

Leveraging DPI for Safe and Inclusive Societies

Comments by Apti Institute and Data Privacy Brasil

Apti and Data Privacy Brasil have submitted their contribution to the [Office of the United Nations Secretary-General's Envoy on Technology \(OSET\) and the United Nations Development Programme \(UNDP\)](#) regarding the report "[Leveraging DPI for Safe and Inclusive Societies](#)".

The report aims to examine the current DPI ecosystem, addressing the risks inherent in the implementation of a DPI. It proposes key mitigation strategies that are vital to ensuring trust, security, inclusion and effective governance in the DPI landscape. The report is derived from an extensive consultative process and presents initial findings on the opportunities presented by DPI and notes the urgent need for protective barriers.

OSET and UNDP also state that the report serves as a basis for gathering feedback from various stakeholders. As a consequence, Apti and Data Privacy Brasil have engaged in the process to provide some feedback on the report and start a dialogue taking into account some contributions on data protection and human rights more broadly.

In the feedback, we argue that the report does an interesting job in identifying a wide range of potential risks associated with DPI implementation. However, it lacks parameters for ensuring meaningful participation from diverse stakeholders throughout the DPI lifecycle, and it remains quiet on the definition of DPI and its examples. In addition, the report does not consider conceptions around collective privacy, data protection besides consent, as well as mechanisms for governance of non personal data.

Below you will find our contribution to each of the questions.

2. Please elaborate on your answers above by identifying vital omissions or inconsistencies, suggest supporting evidence and facts, and highlight any parts needing clearer expression

The report makes an impressive attempt to lay out the risks associated with DPI upfront, touching upon otherwise sensitive matters that are often underplayed in the quest to unravel the technology considerations around DPI. However, there remain certain areas that merit further exploration as a part of the effort:

- 1. Conceptual clarity around meaning of DPI:** The report remains largely quiet on the question of the definition of DPI and this is a concerning omission for several reasons. One, not defining DPI provides little impetus or direction for LMICs - the primary stakeholders - that require considered capacity building before they embark on their own DPI journeys. Elsewhere, the absence of a unified concept of DPI has also been a matter of contention. Some argue that DPI should not be limited to provide “services”, it may be an infrastructure designed to provide other applications. Some state that it may not be limited to “public services”, given the lack of definition of what a public service is, but rather applications in the public interest. Two, the absence of a definition or list of attributes that make up a DPI runs the risk of misconstruing efforts at mere digitalisation as DPI adoption, with potentially harmful consequences for funding and governance of such systems. Three, it ignores precedents from within the UN ecosystem that have attempted to define the concept (re: UNDP ‘DPI Approach: A Playbook’) and impart much needed clarity.
- 2. Meaningful engagement:** while the report emphasizes the importance of social contribution, it lacks clear guidelines and mechanisms for ensuring meaningful participation from diverse stakeholders, including marginalized communities and end-users, throughout the DPI lifecycle. Besides naming the stakeholders, the report should provide a framework on how to conduct inclusive and participatory processes, outlining specific strategies for engaging with civil society organizations,

regional and community representatives, and end-users at various stages of DPI development and implementation. This will ensure that their perspectives and concerns are adequately addressed. As an example, the NET Mundial +10 Declaration recognizes that “all stakeholders should be empowered to contribute in a meaningful way to all stages of a process tackling issues of concern[...]. Significant investments in capacity-building and education to strengthen each step of the process are vital to achieve effective contributions. It is important that such investments account for the relative power differences between and within different stakeholders and stakeholder groups”.

3. **Informational Separation:** besides the discussion on the right to privacy, the report should present and develop some arguments on the need for an informational separation of powers to regulate data sharing between state bodies and from the state to private companies in order to prevent practices that may lead to abusive surveillance. The report should provide a more detailed explanation of the concept of informational separation of powers and its significance in the context of DPI. It should also offer clear guidelines and best practices for establishing robust governance models, legal frameworks, and technical measures to ensure the proper handling, sharing and protection of personal data.
4. **Identifying Potential DPI Applications and some red flags:** while the report suggests some potential DPI applications, it does not provide sufficient evidence or examples to support the identification of these applications, particularly those that may raise unacceptable risks and concerns or have unchecked potential for misuse, such as mass surveillance. Therefore, the report should incorporate relevant case studies, research findings, and expert analyses to substantiate the identification of potential DPI applications, including those that may pose risks to human rights or privacy. This will strengthen the report's credibility and provide a more comprehensive understanding of the implications and challenges associated with different DPI use cases.

