

00:00:00:10 - 00:00:14:01

Beverley Hatcher-Mbu

Welcome to this mini series of “Data...for What?!” the Development Gateway podcast. Over the course of four episodes, we will explore open data, data governance and privacy, as well as the many challenges and opportunities within these topics.

00:00:14:10 - 00:00:15:28

Beverley Hatcher-Mbu

I'm your host, Beverley Hatcher-Mbu,

00:00:16:01 - 00:00:17:12

Beverley Hatcher-Mbu

In episode two,

00:00:17:12 - 00:00:25:10

Beverley Hatcher-Mbu

we have the privilege of some really fantastic guests who will intro us to the strengths, risks and challenges in open data and data protection.

00:00:25:10 - 00:00:29:08

Beverley Hatcher-Mbu

My conversation with our guest today will touch on data protection impact assessments,

00:00:29:08 - 00:00:30:12

Beverley Hatcher-Mbu

talking a little bit about

00:00:30:12 - 00:00:34:09

Beverley Hatcher-Mbu

when they should be conducted and how their findings should be addressed and incorporated.

00:00:34:09 - 00:00:42:16

Beverley Hatcher-Mbu

More also, talk generally about trends in open data and data protection and how those two quote unquote movements work side by side.

00:00:42:16 - 00:00:44:12

Beverley Hatcher-Mbu

Let's get right to the episode.

00:00:47:25 - 00:00:53:07

Beverley Hatcher-Mbu

Today we'll offer you two wonderful people grappling with these aspects of data from different perspectives.

00:00:53:07 - 00:01:03:11

Beverley Hatcher-Mbu

We have Swee Leng Harris and Natalia Coffey, who's all about open data and we have Starling Harris, who will help us better understand some of the risks and limitations around data.

00:01:03:12 - 00:01:06:08

Beverley Hatcher-Mbu

So let's dive right in. So maybe, Nettie, you wanna go first?

00:01:06:08 - 00:01:12:21

Natalia Carfi

My name is Natty Carfi. Well, Natalia, but everybody calls me Natty. I'm the executive director of the Open Data Charter.

00:01:12:21 - 00:01:12:24

Natalia Carfi

I've

00:01:12:24 - 00:01:12:28

Natalia Carfi

been

00:01:12:28 - 00:01:16:04

Natalia Carfi

working on the open data charter for almost four years now.

00:01:16:04 - 00:01:26:03

Natalia Carfi

In my prior life, I used to be a public official working also in open government and open data. So it's been a little bit over ten years now that I've been part of this community

00:01:26:03 - 00:01:37:09

Natalia Carfi

As a as a hobby, something that's not work related, I think.

Beverley Hatcher-Mbu

I love that. So see, like now you're now you're on the hook, You got to share something cool that you do that is not related to your work.

00:01:37:11 - 00:01:38:09

Swee Leng Harris

The pressure.

00:01:38:09 - 00:01:51:15

Swee Leng Harris

So my name Swee Leng Harris. I am director of litigation at Illuminate, which is a global philanthropic organization, and I am very much focused on human rights as they intersect with

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Swee Leng Harris

data and data driven systems. And so I think there's probably a lot that nothing I agree on as well as have different sort of focal points

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Swee Leng Harris

something interesting about me that's not work related.

00:02:05:05 - 00:02:08:01

Swee Leng Harris

I really like yoga.

00:02:08:01 - 00:02:11:14

Beverley Hatcher-Mbu

So Nattie, can you help us understand what, what is open data?

00:02:11:17 - 00:02:15:12

Beverley Hatcher-Mbu

And also on a more personal level, how did you end up working in this space?

00:02:15:12 - 00:02:28:00

Natalia Carfi

Open data is data that is open the accessible excludable, editable and shared for by anybody for any purpose, even commercial use, and that is licensed under an open license.

00:02:28:00 - 00:02:29:17

Natalia Carfi

So one example

00:02:29:20 - 00:02:31:13

Natalia Carfi

is when you talk

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Natalia Carfi

about,

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Natalia Carfi

a PDF document.

00:02:34:04 - 00:02:40:13

Natalia Carfi

PDF documents, everybody has gone through the process of trying to copy and paste what was

00:02:40:13 - 00:02:41:12

Natalia Carfi

in a PDF

00:02:41:12 - 00:02:58:22

Natalia Carfi

And then you have to be around 15 minutes trying to organize whatever got pasted in the word document that, that you pasted that in. That is not a reusable format. You haven't been able to reuse the data that was inside that document, that PDF document

00:02:58:22 - 00:02:59:11

Natalia Carfi

easily.

00:02:59:18 - 00:03:30:04

Natalia Carfi

So PDF is considered in we have we have a five stars ranking of openness for for open data. PDF is considered just one star because you rather have the PDF out and then not having the

data published in any format, but is a really, really difficult format to to re-use. So that example always like it's super approachable because everybody has gone through that process of trying to copy and paste that, that, that information there, that data there.

00:03:30:05 - 00:03:35:13

Natalia Carfi

So the idea is to be as transparent as possible. And that's where also

00:03:35:13 - 00:03:40:16

Natalia Carfi

the privacy conversations come comes in. But I know we're going to be talking about that in a little while,

00:03:40:16 - 00:03:43:11

Natalia Carfi

how I ended up in the open data community.

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Natalia Carfi

it's not set so clear. I was working in in modernization back in 2000, then kind of trying to reorganize internal systems in a public in a public office.

00:04:01:08 - 00:04:07:22

Natalia Carfi

And as a researcher at that time, I was working on public participation like an and another side of my work.

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Natalia Carfi

and then I started reading about open government

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Natalia Carfi

and it kind of seemed like a mixture of what I was practically doing, like trying to digitize systems and data within within the public sector and public participation, which was what I was researching.

