

# The New Digital Deal

## Digital Trust and Privacy in the Age of Urban Citizenships

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Wednesday, August 25, 2021

### Abstract

The lack of policy frameworks for digital trust and data privacy exposes urban planners and designers to the risk of increasing inequalities when they conceive urban territory using digital tools and technology. In the aftermath of the COVID-19 pandemic, many urban policy and governance scholars called to readdress contemporary forms of citizenships. In leveraging telecommunication technology in order to prevent the spread of the SARS-CoV-2, the rapid and sometime unplanned unfolding of digital solutions has disrupted several aspects of the urban social contract. One of the most pregnant consequences of this change concerns citizens' relationship to data privacy and digital trust. While new forms of interactive democracy frameworks offer potential solutions to generate ideas and awareness on issues pertaining to citizenship and digitisation, they have, in most cases, focused on other topics. This article delineates the development of a *New Digital Deal* that would result from such framework. It highlight how a series of citizen assemblies on digital citizenship would contribute to making urban societies more resilient to the rapid transformation of their digital ecosystem. By looking at recent cases of national citizen assemblies in Europe, it defines the means and the requirements for such a process to take place in across national and transnational contexts. A *New Digital Deal* would therefore not only have tremendous benefits on the right and protection of citizens across the globe, but also lay the foundation for more just and fair development of urban territories.

### Extended abstract

We were all impacted by the COVID-19. We talk about it, text about it, dream about it. We follow social distancing guidelines, we work from home and we avoid crowded places, busy stores and large gatherings. We use contact tracing apps and so-called “green passes” to access events, places and transportation. We abide by new norms, rules and regulations to reduce the risk of contamination based on our understanding of the disease and contribute to mitigate the menace it poses for our lives, organizations and societies.

The apparent trade-off between privacy and health is at the core of the pandemic. But now calls for a “new digital deal” to safeguard social cohesion and trust towards politics, science and industry. Because of the current epidemiological turn in surveillance technology, the spread of the SARS-CoV-2 revealed a legitimacy crisis, for which decision-makers were unprepared. Rooted in growing informational and digital divides, and a lack of trustworthy infrastructure for knowledge sharing, the crisis crystalized on-going ideological feuds occurring within and between nations, international organizations and multinational corporations.

How could a new digital deal—based on a global civic effort—contribute to increase trust while maintaining our efforts to eradicate the virus? How to achieve it? What are the obstacles that prevent the emergence of such an endeavor?

To date, public trust in digital contact tracing methods built mainly on the legitimacy of stakeholders. Through the pandemic, political, academic and corporate leaders have formed alliances engaging their reputation and making an unprecedented commitment to facilitate eachother's access to sensitive data. For

example, governments enforcing the collection of personal data by private companies, private companies allowing academic institutions to analyze their users' digital traces, and academic institutions providing infrastructure for governmental data storage and processing raise many questions: Are we normalizing surveillance technology? How can we guarantee accountability when faced with such an alliance? What role can the legal system and civic society play in balancing this trade-off? A new digital deal would address a growing uncertainty on, for example, the constitutional basis of digital governance, and how to guarantee a just distribution of resources and power in the digital economy.

A new digital deal would serve to develop a value-based framework for epidemiological governance. The lack of policy frameworks for digital trust and data privacy exposes urban planners and designers to the risk of increasing inequalities when they conceive urban territory using digital tools and technology. In the aftermath of the COVID-19 pandemic, many urban policy and governance scholars called to readdress contemporary forms of citizenships. Moreover, the pandemic has shown the limitation of the legislative tools such as the European Union's General Data Protection Regulation (GDPR). For example, it is not clear whether this regulation applies to citizens of the European Union only or anyone who steps foot within the Union's territory. The pandemic fostered a cognitive disjuncture in the terminology of trust and trusted systems, blurring the boundaries between technical trust and political trust, which need to remain separate. A new digital deal may thus provide useful insights on how to mitigate the risk that technical trust taints political trust and vice versa.

