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CASE STUDY: GENERAL DATA PROTECTION REGULATION  
– A GLOBAL STANDARD?

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MS DSP 485 - Data Governance, Ethics & Law

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## **1. Introduction**

The General Data Protection Regulation (GDPR) represents a significant evolution in data privacy laws, impacting not just Europe but setting a global benchmark. This regulation addresses the changing landscape of data privacy, particularly in light of increasing digital activism and surveillance cultures. The paper titled "General Data Protection Regulation—A Global Standard? Privacy Futures, Digital Activism, and Surveillance Cultures in the Global South" explores the implications of GDPR from a global perspective, emphasizing its influence on data governance practices and legislative frameworks beyond the European Union.

## **2. The Data**

The paper leverages a diverse range of data sources, including legislative texts, case studies, and theoretical analyses. It examines the implementation of GDPR in various jurisdictions and its intersection with local privacy laws. Additionally, it considers qualitative data from interviews and surveys conducted with key stakeholders in the Global South, providing a comprehensive understanding of the regulation's impact on different socio-political contexts.

## **3. Relevance to Data Governance**

GDPR is a cornerstone of modern data governance, providing a structured approach to managing personal data. The regulation emphasizes transparency, accountability, and the rights of individuals, which are fundamental principles in data governance. It compels organizations to adopt stringent data protection measures and fosters a culture of compliance and ethical data management. The paper discusses how GDPR influences data governance policies globally, highlighting its role in shaping practices that ensure data integrity, security, and privacy.

#### **4. Relevant Legislation**

The GDPR itself is the primary legislation discussed, with its articles and recitals forming the basis of the analysis. The paper also references other relevant laws and regulations influenced by GDPR, such as the California Consumer Privacy Act (CCPA) in the United States, Brazil's General Data Protection Law (LGPD), and various national data protection laws in the Global South. These pieces of legislation are examined to illustrate the ripple effect of GDPR on global data privacy standards and legislative trends.

#### **5. Data Governance Solution**

The GDPR provides a robust framework for data governance solutions, emphasizing the importance of data protection by design and default. The paper suggests several strategies for effective data governance in the context of GDPR, including:

- Implementing comprehensive data protection policies and procedures.
- Conducting regular data protection impact assessments (DPIAs).
- Ensuring transparency and accountability through detailed record-keeping and reporting mechanisms.
- Enhancing data security measures to protect against breaches.
- Fostering a culture of privacy awareness and compliance within organizations.

By adhering to these principles, organizations can navigate the complexities of data governance under GDPR and similar regulations, ensuring they meet legal requirements while protecting individuals' privacy rights.

#### **References**

Arora, Payal. 2019. "General Data Protection Regulation—A Global Standard? Privacy Futures, Digital Activism, and Surveillance Cultures in the Global South." *Surveillance & Society* 17 (5): 717–25. <https://doi.org/10.24908/ss.v17i5.13307>.

Regulation (EU) 2016/679. 2016. "General Data Protection Regulation (GDPR)." Official Journal of the European Union L119: 1-88. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32016R0679>.

Eye on Tech. 2020. "What is Data Governance? How Does it Impact Businesses?" YouTube, 2:16. February 14, 2020. <https://www.youtube.com/watch?v=BqdPuwwPk4>



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## CASE STUDY: DISTRIBUTION OF AMERICAN RESCUE PLAN FUNDS TO TRIBAL GOVERNMENTS

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## **1. Introduction**

In an NPR Marketplace report by Savannah Maher, the distribution of American Rescue Plan funds to tribal governments is scrutinized for potential inequities. The segment, titled “Were Tribal Government COVID Relief Funds Fairly Distributed?”, discusses how \$20 billion from the \$1.9 trillion federal coronavirus relief package was allocated to tribal entities, highlighting significant disparities in the distribution method. This analysis examines the data sources, relevance to data governance, relevant legislation, and potential solutions related to this issue (Maher 2021).

## **2. The Data**

The data discussed in the segment includes population sizes, employment numbers, and funding amounts received by various tribes. The Treasury Department used population and employment figures to distribute the funds, excluding factors like COVID-19 infection rates and poverty levels. This approach resulted in significant disparities, with some small but wealthy tribes receiving large sums while others with greater needs received less. The analysis of this data highlights gaps and inequities, emphasizing the need for more comprehensive and contextually relevant data in future distributions.

## **3. Relevance to Data Governance**

This case study is relevant to data stewardship within the data governance framework. Data stewardship involves managing data with a focus on compliance, quality, and ethical considerations. The Treasury's reliance on limited data (population and employment) reflects challenges in data availability and adequacy. The significant data gaps in Indian Country hindered a fair and equitable distribution of funds, highlighting the need for more comprehensive data collection and integration. Ethical considerations are paramount, as the

distribution method inadvertently favoured economically prosperous tribes, raising questions about fairness and equity in resource allocation. Transparent communication and robust data governance practices are essential to ensure equitable outcomes in future policy decisions.

#### **4. Relevant Legislation**

The distribution of funds was guided by the American Rescue Plan Act, which aimed to provide economic relief in response to the COVID-19 pandemic. The legislation did not mandate specific criteria for fund distribution, leaving it to the Treasury's discretion. This lack of detailed legislative guidance contributed to the reliance on population and employment data. The case study suggests that future legislation should include more comprehensive criteria to ensure fair distribution, considering factors like economic need, health impacts, and existing infrastructure. Policymakers might look to previous models, such as the Indian Health Service funding formulas, which take a more nuanced approach.

#### **5. Data Governance Solution**

The key takeaway from this case study is the need for a more inclusive and contextually aware approach to data governance in fund distribution. While the American Rescue Plan provided critical support, the methodology for distributing funds revealed significant gaps. To address these, the authors suggest incorporating additional socio-economic indicators and health metrics in future funding formulas. Furthermore, enhancing data collection efforts in Indian country to fill existing gaps is crucial. Solutions could include partnerships with academic institutions and investment in data infrastructure for tribal governments. Ensuring that marginalized communities receive equitable support requires policies informed by comprehensive, high-quality data.

#### **References**

Maher, Savannah. 2021. "Were Tribal Government COVID Relief Funds Fairly Distributed?" NPR Marketplace, October 21, 2021. <https://www.marketplace.org/2021/10/21/were-tribal-government-covid-relief-funds-fairly-distributed/>.