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Natalia Carfi

So I started researching a little bit more about about open government and open data

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Natalia Carfi

and kind of the Obama administration first act that actually talked about open government and open data is kind of the same thing. And that's probably how I got started, like trying to understand if if open government makes sense as it's kind of a framework for what I was doing

and how I could relate kind of the to the more practical side of my work and, and the more theoretical part of my work.

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Natalia Carfi

And then fortunately I was I am still in one of I had a PhD where open data kind of picked up really, really fast.

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Natalia Carfi

So I then heard about a hackathon and I went there like super scared. Like what? What is what is going on?

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Natalia Carfi

But I need to understand who is doing this, who is organizing this,

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Natalia Carfi

and, and then I just went to them to we had like one hackathon per weekend throughout like three years,

00:05:22:06 - 00:05:25:07

Natalia Carfi

the open data community started to develop really, really fast.

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Natalia Carfi

and that's actually how I got started.

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Beverley Hatcher-Mbu

So Swee Leng turning to you similarly when you talk about protecting data, what do you mean and what kind of data are we talking about here?

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Swee Leng Harris

the words themselves data protection sound like it's just a concern about privacy.

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Swee Leng Harris

but actually data protection law, as it's developed in the EU, is better understood as a bundle of different rights that people have in relation to data that can identify them.

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Swee Leng Harris

So there's a right to be informed if personal data about you is being processed and you might not be aware of it, those rights to object to certain kinds of data processing because if the data related to you is being processed in certain ways that you're not happy about and that you don't consent to and it don't serve legitimate interests, you can object to that.

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Swee Leng Harris

and the main kind of data that we are concerned about is personal so-called personal data, which is personally identifiable information.

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Swee Leng Harris

for better and for worse, that is the distinction that's EU law has drawn. I draw a distinction between non-personal data and personal data, even though some would rightly say that non-personal data can still have important human rights consequences, especially, for example, if you get to household levels of granularity on something like what use

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Beverley Hatcher-Mbu

how did you end up working in this space?

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Swee Leng Harris

So I started my professional career as a lawyer in Australia and I've always had an interest in human rights, in power and in accountability.

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Swee Leng Harris

And as our world has moved increasingly to a digital world and an online world, we see that that is where and how power is exercised in many cases. And so I'm not necessarily particularly interested in the tech per se, but I'm very interested in the impact that data driven systems have on people and their lives.

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Beverley Hatcher-Mbu

Yeah, and that's a perfect segue, I think, to the next question for you, not about what are some of the strengths that like your three, your top two, your biggest strengths of open data?

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Beverley Hatcher-Mbu

Because I think a part of the movement is around the part of the movement and the approach is around sort of breaking down those silos, breaking down sort of some of those there's power struggles over data and information society. From your perspective, what are the three strengths?

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Natalia Carfi

when we're talking about governmental open data is we're talking about culture change.

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Natalia Carfi

So one of the strengths that I see in in open data policies

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Natalia Carfi

within government is that we are working towards changing the mindset and the one that the way that governments work. So the first data systems within governments weren't thought of to be open like they it wasn't, they weren't created for that.

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Natalia Carfi

and so civil servants and, and public officials have been working for a long, long time in the same way,

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Natalia Carfi

not even thinking because they they didn't have to that the data that they are creating is actually owned by citizens and not by them.

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Natalia Carfi

That citizens have the right to access that that information.

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Natalia Carfi

so it's not just about the technical bit of opening up data, which can be super easy or not, depending on which which type of data we're talking about. But it's that the biggest challenge and what the strength for me is about open data policies being implemented is the culture change that it means.

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Natalia Carfi

And that's why it also takes time, because it's not just about like pressing a button and say, okay, so here are the datasets.

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Natalia Carfi

Is working with civil servants, with public officials, maybe changing laws and changing the way that the government is actually conceived. So that is one of the core strengths. Then of course, that transparency slash accountability bit of it.

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Natalia Carfi

of course opening up data actually enhances

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Natalia Carfi

any transparency policy that

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Natalia Carfi

you might have and it allows for better account accountability of what the government is doing or not doing and how they are doing what they're doing.

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Natalia Carfi

so that is, of course, one of the one of the strengths and probably that

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Natalia Carfi

the first justification that ever existed of of open data, kind of a proactive transparency

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Natalia Carfi

agenda.

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Natalia Carfi

so for the for the non for active bit you had the loss

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Natalia Carfi

for there's like the freedom of information laws and access to information laws and then

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Natalia Carfi

that this proactive way of of actually publishing governmental data.

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Natalia Carfi

And then probably the third one is the innovation that

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Natalia Carfi

can actually

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Natalia Carfi

happen because of the data that is being opened.

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Natalia Carfi

So

00:09:59:17 - 00:10:31:07

Natalia Carfi

there's kind of locked public value in the data that is being created that if the data is not being opened, it will be kept locked. And and that's what amazes me kind of that never ending possibilities of reuse like we could we could fit among ourselves to discuss what to do with a certain dataset. And if we bring just one more person he's her day perspective would like will change the way that we that we reuse that dataset and will bring another possibility of reuse.

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Natalia Carfi

I would say that kind of culture change the transparency which still for me a very big important thing, even if it's the older one and an innovation.

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Beverley Hatcher-Mbu

Yeah, that bringing of bringing of new ideas or just leaving data open to new ideas. I love, I love the term culture change because I think that so much of what is cool, what can be cool about data and I think see like we know well that with culture change also comes some risks.

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Beverley Hatcher-Mbu

So talk to us a little bit around what some of the potential risks are when increasingly more data is available and open.

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Swee Leng Harris

One of the issues is that in the gathering and publication of data, there is the risk of

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Swee Leng Harris

the data that you're collecting.

