

READBACK

DATA STEWARDSHIP & WOMENS SAFETY

5TH AUGUST 2020

PANELLISTS



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INTRODUCTION

The experience of navigating and inhabiting public spaces and transport in cities is gendered in nature, where women are faced with specific and significant challenges that impact their safety, well-being, mobility and opportunities. In considering how cities can be reshaped to be gender responsive and safe, the collection of data has emerged as a part of the solution process. Gender-disaggregated among other forms of data sheds light on the otherwise invisible realities of women and gender minorities in cities. In the name of women's safety, sensitive and personal data is being increasingly collected through safety apps, personal wearable IoT devices, by mobility service providers, platforms and other companies. With this rise in collection, analysis and sharing of data, it is relevant to consider questions of accountability and governance to uphold privacy and protect individuals and communities against potential harm. Successful models of data collection, sharing and governance for women's safety have emerged from civil society organizations, social enterprises and public private partnerships.

OVERVIEW

The aim of the discussion was to explore existing models of data sharing for women's safety in more depth to better understand the practical implications of this work and derive best practices for greater accountability. Structured over 90 minutes, the conversation focused on three aspects: unpacking women's safety, incentives and challenges around data sharing processes and defining best practices and roles a steward could play to underpin this.

KEY INSIGHTS

Adopt a rights-based approach to defining and designing for safety to enhance women's right to the city

While there is no definitive standard, existing approaches to women's safety often revolve around a framework of protection. This has led to an increase in policing, surveillance and monitoring of women in public spaces. This narrative must shift to consider safety as a determinant to access social and economic opportunities – where a lack of safety prevents women from fully exercising their rights as citizens. Existing paradigms of safety must be challenged and re-defined in conversation with a range of stakeholders including women, urban planners, mobility companies, government agencies, municipalities and civil society.

"In the UK, the way safety is often defined and cities are planned are around a white middle class man. It's really a difficult process to undo that lens until we have more information that is gender and sex disaggregated" – Jillian Kowalchuk, Safe & the City

Aggregate data from a variety of sources (online/offline) and stakeholders

Women's safety data typically emanates from three sources: big data from private corporations (tech, mobility, telecom, IoT), government or administrative data (crime rates, violence against women, transit/mobility data) and data collected by civil society or through public private partnerships. Social enterprises like SafetiPin and Safe and the City rely on a combination of qualitative and quantitative user-generated data from crowdsourcing platforms, surveys and focus groups. A variety of offline tools and methods should be used to capture voices at the grassroots level so experiences of vulnerable, marginalized communities are represented. In order for this data to function as a basis for evidence-based policy, and to be leveraged by communities for recourse, this must be pooled and made accessible.

"Data has to speak to the people who can make a difference - that is a whole range of stakeholders. Surveys, official data, media stories need to be put together to get a holistic picture"
– Kalpana Viswanath, SafetiPin

KEY INSIGHTS

Incentivize responsible and sustainable collection of diverse data on women's safety by enabling better representation and instituting accountability mechanisms

Agencies, municipalities and transport departments may not adequately capture or make necessary data on women's data accessible. In part, this is due to an ambivalence towards gender-based challenges that stem from the lack of women in positions of decision-making power in city planning or transport agencies. With the increased digitization of cities, responsible and inclusive data collection and governance mechanisms can be implemented by dedicated and representative entities. Creating a city-wide division for Safety and instituting an officer who ensures data is securely and responsibly collected across departments is of paramount importance.

"At a senior and middle level in transport agencies involved in planning, operation, management of service there is not a single woman involved in any of these functions. The result is that there is no mechanism institutionally to even discuss some of the elementary issues which concern women" –

Amit Bhatt, WRI India

Equip communities with data as a tool to advocate for better policies or infrastructure

SafetiPin collects a combination of physical infrastructure and social environment data. They often work in tandem with communities and empower them to use data as leverage for community improvement/infrastructure requirements. Collecting varied data and working closely with communities and municipalities can minimize community level harms that often emanate from data like negative spatial association and subsequent abandonment of neighbourhoods.

