



ETHICAL CHARTER FOR DATA USE EKITIA

UPDATE ON 12/23



Data et IA en pleine confiance

INTRODUCTION

Who are we ?

Ekitia was created to facilitate the sharing of data between various actors, whether public or private, to give them the opportunity to develop new and relevant uses within a framework of ethical and sovereign trust. This framework is based on the present Charter, which is the result of collaborative work carried out under the supervision of a research laboratory¹, then discussed with all Ekitia members and citizens.

Why this Charter ?

The development of the data economy is full of promises. If these promises are to be fulfilled, an ethical framework must be established. Otherwise, infringements of privacy and the interests of individuals, society and the environment could multiply, with the risk of a rejection of the technologies and services associated with data processing and communication.

This Charter defines useful ethical principles for all types of data use. On the one hand, it concerns both the use of personal data² and the use of non-personal data and, on the other hand, its principles concern all sectors of activity.

We believe that it is useful to consider the ethical issues linked to data in a global manner, i.e. to deal with both those linked to personal data and those linked to non-personal data, particularly because the boundary between these two "categories" of data is

¹ More specifically, by the BIOETHICS research team (CERPOP, UMR 1295 (Toulouse III University - INSERM))

² For example, economic data, meteorological data, geographical data, mobility data, energy data, environmental data, infrastructure data, etc.

becoming increasingly porous (hereafter, these two types of data will be grouped together under the term "**Data**"). Although it applies foremost to **Data** held, shared or pooled between Signatories, it is designed so that any interested organisation - operating at local, national, European or international level - can make it its own and adapt it to its uses of **Data**.

As soon as the first version of the Charter was published in April 2020, Ekitia affirmed the willingness to involve professional stakeholders as well as citizens in the development of its content. After having organised co-construction workshops with professionals, aiming to compare the Charter's principles with the ethical issues raised in their different sectors of activity (health, mobility, environment, energy, employment and training, agriculture), Ekitia organised co-construction workshops with citizens at the beginning of 2023, promoting participatory democracy and to ensure that its content was consistent with their concerns. The present version of the Charter includes the feedback from these two series of workshops.

The Charter is updated regularly to integrate feedback from such workshops, as well as to adapt to technological, legal and societal evolutions related to **Data** use. At the same time, a form for contributing to the development of the Charter is available on our website (<https://www.ekitia.fr/>) so that anyone interested can send us their ideas.

This Charter has three objectives :

- To develop a responsible economy, offering innovative services and contributing to the general interest ;
- To establish an ethical and sovereign framework of trust to govern **Data** use ;
- To support and organise the digital transition in a way that is compatible with the ecological transition.

Nature of the Charter

Due to its ethical nature, this Charter is not legally binding. It defines the principles towards which Signatories must strive in order to process their **Data**, collaboratively or not, in complete confidence. All the members of Ekitia must commit to respect this Charter failing not to be accepted.

Scope of the Charter

This Charter is in line with the European Union's (EU) data strategy³. This strategy is broken down into several structuring legal and technical initiatives which are taken into account in the content of the Charter :

- The European Data Governance Act⁴ , which defines the processes and structures designed to facilitate the sharing of **Data** ;
- The Data Act⁵ , which sets out the rights and conditions for the use of data held by the private sector;
- The creation of common European sectoral data spaces subject to specific governance rules⁶ ;
- – The development of technical standards for the interoperability of **Data** and infrastructures.

³ Communication from the European Commission, COM(2020)66 "A European Data Strategy", 19 February 2020.

⁴ Regulation 2022/868 of 30 May 2022 on European data governance, published in the Official Journal of the EU on 3 June 2022.

⁵ Regulation of the European Parliament and of the Council concerning harmonised rules on fairness in access to and use of data, amending Regulation (EU) 2017/2394 and Directive (EU) 2020/1828, as amended on 15 November 2023 (PE-CONS 49/23) 2017/2394 et la directive (UE) 2020/1828, dans sa version du 15 novembre 2023 (PE-CONS 49/23)

⁶ European Commission Working Document SWD(2022)45 "Commission Staff Working Document on Common European Data Spaces", 23 February 2022

Finally, in view of the recent and massive development of the use of artificial intelligence (AI) in our society for both personal and professional purposes, it should be pointed out that this Ethical Charter can also be a useful tool to learn more about the specific ethical issues raised by its use. Ekitia is therefore careful to ensure that the content of the Charter is in adequacy with the ethical and legal framework currently being drawn up for the design, development, deployment and use of AI systems.