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Swee Leng Harris

So for example,

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Swee Leng Harris

in the UK there's a really important public sector duty, the equalities duty, which is an obligation for public sector organizations to promote equalities and to address inequality. And a really important way of monitoring that from an accountability perspective could be the

collection of equality, status or data about how men versus women navigate a particular public process and whether this disproportionately good or bad outcomes for one or the other group.

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Swee Leng Harris

But of course, the more of that kind of sensitive data that you're collecting about people, the more that you're defacto creating a database about the sensitive characteristics of individuals. And you can be creating a database of vulnerable individuals. And if in fact that's what one ends up doing, even though you might have tried to depersonalize it or anonymize it or what have you, in order to make it as secure as possible, there's still a risk that a vulnerable population is

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Swee Leng Harris

being

00:12:19:16 - 00:12:22:21

Swee Leng Harris

effectively surveilled, even with good intentions, is

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Swee Leng Harris

another example of of the risks is one that's close to my heart as a

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Swee Leng Harris

former

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Swee Leng Harris

lawyer, which is

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Swee Leng Harris

legal data, case law data.

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Swee Leng Harris

So it's a really important principle, especially in Commonwealth systems, that there should be open justice. The idea that most courtrooms most of the time are public. Anyone from the public could walk into that courtroom and witness what is going on and understand how the justice system is working.

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Swee Leng Harris

And an important aspect of that has been the publication of judgments and decisions, so that

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Swee Leng Harris

because common law builds on previous decisions by judges, it's important to have information about what has been decided publicly available so that people understand the development of the law.

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Swee Leng Harris

But as we move from an analog world to a digital world, suddenly the personal information about people involved in court cases appears on the Internet potentially forevermore and appears in Google searches about people. For example, even if they

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Swee Leng Harris

were not a defendant, they were accused or anything of anything, they might just have been a witness, but their name might nevertheless appear in the court records.

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Swee Leng Harris

And that can lead to stigma, especially when you then have layered on top of that data driven systems, algorithmic systems that are trying to assess risk. And as part of that risk assessment, looking at public records, data like housing disputes or

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Swee Leng Harris

workplace disputes. So on the one hand, it's extremely important that there's open justice, and that information about what's happening in the courts is publicly available.

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Swee Leng Harris

On the other hand, how do we manage thoughtfully

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Swee Leng Harris

the impact on individuals when personal information about them is identifiable in is legal data?

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Beverley Hatcher-Mbu

I think that's a really, really helpful overview because it's we're talking about risk that multiple levels on the individual level as far as access to justice, it's nuanced.

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Beverley Hatcher-Mbu

But Natalie, you can speak to that as well, because it's not as though the open data community is no where some of these risks and also proactively trying to solve them.

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Beverley Hatcher-Mbu

So from your perspective, and where do you see some of the challenges?

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Natalia Carfi

As kind of

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Natalia Carfi

rethinking

00:14:34:14 - 00:14:38:00

Natalia Carfi

of the open data community or maybe a revision of what we did?

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Natalia Carfi

Because there was kind of a decision

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Natalia Carfi

to say a couple of years ago that we turned ten

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Natalia Carfi

as a community

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Natalia Carfi

kind of make a revision of what had been done, what was okay, what wasn't.

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Natalia Carfi

one of the major discussions was that we didn't connect that well with kind of the privacy community,

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Natalia Carfi

with the privacy organizations. We were just like open data. We connected with each other and just went for it

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Natalia Carfi

and we needed to take a step back, try to understand better, because of course, it's not that we didn't know that the privacy community existed, but like try to engage, build those bridges,

have discussions, understand each other's points of view better than than we did even collaborate when possible.

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Natalia Carfi

Because of course, it's important to

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Natalia Carfi

to try to address

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Natalia Carfi

the commonalities, but also the points where we like we would disagree.

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Natalia Carfi

there has been a really proactive

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Natalia Carfi

kind of change in that and we have been able to connect, engage, even create

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Natalia Carfi

panels and roundtables to discuss together

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Natalia Carfi

and as I said, try to better understand each other's points of view.

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Natalia Carfi

We we kind of all advocate for, of course, as open data and privacy focused on privacy, but but also

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Natalia Carfi

understand that that the

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Natalia Carfi

better understanding of each other's points of view. It's also a better result in advocacy towards governments and a better regulation.

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Natalia Carfi

like more rights for people, you know, a better, better rights for people.

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Natalia Carfi

So

00:16:08:02 - 00:16:15:24

Natalia Carfi

I don't think we can like I can point out to a specific results right now, just understanding that, like, for example, if you see now

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Natalia Carfi

the agenda of events like rights con, you will see a lot more of open data. Folks, there,

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Natalia Carfi

trying to bring in these discussions into

00:16:24:09 - 00:16:26:12

Natalia Carfi

the digital rights events

00:16:26:17 - 00:16:33:07

Natalia Carfi

where they were more prone, whereas like privacy panels and now you will see open data discussions there.

00:16:33:07 - 00:16:53:17

Natalia Carfi

these types of things like the rights going agenda, what things where you see open data, people trying to participate to bring those discussions into light. I think it's part of what we're seeing of this of this new approach of of being more open to to having this discussions, understanding where we agree and where we don't any.

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Natalia Carfi

Okay. But at least acknowledging

00:16:56:12 - 00:17:01:25

Natalia Carfi

and better acknowledgment of of of these these this conversation.

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Beverley Hatcher-Mbu

Yeah, I think that's such an important point to highlight because I think and Sue Lang, we'll talk about this next a little bit, but even the active data protection impact assessments are part of that is really understanding that the the mandate and the ownership around data and the influence and the way that ways of people are able to influence data.

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Beverley Hatcher-Mbu

It differs. It's not always in one community or one agency or the other. It requires a lot of different actors to work together.

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Beverley Hatcher-Mbu

So I know that data protection impact assessments may look different by organization and by sector. But what what is someone looking for? What's the top line definition that could help someone figure out whether they're looking at a data protection impact assessment or not?

