

The Role of the Enforcer (Data Enforcer)

In a Data Asset Foundation and How Manavia Can Help

A **Data Asset Foundation (DAF)** is designed to provide a robust legal and governance structure for holding and managing valuable assets, particularly **data assets**, within a trusted environment.

Because data is dynamic, high-value, and often subject to complex legal and regulatory obligations, the Isle of Man's proposed DAF regime introduces an enhanced oversight function: the **Data Enforcer**.

This role is intended to strengthen trust, accountability, and integrity across the DAF ecosystem; supporting founders, counterparties, and regulators by helping ensure that the Foundation operates in accordance with its objects and governance obligations.



What is a Data Enforcer?

Under the proposed amendments to the Foundations Act 2011, a **Data Enforcer** is a statutory role specific to Data Asset Foundations.

The Bill provides that:

- A Data Enforcer is a person who meets the relevant criteria (which may include qualifications and certifications), and has the functions set out in the **Data Governance Framework**.
- The Data Enforcer must act in accordance with the **Data Governance Framework** when exercising those functions.
- Regulations may also confer functions on Data Enforcers and establish a reporting framework for assessing compliance.

In other words, the Data Enforcer role is created by statute, and the detailed responsibilities and oversight processes are expected to be set out through the Data Governance Framework and supporting regulations.

Why the Enforcer Role Matters for Data Assets

Data assets are not like traditional property.

They can be copied instantly, shared globally, and may involve:

- Sensitive commercial information
- Regulated personal data
- Complex access controls
- Cross-border legal exposure

For organisations seeking to commercialise or share data assets safely, confidence in governance is essential.

The Data Enforcer supports an additional layer of oversight that can promote:

- Trust and transparency
- Risk reduction
- Governance discipline
- Credible stewardship

The Data Enforcer's Core Function: Specialist Oversight

The Data Enforcer is intended to operate as an oversight role, distinct from day-to-day management.

The Council manages the Foundation

The DAF's Council is responsible for the Foundation's management and decision-making.



The Data Enforcer supports oversight and accountability

The Data Enforcer helps ensure that the DAF operates in accordance with:

- Its objects;
- Its governance requirements;
- The Data Governance Framework.

The Bill specifically requires the Council of the Data Asset Foundation to **cooperate with and provide reasonable assistance** to the Data Enforcer to enable the Data Enforcer to carry out its functions.

This is a critical feature: the Data Enforcer is not merely a symbolic role. The DAF must support the Data Enforcer in practice.

Information and Reporting: Interaction with the Data Asset Registrar

The Bill provides that information received from the Data Asset Foundation by the Data Enforcer may be disclosed to the **Data Asset Registrar** in the performance of its functions under the Act.

This supports the integrity of the overall DAF system, including the registration and oversight of data assets.

How the Data Enforcer Role Works in Practice

While the Bill establishes the Data Enforcer role, the detailed operational mechanics will be shaped by:

- The Data Governance Framework, which regulations must establish
- Any further requirements and functions set by regulations

In practice, a well-run Data Enforcer function is likely to support:

- Governance oversight and assurance coordination.
- Compliance monitoring aligned to the DAF framework.
- Review of issues and remediation actions where risks arise.
- Structured reporting and accountability mechanisms.

This provides comfort not only to the founder and the Council, but also to commercial partners who need confidence in how data assets are being governed.

How Manavia Can Help

Manavia is a licensed trust and corporate service provider based in the Isle of Man, supporting clients who want a complete, professionally governed **Data Asset Foundation (DAF)** solution.

We assist clients not only with the Data Enforcer function, but also with the **establishment, structuring, and ongoing administration** of Data Asset Foundations. Setting up a DAF is not simply a matter of incorporation — it requires a structure that is coherent, operationally workable, and capable of supporting long-term governance and compliance obligations.

Manavia can support clients from the earliest stage of planning and setup, including coordinating the **formation of the Foundation**, establishing the governance structure, and ensuring the DAF is operationally ready. We help clients implement clear processes and documentation standards so that the Council can manage the Foundation efficiently and in line with its objects and applicable governance requirements.



Author

Miles Benham is Managing Director of Manavia (part of the MannBenham Group of companies) and an Isle of Man Advocate with 20+ years' experience advising international clients in regulated sectors. He supports clients establishing and operating Data Asset Foundations (DAFs) and is DCAM Certified V3 (EDM Association), focused on accelerating the value of data as an organisational asset.

Once the Foundation is established, Manavia can provide ongoing administration and governance support, including maintaining records, supporting Council decision-making processes, and ensuring that the DAF remains properly managed over time. We can also assist with coordinating external professional parties involved in the DAF ecosystem, including assurance and specialist advisory services, so that the structure operates smoothly and credibly for counterparties and stakeholders.

Where Manavia acts as **Data Enforcer**, we provide the specialist oversight function contemplated by the regime, supporting trust, accountability, and governance integrity in a structured and professional manner.

Manavia forms part of **MannBenham Advocates**, giving clients access to expert lawyers who can provide a complete end-to-end service, including:

- Drafting and reviewing foundation rules and governance provisions
- Advising on governance structures and compliance requirements
- Supporting complex structuring and commercial arrangements involving data assets
- Ensuring documentation aligns with Isle of Man requirements and international expectations

This integrated fiduciary and legal capability is a key differentiator for clients seeking a serious, institutional-grade solution.

Speak to Manavia About Enforcer Services

If you are considering establishing a Data Asset Foundation, or you want to understand how the Data Enforcer role should be structured in practice, Manavia can guide you through the process from start to finish.

Contact Manavia today to discuss establishing a Data Asset Foundation, governance support, and Data Enforcer services.

Note: The Data Asset Foundation regime is subject to legislation, regulations and the Data Governance Framework as implemented and in force from time to time.



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