

IT for Change's Input at the Global Digital Compact Consultation – Data Protection

Distinguished delegates, My name is Viraj and I represent IT for Change.

Today, the entirety of the digital services economy games user attention for private profit through the manipulation of user consent, and the personalization of services through surveillance. The capture of any benefits of the digital economy is usurped by powerful actors to the detriment of people's sovereignty, and their ability to reap the benefits of digitalization. The digital economy must be effectively regulated to prevent enclosure of the social commons of data and resources by a handful of parties.

Existing approaches to data protection limit privacy harms to data processing without consent and the risk of re-identification. These cannot adequately safeguard individuals and society anymore. Because they do not address the plethora of individual and collective harms that emerge from the uptake of algorithmic sorting processes and group profiling. The protection of data must prioritize the sovereign right of peoples and communities to own, control and generate value from their own data resources.

The global digital compact should emphasize two non-negotiable tenets to support the creation of quality data which contributes to digital trade and economy and leaves no one behind,

- 1) Strengthen privacy and personal data protection frameworks so that they effectively address the erosion of collective autonomy arising from a) non-consensual data collection, b) individual and group profiling, c) recombination, third party sharing, and downstream processing of anonymized personal data.
- 2) Ensure that laws and policies for the economic governance of data resources maximize social benefit and curtail market tendencies for concentration and exploitation.

We believe that in order to achieve these tenets, the multilateral system must institute a binding global governance framework in relation to data resources, which includes—

- No-go areas where the data market cannot operate.
- The right to encryption and freedom from commercial surveillance as integral components of the right to privacy.
- Recognition of state requirements for mandatory general client-side scanning of communication as a disproportionate and intrusive violation of privacy (A/HRC/51/17 2022).
- Updating ILO's Code of Practice on Workers' Personal Data (1996) to prevent algorithmic surveillance in the workplace

The compact must acknowledge the sovereign right of peoples to govern their data resources as the progressive realization of ESCR, and as an extension of state parties' right and duty towards development of its people. The UN Convention on the Right to Development must recognise the breach of people's data sovereignty as a violation of their right to development. Trade, IP, taxation and international development policy frameworks (in health, food systems etc.) must address the inequity of data and AI infrastructural power to enable open and flourishing digital futures.