3. In section 3 on DPI Opportunities: How accurately does the report capture the potential benefits and risks associated with DPI? Are there additional opportunities or risks not addressed? If you don't have any feedback, please indicate N/A.

The report makes a nascent effort to outline the opportunities associated with DPI, touching upon themes such as growth, safety and implementation. But this overbroad framing of opportunities does not speak to the incentives that countries can leverage in adopting DPI. Literature abounds with opportunities afforded by DPI, but a few levers that can be reflected in the report are outlined below:

1. **Inclusion:** Countries are unable to deliver services to last-mile efficiency as existing mechanisms suffer from delays, leakages, and targeting errors—often excluding women and other marginalized communities. Through inclusive design, DPI helps overcome such challenges by streamlining service delivery and ensuring equity and empowerment.
2. **Resilience:** Public emergencies (like COVID-19 and natural disasters) may impair conventional modes of service delivery. DPI helps overcome these barriers by enabling uninterrupted, remote assistance through digital networks operating at national scale.
3. **Sovereignty:** Centralised decision-making and legacy software restrict countries from imagining new digital solutions. DPI are open and interoperable, which offers countries the autonomy and flexibility to plan, design, and implement their digital systems.
4. **Innovation:** The DPI approach allows multiple stakeholders—governments, private sector, and civil society—to collaborate (through public private partnerships, for example) and contribute to innovation in the digital ecosystem, enabling fair market competition.



5. **Sectoral nuances:** DPI approach provides opportunities to leapfrog outcomes in **key sectors** such as healthcare, education, financial inclusion, and climate action. Providing concrete use cases and examples of how DPI has already enabled positive impacts in these areas could better illustrate its far-reaching potential.
6. **Development action:** DPI is touted as a significant mechanism to accelerate progress towards SDGs, particularly those related to climate. The report could benefit from more analysis on climate **action** and how DPI can aid environmental sustainability efforts. This could involve highlighting how digital infrastructure can support climate monitoring, early warning systems, and the development of smart cities and sustainable urban planning.

4. In section 4 on Need for Guardrails: Considering the operational principles contained within the report's framework, how applicable do you find these principles in the political economy contexts you are familiar with? What factors might limit their applicability? Additionally, how do you think these principles could be modified or contextualized to better suit specific local conditions?

The identification and mapping of risks along the lifecycle of DPI in the interim report provides an essential starting point for stakeholders to consider protections and guardrails, such that no major considerations are glazed upon in the development or operation of a DPI system. To that end, while the risk categories across normative, organisation, and technical are valuable in ensuring a comprehensive coverage, it is imperative that the following additional factors, as well as approach related considerations are incorporated in the drafting of this section -

1. **Consultative processes:** The current draft of the report makes only brief references to the importance of consultations in the DPI governance and operation contexts with regards to country-level risks. It would be useful to recognise and articulate the value of public notices and proactive consultations throughout the lifecycle of DPI, as a means to engage the larger community, and help create a structured and accountable framework that promotes openness, transparency, and stakeholder

inputs on potential concerns with any developments in the system. In recognising the risks of non-consultative processes that lead to solutions which don't align with the needs of the people it seeks to serve, the report may enable the creation of opportunities for meaningful engagement and ensure that the decision-making process is not confined to a select few. This could include recommendations on the codification to foster a structured approach for gathering input, conducting impact assessments, and incorporating feedback into decision-making both from a legislative and operational standpoint.

2. **Risk assessment:** The report does an interesting job in identifying a wide range of potential risks associated with DPI implementation. However, it could benefit from a more structured and systematic approach to risk identification and categorization, beyond mentioning the “effective impact assessment” document. The report should provide some guidance on how to conduct the assessment in order to be a document in which the risks are extensively mapped and the tools to mitigate them are described. With this guidance, the assessment would not be only a compliance document, but also a process followed by a methodology to classify the involved risks and implement adequate measures to address the impact.
3. **Integration of digital systems with offline architectures:** Growing digital divide with the lack of basic digital literacy causes barriers to access, particularly for low-income and marginalized communities. Both system design and codification of operational policies around DPI need to account for these barriers to solve for inclusive and equitable access to critical public infrastructure in the digital era. To this end, while the report accounts for offline access to ensure optionality in reliance on DPI, it would be essential to recognise the risks associated with blinkered DPI access in welfare or social benefit contexts, and recommend integration of digital systems with traditional infrastructures by designing frameworks that leverage pre-existing offline architectures. This can translate in the form of human checkpoints in authentication and redressal processes, network policies to mandate alternate access points to services that the digital system provides, or guiding strategy documents for the DPI

to be deployed in lower access areas with dedicated teams for capacity building and system set-ups.