In the specific case of personal data, the framework of EU Regulation 2016/679 on the protection of individuals with regard to the processing of personal data and on the free movement of such data, of 27 April 2016 (hereinafter "GDPR") and, in France, the framework laid down by the Loi Informatique et Libertés (hereinafter "LIL", adopted in 1978 and revised several times since, the latest version having come into force on 1st June 2019), naturally apply to all Signatories. In addition, the purpose of this Charter is to set out ethical principles to govern and guide the use of all types of **Data**. In any event, these principles must not be interpreted in such a way as to reduce the scope, or even cancel, the application of the legal provisions applicable to the Signatories.

The values embodied by the Charter

The ethical principles contained in this Charter reflect three main values :

- TRUST, to ensure that **Data** is used in ways that respect people and society;
- RESPONSIBLE RESEARCH AND INNOVATION, to promote the creation of innovative services in the interest of citizens and in line with the Sustainable Development Goals defined by the United Nations⁷ ;
- DEVELOPMENT OF A FAIR DATA ECONOMY, allowing an equitable distribution of value between each party having contributed to the realisation of a **Data**-based project.

The ethical principles set out below are not ranked in order of importance: they form a coherent whole which must be interpreted appropriately and constructively. In this sense, the Charter promotes the application of an ethical approach right from the design stage and throughout the life cycle of projects involving **Data** processing. This ethical approach is well defined by the French National Steering Committee on Digital Ethics (Comité National Pilote d'Éthique pour le Numérique), which reminds in one of its opinion that "even if each of the principles is desirable, any concrete situation may give rise to tensions between them [for example, between sustainable innovation and explicability, between benevolence and protection of privacy...]. Decisions must therefore be taken on a case-by-case basis, taking into account the context of design and use, while respecting the principle of proportionality and fundamental rights. In each specific case, the deliberation must be based on the objectives sought but also on the technical constraints, and on consideration of the interests of users in the short or long term»⁸

⁷ To find out more about the 17 Sustainable Development Goals set by the United Nations for 2030: <https://www.un.org/sustainabledevelopment/fr/objectifs-de-developpement-durable/>

⁸ CNPEN Opinion No. 3, "Conversational agents: ethical issues", adopted on 15 September 2021

PRÉAMBULE

We, the Signatories of this Charter,

Deeply committed to strict respect of the rights and fundamental freedoms of citizens as set out in the Declaration of Human Rights of 1789, the Preamble to the Constitution of 1946, the Charter of the Environment of 2004, the European Convention on Human Rights of 1950 and in the Charter of Fundamental Rights of the EU of 2000,

Determined to explore all the possibilities offered by the legal framework to carry out innovative projects in a context of trust, Aware that the current framework offers possibilities for determining the conditions under which **Data** can be shared between different actors, and that a prosperous **Data** economy can only develop in an area of trust, of which an ethical charter is an essential pillar,

Inspired by the innovative method used to establish the Montreal Declaration for Responsible AI, consisting in a citizens co-construction process aiming to take into consideration the point of view of the individuals, in their quality as professionals, citizens or users, regarding to the conditions that must be fulfilled to allow the ethical development of AI,

Convinced,

- That **Data** processing is a powerful lever to achieve social progresses and to contribute to a better quality of life, particularly in terms of health, ecology and culture,
- That **Data** processing must be operated at the service of humanity, in order to provide new services, better satisfy its aspirations for well-being and fulfilment, and respond to major global challenges such as climate change and epidemics,
- That ensuring a high level of security for all **Data** is an essential prerequisite for its use,
- That ethics complements the legal framework related to **Data** use by enabling the stakeholders to adapt the general rule to the specific issues raised by their practices.

