

FUTURE OF DATA GOVERNANCE IN INDIA

A Consumer Perspective

*1st Edition of Manthan Series on Fostering
Digital Economy*



Consumer's Role in Data Value Chain and related challenges

Data Collection

Consent – How do I (the consumer) give valid and informed consent ? How I interact with consent managers ? Can I trust them ?

- What is anonymization? Do I have opt-in option to choose whether to anonymize my data or not ?
- How can I trust the entity that is collecting my data ?
- In what capacity am I giving my consent , as individual or part of the community whose data maybe shared?

Data Generation

Anonymisation - At what point does my data get anonymised ? Can this data get re-identified ?

- If my personal data forms part of bigger data set, how do I know if I am also part of a community which can claim rights in that dataset?

Data trustee – How do I trust this entity to protect my interest ? What re-course do I have against such entities ?

Data Processing and Analysis

- **Data exchange** - For what purpose will my data be used ? What are the third parties or data trustees or intermediaries who can acquire access to my data ?

- How can data minimisation and data sharing models work in consonance ?
- Do I face profiling risks my data being part of bigger dataset?

Government access to data – In what circumstances government can have access to my data ? How can I ensure transparency and accountability in such cases ?

Service Delivery

Nebulous beneficiary framing - How can I realize the benefits of data sharing ? What if the communities' benefits goes against my benefit ?

Exclusion errors - Can I be excluded from benefits due to technical and financial constraints ?

Harms – I am not aware what kind of harms can accrue to me due to data miss- appropriation ? Which authority should I approach for redress ?

Cross – Jurisdictional Perspective



The European Data Strategy gives specific focus to granularity of consent and emphasizes that data principals should know how their data is being used. It focuses on creating a **rights -based approach to data sharing**.



Singaporean Trusted Data Sharing Framework focuses on ensuring **adequate compliance from business so that consumers can trust the entities with whom they share their data** . They require for any data sharing to follow Singaporean privacy laws and principle of **trust, integrity, transparency and accountability** .



Australian Data Release and Sharing Reforms stipulates for **purpose limitations to ensure necessity, proportionality in sharing data**. It relies heavily on the Privacy Act of 1988 to propose the privacy principles and to propose privacy by design approach in data sharing to ensure utmost privacy protections for users



The UK Data Strategy identifies the concept of ‘responsible use of data’. It states that – “*in this strategy, we use ‘responsible data’ to mean data that is handled in a way that is lawful, secure, fair, ethical, sustainable and accountable, while also supporting innovation and research.*” **The pilots conducted for data trustee indicated that such entities should not be biased.**

Way Forward

- **Clear Identification of Intended Beneficiary:**
I (the consumer) will be more assured if my rights and benefits are explicit, and I am given more choice in deciding how my data will be used .
- **Consumer Empowering Privacy Architecture :** I want to have practical and accessible mechanism to keep me informed and give consent for usage of my data. For example – privacy labels
- **Adopting Trust Based Frameworks :**
I want to know how will data trustees responsibly handle my data and for them to act as neutral intermediaries.
- **Addressing Consumer Harms :**
I want to know what are risks I will face being part of the community which will share data and who I can go to raise my concerns. I want to be properly empowered and compensated in case of harms.
- **Transparency in the Regulatory Process :**
I will be more assured if I know a single regulator can handle my problem. I want to ensure that my data is accessed by the government in legal, reasonable and proportionate manner.



Thank you

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