Interactive democracy offers a viable method for defining a value-based governance with high acceptability and rapid implementation. Consider, for example, recent citizen assemblies in charge of defining measures to reach objectives of the Paris Agreement or reshape the European Union Common Policy on Agriculture. In both cases, an interactive democratic approach fostered support among stakeholders and the national population, and increased transparency and accountability from governments. The key of such an instance is to clearly separate the roles and responsibilities of citizens, legislators, stakeholders and experts. Citizen assemblies empower participating citizens to audition elected officials, corporations, lobbies and scientific experts, thus leveraging public trust in the process. A random selection of participants across national population subsamples increases the independence, impartiality and efficiency of resulting outcomes.

In short, interactive democracy would forge the new digital deal necessary to resolve the delegitimation crisis where citizens lose their trust in political, academic and corporate leaders to uphold the social contract. Substantial barriers, however, might limit the trustworthiness of such a process. Existing ways of conceiving trust were developed without much input from common citizens. For example, what do existing data privacy regulations, designed mostly by culturally homogeneous politicians, experts and stakeholders, tell us about the values and aspirations of eight billion humans? These emerging forms of policy making surely offer qualitative new perspectives for mankind, but national and international institutions may not be receptive.

There are also enormous organizational obstacles to defining a global new digital deal. The task would be easier for smaller and more urbanized countries in which every citizen is registered than for larger states in which a random selection of participants is virtually impossible. The leap for Southern countries is larger than for Northern nations who have the means and instruments to organize national citizen assemblies, largely due to the cost of transport or developing secure communication channels among participants. In terms of approaches, ideological frameworks in progressive and conservative countries present different challenges to implementing measures. Some countries also would recognize the place of marginalized minorities or women, while others only value the legitimacy of dominant groups. Certain countries already embrace interactive democracy while others see no added value in such a process.

Hence, perhaps the thorniest challenge exists on the geopolitical side. A new digital deal would require a coordinated effort from all countries, including some whose value system may not embrace citizens-centric processes. The diversity of approaches by national authorities highlights the risk of losing the public's trust in proposed measures. A global framework of accountability for governments, academia and corporations, yet, remains needed to gain public trust in digital contact tracing and thus eradicate COVID-19. More

generally, properly managing cross-cultural interactions is essential. As a series of recent reports point out, the pandemic will likely have deep and lasting effects on geopolitical relationships. Countries less impacted by the virus present lower risk of going through an economic recession. It therefore might be tempting to rapidly implement measures rather than to spend time and resources in conducting citizen assemblies across the world. Research, however, reveals the efficiency of such processes to accelerate the implementation of most effective measures.

Because countries are likely not to embrace the process in the same way, a self-regulatory regime of procedures, technologies and rules at the national level is the best we can expect. As a cornerstone of such a process, countries must increase their public access to scientific evidence and independent ethical evaluations. Many countries put the burden of ethical evaluation procedures on internal commissions, which rarely permeate to the public sphere. Further, it might be necessary for international organizations to instate independent public debate commissions to oversee the organization and procedure of citizens assemblies across countries. Currently, existing citizens assemblies are conducted by national commissions with varying protocols and understanding of organizational and political objectives. Countries themselves must develop approaches that suit their political framework while preserving international standards. These frameworks should in turn include local scientific experts and industries, as well as international observers.

Finally, the definition of a new digital deal shares with other nascent global political alliances (e.g. the European Green Deal) the need to develop a paradigm for rebuilding political trust. Politicians and parties need to understand and actively develop effort to conduct such processes across topics. Initially, the new digital deal would need to be the work of local and national governments. In the long run, the question will be whether international organizations should nurture the new digital deal as a bottom up or a top down approach. UNESCO has well defined a global governance of cultural heritage and helps promote multilateral cooperation and collaboration to preserve humanity's most valuable historical assets. I would argue that a new digital deal has similar potential, and deserves as much investment both financial and political.

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