

IGF 2020
Best Practice Forum
Data and New Technologies in an Internet Context

Virtual meeting III
8 May 2020 - 15:00 UTC

Summary

Introduction

1. Data and New Technologies in an Internet Context is one of the four IGF Best Practice Forums (BPFs) in 2020. BPFs offer a multistakeholder platform for discussing and collecting emerging and existing practices to address Internet policy issues. BPFs intend to inform policy debates and serve as inputs into other pertinent forums.

Key concepts and working definitions

2. Clear definitions and the use of unambiguous language are important to maintain focus. The BPF discussed how to define *data governance* and *best practice* - two key concepts for the work of the BPF.
3. Data Governance:
Data Governance can have different meanings. The BPF should acknowledge this rather than choosing one definition over the other or making-up its own definition, to avoid that the BPF findings are read differently depending on the reader's understanding of the concept 'data governance'.

Examples of different meanings of data governance:

- the set of rules and procedures to collect, store, process and share data;
- a company's or organization's rules and procedures to manage internal data flows;
- rules and techniques used to statistically validate and clean up data;
- government policies to, for example, safeguard privacy, restrict the flow of data, or censor data;

Suggested alternatives the BPF could use to avoid the concept 'data governance':

- data processing;
- practices related to data;
- data operation policies;
- data policy;
- data collaboratives;

Some expressed the concern that a too narrow approach risks to ignore several worries people have about their data and how it is handled. Others warned that a too broad approach dilutes the BPF's focus.

Participants provided examples of existing definitions and approaches which the BPF could use as reference:

- Wikipedia¹ notes that *'Data governance is a term used on both a macro and a micro level. The former is a political concept and forms part of international relations and Internet governance; the latter is a management concept and forms part of corporate governance'*.

- Data was one of the main themes of the IGF 2019². The theme's narrative contains the following description for the data governance track: *'The Data Governance track will provide for discussions on the fundamental challenge of ensuring the benefits of the data revolution to contribute to inclusive economic development while protecting the rights of people.*

The global nature of the Internet and the transfer of digital information across borders brings an international dimension to discussions around data. The generation, collection, storage, transfer and processing of data (including personally identifiable data) have enabled new social, cultural, and economic opportunities than ever previously imagined. At the same time, the massive collection, transfer and processing of data (in particular through the application of algorithms/AI/machine learning) by public as well as private entities pose challenges around privacy, freedom of expression and the exercise of other human rights.

The Data Governance track will contribute to identifying best approaches to ensure the development of human-centric data governance frameworks at national, regional and international levels. It will enable an exchange of views on how to support and operationalize the exercise of human rights and the empowerment of individuals in their digital identity in current uses and development of data-driven technologies. And it will consider how to create the conditions needed to facilitate data-driven innovation, to ensure competition, and to foster trust in the development of services and new technologies, including through the use of inclusive data and the fulfillment of the UN's 2030 Agenda for Sustainable Development.'

- Article 4 of the GDPR³ Regulation describes what activities, within the scope of the regulation, are considered processing of data: (2) *'processing' means any operation or set of operations which is performed on personal data or sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction;*

¹ https://en.wikipedia.org/wiki/Data_governance

² <https://www.intgovforum.org/multilingual/content/igf-2019-themes>

³ EU Regulation 2016/679 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data;
<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32016R0679&from=EN>

- Data collaboratives⁴ - *Data Collaboratives are a new form of collaboration, beyond the public-private partnership model, in which participants from different sectors - in particular companies - exchange their data to create public value.*

4. Best Practices

The BPF exchanged views on how to define 'best practice' within the scope of the BPF:

- On wikipedia⁵ a best practice is defined as '*a method or technique that has been generally accepted as superior to any alternatives because it produces results that are superior to those achieved by other means or because it has become a standard way of doing things, e.g., a standard way of complying with legal or ethical requirements.*'
- It was proposed to define a best practice within the scope of the BPF as '*a practice that helps to ensure that data is used to bring benefit and not to harm users*';
- Some commented that this is too narrow, focuses on practical issues and does not sufficiently include policy best practices (e.g. how governments deal with data);
- Others remarked that practices often have different sides - what is good for one, might harm another - and that expecting that a 'best' practice benefits all, without considering possible trade-offs, is a too idealistic approach.
- The following alternative definition was suggested: '*a best practice is a data processing activity that is less harmful to individuals and their liberties and compliant with applicable data protection frameworks and principles*'.