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Swee Leng Harris

So the top line thing that you're looking for is will this data processing and that can include gathering of data or the deletion of data or the combining of one dataset with another dataset, let alone the the application of an algorithm? Will this data processing have or could it have a

significant impact on people's rights and freedoms? And that obviously includes the right to privacy.

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Swee Leng Harris

But it also, as I said, includes concerns about

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Swee Leng Harris

discrimination and where it's a public decision making system. It could affect things like the right to housing or social welfare.

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Swee Leng Harris

so that's that's the social question. Should I do

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Swee Leng Harris

data protection impact assessment. If it's going to have or it could have a significant impact on people's rights and freedoms.

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Swee Leng Harris

Yes,

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Swee Leng Harris

great. That sounds genuinely simple. But then of

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Swee Leng Harris

course, you're thinking about ideally, how is this system going to work and how is it going to affect the data subjects that are going to encounter the system and not just the sort of maybe 80% of quote unquote normal or, you know, what the majority of the population looks like, but including and especially what are the outliers going to look like?

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Swee Leng Harris

What's where might a system accidentally generate

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Swee Leng Harris

false positives or false negatives? For example,

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Swee Leng Harris

in the UK,

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Swee Leng Harris

the

00:19:06:07 - 00:19:17:10

Swee Leng Harris

system for granting an immigration status to EU citizens who are living in the UK but when Brexit happened was a digital by default system and used automated name

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Swee Leng Harris

matching automated data matching in order to verify applicants identities.

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Swee Leng Harris

But there were reportedly many issues in terms of the different naming traditions of different cultures,

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Swee Leng Harris

some languages that don't use the English alphabet

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Swee Leng Harris

and therefore the transliteration

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Swee Leng Harris

of names coming up differently in different systems or systems, just not being able to work with each other.

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Swee Leng Harris

And that's a fairly

00:19:45:16 - 00:19:58:26

Swee Leng Harris

basic impact in that people were not able to assert their identity in order to get their immigration status, which ideally had a thorough impact assessment being conducted, might have been avoided if there'd been consultation with

00:19:58:26 - 00:20:06:29

Swee Leng Harris

all 27 EU member states and consideration of their different cultures as regards to naming and language.

00:20:06:29 - 00:20:16:07

Beverley Hatcher-Mbu

that's really at the heart of what a well thought out data protection impact assessment is doing, is really thinking about thinking through impacts both intended and unintended.

00:20:16:07 - 00:20:30:25

Beverley Hatcher-Mbu

So Swee Leng sort of related to that point, you've written and talked about how data protection impact assessments can help make data both usable and protected. Can you speak a bit more about why you think that is and in that and what context DPA can be valuable.

00:20:30:25 - 00:20:31:24

Swee Leng Harris

the

00:20:31:24 - 00:20:43:20

Swee Leng Harris

most important thing about data protection impact assessments is that they're crucial where there might be a significant impact on people's rights and freedoms.

00:20:43:28 - 00:20:50:14

Swee Leng Harris

And that's not just the right and freedom of privacy, but all rights and freedoms, including nondiscrimination.

00:20:50:14 - 00:20:51:09

Swee Leng Harris

And so

00:20:51:09 - 00:21:11:26

Swee Leng Harris

in EU law under the GDPR, that's when they're required. So it's not that every single kind of data processing needs to have a thorough and exhaustive data protection impact assessment conducted. But where the data processing could have a significant impact on people's rights and freedoms, that's when they're legally required in the EU.

00:21:11:28 - 00:21:36:14

Swee Leng Harris

And there's a real convergence there between the direction of travel, of data protection law in the EU and the more general human rights law that we've got from international human rights conventions, the Ruggie Principles on business and human rights. Similarly ask that that is due diligence done, that there's consideration made of

00:21:36:14 - 00:21:43:22

Swee Leng Harris

the impact that businesses can have on human rights, and that should extend to the digital world as it does to the physical analog world.

00:21:43:22 - 00:21:48:29

Swee Leng Harris

the particular area that I focused on in relation to data protection impact assessments is

00:21:48:29 - 00:21:53:00

Swee Leng Harris

government digital systems and decision making systems.

00:21:53:00 - 00:21:53:18

Swee Leng Harris

It's

00:21:53:18 - 00:22:09:14

Swee Leng Harris

really important that when these public systems are being designed and developed the ways that they can and should work for people and the ways that they might inadvertently not work for people are considered at the beginning and

00:22:09:14 - 00:22:15:02

Swee Leng Harris

that the design is as human rights centered as possible.

00:22:15:04 - 00:22:15:27

Swee Leng Harris

And that's

00:22:15:27 - 00:22:22:28

Swee Leng Harris

the function that data protection impact assessments can serve, especially ideally if they're done

00:22:22:28 - 00:22:29:10

Swee Leng Harris

in an open process with with public participation and if they're published afterwards. One of the real

00:22:29:10 - 00:22:44:19

Swee Leng Harris

lost opportunities of data protection in the EU so far is that there hasn't been a tendency to publish data protection impact assessments. And so without that data being open, we don't know necessarily was an assessment done.

00:22:44:19 - 00:22:50:02

Swee Leng Harris

If it was done, what risks were identified and how are they being managed or mitigated.

00:22:50:02 - 00:23:03:19

Swee Leng Harris

lot more sort of both open data and learnings from the open data community could really benefit the data protection assessment process in Europe, but also the world more broadly, more broadly.

00:23:03:19 - 00:23:09:23

Beverley Hatcher-Mbu

I'm one of the sort of unintended outputs around data privacy is its impact on open data.

00:23:09:23 - 00:23:10:26

Beverley Hatcher-Mbu

So not

00:23:10:26 - 00:23:13:05

Beverley Hatcher-Mbu

how have you seen privacy regulations

00:23:13:05 - 00:23:15:08

Beverley Hatcher-Mbu

have some potential negative impacts

00:23:15:08 - 00:23:17:15

Beverley Hatcher-Mbu

open data and access to information more broadly?