Acknowledge unique and overlapping vulnerabilities faced by gender minorities and women and map these through bottom-up data collection models

Adopting an intersectional lens, data collection efforts must demarcate and account for unique challenges faced by gender minorities. Custom safeguards may need to be designed for harms that may emerge for these communities. For instance, the visibility associated with data collection on transwomen can have serious ramifications on their safety and potential to be policed.

"We need to pay attention that when we are drawing generalizations we are also being representative of marginalized communities who may not be reporting as frequently"

– Jillian Kowalchuk, Safe & the City

"Bottom up data generation is the only way to nuance our understanding of vulnerabilities. We must push on municipal governments and transport authorities to actually respond to the diversity of people who live in our cities"

– Kalpana Viswanath, SafetiPin

Establish diverse multi-stakeholder partnerships to unlock data, close data gaps and build standards around women's safety –

A wider range of stakeholders must be included design and planning process of cities and transport. This entails creating a framework for voices from women's organizations, LGBTQ+ associations, disability focused and other grassroots organizations to be heard. Similarly partnerships must be forged with companies to facilitate access to other pools of data. Safe and the City has partnered with Uber and the Metropolitan Police UK to create reciprocal data exchange agreements and build an ecosystem that fosters greater trust and cooperation for sharing.

"If companies are reporting openly about what types of sexual assaults and sexual harassment figures - that actually enables a way of classifying information and being able to benchmark across different industries so we can start to understand the scale of the issue, as well as how we can actually tackle it."

- Jillian Kowalchuk, Safe and the City

DATA STEWARDSHIP FOR WOMEN'S SAFETY

"For true democratization of the data process we need a different is a framework through which we collect, use, analyze and disseminate the data."

- Kalpana Viswanath, SafetiPin

At Aapti, we see data stewards as intermediaries that lie between users, data controllers and that play a significant role in easing the process of sharing, providing greater control over data and the decisions around it to users. In the context of women's safety, we believe that responsible data stewards can enhance trust between stakeholders, enable better control over data, facilitate the active participation of women and drive the creation of technical and governance mechanisms to safeguard various forms of data.

During the discussion, stewards were envisioned to play the following roles:

- Facilitating and negotiating with private sector companies to more freely share data relevant to women's safety
- Diversifying and aggregating sources of data by initially mapping stakeholders who collect and use this data and building pathways for reciprocal sharing.
- Opening up access to data for multiple stakeholders while ensuring privacy safeguards that protect women and other gender minorities.

OPEN QUESTIONS

- Who do we envision will constitute a data steward for women's safety? How do we ensure this body is held accountable to the community?
- How can data stewards incentivize companies to share relevant data?
- What are necessary safeguards and accountability mechanisms that must be enforced to ensure the privacy of individuals and communities are upheld?
- What is the best way to make this data accessible to communities, cities and transport departments in order for this data to be activated as a tool for advocacy, to drive more inclusive policies or provide gender-responsive services?

DATA DELIBERATIONS

A Discussion Series by Aapti Institute



DATA SHARING FOR INDIA'S MIGRANT CRISIS

5TH AUGUST 2020

PANELLISTS



GARGI SHARMA
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KATIE PICKETT
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INTRODUCTION

In the wake of the COVID-19 lockdown, mainstream data sharing systems have not been responsive to the needs of migrant workers in India – as evidenced by the challenges faced in providing trains, medical care, housing, and food during this time. This data gap has largely been filled by ad-hoc data collection mechanisms from both government and civil society. In this roundtable, we extrapolate learnings from the diverse perspectives our panelists bring from their own work for what a bottom-up approach for data sharing can look like. We explore questions at the intersection data governance, informal work, and migration – to imagine data sharing through stewardship, and how these structures should be built for vulnerable communities.

KEY INSIGHTS

Currently, there are major gaps in the data sharing ecosystem for migrant workers in India - There are significant limitations in state and private actor capacities, which has led to a lack of support for workers during the lockdown. Many sources of public data are reliant on what platforms have been forced to give, and larger, important data sets such as labor statistics often remain under the IP of these platforms.

