to improve the equity of digital platforms and data ecosystems struggles with scale.¹³ In other words, most fiduciary representation is designed to take care of individuals or, when pushed, specific groups – it is not designed for general representation. When fiduciary relationships reach scale, they are more commonly

described as governance.¹⁴ The challenges of scale can and do, however, play an important role in creating representation and agency in the way that we enforce data rights, especially for those who are not recognized or are unable to do it themselves. Arguably, with the growing power asymmetries in digital ecosystems, there is a significant amount of momentum toward intervening in redesigning digital governance mechanisms, regardless of a persons’ status.

Perhaps most importantly, the distilled elements of fiduciary relationships help illustrate the core design requirements for data rights governance systems capable of preserving the fidelity and spirit of the exceptional protections we give children and their rights in international and human rights law. The core elements of fiduciary relationships are:

- **Loyalty + conflict of interest.** The single most important characteristic of a fiduciary relationship is that the fiduciary is acting in the best interest of the person or group they serve. The ‘best interest of the child’ is the internationally recognized articulation of that standard, universally applied to children. The challenge, of course, is that children often have different and competing needs, especially once markets or ecosystems exceed a relatively small scale – and fiduciary relationships are, historically, designed to appoint advocates for individuals’ interests. That doesn’t mean, however, that fiduciaries can only represent individuals – it means that, in order for fiduciary relationships to be successful, the interests of the groups they serve have to be very specific and aligned.

In the context of data governance, duties of loyalty mean that fiduciaries focused on protecting children’s data and digital rights would most likely need to do so based on specific rights and group definitions, which may be in competition with the interests of others.

- **Care + professional standard.** The other defining feature, and test, for fiduciary relationships is the duty of care. Essentially, fiduciaries can be held legally liable if they don’t exert an appropriate amount of care in the way they pursue and protect the interests of the people or groups they serve. Professional standards of care vary substantially based on the type of fiduciary relationship, but they typically include responsibilities to act competently as well as to report their work transparently to the people they serve.

Duties of care, as applied to children’s data governance and digital rights, likely mean working within the systems of rights available to advance

and protect an interest, whether financial value or political statement. Duties of care are often defined by the system of rights implementation and, as described, are largely nascent in digital ecosystems. There are, however, a range of emerging technical standards with a data governance and digital rights footprint,¹⁵ many of which could serve as the foundation for fiduciary duties of care.

- **Purpose.** For some fiduciary relationships, the purpose is obvious – with your doctor, for example, the purpose of the relationship is the patient’s health. That means that the authority entrusted to the doctor is contingent upon its transparent, loyal, and professionally administered pursuit of the patient’s health. Volitional fiduciary relationships, especially, can be tailored to a broad range of purposes. There are multi-billion dollar service industries in fiduciary land trust conservation, fiduciary investment brokerage, among many others.

In the context of children’s data governance and digital rights, there are very few implementing systems, so purposes are likely to focus on the pursuit of the interests of the ‘beneficiary’ group. Typically, that – like duties of care – raises the importance of being specific about what interests a fiduciary represents, and to what end. While there are arguments for centralized, de-centralized, and bottom-up digital rights fiduciaries, the most significant indicator of success is likely to be the formalization of the underlying rights and the incentives that define their enforcement.

- **Accountability + mechanisms of enforcement.** Perhaps the strongest argument in favour of fiduciary approaches to data rights is that they often have the effect of creating, articulating and implementing rights systems. In digital ecosystems, a basic articulation of accountability and rights systems would be a massive step forward – whether through fiduciary means, or others. Establishing fiduciary duties and rights can create unique duties to transparency and accountability based not just on the outcome, but on how a fiduciary performs their responsibilities.

The creation of those rights is a tangible, contextual, procedural set of rights and duties – but they don’t magically solve the significant challenges to accountability and enforcement themselves. Digital fiduciaries, like analogue fiduciaries, are likely to face disputes around standards of transparency, accountability, and enforcement.

A fiduciary duty, like a right, is only as good as the system that enforces it and, in many cases, the systems that enable us to hold fiduciaries accountable are no more accessible than those we might use to directly enforce digital and data rights. This is especially true for children, who – by implication – are not competent to hold trustees accountable and, even if they were, may not have access to the legal means to enforce that accountability.

