

## **IGF 2017 Reporting Template**

- **Session Title:** Body as Data: Dataveillance, the Informatisation of the Body and Citizenship

- **Date:** Monday, December 18

- **Time:** 09:00 - 10:30

- **Session Organizer:** Association for Progressive Communication

- **Chair/Moderator:** Jac SM Kee

- **Rapporteur/Notetaker:** Sachini Perera

- **List of Speakers and their institutional affiliations:**

Bishakha Datta (POV, India),  
Vidushi Marda (Art 19),  
hvale vale (APC)

- Key Issues raised (1 sentence per issue):

- Gender and data implication, risks and use in reference to women and LGBT communities from the global south
- Big data – and related surveillance
- Metadata – invisible data
- Dataveillance – systematic data-based surveillance
- Assemblage – abstracting and reassembling women and LGBT bodies through data
- Data mining – background, ethics, policy and practices
- Legislative frameworks, gender and sexuality bias emerging from the application of Information Technology Act of India, Section 67 on digital obscenity.

- **If there were presentations during the session, please provide a 1-paragraph summary for each presentation:**

The Pervert and the Sexual Freak by Bishakha Datta – Point of View (PoV)

Some highlights from the PoV study that looks at one section of the Information Technology Act of India. Section 67 on digital obscenity. The language in this section is the same as the obscenity ordinance from the colonial period. PoV looked at Crime in India 2015 statistics dataset, which are public data, used by the media to extensively talk about patterns in crime. However academics and statisticians are questioning the value of this data since “Data is political, no matter how it is generated”. The study showed how attributes given to the data are done in a subjective manner. Which shows an underlying suspicion and anxiety about the internet. What is alarming about this classification that it is only applicable to crime related to the internet as something that provokes suspicion and unease.

Privacy, Surveillance, and Big Data by Vidushi Marda – Art.19

The presentation was built in two main sections: Conceptual grounding presenting three phases. Phase 1: Architectural theories of surveillance or the Bentham’s ‘Prison Panopticon’. Phase 2: Infrastructural theories of surveillance. Moving beyond discipline, to examine control and shifts from governments to companies and from individuals to representations of individuals. Surveillance becomes abstract, numerical instead of present, physical. Phase 3: Contemporary conceptualizations of surveillance; combinations of digital and physical spaces. It revisits the roles of the ‘watcher’, the ‘watched’ through newer technologies. Combining

physical and digital spaces in a hybrid surveillance that involves governments, corporations, peer-to-peer, and self-surveillance. Surveillance in the age of big data becomes structural. Decision-making is based on past data, that is applied to groups sorted on arbitrary/unilateral basis and in relation to gender creates discrimination at the level of the body, which translate at the level of context or use and become discrimination by abstraction.

Body as data. Erotics South Asia Global Survey by hvale vale – APC

The EROTICS network is a global network of more than 50 activists, academics and organizations working on sexuality issues. The EROTICS project looks at the impact of regulatory frameworks and control mechanisms on the actual lived practices, experiences and concerns of LGBTQI activists, sexual rights and women's right defenders in the exercise of their sexual rights as internet users. EROTICS Global Survey was done between July and August 2017, and had 332 responses. It mapped use of the internet to advance SRHR work, document types of risks, content regulation or censorship, responses and strategies from LGBT communities and looked at policy questions. Some of the finding: 81% of the sample suffered at least one kind of discrimination. Most frequent reported threat where: harassment (75% of the respondents), intimidating online comments (63%), blocked website or filtering software that prevented the user from accessing information (54%). The actors the respondents identified as the ones which have more power to influence, limit or monitor expressions regarding sexuality are: 66% government/state; 64% internet providers, 40% peers, people that they know. When we talk about body and data, it's not just about power but also about rights. We need to talk about data as body and whether the human body deserves rights. Especially important given how our governments are implementing big projects using a specific way of looking, seeing and calculating.

**- Please describe the Discussions that took place during the workshop session (3 paragraphs):**

The panel took off with a brief introduction from the moderator pointing out the necessity of naming, make visible and address the fact we are living in an age of data with more and more decision making being driven by data: issues with invisibility (not being counted), hyper visibility (seen too much), bias (data set incorporating pre-existing bias in society).

Each of the presentations then addressed a specific aspect of the connection between gendered bodies (women and LGBT communities), race, class, cast providing evidence from studies and researches together with analysis and possible way forward in forms of recommendations.

The discussion provided evidence on how data is collected, who is collecting data, how are datasets being assembled to make bigger data sets and how those data sets are being applied for decision making. It is difficult for CSOs to do research in this area given that many of the people working with data are private entities. The discussion addressed the necessity of ensuring women and gender non-conforming individuals from the global south and marginalised communities are part of the decision making process and able to provide meaningful consent as well as input regarding the importance and necessity of data collection in relation to services provided or to be provided as citizens as well as consumers / users.

**- Please describe any Participant suggestions regarding the way forward/ potential next steps /key takeaways (3 paragraphs):**

The more data we have and the better models we build, the less data we will need about each person. We have to work with governments since figuring out how to maintain the utility of government is critical. If citizens/ people are attacked in their houses there is an understanding around protecting the house. There is a need to build a common understanding about the fact that data can harm and we should also being aware that AI build using humans as models are not humans and should not treated as entitled to rights. This is undermining human rights. AI is something that's made, a corporate artifact. (Joanna Bryan, technical community and academic)

Cultural dimension of gender and sexuality is key to understand the power of data and its linkage to surveillance. "Little" data are collected regularly and used to limit freedom, such as in the case of teenage girls from low-income communities who don't really have access to smartphones. They experience surveillance every night when their parents check their phones for (who has called, what the messages are on the different apps. Their brothers do not experience it. There is a need to understand these as part of a larger data paradigm going forward.

Women especially are adamant about being registered in public service organized around data and tech such as: Aadhar. Whoever is not part of a dataset will not receive services. This generate a chain effects that prevent marginalized communities such as women from specific cast, class, and race; gender non conforming individuals to have no say on any decision around data. Deeply cultural and ethical questions that require engagement and approach recognizing all diversities. Data need to be looked at in terms of infrastructure, laws and policies, interaction and content. With a majority of the world not having access but being counted in (or out) of this data, access remain key to policy discussion if we want to complete and conclude the puzzle.

### **Gender Reporting**

- **Estimate the overall number of the participants present at the session:** around 30
- **Estimate the overall number of women present at the session:** around 25

#### **- To what extent did the session discuss gender equality and/or women's empowerment?**

The session was focusing entirely on the connection and significance of gender and sexual orientation in relations with data and it expanded from access, to equal participation, meaningful consent moving beyond empowerment to address power imbalance and the necessity of multi-stakeholders dialogue.

#### **- If the session addressed issues related to gender equality and/or women's empowerment, please provide a brief summary of the discussion:**

The entire focus of the session was to open up the floor to discuss the relationship existing between gender, sexual orientation, and data. The presentation were sharing finding from lived experience of LGBT and women in relation to data. Their understanding, use and major challenges/risk, violations and way forward to ensure humans right frameworks and civil society concerns are not only shared with private sector and governmental institutions but also acknowledged and addressed.