It is important to understand who the informal worker is, and what data should be relied upon in relation to this question. Platforms and digital labor markets are segmented for many different kinds of workers, and this should be accounted for when designing data systems. The political economy of a developmental state requires us to reframe our considerations around the idea of data justice, and this should be explored further before other modalities of ownership and responsibility. Workers are largely unaware of the algorithmic systems they work under, and it is important to move away from traditional systems of networks and labor systems when reimagining a data sharing system that serves this population.

There are varying interpretations of what “accountability” means, which impacts how it manifests in our digital relationships. The humanitarian sector is increasingly dependent on data to provide relief/support. There are few examples of successful data sharing for vulnerable populations, and therefore many uncertainties around definitions of accountability, trust, and responsibility. Accountability typically tends to flow upward or outwards, but we don't see accountability as it flows downwards – which is where data stewardship can come in.

"Because we fully function within a bottom-up approach, for the partners that we choose to work with, it's important for us to see that they're including women, having entire sensitization projects, and having community discussions to understand the full picture of what is happening. This builds trust and responsibility over time."

– Katie Pickett, Cadasta Foundation

KEY INSIGHTS

Especially in the context of workers, the idea of community or collectives in regard to consent, rights, or bargaining power can be extremely useful.

Unions are one such mechanism to enable this. In India, it is especially important to consider the informal nature of the political economy - even workers who are not formally recognized by unions tend to find ways to regain agency in other ways, through informal structures.

The idea of a data cooperative can also be an important one to consider in this context. It centers beneficiaries' rights, allows them to exercise their own self-determination. While it is our responsibility to enable such a mechanism of data sharing or stewardship, agency should ultimately remain with the individual or community.

"In India, there are many different kinds of communities that become really important in delivering some kind of agency or power. Domestic workers, for example, have a small geographical area of influence within their apartment complex, and still find ways to use this to build a sense of collective bargaining power. That is the way workers who don't have unions tend to find ways to find agency and power. Digital technologies can offer a mechanism to enable this, without workers needing to be geographically proximate."

– Aditi Surie, Indian Institute for Human Settlements

Data and state systems can make certain populations highly visible. Increased visibility can both help and harm vulnerable populations.

In designing data sharing systems, it is important to be aware of how the data is being used and who these systems are created by.

"The vulnerability does not arise from the fact that the person exists as such, it arises from the fact that they exist in a system as such. And so, I think the idea of data cooperatives appeals to me because it puts the idea of self-determination back to the data actor, rather than well-meaning, but often misguided folks who tend to occupy such positions of power."

– Gargi Sharma, Tilburg University

DATA STEWARDSHIP FOR MIGRANT WORKERS

There was a clear consensus amongst panelists about the importance of the role of the community – in driving consent, re-establishing cultural ideas of aid, providing services, etc. As a result, the imagination of a bottom-up approach to data stewardship can be useful in this context.

In this panel, the following considerations for data stewardship emerged:

- Public interest and legitimate interest should be at the core of principles for any service provider. At the Cadasta Foundation, for example, a bottom-up approach enables the inclusion of those at the margins, allows for greater sensitization, and more community discussions to understand the ecosystem
- Civil society organizations play an important role as social actors to ensure checks and balances. The onus can and should lie with partner/community organizations to build these systems of trust and responsibility
- In the near future, we can turn to places where unionization or collectivization is already happening as a mechanism to instantiate data stewardship.
- Users should have the ability to complain and report misconduct against the steward anonymously. Informal processes, or conversation in informal groups can help articulate these concerns to a bottom-up or community-based steward

OPEN QUESTIONS

- What can a consultative, public process of data sharing look like?
- How do principles such as accountability and responsibility manifest differently in this context?
- Where does the responsibility lie in a bottom-up data sharing structure? What is the role of the state, the community, private sector actors?
- How do we make room for decision-making input from the individual or community in the instance of a bottom-up data steward?

