

DIGITAL ENLIGHTENMENT FORUM 2012 GOVERNANCE IN THE DIGITAL SOCIETY

Set in the beautiful surrounds of the Abbaye de Neumünster in Luxembourg, the DIGITAL ENLIGHTENMENT FORUM 2012 was the place of a unique gathering of scientists, scholars, industry representatives and policy makers with the shared aim of better understanding the societal impact and policy implications of rapidly evolving digital technologies. Founded in Luxembourg in 2011, the Forum seeks to stimulate and facilitate debate among representatives of science and technology, law, business and policy, with a view to providing guidance.

The first of its kind, it brought together highly respected representatives of science and technology, industry, law and policy to focus on the theme 'Governance in the Digital Society'.

In the digital society, massive data is being collected by large companies and omnibus data collectors of identity attributes, characteristics and behaviour of users. The inference of knowledge about persons, e.g. brought together in personalised group profiles, poses serious risks as it could lead to severe violations of privacy. Finding the right balance between protecting private life and using convenient personalised services is part of what governance in the digital society is all about.

OPENING SESSION

In his welcome, the President of DEF, George Metakides, retraced the steps that led to the establishment of the Forum, noting especially the inspiration provided by the 18th century Enlightenment movement, and outlined its mission.

François Biltgen, Minister for Communications and Media in Luxembourg, opened the meeting. He stated that "High-level and multidisciplinary discussions [like the ones being held at the Forum] [...] are key to prepare the right technical, financial, regulatory and political decisions." He explained that IT security, reliability and trust are political priorities in Luxembourg.

Viviane Reding, Vice-President of the European Commission, said that with the new EU proposals for data protection "the EU is setting the agenda of the political debate across the globe". She concluded her speech saying "The Digital Enlightenment Forum brings together civil society, academia and business. With your help, I hope that we will soon have a strong and coherent framework for data protection. A legislation that is fit for the digital age, for people, for businesses, for our economy and for our society. This is a joint endeavour and I am grateful for your support."

Mario Campolargo, Director of DG CONNECT, European Commission, concluded the opening session by outlining the policy actions of DG CONNECT within the framework of the Digital Agenda for Europe. He emphasized the importance of the Internet and trust and security for public services in the European Single Market and their growth potential. He also pointed to the newly developed Cyber Security strategy and the European Cloud Computing strategy in this context.

THE MAIN PROGRAMME

Discussions on research, development and governance The discussions of the Forum were focused on four themes. All dealt with questions about the governance of evolving information technologies; democratic legitimacy in the new digital space; challenges to traditional data protection and privacy; and technical challenges stemming from the advent of cloud computing.

The first theme was governance and security of the digital infrastructure, with emphasis on how to regulate everyday life and commerce under the new and changing regimes of digital reality. Value systems that organize and support liberal democracies and their open market systems were both recognized and challenged, strongly suggesting the need for new legal guidelines and commercial models. The future will bring more challenges in this area, with international data exchanges becoming increasingly complicated by differences in national norms and values. Trust, in both technical systems and the authorization arrangements that assure the security of digital identities, will become central.

The second debate explored the complex relations among technology, law and democratic legitimacy. The discussion started with the proposition that one needs to guarantee the “integrity of contexts” to safeguard against inappropriate data flows. Search engines, social networks and many other innovative applications endanger the desirable opacity of individuals moving among different contexts, making it hard for them to anticipate the risks of sharing data. The Open Data movement for governmental databases, while a highly promising endeavor, nevertheless raises problems around the use of knowledge that can be mined from data aggregates and the dangers of deanonymisation. But some participants highlighted the added value that can be derived from ‘data leverage’, proposing various methods to empower individuals while still enabling feasible business models. Consumers should be able to develop their own ‘vendor relationship management’ in order to rebalance the power relationships vis-a-vis the big players that create so many new opportunities.

Responding to the need for a global perspective on norms and values consistent with the aim of digital enlightenment, the discussion then turned to the counterpoint between data protection and privacy. It began by considering the convergence of norms and laws across borders; and how this could lower barriers to the safe flow of personal information between jurisdictions. In contrast to this position, there were documented claims that policy and law could only provide part of the protection individuals will be looking for. Individuals, in this view, will increasingly create or adopt new technologies and business models that go well beyond current developments in user-generated content. Different approaches around the world to incubating such innovations roused strong debate. In some societies, the goal of digital accountability, however it is enforced, represents the final frontier for data protection and privacy. Conference participants saw the concept of a ‘new digital social contract’ as a mechanism for allowing cultural specificity to be expressed within a common international framework.

Lastly, the Cloud - specifically, the technical innovations and societal changes necessary to ensure the provision of trusted services in the Cloud. What models or instruments do individuals require to assert control of their sensitive personal data in these services? Innovative solutions to Cloud security against the backdrop of regulatory and value-oriented concerns are in course of rapid development. The U.K. principles concerning identity assurance may be seen as an instrumental model, covering technical, personal and regulatory

dimensions. Another approach emphasized user control of personal data by means of a 'life management platform' that, by reacting both to market forces and legislation, puts privacy at the center. The core challenge of privacy remains: how to balance the need for free and open information flow with adequate and flexible protection of personal data?

The panel discussed the need for a paradigm shift from mere technical protection of stored data to smart security solutions providing personal control over one's data and the means to do smart things with it.

Such solutions can be gathered under the general notion of the 'personal data ecosystem', and may prove viable in bridging the gap between the needs of technological innovation and the public's expectations of security, privacy, legality and convenience of services.

The Digital Enlightenment yearbook 2012 The DEF meeting was accompanied by the publication of the Digital Enlightenment Yearbook 2012. The book was applauded as a unique valuable sourcebook on the important issues covered by DEF for policy makers and researchers alike. Further information can be found on DEF's website.

Policy implications of the Digital Enlightenment Forum Important policy recommendations that may be distilled from the discussions and debates of the Forum are:

1. The established practices and values that connect markets and societies should be revisited by legal, social and technology experts in an interdisciplinary approach. As a first step, much stronger effort is needed to make policy and law makers aware of what technological innovation can achieve; and, conversely, to make technologists aware of the social issues arising from their innovation.
2. Based on accepted international principles of data protection and privacy, it is important that the different approaches (e.g. technical or regulatory) that form part of global solutions follow worldwide converging paths. This requirement includes urgent agreements on new international standards for data exchange and identity protection.
3. Policy making, law making, standards setting and innovation evolve at radically different speeds, and for good reasons. New thinking is needed on their roles and inter-relation to ensure their complementarity. Trust remains the cornerstone of the "new social contract". Ways of concretizing trust, supporting and advancing it, must be developed and put forward.
4. Market regulatory measures should include consideration of the international flow of private data and its social effects as a matter of common practice.
5. The fundamental challenges of security and protection of data in personal data ecosystems supporting cloud-based services must be addressed as a matter of priority.
6. New and evolved institutions accruing from a deep intellectual confluence are crucial for governance in a digital society that is founded on synergy between our technology use and