

## Data Governance Issue

- Data is not oil (oil is exhaustible, but data is not)
  - Data is a commodity
  - These days there are data brokers, who curate and sell the data. This is however a gray market.
  - De jure is what is happening by law (or what should happen by law)
  - De facto is what is happening in reality.
- 
- By Indian law, data is not a commodity, but in reality data is actually a commodity.
- 
- First basic kinds of data -
    - Personal data
    - Non-personal data
  - A third kind of data is community data (eg. traffic data, neither personal nor non-personal)
  - Climate/weather data is 4th kind of data (neither of personal, non-personal, or community data)
- 
- The IT act in India that persisted from 2000 - 2023, was only a commercial picture that talked about how stealing data is a crime.
  - It talked only about commercial data from the companies.
  - A new data protection act came to India in 2023. This act talks about training data for AI models.

Types of goods/commodities can be viewed as -

<b>Non-excludable</b>	Commons	Public
<b>Excludable</b>	Private	Clubs
	<b>Rivalrous</b>	<b>Non-rivalrous</b>

- Non-excludable: air, forest. Using it won't stop others from using it. These commodities are resources for humanity and not a private property.
- Non-excludable and non-rivalrous: Light
- Rivalrous goods are the ones which decrease in use.

- Excludable and non-rivalrous: Golf courts, movie theaters
- Excludable and rivalrous: potato
- Water which is a non-excludable commodity is slowly shifting towards excludable commodity.
- Data is not rivalrous, thus it comes only in the 2nd column in the table. However, slowly with the advent of AI people are making data to move from the 2nd column to the 'private' cell.
- This is due to an increase in economic incentive in data.
- Harms of collecting volumes of data -
  - Personal data will have to be considered.
  - It will create economic wealth power concentrations
- Debates:
  - Public/private: The actual citizens are ignored
  - Core/periphery: Peripheral poor countries want to become core rich countries. The issue here again is that it does not discuss wealth and power.
- These debate frames are actually inaccurate.
- DPI
- Aadhaar came with the idea to remove corruption.
- But efficiency is not everything
- Means testing: testing whether somebody deserves welfare. This is data-driven welfare. This actually does not work.
- It has been scientifically tested that unconditional welfare is better than means testing.
- With means testing there comes some error and ultimately affects the individuals (eg. people die out of starvation, or may kill others)
- Demanding documents is sometimes harmful than means testing.
- Securitization: spiralization of data, this ultimately results in loss of constitutional rights ( a bad policy)
- Function creep (or scope creep): On accomplishing one task, there comes the greed to do further bogus tasks. COMPASS initially had the goal of testing whether prisoners are

vulnerable to mental health, later an attempt was made to detect whether the criminals will reoffend.

- In Aadhaar act, the Supreme Court agreed that Indians have rights to privacy.
  - The strictest data protection law is GDPR in Europe.
  - The difference between the Indian data protection act and GDPR is that in India it is not a political issue.
- 
- Silver bullet - magical solution
  - Antitrust: maintaining lack of trust so that the competition does not break (eg. SEBI ensures antitrust)
  - Brinkmanship: Data localization (data is kept on borders and will be shared only when payment is made). Threatening about a policy that never came into picture. India and China are only threatening data localization but have not come up with the policy.