DATA DELIBERATIONS

A Discussion Series by Aapti Institute



READBACK

UNPACKING COMMUNITY CONSENT & COLLECTIVE MODELS FOR DATA STEWARDSHIP

6TH AUGUST 2020

PANELLISTS



JASMINE MCNEALY
UNIVERSITY OF FLORIDA



ANOUK RUHAAK
MOZILLA FELLOW



PARMINDER SINGH
IT FOR CHANGE

INTRODUCTION

There is general and growing consensus that individual rights in data are critical, and that people must have a greater say in how their data is collected, used, and managed. To navigate the limitations of individual data protection, and account for the growing value of network data, collected about us from our ambient environment - CCTV, satellite imagery, IoT etc. Further, the value of data for society is increasingly understood and with it, its need to solve for societal issues such as health, climate change, mobility. In this panel we discuss, decentralised systems of data governance through community participation and decision-making and the role data stewards can play to actualise collective governance of data.

KEY INSIGHTS

"We are in the midst of deciding a new social contract, and as data becomes central to everything, and control over data becomes a social force. If communities become a part of these social forces, communities can become a part of a new kind of democracy"

Parminder Jeet Singh, ITforChange

- **Data is a representation of society** and needs to be governed as such. Definitions and ideas of governance of data need to encompass the complexity it represents
- **Need to move from personal data rights to community data rights:** Data is being collected from not just people, but also non-inanimate objects. It reflects individuals but also increasingly contains information that impacts communities. Further, the business models of companies are moving from ad-targeting to more nuanced uses of collective data.
- **Digital communities are fluid:** Data communities do not ascribe to certain geographical boundaries, they can span networks, professions, social media groups. These communities might be overlapping, and their interests might be at odds.
- **Legal governance for community data needs to be flexible:** Given that communities in the context of data are complex and overlapping, governance mechanisms should be flexible and allow communities to decide who controls their data, makes decisions around it and represents their interest. Communities need to have the space to come together and decide their governance mechanisms, and these mechanisms are likely context driven.
- **Stewards that are formed to govern data on behalf of the community should have fiduciaries responsibilities and duty of care:** Stewards must have fiduciary powers, which can be derived from various legal instruments such as trusts, to act in the best interest of the communities they represent.
- **Civil society organisations can play a facilitating role:** In the near term, civil society organisations can help organize communities and support them in the process of bottom up data governance.

The definition of a data trust depends on the community that is implementing it. How its governed, who controls it will be dependent on the agreements and compromise they come to with each other - it is a control of governance that people have – Jasmine McNealy, University of Florida

KEY INSIGHTS

"Data trusts are like doctors and lawyers, they have fiduciary duty to act in our interest, and not be negligent"
– Anouk Ruhaak, Mozilla Fellow

DATA STEWARDSHIP

In this panel, the following considerations for data stewardship emerged:

- Stewardship can guide the responsible and minimal collection and pooling of data from communities who have co-designed governance frameworks, based on specific needs and requirements.
- Data Stewards can give individuals and communities greater reign over their data, effectively re-balancing the power dynamic
- Based on a 'duty of care', stewards can institute a range of accountability mechanisms to protect data users at a community level

EMERGING QUESTIONS

- What are the use-cases where community data rights can be actualized?
- How can we test more mechanisms for community data stewardship?
- What is the balance between regulation of community data rights but also creating a system that provides flexibility and choices?

READBACK

NON PERSONAL DATA, PUBLIC VALUE & ACCOUNTABILITY

6TH AUGUST 2020

PANELLISTS



RICHARD WHITT
GLIA FOUNDATION



MALAVIKA RAGHAVAN
DVARA RESEARCH



SUSHANT KUMAR
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INTRODUCTION

NPD has taken centre stage in current discourse around data governance. The latest development of the release of the Report by the Committee of Experts on a Non Personal Data Governance Framework is part of a larger trend across the globe on efforts to understand the nature of the need to regulate data, apart from the basic protections to individuals over their personal data.

The challenge with NPD is that a beneficiary or clearly identifiable set of interests to protect may present a challenge. Being non-personal, it is the interest of the community, and not only of an individual at stake. A challenge in framing good regulatory approach lies in identifying the community(ies) that may be impacted and how regulation can protect their interests. A clear identification of interests as a problem statement is essential to framing regulation to protect it. Community rights and their protection still lack clear articulation, and preventing collective harm requires further definition and precision.