Conscious,

- That citizens are expressing serious concerns about the capacity of both public authorities and economic and social operators to manage **Data** in a responsible way,
- That **Data** processing, potentially collaboratives, raises fundamental ethical questions and entails high social risks,
- That the development of **Data** use must not lead to the illusion that the environment and individuals can be reduced to the data that represents them,
- That, to our knowledge, there is no ethical charter or declaration on data science with a similar scope to those that exist for AI,

Animated by the ambition to remove all unjustified barriers to the collaborative processing of **Data**, in particular the lack of a trustworthy framework and of business models,

Resolved,

- To provide an ethical framework that facilitates the processing of **Data**, in a collaborative or non-collaborative manner, with a view to developing uses that serve everyone,
- To lay the foundations for a pact of social trust with the public for the responsible use of data science

Proclaim the principles set out below as particularly necessary for the emergence of an ethical data economy :

THE CHARTER

PRINCIPE 1 DATA SCIENCE AND SOCIETY

1.1. BENEFICENCE

The principle of beneficence and its corollary, the principle of doing no harm, require Signatories to consider the collective well-being of humanity and sustainability in the conduct of their activities. In concrete terms, acting for the collective well-being of humankind means carrying out activities that aim to improve the daily lives of current generations, and the quality of life of as many people as possible. In a complementary way, acting for sustainability means taking into account the common good of future generations. In this way, the **Data** uses made by the Signatories must contribute as far as possible to achieving the Sustainable Development Goals adopted by the 193 member states of United Nations Organization.

*In addition, the Signatories shall ensure that the innovations they develop using **Data** provide real progress compared with existing systems or alternative methods (including non-digital methods).*

They also commit to evaluate the impact of their projects with regard to the objectives of the latter (see principle 5.3). Finally, the Signatories encourage **Data** sharing for purposes of general interest, under the conditions set out in this Charter and with respect for the fundamental rights and freedoms exercised in a democratic society.

1.2. SUSTAINABLE INNOVATION

The beneficial conduct of the Signatories' activities leads them to develop sustainable innovations. In this way, any technological, social or organisational breakthrough project achieved in whole or in part thanks to the **Data** is implemented in conditions that respect people and the environment. With this in mind, the Signatories pay particular attention to their ecological footprint in order to reducing it. To this end, they apply a sober and frugal approach to their use of **Data**. Sobriety means, for example, limiting **Data** processing to the essential purposes of a project, favouring data centres that implement measures to offset their environmental impact, and being attentive to the rebound effect⁹ of innovations.

As for frugality, it aims to develop efficient solutions, devoid of sophistication and superfluity, with the least possible resources but without making concessions on the quality of the service provided¹⁰. As far as possible, the Signatories assess the environmental impact, particularly the energy impact, of their projects at the design stage and throughout their life cycle (see principle 5.3). Finally, in order to offset any negative impact on the environment, they support projects with a direct positive impact on the environment.

1.3. SOLIDARITY, DIVERSITY AND NON-DISCRIMINATION

The Signatories shall ensure that the projects they carry out using the **Data** do not have the effect of creating or reinforcing social inequalities, and are careful to take into account the diversity of society. In accordance with the principle of non-discrimination, they shall also ensure that these projects do not have the purpose or effect of creating, directly or indirectly, any discrimination against an individual or a group of individuals, nor a form of stigmatisation.

⁹ The risk of the rebound effect was theorised in 1865 by the British economist William Stanley Jevons, who feared that, without regulation, an improvement in the energy efficiency of machines would lead to an increase in the number of machines used, and therefore a rise in energy consumption.

¹⁰ For more information: <https://youmatter.world/fr/definition/innovation-frugale-definition-principes/>

To this end, they are vigilant to discriminatory biases likely to affect the **Data** (see principle 3.1) and, where applicable, those likely to affect the algorithms used to process the **Data**. Using a multidisciplinary approach, the Signatories will gradually develop strategies to overcome this problem in a sustainable manner.

They are also vigilant with regard to the digital divide: they avoid widening the differences in levels of equipment and digital literacy within the population, and ensure that the most important political and social systems are accessible regardless of the level of access to digital tools.