Case studies

5. The BPF started preparations for its next phase, in which it will collect and discuss different case studies.
6. While covid-19 has been an important accelerator for discussions on data and privacy related questions, the same concerns also apply to the use of data and new technologies in other contexts. Therefore, the BPF intends to collect case studies unrelated as well as related to the covid-19 pandemic.
7. It was reminded that this BPF is not so much interested in how the use of data and new technologies can help to address challenges - this was the main subject-matter of last year's BPF IoT, Big Data and AI⁶ - but intends to focus on how initiatives or applications deal with specific concerns related to the use and processing of data.
8. In preparation of the call for contributions, the BPF started translating issues and concerns into a list of questions. These questions can serve as guidance with the call for contributions.

Suggested list of issues and questions:

⁴ <https://datacollaboratives.org>

⁵ https://en.wikipedia.org/wiki/Best_practice

⁶ <https://www.intgovforum.org/multilingual/content/bpfs-outputs>

Data collection

- x what type of data is collected / is collected data anonymized or aggregated?
- x what is the legal basis used for the data collection?
- x can individuals request deletion or correction of his/her data and what is the procedure?
- x have the 'data producers' (= the people whose data is being collected) given their explicit consent?*
- x in what context are data collected? (e.g. democratic and free society versus repressive and/or corrupt government systems)*

Data storage

- x how/where is data stored? (e.g. centralised or decentralised?)
- x how is data protected? (e.g. what security measures or security framework is in place?; what measures avoid leaking?)
- x how long is data kept? what after this period (e.g. is data automatically deleted?)
- x do data producers (= the persons whose data are being collected) have sovereignty over their data? (e.g. are they able to delete their data directly or demand that it is deleted upon their request ('right to be forgotten'))*

Data labelling and unlocking the value from data

- x what purpose is the data serving? is this useful? Necessary?
- x was the purpose under which the data was collected specified and legitimate?
- x who decides which are legitimate purposes and aims of data collection? (e.g. democratic decision-making processes versus top-down approaches)*
- x what measures are taken to assure that data is not used for purposes different than the ones that were specified on initiating the collection?
- x how is the quality of data assured? how is bias avoided?
- x what duty do policymakers (on national and international levels) have to make sure that data collection purposes meet certain legal and ethical standards, including human rights? (e.g. regulation and legislation to 'protect' end users against collection and misuse by private corporations for marketing and profit-maximizing purposes; but also social and political control by repressive regimes, ect.)*

Data sharing

- x how can data be shared in order to create value for all parties?
- x different models of data sharing
- x who is benefiting from the data sharing?
- x is the data producer getting any benefit from its data?
- x can data be re-used (for similar or different purposes?)
- x to what extent is data shared with government and third parties?
- x what possibilities do individuals (the people whose data are being collected) have

to

trace the sharing of their data to other parties?*

(* the questions with an (*) were received via email after the virtual meeting)

9. Next meeting: Friday 29 May 2020, 15:00 UTC.

10. Links and additional information:

- IGF website <https://www.intgovforum.org>
- BPF webpage url
<https://www.intgovforum.org/multilingual/content/best-practice-forum-on-data-and-new-technologies-in-an-internet-context>
- Subscribe to the BPF mailing list
https://intgovforum.org/mailman/listinfo/aiiotbd_intgovforum.org
- MAG agreed Proposal for a 2020 BPF Data and New Technologies in and Internet Context https://www.intgovforum.org/multilingual/filedepot_download/9655/1965
- Contact bpf-IoT-BD-AI@intgovforum.org

Meeting Recording:

https://intgovforum.zoom.us/rec/share/ovN5lp_h921OTLOKzmWFVb8wB6rjX6a813Qb_QNnhtv3z3WQPV5iowMiyGO9ckB?startTime=1588949149000
