Response to UN Secretary General High-level Panel on Digital Cooperation Call for Contributions from The Good Data Project

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About us

The Good Data Project (@Good__Data) is a research project originating at the Queensland University of Technology Faculty of Law (Australia), involving an interdisciplinary, international response to the questions 'what is Good Data?' and 'how do we move toward a more ethical datafied future for a just digital economy and society?'. By answering these questions, we investigate and report ethical data practices and initiatives. In January 2019 we launched *Goo d Data*, an open access book edited by Angela Daly, S Kate Devitt and Monique Mann, which was published open access by the Amsterdam Institute of Network Cultures. The book contains 20 chapters from an international interdisciplinary group of authors, including Danny Lämmerhirt, starting the conversation on what Good Data is and how we can progress towards a pragmatic Good Data future. Another digitised world is possible (and necessary), and *Good Data* shows us a glimpse of what and how it could be.

Our Response

Our response focuses on values and principles which should **underpin cooperation** in the digital realm. We enumerate the 15 initial principles of Good Data and then discuss how they can apply to issues of Digital Cooperation.

What are the key values that individuals, organizations, and countries should support, protect, foster, or prioritize when working together to address digital issues?

Digital cooperation does not only include leveraging technologies for closing data gaps. Data is also increasingly necessary to enable, mediate, and coordinate digital cooperation. Drawing from the initial 'Good Data' principles (Devitt, Mann & Daly 2019), we argue that all forms of digital cooperation must respect the principles of 'Good Data' - be it during their design, execution, or the distribution of their benefits.

The values underpinning Good Data emphasise the need to make space for **the agency of people**. All digital cooperation **should** be orchestrated and mediated by and for data subjects, including communal sharing for community decision-making and self-governance. Communities and organisations should also **collect data with respect to humans and their rights and the natural world** (Trenham & Steer 2019).

Digital cooperation must **acknowledge that data is relative and relational** (Flintham et al 2019) **.** Any intervention to produce usable data that is fit for the purpose must first understand how data affects interpersonal relationships and shifts power within and among groups of society. The design of innovations must be accompanied by measures to ensure no groups are put at risk.

Digital cooperation must produce data that is consensual, fair and transparent. Dependent on context, and with reasonable exceptions, Good Data must be open to the public, revisable and form useful social capital.

Ultimately, digital cooperation should foster participatory data projects, run for and together with different publics affected by an issue, to realise their empowering potential. Digital cooperation should serve to reveal and challenge the existing political and economic order so that data empowered citizens can secure a good democracy.

We view that these principles are key values that individuals, organizations, and countries should support, protect, foster, or prioritize when working together to address digital issues, and should guide stakeholders as they cooperate with each other.

Both the process of addressing digital issues, and the digital issues themselves are inseparable. Consideration of these principles should guide cooperation on digital issues as a process, in order

to address digital issues or outcomes. Not only should digital issues and outcomes be the focus of digital cooperation, but attention needs to be paid to the ways in which the design of new forms of cooperation regarding the digital also brings about new digital issues.

What principles should guide stakeholders as they cooperate with each-other to address issues brought about by digital technology?

We draw attention to the 15 initial principles of Good Data that Devitt, Mann and Daly (2019) have formulated, and present the principles that are most relevant to digital cooperation, with a focus on communities and empowered citizens:

> **Principle #1: Data collection, analysis and use must be orchestrated and mediated by and for data subjects, rather than determined by those in power.**
>
> **Principle #2 Communal data sharing can assist community participation in data related decision-making and governance.**
>
> **Principle #3 Individuals and collectives should have access to their own data to promote sustainable, communal living.**
>
> **Principle #5 Citizen led data initiatives lead to empowered citizens.**
>
> **Principle #10: Data driven technologies must respect interpersonal relationships (i.e. data is relational)**.

How can these values be better embedded into public/private activities in the digital realm?

Digital cooperation/digitisation has to be by, and for, the people, and cannot be left to governments and private actors, few of which genuinely have the public's interests regarding data at heart.

Particular regard must be given to who 'the people' are - for instance, the specific rights and sovereignty of Indigenous Nations and Peoples, including as regards data in the form of Indigenous Data Sovereignty ideas and initiatives (Kukutai and Taylor 2016; Lovett et al 2019) must be taken account of in digital cooperation and digitisation both in theory and in practice, and

in order to secure the rights of Indigenous Nations and Peoples. A failure to do so can further cement and exacerbate existing data practices which lead to marginalisation (Mann & Daly 2018).

Ensuring digital cooperation and digitisation is for and by the people could include not only the consultation of publics, or the mere provision of information on collaborations. Digital cooperation should enable that the public is able to control what infrastructures and contracts are set up to address digital issues, access the data itself, what decisions are made, and the control mechanisms that ensure democratic checks and balances in the public interest. Ho and Chuang (2019) discuss how this communal data sharing can assist this public control, and Ozalp (2019) and Kuch et al (2019) demonstrate the ways in which such public involvement in data governance and sharing have further societal benefits beyond the digital, leading to citizens which are generally more empowered and more communal, sustainable societies.