00:23:17:15 - 00:23:22:20

Natalia Carfi

Yes, there has been like the the golden standard is kind of GDPR

00:23:22:20 - 00:23:26:20

Natalia Carfi

and it has an impact. Only European Union

00:23:26:20 - 00:23:30:22

Natalia Carfi

countries, it has had impact pretty much everywhere

00:23:30:22 - 00:23:34:29

Natalia Carfi

on kind of a national legislation impact, but also for citizens

00:23:34:29 - 00:23:44:02

Natalia Carfi

where there is countries where there's a lot of European immigrants living and they they kind of hold the rights for GDPR in the countries where they are living.

00:23:44:02 - 00:23:51:00

Natalia Carfi

So it it has created a lot of impacts other than just for European Union members. And that is something that is not

00:23:51:00 - 00:24:02:29

Natalia Carfi

being kind of researched on. And it's really I mean, I feel like we've lost count of the number of countries who have based their data protection or other laws based lock, stock and barrel on GDPR.

00:24:03:01 - 00:24:03:11

Natalia Carfi

Yeah.

00:24:03:11 - 00:24:07:24

Natalia Carfi

for example, I come from Argentina, we have a huge Italian and Spanish

00:24:07:24 - 00:24:15:06

Natalia Carfi

communities here that do have the double nationalities, or they are either little Argentinian or Spanish or Argentinean, and

00:24:15:06 - 00:24:36:15

Natalia Carfi

those citizens actually have the right to request to do requests under the GDPR process in their countries where they're leaving. So it is actually creating it is actually creating like even yeah, it's not even on a national level, but it's like micro micro cases.

00:24:36:15 - 00:24:49:19

Natalia Carfi

If you if you want to call it in somewhere so that is something that needs to be more explored. That is not what the Open Data charter is going to explore, but it's coming from each Argentinian family. It's something that that actually came up.

00:24:49:19 - 00:24:50:11

Natalia Carfi

other than that,

00:24:50:11 - 00:24:51:13

Natalia Carfi

we've seen how

00:24:51:13 - 00:24:55:03

Natalia Carfi

GDPR has had an impact and that we have seen rollbacks of

00:24:55:03 - 00:24:57:14

Natalia Carfi

data sets that had been published that are not

00:24:57:14 - 00:24:58:18

Natalia Carfi

published anymore

00:24:58:18 - 00:24:59:12

Natalia Carfi

because of

00:24:59:12 - 00:25:00:26

Natalia Carfi

governments concerns

00:25:00:26 - 00:25:01:05

Natalia Carfi

of

00:25:01:05 - 00:25:02:21

Natalia Carfi

complying with with goodbye.

00:25:02:23 - 00:25:03:04

Natalia Carfi

So

00:25:03:04 - 00:25:03:29

Natalia Carfi

for example,

00:25:03:29 - 00:25:06:07

Natalia Carfi

public procurement, the list of

00:25:06:07 - 00:25:27:13

Natalia Carfi

companies and the names of the owners of the companies that are actually working with governments like are their personal data or not. And just in case in order to be able to comply, at least in the first during the first year of of implementing GDPR, that those data sets were taken were taken out of the open data portals.

00:25:27:14 - 00:25:36:04

Natalia Carfi

They're slowly coming, coming around. And as as governments and actually the European Union figures out the implementation of GDPR

00:25:36:04 - 00:25:38:26

Natalia Carfi

because it's still going on, it's

00:25:38:26 - 00:25:45:28

Natalia Carfi

a really robust piece of legislation and understanding how it's it's being implemented. It's, of course, going to take

00:25:45:28 - 00:25:46:21

Natalia Carfi

to take time.

00:25:46:21 - 00:25:48:28

Natalia Carfi

But we've seen cases like that then, of

00:25:49:01 - 00:25:49:06

Natalia Carfi

course,

00:25:49:06 - 00:25:50:12

Natalia Carfi

I don't know the exact

00:25:50:12 - 00:25:53:28

Natalia Carfi

causes of of that they might be some some governments that actually

00:25:53:28 - 00:26:06:17

Natalia Carfi

took the advantage to just roll back those those data that I really don't know if that was the case, but I know that there were actually like real concerns about complying with GDPR and not having

00:26:06:17 - 00:26:07:26

Natalia Carfi

specific answer

00:26:07:26 - 00:26:10:03

Natalia Carfi

on what to do in such cases

00:26:10:03 - 00:26:12:29

Natalia Carfi

and the European Union is also moving towards

00:26:12:29 - 00:26:17:25

Natalia Carfi

data directory that they're they're, they're, they're publishing and things like that. But

00:26:17:25 - 00:26:21:07

Natalia Carfi

the open data conversation seems to have been

00:26:21:07 - 00:26:23:28

Natalia Carfi

have been lost throughout the GDPR conversation.

00:26:23:28 - 00:26:29:22

Natalia Carfi

Maybe we should have done a better job there in taking a look, a thorough look on what was going on

00:26:29:22 - 00:26:31:29

Natalia Carfi

because cases we've seen cases like these

00:26:31:29 - 00:26:37:04

Natalia Carfi

pretty much everywhere, of course, openly, the community is always aware and has been advocating

00:26:37:04 - 00:26:38:01

Natalia Carfi

to kind of

00:26:38:01 - 00:26:43:20

Natalia Carfi

roll back those rollbacks and so kind of republish what was what was

00:26:43:20 - 00:26:45:14

Natalia Carfi

taken out of of the open data portals.

00:26:45:16 - 00:27:00:10

Natalia Carfi

But I think it's going to take some time to make those adjustments because, as I said, GDPR is still kind of rolling and governments are still understanding. But what they can and cannot do. And we're talking just about governmental open data.