1.4. HUMAN FACTOR

The Signatories are aware that any project is part of a humanised system, made up of competent agents, within which technology is only a support for innovation. Right from the design stage, their projects must be organised in a multidisciplinary way, i.e. by mobilising all the skills required to exploit the **Data** and analyse the issues associated with it, at both human and technological levels. The Signatories involved in the projects using **Data** are committed to ethical and legal accountability and responsibility, to human control¹¹ of innovation and to ensuring that all decision-making based on the use of technology is carried out by human beings who are familiar with the technological tools and their risks. To this end, they think about the distribution of their responsibilities upstream of the project, with regard to their involvement in its life cycle. Finally, the innovations they develop using **Data** do not annihilate the possibility of interacting with a competent person.

¹¹ In particular, the 2019 Trustworthy AI Guidelines issued by the AI High Level Expert Group (AI HLEG) appointed by the European Commission present strategies for implementing this concept right from the design stage of AI systems through 3 models (<https://digital-strategy.ec.europa.eu/en/library/ethics-guidelines-trustworthy-ai>).

PRINCIPE 2 DATA SCIENCE AND THE INDIVIDUAL

2.1. RESPECT AND REINFORCEMENT OF HUMAN ANATOMY

First of all, the Signatories consider respect for human autonomy as a central element regarding to their personal data processing activities. In this sense, when the lawfulness of personal data processing depends on obtaining the consent of the persons concerned, they implement best practices to enable them to express their choices in an informed, specific and unambiguous manner. This includes providing information that non-experts can understand. In addition, they shall pay particular attention to the procedures for obtaining the consent of vulnerable persons, in particular minors, elderly and dependent persons. In any event, as soon as personal data is collected, and whatever the legal basis of their processing, data controllers shall make it easier for data subjects to exercise their data's rights. This applies in particular to the right to information (which is essential as it conditions the ability to exercise the other rights), the right to object to the processing of their data, the right to access their data and to erase them if they want, and the right to portability of their data. In doing so, they take into account the particularities linked to the diversity of users, their constraints and capabilities, as well as their opinions.

More generally, the Signatories are careful to preserve human free will by not implementing strategies that consist in influencing the behaviour or emotions of individuals by hidden suggestions using their cognitive biases (so-called "nudge" strategies¹³). They are also particularly careful to not use **Data** to develop innovations that could be used for disinformation or manipulation.

¹² This concept was highlighted in 2008 by Nobel Prize-winning economist Richard Thaler.

2.2. RESPECT FOR PRIVACY

The Signatories comply with the rules applicable to the protection of privacy and personal data. In addition, the various principles of this Charter provide the necessary guarantees to ensure that the rights of individuals in this area are respected.

The Signatories take particular care to ensure that the protection of the privacy of individuals is guaranteed throughout the "life cycle" of the **Data**, in particular by scrupulously applying the principles of minimisation, protection by default and by design, and by defining an appropriate conservation period for each processing of personal data.

The Signatories are aware that the cross-referencing of **Data** (even anonymised Data) considerably increases the risk of re-identification of individuals once the Data has been processed. They therefore undertake to determine and apply, on a case-by-case basis, and in a manner proportionate to the sensitivity of the Data concerned, the techniques they consider to be the most appropriate to optimise the protection of privacy¹³.

¹³ Pour ce faire, il existe par exemple des technologies émergentes renforçant la protection de la vie privée (plus connues en anglais sous le nom de Privacy Enhancing Technologies) permettant de collecter, de traiter, d'analyser et de partager des informations tout en protégeant

PRINCIPE³ DATA QUALITY AND SECURITY

3.1. DATA QUALITY

Data quality is an essential and determining factor of the quality of the results of its processing. The Signatories therefore endeavour to take all measures they consider necessary to optimise the quality of the **Data** they produce and use; for example, by ensuring its relevance, in particular its reliability and representativeness for its intended use. Biases in the **Data** used to train and teach algorithmic systems must be systematically investigated and, as far as possible, eliminated. In France, there are reference data¹⁴ that can be used for several purposes and which quality is guaranteed by specific and stable criteria that enable the construction of reliable and sustainable services and analyses. The Signatories prefer the use of these reference data when this appears to be relevant.