Proactive efforts have to be made by those facilitating digital cooperation and governance on digital issues to reach out to marginalised stakeholders and not impose additional burdens on them regarding digital cooperation and digital governance. The onus should not be on marginalised stakeholders to find out about such processes and their genuine involvement in these processes should be sought and facilitated by organisers. This may include financial and other resource provision and assistance to marginalised stakeholders to facilitate this participation.

Laws, whether international law, human rights law, data protection law and anti-discrimination law etc are important but not enough to address digital cooperation in accordance with the Good Data Principles. Especially on matters of data protection, there is no international law/international consensus on how the digital realm should be governed. Instead there are some attempts by large, powerful geopolitical actors to regulate and govern digital issues in their own jurisdictions in ways which may have spillover effects in the rest of the world. One example of this is the European Union's implementation of the General Data Protection Regulation (GDPR) that has an extraterritorial reach in some circumstances when EU inhabitants data is processed outside of the EU. Ethical frameworks such as ours though cannot replace enforceable law - at the risk of Wagner's (2018) ethics washing - but can supplement it. We also view some of our principles as going beyond the law e.g. going beyond what even EU data protection law mandates, which is widely considered a 'gold standard' for data governance. Accordingly, in order to achieve Good digital cooperation, a multipronged approach must be taken, involving ethical principles, laws, technical standards, and market initiatives.

Conclusion

In sum, we believe that digital cooperation, which also involves the use of data in its process, and concerns data in its outcomes, must adopt both an ethical approach and aim to produce ethical outcomes. We offer our Good Data Principles as suggestions for the UN Secretary General's High-level Panel on Digital Cooperation's consideration in its process of strengthening cooperation in the digital realm, and contributing to the broader global dialogue on how interdisciplinary and cooperative approaches can help ensure a safe and inclusive digital future. Our Good Data project and edited book has produced a number of principles which, we have argued, can be applied to these process and assist towards the High-level Panel's Goals.

We would be happy to provide any more elaboration desired by the High-level Panel on this submission.

References

Daly, A., Devitt, S.K., & Mann, M. (2019). *Good   Data*. Amsterdam: Institute of Network

      Cultures. Available at: http://networkcultures.org/blog/publication/tod-29-good-data/

Devitt, S.K., Mann, M. & Daly, A. (2019, January 11). Principles of 'Good Data'. Institute of

      Network   Cultures   blog.   Available   at: http://networkcultures.org/blog/2019/01/11/principles-of-good-data/

Flintham, M., Goulden, M., Price, D., & Urquhart L. (2019). Domesticating Data: Socio-Legal

      Perspectives on Smart Homes and Good Data Design. In A. Daly, S.K. Devitt & M. Mann (eds), *Good Data*. Amsterdam: Institute of Network Cultures.

Ho, C.H. & Chuang, T.R. (2019). Governance of Communal Data Sharing. In A. Daly, S.K. Devitt

      & M. Mann (eds), *Good Data* . Amsterdam: Institute of Network Cultures.

Kuch, D., Stringer, N., Marshall, L., Young, S., Roberts, M., MacGill, I. Bruce, A., & Passey, R.

      (2019). An Energy Data Manifesto. In A. Daly, S.K. Devitt & M. Mann (eds), *Good Data*. Amsterdam: Institute of Network Cultures.

Kukutai, K. & Taylor, J. (2016). *Indigenous Data Sovereignty: Towards A New Paradigm.*

      Canberra: ANU   Press.   Available   at: http://press-files.anu.edu.au/downloads/press/n2140/pdf/book.pdf?referer=2140 Lovett, R., Lee, V., Kukutai, T., Cormack, D., Rainie, S.C., & Walker, J. (2019). Good Data Practices for Indigenous Data

Sovereignty and Governance. In A. Daly, S.K. Devitt & M. Mann (eds), *Good Data*. Amsterdam: Institute of Network Cultures.

Mann, M. & Daly, A. (2018). (Big) Data and the North-*in*-South: Australia's Informational Imperialism and Digital Colonialism. In Press.

Ozalp, A.S. (2019). Unlawful Data Access and Abuse of Metadata for the Mass Persecution of Dissidents in Turkey: The ByLock Case. In A. Daly, S.K. Devitt & M. Mann (eds), *Good Data*. Amsterdam: Institute of Network Cultures.

Trenham, C. & Steer, A. (2019). The Good Data Manifesto. In A. Daly, S.K. Devitt & M. Mann (eds), *Good Data*. Amsterdam: Institute of Network Cultures.

Wagner, B. (2018). Ethics as an Escape from Regulation: From ethics-washing to ethics-shopping?. In M.Hildebrandt (ed), *Being Profiling. Cogitas ergo sum*. Amsterdam University Press.