4. **Privacy Beyond Consent:** the report should acknowledge that while consent is an important principle, it is not sufficient on its own to protect individual privacy rights in the context of DPI. The report should advocate for empowering individuals with greater agency over their personal data, including the ability to understand how their data is being used and to manage or revoke access as needed, while at the same time requiring privacy-by-design architectures and accountability mechanisms provided by operators of DPI applications. Further, it is critical to consider the governance of data that arise from DPI, particularly because such data is generated by a teeming majority of citizens and other users who engage with such systems. To that end, conceptions around collective privacy, as well as mechanisms for governance of non personal data must be considered.
5. **Accountability Mechanisms:** The report could further elaborate on accountability mechanisms required to ensure the effective implementation of the proposed safeguards and guardrails. This could include recommendations for establishing independent oversight bodies, independent assessments and audits, grievance redressal mechanisms, and mechanisms for enforcing compliance.

5. In section 5 on Actionable Framework: In the report, strategies for operationalizing DPI risk mitigation principles are detailed.

The actionable framework towards mitigating risks within the clear delineations of foundational and operational principles is a highly useful approach to ensure that not only do various DPI in a country or region adopt a cohesive understanding of the essential context to DPI operation, but also to provide essential guidance on how to adopt these principles within their operations in meaningful ways. The table “Evaluation and Assessment for DPI Governance” is useful to evaluate the readiness and governance capabilities of a country or region in implementing DPI initiatives. By assessing each contour and sub-contour



against the rating scale, stakeholders can identify strengths, weaknesses, and areas for improvement in their DPI governance frameworks.

However, there are some potential risks or challenges associated with DPI implementation that are discussed in the text but not explicitly covered in the table, such as:

- 1. Articulation on principles of collaboration and co-creation:** The framing on foundational and operational principles within the actionable framework of the interim report provides clarity in a complex and deeply permeated digital environment. While the cover of these principles is quite expansive, there may be value in calling out collaboration and co-creation as specific principles for DPI development, deployment, and operation. Collaboration and open innovation are key drivers for the success of DPIs. By focalising these principles in the DPI conversation as explicit guiding principles, the already modular and interoperable space can lean further into an open innovation approach, and benefit from the collective intelligence and expertise of a wider ecosystem, fostering creativity, and promoting the continuous improvement of services and functionalities. To this end, the document cautions against vendor lock-in and emphasizes the importance of interoperability and open standards in DPI systems. However, the evaluation table does not have a specific contour or criteria to assess the level of vendor lock-in or interoperability measures in place.
- 2. Privacy and Data Protection Risks:** The document highlights the importance of robust data protection frameworks and safeguards to prevent misuse of personal data within DPI systems, but the evaluation table does not have a specific criteria dedicated to assessing these measures.
- 3. Referencing existing practice to enable optionality in operationalising principles:** The Systematic Operationalization section within the report under the actionable framework provides valuable guidance on implementing the principles identified. Towards that, while the articulation on the continuous evolution of the operational



frameworks and processes is beneficial, it may be valuable to make references to specific strategies and existing practices on the tools processes and regulations adopted within extant DPI to enable optionality in the adoption of the essential principles within varied DPI and country context.

4. **Environmental Sustainability Considerations:** The document briefly touches upon the potential environmental impacts of DPI systems, such as energy consumption and e-waste management. However, the evaluation table does not include any contours or criteria related to assessing the environmental sustainability aspects of DPI implementations.

6. Are there any critical aspects or perspectives that you believe are missing or underrepresented in the report? If you don't have any feedback, please indicate N/A.

While are previous responses cover most of the pointed feedback on the specific sections in the report, the following meta considerations or missing sections would be well placed to find deeper articulations throughout the interim report -

1. **Framework for disaggregated output indicators:** The interim report discusses the value of impact assessments at some length in sections 5.3 on systemic operationalisation. Additionally, the framework on Evaluation and Assessment of DPI Governance provides valuable guidance on what to measure in assessing a DPI system for governance. However, to extract additional value from the exercise, it would be useful to map out what an ideal system should strive to achieve as a continuous process. Broad based standards and framework on “should haves” and “good to haves” would also go a long way in establishing a model roadmap that DPI operators and regulators and opt to match. As an extension to the same it is also imperative to provide a disaggregation on the output indicators with guidance on how to realise the same. Here, while the Evaluation and Assessment framework for DPI Governance provides a high-level framework on what to measure, it would be pertinent to think about the positive and negative outflows on DPI operation beyond just the governance, and consider qualitative measures beyond quantitative



indicators alone. For instance, to think about access to DPI, it is important to consider the percentage of people that are able to access the technology, but it is just as essential to think about how many of those accessing it are able to extract benefit from the service and engage meaningfully. To that end, it would be essential for DPI operators and regulators to consider specifications on the softer elements of the principles and the multiplier effects on the externalities they generate.