In digital ecosystems, a basic articulation of accountability and rights systems would be a massive step forward

Children’s data and digital rights require articulated and accessible infrastructure for enforcement, which is most likely to be implemented through fiduciary relationships. Fiduciary relationships set a higher standard for the representation of children’s data and digital rights than currently exists in most digital ecosystems and, if enforced, may give rise to new mechanisms of participation in governance. That said, fiduciary relationships and accountability are not, in and of themselves, silver bullet solutions to power asymmetry and the accessibility of accountability mechanisms.

The core tenets and characteristics of fiduciary relationships don’t individually solve the power asymmetries in most digital ecosystems. Similarly, very few digital ecosystems of scale have meaningfully articulated or implemented legally significant approaches to credibly protecting the interests that arise out of any user’s rights, let alone children’s data and digital rights. That said, the tensions emerging from data and digital systems with an impact on children’s rights suggest the need to build mechanisms that protect the rights of children – a process that may help define the key rights issues, power balances, and structures necessary to build rights-focused data governance more broadly. In order for any approach to data governance to be credible, there will need to be significant investments in both the increasing the applicability of existing rights to

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digital ecosystems and ensuring that those systems are accessible to the people most affected by digital transformation. As with any approach to governance, the simplest and most straightforward approach is simply to begin – and one of the values of the fiduciary approach is that there are very few barriers to getting started.

Fiduciary approaches to experimenting with data governance systems are investments in public institutional oversight and collective rights that preserve explicit accountability and duties.

Conclusion

In most digital and data rights ecosystems, participatory rights enforcement is nascent and, as a result, children’s data rights are largely equated with adult rights, but made contingent on adult representation. In analogue systems, appointed adult representation of the rights and interests of children is typically held to a fiduciary standard, whether by governments or courts. In law, there are two over-arching types of rights: substantive rights and procedural rights. Substantive rights entitle a person to an outcome – free speech, assembly, etc. – and procedural rights entitle a person to a standard of treatment – due process, fiduciary, etc. While it’s impossible to predict the substantive shape that digital and data rights will take, it is exceedingly likely that the procedural rights afforded to children’s digital and data rights will include the core tenet of fiduciary relationships.

There are significant, structural questions in common with both digital rights and fiduciary protection: how to define specific rightsholders in context, how to standardize core rights and contextually devolve the governance of others, and how to use fiduciary rights to increase the procedural and substantive protection of rightsholders who can’t pursue their own interests, among others. And, of course, all of these approaches rely on impartial government enforcement, which isn’t a given. The World Justice Report 2020 – an annual assessment of the state of the rule of law – has found the third straight year of overall global decline. The areas that show the greatest erosion: Fundamental Rights, Constraints on Government Power, and Absence of Corruption.¹⁶ These structural challenges exist for mature rights ecosystems, and only compound the complexity of emerging rights ecosystems, like those of children’s digital and data rights.

Despite the challenges, there are two fundamental foundations on which digital and data rights systems can begin building: (1) the diverse and existing legal rights created and managed through digital systems; and (2) the persistent need to build systems that enable accessible, accountable fiduciary relationships that protect the rights of those unable to do so themselves. Fiduciary relationships are the legal, contextual infrastructure we’ve built to protect the rights of children, among others, in systems that determine their fundamental rights and freedoms. As we see more and more systems turn to data to make those same decisions about fundamental rights and freedoms, fiduciary relationship standards are a useful design and liability framework for the ways we protect children’s digital and data rights.

This paper was developed by members of the Working Group on Good Governance of Children’s Data. Learn more about the project ►

Good Governance of Children’s Data project

The Office of Global Insight and Policy is bringing together 17 global experts in a project to explore trends in the governance of children’s data, including the tensions between different rules and norms, emerging concepts and practice, and implications for policy and regulation. Debate on the future of children’s data affects a diverse range of issues, including data ownership and control, data fiduciaries, profiling for digital marketing purposes, child-friendly privacy notices, data erasure upon request, age verification, parental responsibility, data protection by design and default, algorithmic bias, and individual and group data.

The project aims to highlight the gap between the world we want for children and today’s reality, developing a manifesto on how children’s data could be optimally managed and what steps need to be taken. To help develop this manifesto, members of the working group will publish short analyses of different approaches to data governance.

