

*Think*  
*new things*  
*Make*  
*new connections*

## **DATA IN DEMOCRACIES: FROM SHARED VALUES TO DEMOCRACY-AFFIRMING LAWS, INFRASTRUCTURES, AND TECHNOLOGIES**

***Ditchley and globally, 29 to 30 March 2022***

The Ditchley *Data in Democracies* programme aims to accelerate the development of norms, regulations, laws and supporting technologies for the acquisition, handling and sharing of data in democratic societies. As well as safeguarding privacy and intellectual property, these norms should underpin the renewal and resilience of democratic states, societies and economies. Renewal and resilience means increasing geopolitical competitiveness; addressing internal political discord; increasing innovation; and underpinning action on climate and other environmental challenges such as pandemics.

Data is a tool for effective governance, and the fuel of the modern economy. From accelerating drug and vaccine discovery, through decarbonising global supply chains and securing our communities—data is at the centre of informed decision-making. At the same time, data cannot be treated as the single source of truth, as it is subject to human bias and prone to manipulation.

### **Building public trust in the sharing of access to data across borders**

A number of initiatives are underway between governments to try to agree principles, norms and regulations for the legal, proportionate and efficient granting of access to data across borders between fundamentally like-minded countries. Multilateral initiatives include the OECD's work on government access to personal data held by the private sector; the European Union's Data Act; and the negotiations of the European Union and United States' Technology Council. Multilateral initiatives are accompanied by a wide range of bilateral negotiations. A large number of states are exploring further privacy legislation, for example in California.

What guardrails (norms, regulations and laws) should democracies consider in order to enable trusted environments for government and private sector acquisition of and access to data, both within countries and across borders? How do we ensure that the international agreements currently in development set a positive example for other countries? How can civil society be better and more broadly engaged in the setting of data norms, so that all aspects of public interest are properly represented in the debate on the balance between privacy – a crucial underpinning of freedom – and other public goods?

### **Digital public infrastructures**

As well as domestic policies and international agreements effective and responsible access to data requires infrastructure and the combination of multiple technologies, with much of this in the private sector rather than under direct government control. Recent chip

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shortages and debates over semi-conductor supply chain resilience have refreshed our collective memory of the ultimate physicality of the internet. But large scale software platforms are a vital element of digital public infrastructure too.

Who should own and operate critical national data infrastructure in a modern state and how should these critical national data infrastructures be connected across borders? If the infrastructure remains in private hands then what should be subject to regulation by government and what types of regulation could this include? What existing models would be the best templates for regulation and norms: telecommunications companies; power companies; or publishing? How should companies seek to evolve in advance of, or in response to, regulation?

### **Democracy affirming technologies and democracy damaging technologies**

Are there particular technologies, for example (homomorphic encryption or differential privacy) that we could further develop that would fundamentally support privacy and democratic norms whilst enabling data analysis and thus scientific innovation, private sector entrepreneurship, law enforcement and national security?

What is the balance of interest for democracies in enabling secure end to end encryption? What is the balance of interest for democracies between privacy on the one hand a right and capability of anonymity online on the other?

Are there fast advancing technologies – for example the metaverse and facial recognition and sentiment analysis – that could make the balance of privacy and the sharing of data more difficult and undermine democratic norms? How will can AI's power of inference from incomplete data be effectively regulated to support democratic norms?

For the middle part of the conference we will split into three working groups so as to be able to go into more depth on a selected subset of these issues.

**Group A** will look at democratic norms for acquisition of data in democratic societies, and how states who want to facilitate data exchanges agree on those norms with the public.

**Group B** will look at the governance and safeguards needed for trusted government access to personal data in justice / law enforcement.

**Group C** will look at families of democracy-affirming technologies, PETs and differential privacy, and their ability to facilitate international collaboration in healthcare.

### **Ditchley Data in Democracies Programme: Context**

In order to help release the potential of enhanced sharing of data and address its related challenges, in October 2021 Ditchley launched a programme that engages interested parties internationally at different scales—from small group discussions to larger conferences. We explore different aspects of the challenge and work over time towards shared approaches. The programme focuses not on abstract principles but action—how can we deliver the services and innovation that citizens need and, indeed, that the democratic world needs in order to remain internationally competitive economically, scientifically and in terms of national security and defence?

Our launch conference gathered a mix of political and governmental leaders in the field from commerce through to health and national security; representatives from companies both large and small; and civil society advocates for privacy and human rights.

Throughout the discussions, we have established that for democracies to flourish, we need to develop common approaches to enabling effective and safe data sharing. Rather than focusing solely on the risk of exploitation of data and digital sovereignty we should attempt to develop shared norms, and highlight how the use of data could help to mitigate issues relating to the pandemic, crime, and health, this way creating the infrastructure needed to protect people around the use of data whilst encouraging innovation.

Neither admiring the problem, nor chasing perfect solutions are a productive way forward. We need to shift the dial of the debates from compliance to opportunities, to exhibit how data can solve global challenges tangibly, while addressing concerns. This can be achieved via focusing on incremental change through targeted, and well communicated use cases.

Against this backdrop, Ditchley is committed to creating a trusted space for thoughtful discussion between the government, private sector, academia and civil society to offer an opportunity to proactively plan, and effectively coordinate rather than only tactically respond to data-related challenges, while facilitating the work around definition and socialization of new data governance models.