In addition, in order to facilitate the re-use of their **Data**, Signatories who make it accessible provide metadata specifying their origin, how they were produced, when, by whom, in what context and for what purpose¹⁵.

The Signatories shall also endeavour to use data standards and repositories to foster their interoperability.

¹⁴ La loi pour une République Numérique du 7 octobre 2016 vise à mettre à disposition 9 jeux de données de référence : la Base d'Adresse Nationale (BAN), la Base Sirene des entreprises et de leurs établissements (SIREN, SIRET), le Code Officiel Géographique (COG), le Plan Cadastral Informatisé, le Registre Parcellaire Graphique (RPG), le Référentiel de l'organisation administrative de l'Etat, le Référentiel à grand échelle (RGE), le Répertoire National des Associations (RNA) et le Répertoire Opérationnel des Métiers et des Emplois (ROME)

¹⁵ Principe issu du document « Principes généraux de qualité des données » publié par le Ministère de la Transition Ecologique et de la Cohésion des territoires et le Ministère de la Transition énergétique, publié en 2022.

3.2. SECURITY OF DATA HOSTING AND PROCESSING

In order to protect **Data** from physical or virtual attacks likely to compromise their availability, integrity and confidentiality, the Signatories give preference to data centres located on EU territory and complying with security standards appropriate to the nature of **Data** and the uses envisaged. In particular, they shall take the necessary technical, legal and organisational measures to comply with European rules on access to and international transfer of **Data** held in the EU¹⁶.

They shall apply cybersecurity measures appropriate to the confidentiality of the Data processed within their infrastructure. The use of third-party service providers must not reduce the capacity for the confidential management of **Data**.

The vigilance of the Signatories is heightened when they are dealing with sensitive personal data¹⁷, data relating to national public security or data protected by confidentiality requirements (such as commercial data, data covered by statistical secrecy, data protected by intellectual property rights).

3.3. ALGORITHMS ROBUSTNESS

Signatories who intend to process **Data** using an algorithmic system shall choose a model that is sufficiently robust with regard to the **Data** processing purpose.

¹⁶ Les mesures raisonnables attendues concernant les données personnelles sont explicitées au Chapitre 5 du RGPD, tandis que celles attendues concernant les données non personnelles sont explicitées au Chapitre VII du Règlement sur la gouvernance européenne des données.

¹⁷ Il s'agit des données révélant l'origine raciale ou ethnique, les opinions politiques, les convictions religieuses ou philosophiques ou l'appartenance syndicale, données génétiques, données biométriques, données de santé ou encore donnée concernant la vie sexuelle ou l'orientation sexuelle.

The robustness of an algorithm depends on the reliability¹⁸ and reproducibility¹⁹ of its results, these characteristics being influenced by the quality of the algorithmic model and the quality of the training **Data** (see principle 3.1). With specific regard to algorithmic models that continue to evolve after their training following a continuous learning, their robustness also depends on the quality of all the Data entered into it and should therefore be monitored throughout its life cycle. In any event, the Signatories shall endeavour to reach a margin of error proportionate with the purpose for which the system is to be used.

When an algorithmic system is to be used in the context of a decision-making process, the Signatories guarantee that the decision will ultimately be taken by a human person who is informed of the system's capabilities and limitations (see principle 1.4).

PRINCIPE⁴ TRANSPARENCY

4.1. CLEAR AND ACCESSIBLE INFORMATION

In general, the Signatories endeavour to provide, by the means they consider appropriate, informed and accessible information to citizens on the progress and risks likely to be generated by data science.

In order to inspiring confidence, and while respecting industrial secrecy, business secrecy, defence secrecy, professional secrecy and the rights and interests of individuals, the Signatories shall provide clear and accessible information, taking into account the public concerned, about the innovations developed thanks to the **Data**, in particular concerning the following elements: the **Data** used,

¹⁸ Reliability assumes that, given the same set of input data, but for different situations, the algorithm calculates correct predictions each time. In the case of algorithmic models created from training data, reliability assumes that their performance remains identical when a different set of data is entered from that used during training (this refers to the notion of "out of distribution robustness").