00:27:00:10 - 00:27:01:01

Natalia Carfi

the impact

00:27:01:01 - 00:27:01:18

Natalia Carfi

on

00:27:01:18 - 00:27:06:21

Natalia Carfi

privately created and owned data. It's even on another another conversation.

00:27:06:21 - 00:27:09:24

Natalia Carfi

But we're focusing specifically on governmental open data.

00:27:09:24 - 00:27:11:00

Natalia Carfi

So I think it's something that

00:27:11:00 - 00:27:16:01

Natalia Carfi

like I don't have a proper answer right now. It is it is something that we will be researching

00:27:16:01 - 00:27:17:01

Natalia Carfi

throughout the year

00:27:17:01 - 00:27:19:23

Natalia Carfi

to better understand how we can help

00:27:19:23 - 00:27:30:12

Natalia Carfi

thoroughly understand the impact of privacy laws on open data and specifically, of course, GDPR being kind of the most robust one that we've seen so far.

00:27:30:12 - 00:27:39:26

Beverley Hatcher-Mbu

that's a really interesting framing. I think you've both done an artful job of sort of drawing the link between sort of culture change, innovation and and rights and freedoms. So now

00:27:39:26 - 00:27:51:08

Beverley Hatcher-Mbu

Where is the sweet spot in your view? You know, where is open data the most useful and where are protections and safety concerns the most negligible in order to make those

00:27:51:08 - 00:27:55:04

Beverley Hatcher-Mbu

four broad themes come together in the most seamless way?

00:27:55:04 - 00:27:56:16

Swee Leng Harris

I think that's

00:27:56:16 - 00:28:05:19

Swee Leng Harris

although there are still important human rights considerations to bear in mind non-personal data. Generally speaking,

00:28:05:19 - 00:28:06:15

Swee Leng Harris

presents

00:28:06:15 - 00:28:07:24

Swee Leng Harris

much fewer

00:28:07:24 - 00:28:14:02

Swee Leng Harris

human rights risks and is therefore a sort of more obvious candidate for having as open data.

00:28:14:02 - 00:28:16:09

Swee Leng Harris

And I think in particular

00:28:16:09 - 00:28:28:09

Swee Leng Harris

open data about government systems, about public systems is critically important for public accountability and for democracy, as he's already been articulating really beautifully.

00:28:28:09 - 00:28:29:27

Swee Leng Harris

I would also say that

00:28:29:27 - 00:28:33:14

Swee Leng Harris

private sector, algorithmic systems, data driven systems

00:28:33:14 - 00:28:41:25

Swee Leng Harris

should also be subject to a higher degree of transparency and accountability, things like credit scoring systems

00:28:41:25 - 00:28:42:16

Swee Leng Harris

or

00:28:42:16 - 00:29:14:12

Swee Leng Harris

even the way that social media operates with this hopes in civil society. In Europe at the moment for the Digital Services Act requiring certain kinds of data to be accessible in some way, even if not entirely or fully and from the big tech platforms so that people are not dealing with black box systems in their lives that are completely opaque in terms of what information that they receive, what decisions are made about them, and just how they navigate the world online and offline.

00:29:14:12 - 00:29:14:29

Swee Leng Harris

so

00:29:14:29 - 00:29:16:24

Swee Leng Harris

again, I think it comes down to

00:29:16:24 - 00:29:22:26

Swee Leng Harris

enough information to have transparency and accountability where there's an impact on people's lives without ideally

00:29:22:26 - 00:29:26:07

Swee Leng Harris

revealing sensitive personal information about the people involved.

00:29:26:07 - 00:29:26:19

Unknown

I

00:29:26:19 - 00:29:28:29

Natalia Carfi

can only second, it's been said

00:29:28:29 - 00:29:35:14

Natalia Carfi

it's just like maybe share it like a practical example. There's a zillion apps now that use

00:29:35:14 - 00:29:42:27

Natalia Carfi

public transportation routes that the data was made available through open data portals and APIs and actually

00:29:42:27 - 00:29:45:21

Natalia Carfi

help everyday life for everybody.

00:29:45:21 - 00:29:48:17

Natalia Carfi

Like and those are based on open data.

00:29:48:17 - 00:29:48:27

Natalia Carfi

and

00:29:48:27 - 00:30:06:20

Natalia Carfi

now the question around that and that has been around for ever is like since open data kind of started is do we want citizens to know that that app is it's even possible because the data has been open or just being like being able to make

00:30:06:20 - 00:30:21:00

Natalia Carfi

one person's life lives easier that day because they can go to the train station or to the bus stop on time knowing that the train or the buzzer is going to come in that specific time and making his her everyday life easier just enough.

00:30:21:14 - 00:30:27:26

Natalia Carfi

it's been around 20 years and there's no one proper answer depending on who you speak with.

00:30:27:26 - 00:30:34:19

Natalia Carfi

data sets like with with non-personal data that actually help with the everyday life

00:30:34:19 - 00:30:35:27

Natalia Carfi

decisions for citizens,

00:30:35:27 - 00:30:36:09

Natalia Carfi

that's

00:30:36:09 - 00:30:37:08

Natalia Carfi

best

00:30:37:08 - 00:30:46:06

Natalia Carfi

middle ground I think that we can talk about. And that's kind of public transportation routes is the go to data set

00:30:46:06 - 00:30:47:12

Natalia Carfi

for an example.

00:30:47:12 - 00:30:53:06

Beverley Hatcher-Mbu

open data has really been sort of the word and the go to phrase for the last 20 years or so.

