Blockchain and Food; legal aspects

Den Bosch Data Week

Jheronimus Academy of Data Science

Jos van der Wijst

29 October 2019
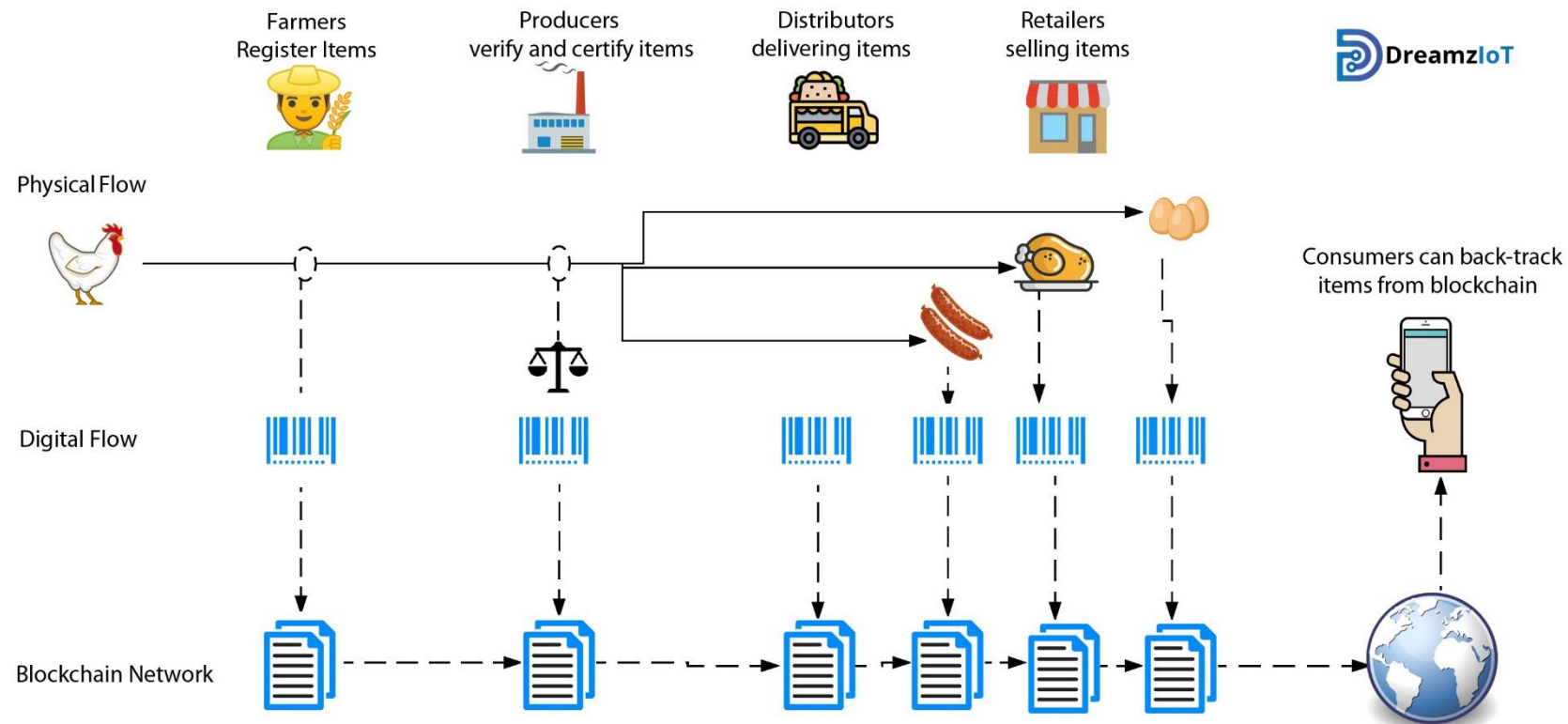
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To discuss

- Legal position of data
- Types of relations in a blockchain
- What to arrange in contracts
- Risks and solutions

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Legal position of data

- You cannot 'own' data: data is no 'property'
- Collection of data can be protected as a database right

Parties in a private blockchain

Farmers
Register Items

Producers
verify and certify items

Distributors
delivering items

Retailers
selling items

DreamzIoT

Physical Flow

Digital Flow

Blockchain Network

Consumers can back-track
items from blockchain

Bron www.dreamziot.com

Private blockchain

- A <u>private</u> blockchain, where access to it is controlled (which may mean that there is more central control);

and

- A <u>public</u> blockchain, where anyone can download the software, view and participate.

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Boeren

Hertje

📍 Balane, Indonesië

⚖ 871.80 Kilogram   📷 20 Transacties

Over Hertje

Jemi (49) woont samen met haar 5 familieleden op de Sangihe-eilanden in Indonesië. Het meeste inkomen van de familie komt van hun land, waarop Jemi nootmuskaat en andere gewassen verbouwt. De beste kwaliteit nootmuskaat verkoopt zij voor een goede prijs aan Verstegen Spices & Sauces.

Producten

Nootmuskaat met foelie

Nootmuskaat is de gedroogde pit van de nootmuskaatvrucht. Die heeft een warm en heel aromatische karakter, met een diepe, bitterzoete, houtachtige smaak.