Lastly, any policy tools for this would need to take into account existing infrastructure for lessons as well as create compatible governance structures. The Indian draft policy for instance, has used a form of data stewards to try to address this issue – though the formulation leaves questions of accountability and grievance redressal mechanisms.

KEY INSIGHTS:

Excerpted remarks from Sushant Kumar:

- In order to rationalize markets and policy-making around data, we seek to establish data as an economic resource. Data, however, has unique characteristics, which makes it difficult to determine its principles. The existing model exists around "ownership" of data our laws and policies tend to reflect this model of ownership.
- Sushant's recommendation is for public interest definitions to be more contextual, more specific, and address them up front.
- Additionally, in developing public infrastructures, creating private incentives will create unnecessary disincentives.
- We need to move away from a technocratic approach to data reform, not limit our imagination to creation of platforms, and magically expect companies to come forward to share data.
- Fiduciary responsibilities are dependent on the fiction of trust that involves a leap of faith
- Public interest definitions need to be more context-specific and straightforward. To create public infrastructure, you can't re-appropriate private investment. So instead look more towards licensing regime to create value for public interest.

"The solutions we're coming up with right now are a bit too coercive and disruptive. The thinking is still progressing, we need more ideological grounding about the value of data and the right legal principles to govern it." – Sushant Kumar, Omidyar Network

Excerpted remarks from Malavika Raghavan:

- There is room for the extension of competition law, IP regime, etc. in existing frameworks, and room in our PDP bill to incorporate further notions of group privacy. You need to embed accountability at the level of the data processes itself. To build up accountability, we can have a contextual use based test.
- What is interesting to me about the NPD report is the interplay between the two ministries. My discomfort is that we are electing two regimes - this makes room for regulatory arbitrage. The outcome may not be as good for government or public interest.
- To immediately diffuse some fears we can immediately call out some of the assumptions around the economic value of data, objectives, and principles of the report.
- With data, the visibility and cognitive load is a lot to take on. It is unfair to devolve responsibility to a degree of "every individual for themselves".
- Accountability structures also need audit systems to ensure that this system isn't being abused.
- As far as tech-enabled fiduciaries are concerned, we can also think about tech-enabled regulation – embedded methods which help the regulator.

"We require a shift in thinking away from a central top down regulator, and instead embed accountability at the level of the data processors. This can be at the level of the algorithms and the data management." – Malavika Raghavan, Dvara Research

Excerpted remarks from Richard Whitt:

- The fiduciary law is a relational law. In thinking about data as a flow of experiences, and putting the relational context atop that, we can open up vistas that are important to explore.
- Ostrom had interesting insights on communities that govern themselves. The community itself can come up with incentives that match up to what they want to accomplish.
- On the notion of community self-identifying - self-identification can be blessed by the rights of the third party. The only counterweight seems to be individual privacy and there is real concerns about market power, competition, etc. This probably deserves separate treatment.
- Data, at the end of the day, is a collection of life experiences in the form of information. What is the worth of life experience? To step back alone, we can invite important conversations about the mechanisms of value in the context of data
- Accountability and agency should be working hand in hand. The fiduciary can step in here, to create tech tools for example, that protect interests.
- Accountability and agency regimes need to work with each other. Notice and consent regimes are defeated – we have no idea what's going on. A trusted third party working under a duty of loyalty can help here.

"The draft focuses so much on economic rights, but so much of the value of data can be non-economic as well, but still provides tremendous value. In terms of innovation, creativity, quality of life, and not particularly in a pecuniary system." – Richard Whitt, GLIA Networks

EMERGING QUESTIONS

- How do systems build trust in data sharing processes and agents of this process?
- How do we create channels of upstream accountability when regulation remains predominantly top-down?
- How can access permissions/rights be tailored for repurposing of data beyond the point of initial access permissions?
- How do community rights over data translate to public good? What is the relationship between them? How are these communities identified and communicated with?
- How do data trusts operate as fiduciaries in contexts where state capacity and jurisprudence isn't tailored to this system?