00:30:53:06 - 00:30:59:19

Beverley Hatcher-Mbu

What trends are you seeing going forward that you think are really going to shape that open data and open government community

00:30:59:19 - 00:31:04:28

Natalia Carfi

at the beginning of the open data, the open data policies, at least on and on my perspective,

00:31:04:28 - 00:31:13:07

Natalia Carfi

the goal was to open data like any data, without even thinking about why, just like having an open data portal and just pushing

00:31:13:07 - 00:31:14:07

Natalia Carfi

data there,

00:31:14:07 - 00:31:15:27

Natalia Carfi

which we've been able to do

00:31:15:27 - 00:31:17:15

Natalia Carfi

a valuation

00:31:17:15 - 00:31:17:25

Natalia Carfi

and

00:31:17:25 - 00:31:20:15

Natalia Carfi

it was actually open data charter that came up with

00:31:20:15 - 00:31:24:22

Natalia Carfi

with the idea, with the concept of publish, publish with a purpose.

00:31:24:25 - 00:31:29:19

Natalia Carfi

So understanding the problem that you're trying to solve by

00:31:29:19 - 00:31:32:29

Natalia Carfi

publishing of open data, so open data as a means towards

00:31:32:29 - 00:31:36:18

Natalia Carfi

another end and not open data as an end itself.

00:31:36:18 - 00:31:40:14

Natalia Carfi

And with that in regard, we've had kind of a couple of years where

00:31:40:14 - 00:31:42:18

Natalia Carfi

the open data kind of euphoria

00:31:42:18 - 00:31:56:07

Natalia Carfi

kind of went down a little bit. But with the pandemic, we've seen now a new a new kind of cool because of the need of citizens to understand what going on, what the governments were doing, where the

00:31:56:07 - 00:32:00:18

Natalia Carfi

changes in public budget and spending were happening to respond to the pandemic.

00:32:00:20 - 00:32:06:05

Natalia Carfi

So so there was like a new wave of open data. And we've worked with

00:32:06:05 - 00:32:10:05

Natalia Carfi

the Goff Lab in New York around this third wave of open data concept.

00:32:10:05 - 00:32:19:24

Natalia Carfi

And so I think the open data movement has slowly but steadily moved towards somatic approach. So you're seeing more

00:32:19:24 - 00:32:28:05

Natalia Carfi

specialized civil society organizations, journalists and areas and governments that are pushing somatic open data agenda.

00:32:28:05 - 00:32:44:18

Natalia Carfi

So climate change, open data for climate change agenda or open data for gender pay gap, it's not even the gender agenda is like going even like double clicking on on, on a big topic. So it's climate change for for gender pay gap agenda.

00:32:44:18 - 00:32:54:09

Natalia Carfi

But the anti-corruption agenda is still a massive one for for open data. So you're seeing like and I think that's that's that is going to be what happens throughout the next few years.

00:32:54:15 - 00:32:55:17

Natalia Carfi

We're going to see

00:32:55:17 - 00:33:04:29

Natalia Carfi

small I don't I don't want to call it clusters but because I don't want to I don't want to bring like
and any negative vision around that, but more specialized

00:33:04:29 - 00:33:08:21

Natalia Carfi

groups working on somatic approach of open data.

00:33:08:21 - 00:33:12:04

Natalia Carfi

so I think that's how it's going to to go

00:33:12:04 - 00:33:13:20

Natalia Carfi

And because of that,

00:33:13:20 - 00:33:17:15

Natalia Carfi

the privacy conversation is also going to to come in easily.

00:33:17:15 - 00:33:19:19

Natalia Carfi

You know, we will be focused on

00:33:19:19 - 00:33:34:00

Natalia Carfi

gender pay gap, open data, but also under like bringing in those specialists from the privacy perspective that can actually work on on getting the right balance between openness and privacy for that topic because privacy is not the same

00:33:34:00 - 00:33:36:19

Natalia Carfi

for every topic. You know, we need to understand

00:33:36:19 - 00:33:39:06

Natalia Carfi

the context of the theme that we're talking about.

00:33:39:06 - 00:33:42:15

Natalia Carfi

So I think we're going to be seeing

00:33:42:15 - 00:33:48:12

Natalia Carfi

more and more kind of, if you will, solutions to this kind of balancing problem

00:33:48:12 - 00:33:50:17

Natalia Carfi

towards somatic discussions.

00:33:50:17 - 00:34:00:26

Beverley Hatcher-Mbu

That's interesting. So you see that the yeah, so you say that the move to thematic will actually create more opportunities rather than less in terms of synergy with privacy or other other subject.

00:34:01:00 - 00:34:02:05

Beverley Hatcher-Mbu

Definitely interesting.

00:34:02:05 - 00:34:14:22

Beverley Hatcher-Mbu

So to be Lange, if people didn't think data protection was super cool before, it's about to be, you know, it's already here, I feel like. What trends are you seeing or you think that we'll start to see I'm going for it on data protection.

00:34:14:22 - 00:34:18:06

Swee Leng Harris

Truthfully, I'm not sure is a prediction so much as a wish list

00:34:18:06 - 00:34:19:13

Swee Leng Harris

what I want to see.

00:34:19:13 - 00:34:20:07

Swee Leng Harris

But echoing

00:34:20:07 - 00:34:40:20

Swee Leng Harris

his point, context matters. And I think there's an increasing awareness that the contexts that produced data sets in which they were constructed and gathered really matter. And you can't necessarily just repurpose data without paying attention to the context in which it was originally collected, what was the purpose and so on. So I think

00:34:40:20 - 00:34:43:27

Swee Leng Harris

a renewed attention to the context of

00:34:43:27 - 00:34:48:29

Swee Leng Harris

data is something I really want to see and I think we all saying and then

00:34:48:29 - 00:34:56:01

Swee Leng Harris

a broader understanding of the human rights that can be affected by data driven systems is

00:34:56:01 - 00:34:56:25

Swee Leng Harris

crucial.