¹⁹ Reproducibility assumes that, given the same set of input data, the algorithm calculates identical predictions for identical situations.

where they are hosted, their method of analysis and the purpose of these analysis. Where possible, they shall also inform end-users of the optimum context and the technical or organisational prerequisites for using the tools they place on the market or put into service.

4.2. ALGORITHMS EXPLAINABILITY

Signatories using algorithmic systems to process **Data** shall document the decision-making processes of these systems in order to make these intelligible to different audiences (for example internally, for supervisory authorities, independent experts or their users).

To this end, when Signatories use deterministic algorithmic systems to analyse **Data**, they should take care to detail their programming method (i.e. the method applied to integrate into the system human pre-established rules). When they use algorithmic systems based on learning techniques, which are currently difficult to explain, they should at least explain the general logic of their operation (i.e. the input **Data** (training and learning), the objective of the analysis of these **Data**, and the determining variables in the decision-making process). In doing so, they may take inspiration from the methods applied by public actors who are subject to an obligation of transparency regarding the algorithmic systems they use to support individual administrative decision-making concerning natural or legal persons²⁰. In addition, Signatories using algorithmic systems that are difficult to explain to process **Data** must demonstrate in advance the significant advantage that these systems give them over a more explainable method of analysing **Data**.

²⁰ In France, see articles L312-1-3, L311-3-1 and R311-3-1-2 of the Code des relations entre le public et l'administration.

Also, when an uncertainty cannot be avoided in the results produced by a system, Signatories take care to indicate it and, as far as statistically possible, to indicate to users the margin of error to be taken into account in interpreting the results (see principle 3.3).

Finally, the Signatories choose the most appropriate methods of explainability with regard to the purposes and risks associated with the use of the **Data**. In this respect, they pay particular attention to the proportion between the relevant level of explainability and the energy cost of the explainability methods applied.

4.3. PROJECT'S AUDITABILITY

Signatories recognise the importance of facilitating the monitoring of the compliance of their **Data** activities with the legal framework applicable to them and, as far as possible, with the rules they implement in order to apply this Charter.

In this regard, each step of a project they carry out using **Data** is documented in adequate terms, these documents being intended to provide information or serve as a basis for evaluation or control :

- Each project participant keep a description of its own **Data** ;
- Each participant shall ensure traceability of its **Data** by mechanisms that make possible to list and detail all the transformations it carries out on them ;
- If an algorithmic system is used to process **Data**, at least one participant shall keep a description that describes its functionalities ;
- Each participant shall document the various impact and risk assessments carried out prior to the project implementation (see principle 5 .1) and, concerning for projects with a high societal impact, shall makes these documents publicly available.

In the event that the Signatories decide to subject a project to evaluation, monitoring or audit, they shall prioritize independent experts.

PRINCIPLE 5 A TRUSTWORTHY FRAMEWORK FOR DATA GOVERNANCE

5.1. BENEFITS AND RISKS ASSESSMENT

The Signatories shall apply the precautionary principle²¹ from the design stage and throughout the implementation of their projects involving the processing of **Data**.

They endeavour to assess the risks, direct or indirect, likely to arise from these projects on what constitutes their ecosystem, i.e. individuals, society and the environment. Based on the results of the risk assessments, the Signatories seek to maximise the beneficial effects and minimise the adverse effects of their projects, both individually and collectively.

Finally, where possible and appropriate, Signatories will test innovations developed through the processing of **Data** on a small scale, or in "sandboxes"²², before deploying them.

5.2. CITIZENS AND END USERS INCLUSION

In general, the Signatories offer citizens the means to develop their digital literacy. More specifically, they involve the future users of the solutions developed in the design and implementation of their projects.

²¹ The precautionary principle implies that when human activities risk leading to a danger that is morally unacceptable, scientifically plausible but uncertain, measures should be taken to avoid or at least reduce this danger.

²² A "sandbox" is a support system that can be set up by supervisory authorities for innovators in a sector dealing with emerging issues, to help them develop their innovation.