Transacties

Nootmuskaat met foelie   ✏ Blockchain
↪ uitgaand
⚖ 274.20 Kilogram
🕐 31 december 2018

Nootmuskaat met foelie   ✏ Blockchain
↪ uitgaand
⚖ 216.00 Kilogram
🕐 29 december 2018

Nootmuskaat met foelie   ✏ Blockchain
↪ uitgaand
⚖ 216.00 Kilogram
🕐 29 december 2018

Bron: www.verstegen.fairfood.nl/trace/

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Pulau Sangihe

Blockchain Informatie

Transactie datum

december 29, 2018, 11:43 AM

Product

Nootmuskaat met foelie

Gewicht

216 | kg

Transactie Hash

7Kw8xijAJ8bvAvh8J2onWQgWaa64Ap6TsLiWATtNMQS8

Verkoper naam

Transactie Hash

7Kw8xijAJ8bvAvh8J2onWQgWaa64Ap6TsLiWATtNMQS8

Verkoper naam

Jemi

Verkoper adres

JCiRMKh6VUnCLVgpPmEUT8SaHm4bFUVkPC56tKhNZzu9

Koper naam

Toko Nangka

Koper adres

ArKWGx5dA8avTG5ZwjesKq7PiCuX2cecMGi6qvE87gbK

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Parties in a private blockchain

What to arrange:

- What are the objectives of the parties in the blockchain; why are they working together?
    - Traceability

        (transparent to public, reduce damage food recall)
    - Data Sharing
    - Payments

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Parties in a blockchain

What to arrange:

- Who can do what with the data provided:
- Data transfer agreement:
    - Which data is provided
    - Guarantees?
    - Data protection
    - Rights to use, for what purpose, exit rights
- New data: who is entitled to which information

Parties in a blockchain

What to arrange:

- Exit / one or more (all) parties

    copy of own data, data migration assistance

- disputes; (inter)national; jurisdiction and enforcement

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Building the private blockchain

Service provider /operator

- What to arrange:
    - Building the platform, service levels, performance
    - Management and privacy identification (anonimyzation)
    - Governance: personal data: right to be forgotten
        data that is stored cannot be altered
    - (New generated) data: who can do what, under which conditions?

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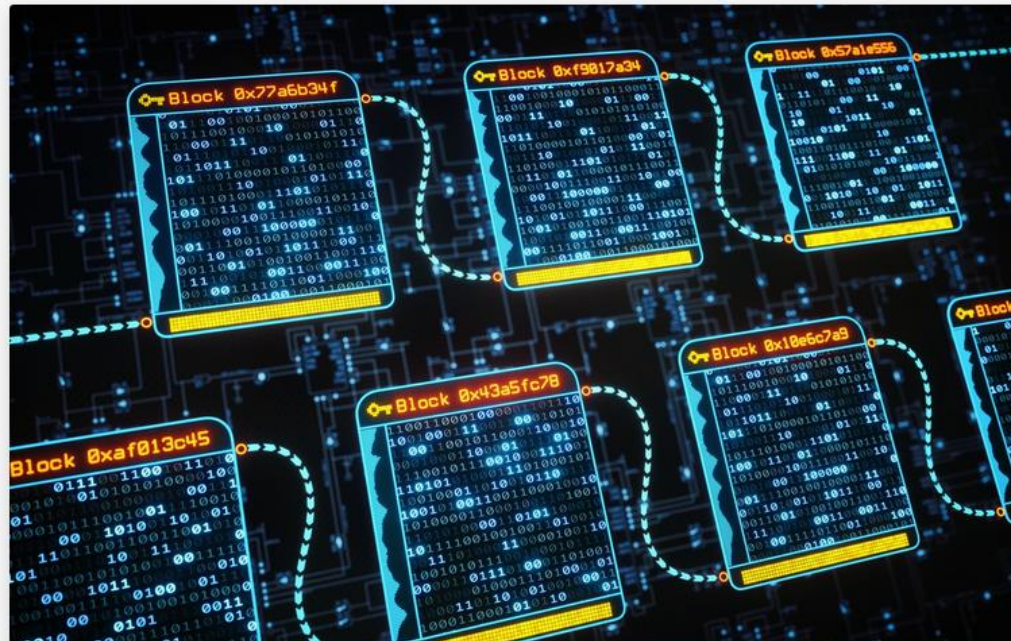
Building the private blockchain

Service provider /operator

- What to arrange:
    - Who makes the descisions regarding the blockchain
    - Intellectual property (trademarks, copyright, patents)
    - Liability, who is liable for what

Evidence from a blockchain

Bron: www.blog.dennemeyer.com/chinese-court-is-first-to-accept-blockchain-as-means-of-evidence

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Challenges

- Using new technology:
  - R&D / marketing sees opportunities
  - Legal sees risks, unknown territory, difficult to oversee liabilities
    - E.g. you cannot 'own' data (except database protection)
- How to handle this:
  - Translate the unknown to a legal framework we do know
    - E.g. data sharing agreement

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Questions?

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