00:34:56:25 - 00:34:57:13

Swee Leng Harris

It's not

00:34:57:13 - 00:34:59:13

Swee Leng Harris

Privacy is, of course, important.

00:34:59:13 - 00:35:02:18

Swee Leng Harris

So is freedom of expression. But it's not just those two rights.

00:35:02:18 - 00:35:03:26

Swee Leng Harris

When you're talking about

00:35:03:26 - 00:35:16:08

Swee Leng Harris

automated decisions related to immigration, then people's rights to family life can be affected. When you're talking about automated decisions concerning housing allocations and people's right to housing can be affected

00:35:16:08 - 00:35:26:25

Swee Leng Harris

One of the key concerns for ruminating at the moment is democratic discourse and the impact of social media and large digital media platforms on democratic discourse.

00:35:26:25 - 00:35:29:15

Swee Leng Harris

And what does that do to our democratic rights?

00:35:29:15 - 00:35:30:19

Swee Leng Harris

kind of

00:35:30:19 - 00:35:37:13

Swee Leng Harris

democracy do we live in If voter suppression is happening in a micro targeted

00:35:37:13 - 00:35:42:08

Swee Leng Harris

or opaque fashion through social media? So I think

00:35:42:08 - 00:35:47:03

Swee Leng Harris

hopeful and looking forward to both

00:35:47:03 - 00:36:02:22

Swee Leng Harris

open data communities and the privacy communities, expanding the aperture to think about the full cohort, the full panoply of human rights, and not be too focused on just a couple of rights to the exclusion of all.

00:36:02:24 - 00:36:05:28

Beverley Hatcher-Mbu

Absolutely. I think that's a great point to end on.

00:36:05:28 - 00:36:17:19

Beverley Hatcher-Mbu

But before I let you go, you've both been so generous your time. What are you both reading, listening to or watching that's helping you sort of think through some of the issues we've talked about today?

00:36:17:19 - 00:36:25:22

Natalia Carfi

I follow, of course, what ODI is doing then data for development, blog posts, also

00:36:25:22 - 00:36:27:28

Unknown

response responsible data.

00:36:27:28 - 00:36:28:01

Unknown

A

00:36:28:01 - 00:36:33:09

Unknown

mailing group also. So it's I would recommend people to just join

00:36:33:09 - 00:36:37:14

Unknown

mailing groups. There's a lot of super interesting discussions going on there.

00:36:37:14 - 00:36:43:00

Unknown

I also take I will always take a look at adult life, what they are doing

00:36:43:00 - 00:36:52:12

Unknown

that the African Open Data Network also has a reading reading recommendations each month. I always follow up one on what they are also doing.

00:36:52:14 - 00:37:09:06

Natalia Carfi

Elder initiatives Latin-America. I know that those three years also have a has a mailing group and I always follow with what they are doing to trying to understand what what everybody's researching about. And the most interesting things are kind of the conversations in the mailing

00:37:10:03 - 00:37:12:06

Beverley Hatcher-Mbu

Thanks, Natty. How about you, Swee Leng?

00:37:12:06 - 00:37:33:05

Swee Leng Harris

So I am reading a book called An Ugly Truth at the moment is by Sheera FRENKEL and Cecilia Kang. It's about the rise of Facebook and business decisions and design decisions that were made along the way in shaping that particular data driven system.

00:37:33:05 - 00:37:43:29

Beverley Hatcher-Mbu

One of the things I've been listening to is the Center for International Governance Innovation. They have a podcast hosted by Taylor Owen, and they've got some really good lots of really different subjects over time.

00:37:44:06 - 00:38:03:21

Beverley Hatcher-Mbu

But the two episodes that turned out to me, one was with Naomi Klein. She tracks big tech for years and the influencer economy before it was cool. And she's raising some really critical red

flags on how companies are positioning themselves to provide essential services. So this sort of comes back to that. They're taking advantage of some of the open data that governments are making available to them.

00:38:03:21 - 00:38:18:14

Beverley Hatcher-Mbu

And then but then it's also getting monetized and sort of used for gain and less so about improving public services. So this she talks about some of those those struggles in that episode, which I really enjoyed. And then another episode more recently was around

00:38:18:14 - 00:38:19:13

Beverley Hatcher-Mbu

Indigenous data.

00:38:19:13 - 00:38:34:02

Beverley Hatcher-Mbu

in my non-work life I've been reading *Braiding Sweetgrass*, which is all about it's sort of indigenous knowledge, knowledge pathways and I've been thinking a lot about what we how we approach data if we're looking at it from a collective in rather than from the individual.

00:38:34:02 - 00:38:41:19

Beverley Hatcher-Mbu

I think the predominant position is around individual rights. But what if we were looking at things from a collective or coming in perspective?

00:38:41:20 - 00:38:45:06

Beverley Hatcher-Mbu

you all have been so accommodating to all of my grilling. And thank

00:38:45:06 - 00:38:51:26

Beverley Hatcher-Mbu

you so much for the conversation. I've learned so many different things. I can't wait to share this with the rest of the world.

00:38:51:26 - 00:38:53:20

Natalia Carfi

Thank you very much. It was great.

00:38:53:21 - 00:38:55:17

Swee Leng Harris

Thank you so much, Beverly. It was fun.

00:38:56:12 - 00:38:58:02

Beverley Hatcher-Mbu

Special thanks to our guests.

00:38:58:02 - 00:39:03:02

Beverley Hatcher-Mbu

And thanks to our producers behind the scenes, Lindsay Fincham and Analisa Goodmann and Becca Warner.

00:39:03:03 - 00:39:06:21

Beverley Hatcher-Mbu

This episode was produced by Lindsay Fincham and edited by Analisa Goodmann.

00:39:06:21 - 00:39:09:03

Beverley Hatcher-Mbu

Our theme music was created by Mark Hatcher.

00:39:09:03 - 00:39:16:15

Beverley Hatcher-Mbu

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