2. **Articulate significance of public value:** The meaning of a public infrastructure is reflected in the maximization of the public value of that application. The first step would be to make the meaning of public value explicit. This concept is closely linked to what a society understands by the common good framework. The creation and maximization of public value is the result of a collective process built in collaboration between the public and private sectors, i.e. it is not created by just one sector and fixed by the other. It is from the definition of the common good that public value gains meaning and direction. In this way, DPI technologies and applications begin to serve the specific purposes and objectives of the community in which they are inserted.
3. **Introspection on role of the state:** Central to the evolution of DPI is the role of the state which has many resonances and responsibilities across the lifecycle. This discussion is intricately linked to the state's responsibility in providing critical services and the notion of a 'digital welfare state'. Specifically, the evolution towards a 'digital welfare state' implies a shift in how these services are delivered, with an increasing reliance on digital platforms and tools. This transition raises questions about justice and fairness not just in the distribution of benefits accruing from DPI, but also the process that mediates its design, development and implementation. Adopting a procedural justice lens to adoption is paramount as the DPI finds application across a variety of contexts to ensure that digitalisation does not exacerbate extant inequities and bridges the 'digital divide' that often confounds developing nations. The report attempts to articulate some of these concerns in the context of normative risks, but

needs greater attention to detail on both mechanisms for accountability, as well as participation that is critical to shape the evolution of just DPI systems.

4. **Introspection on role of the private sector:** As a system that is founded on cross-cutting innovation and private sector participation, it is important to ensure oversight into and transparency of private sector activities. The involvement of private entities not only raises concerns about privacy and surveillance, but also the commodification of public services. In turn, commodification of services can lead to a misguided focus on efficiency over equity. In fact, privatisation of essential services has been the source of major contention insofar legacy infrastructure is concerned, as evidenced in the social conflict that abounded in instances where water has been privatised, among other things. Such possibilities point towards a need for robust regulatory frameworks and public accountability mechanisms, especially as states navigate the complex terrain of digital governance.

7. In the context of multi-stakeholder processes for implementing DPI, which stakeholders are most well-represented and/or have the most influence and which are under-represented and/or have the least influence, in your experience? Does the under-representation/lack of influence of any stakeholders affect the feasibility of the operationalization pathways outlined for safe and inclusive DPI outlined in the report? If so, how?

The report makes an impressive attempt to capture the breadth of multi stakeholder composition and engagement across the DPI ecosystem. In assessing the different governance design mechanisms, the report draws on the opportunities available to countries to consider how to embed DPI within their contexts. However, a limitation herein is the role outlined for 'local ecosystems' that seems to encompass start-ups, community organisations and start-ups within its fold. While such ecosystems are critical to ensure adequate uptake and sustainability of DPI initiatives, it is equally important to acknowledge the role they play in understanding the impact of such systems. For instance, grassroots organisations have been at the forefront of driving design and policy change to ID systems in

countries like India in ways that not only extend the reach of such systems, but also ensure that their implementation meets standards of justice, fairness and inclusion. To this end, the role of the civil society - as stakeholders but as also essential sites for accountability and contestation - needs to be elaborated upon within the report. CSOs can prove to be critical levers to promote DPI adoption, capacity building of state actors and communities alike, as well as trust and innovation. CSOs can help countries navigate the complexities of digitalisation in ways that do not exacerbate existing inequalities or mimic the pitfalls of legacy service delivery infrastructure.

8. Any additional recommendations or suggestions as DPI safeguards WG move to the deductive phase? If you don't have any feedback, please indicate N/A.

Overall, the only additional suggestion would be the lack of examples throughout the report. The report may illustrate what DPI is through real cases, or what are the sustained governance measures. Also, regarding risks, the report should explicitly address the human rights implications and risks associated with DPIs, such as privacy concerns, surveillance issues, and the potential for discrimination or exclusion. It would be useful to have more detailed examples or case studies to illustrate specific risk scenarios and their potential consequences. This would help stakeholders better understand the urgency and gravity of the risks involved.