This inclusion is considered at the design stage and for the accessibility of the products and services developed, in particular to meet the expectations of the persons concerned regarding the methods of processing their data and exercising their rights in relation to this processing.

This principle includes the implementation of specific, appropriate and effective means of communication, such as consultations or co-construction processes, like those used to develop this Charter.

5.3. COLLECTIVE LEARNING

The Signatories favour multiparty governance methods for projects, enabling the various stakeholders involved and concerned (which may include end users or citizens) to be represented in the decision-making processes. These multi-stakeholder collaborative governance methods may be inspired in particular by the concept of the digital commons²³.

The Signatories shall monitor the development of good practices related **Data** use and, in the context of a collaborative project, share them with their co-workers. The Signatories stress the importance of collaboration between the various disciplines involved in a project, including technical fields and human and social sciences, due to the diversity of issues raised by the use of **Data**.

²³ The concept of the "digital commons" is linked to the work of Elinor Ostrom, winner of the 2009 Nobel Prize in Economics, on the governance of common goods. As defined by the Digital Society Lab of the French National Agency for Territorial Cohesion, a commons is "a resource produced and/or maintained collectively by a community of heterogeneous players, and governed by rules that ensure its collective and shared nature. It is said to be digital when the resource is dematerialised: software, database, digital content (text, image, video and/or sound), etc." <https://labo.societenumerique.gouv.fr/fr/a-propos-du-labo-soci%C3%A9t%C3%A9-num%C3%A9rique/>

In line with the open science movement²⁴ and the development of digital commons, the Signatories encourage the sharing of the **Data** they produce on the basis of the principle "as open as possible, as closed as necessary"²⁵ aimed at maximising the benefit of the knowledge derived from it, while respecting its confidentiality (business secrecy, intellectual property, etc.). To this end, as far as possible, the Signatories give priority to open access by using appropriate licences²⁶.

Finally, the Signatories undertake to regularly discuss with Ekitia the development of these good practices and to report any difficulties encountered in implementing one or more of the principles of this Charter.

5.4. INTEGRITY

Each person involved in a project carried out using **Data** complies with the ethical rules to which they are subject and acts in a spirit of intellectual integrity and cooperation. This covers both the purposes of the work and the method used, the management of human resources, the dissemination of knowledge and scientific communication. In addition, the Signatories shall refrain from using **Data** for the purposes of falsification, plagiarism or illegitimate retention.

²⁴ Open Science refers to the international research movement that is taking advantage of the opportunities presented by digital change to disseminate publications and - as far as possible - research data without hindrance (<https://www.ouvri.la-science.fr/plan-national-pour-la-science-ouverte/>). Open science leads to more democratic access to knowledge, which is useful for research, education, the economy and society. It is a lever for scientific integrity and fosters public confidence in science.

²⁵ This principle illustrating the objective of Open Science is found in paragraph 5 of the OECD Council Recommendation on improving access to and sharing of data of 6 October 2021.

²⁶ For example, Creative Commons licences guarantee the protection of the rights of the author of a work and the free circulation of content, thereby helping to disseminate and share knowledge and innovations. <https://creativecommons.org/licenses/?lang=fr>

In addition, the Signatories undertake to comply with a principle of fairness with regard to the purpose of Data processing.

Finally, Signatories wishing to develop generative AI systems must take specific care not to carry them with Data protected by intellectual property rights without first obtaining the explicit agreement of the holders of these rights.

PRINCIPE **6** RECIPROCITY

6.1. ACKNOWLEDGEMENT

In the context of a collaborative project between several Signatories, each essential contribution to the realisation of this project is explicitly recognised and made public (within the limits of confidentiality and agreements between collaborators). These contributions include, in particular, the production and supply of Data, the supply of algorithms or the supply of research work which helped to lead the project and allowed good progress.

6.2. FAIR DISTRIBUTION OF VALUE CREATION

The Signatories recognise that the creation of value, whether social, financial or technical, must not be monopolised by one or more dominant actors . Therefore, when a project involves the collaborative processing of Data, algorithms or scientific research, the Signatories seek economic models that allow a fair return to each party having contributed.





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