Endnotes

- 1 Frankel, Tamar (2011). *Fiduciary Law*, p. 4. Oxford University Press.
- 2 Scott, James C. (1998). *Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed*, New Haven: Yale University Press.
- 3 Jeffrey Rosen’s account of Justice Brandeis’ posture – especially as it relates to the ‘curse of bigness’ is well-summarized in his article of the same name. Rosen, Jeffrey (2016). “The Curse of Bigness”, *The Atlantic* (13 June 2016). Available at <https://www.theatlantic.com/politics/archive/2016/06/the-forgotten-wisdom-of-louis-d-brandeis/485477/>
- 4 While it’s not clear who coined the phrase, it is commonly used by digital rights activists to explain the expansive nature of rights necessary to enforce in digital ecosystems. It was explained well by Nani Jansen Reventlow, in a blog post.
- 5 <https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>
- 6 <https://www.revealnews.org/article/facebook-knowingly-duped-game-playing-kids-and-their-parents-out-of-money/>
- 7 While there are various approaches to documenting this dynamic, researcher danah boyd’s *It’s Complicated: The social lives of networked teens*, was an early empirical look into the complexity of partial, networked representation in digital youth ecosystems. boyd, danah (2014). *It’s Complicated: The Social Lives of Networked Teens*, New Haven: Yale University Press.
- 8 Article 13 of the Convention on the Rights of the Child: <https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>
- 9 Article 80(1-2) enables data subjects to assign the representation of their data rights to a range of organizations, pending the appropriately adopted laws by Member States. Member States have not, at time of writing, passed legislation clarifying the implementation architecture for this, meaning that practice varies substantially. See: <https://gdpr-info.eu/art-80-gdpr/>
- 10 The note goes on to highlight that age of competence in Scotland is 12, but is based on interpretation for other geographies – and that a child’s claim to, and assignment of, rights perceived to be contrary to their interests will be deemed illegitimate. It does, however, explicitly convey the right to (1) raise a claim; (2) appeal judgements; and (3) bring legal proceedings against data controllers and processors. See: <https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/children-and-the-gdpr/what-rights-do-children-have/>
- 11 <https://www.hcch.net/en/instruments/conventions/status-table/?cid=59>
- 12 The first references to the use of assigned fiduciaries to protect digital rights was by Lillian Edwards in 2001, focusing on assigned privacy enforcement. It’s since been adapted to free speech, general rights protections, and, more recently, as a potential architecture for legally sharing regulated or otherwise protected data. For a brief history and analysis of common law trusts as an architecture, see *Reclaiming Data Trusts*: <https://www.cigionline.org/articles/reclaiming-data-trusts>
- 13 While there are several critiques and discussions of the fiduciary challenges around scale – Julie Cohen’s contribution to the *Skepticism on Information Fiduciaries Symposium* – “Scaling Trust and Other Fictions” refers directly to this problem in digital contexts: <https://lpeproject.org/blog/scaling-trust-and-other-fictions/>
- 14 Fiduciary rights are broadly understood as the conceptual and philosophical foundation for a significant amount of the United States’ Constitution, and a number of the legal institutions that it influenced. The book *Fiduciary Government* describes this dynamic from the perspective of fiduciary law, and applies it to governance design. Criddle, E., Fox-Decent, E., Gold, A., Kim, S. and Miller, P. (eds.), (2018). *Fiduciary Government*. Cambridge: Cambridge University Press. doi:10.1017/9781108155267.
- 15 There is a wide range of ethical and operational principles attempting to set standards for the contextual adoption of digital duties of care and standards of management – from technical organizations setting governance standards, like the Institute of Electrical and Electronics Engineers (IEEE), (<https://standards.ieee.org/content/dam/ieee-standards/standards/web/governance/iccom/bdgmm-standards-roadmap-2020.pdf>) to international governance organizations adopting technical standards, like the United Nations’ Director Generals’ Data Strategy (https://www.un.org/en/content/datastrategy/images/pdf/UN_SG_Data-Strategy.pdf). These documents help set professional standards around contextual data use, which could inform the duty of care for digital fiduciaries.
- 16 World Justice Project Rule of Law Index 2020, *World Justice Project*: <https://worldjusticeproject.org/our-work/research-and-data/wjp-rule-law-index-2020>

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