## **Module 1**

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>.

Arora’s paper tackles the problem of Western-dominated thought leadership in the realm of data-privacy. They lay out an alternative framework consisting of five points that challenge the Western norms. Their primary concern is the disparity in effects for legislation across the world when enacted by Western (Global North) countries.

Arora’s source of data in their article is not the data traditionally expected of a data science course’s readings. Their data comes from a legal-philosophy background citing historical events as precedent along with current legislation like GDPR to paint a portrait about how traditional Western views on privacy might not align with the interests of non-Western peoples. In my view and the author’s view the data and analysis are sufficient to compel the reader to hesitate in using something like GDPR as a magic cure-all.

Arora proposes a five-point framework to shift our thinking on data privacy to a decolonialized mindset. First is to recognize the legacy of distrust. Second is to focus on local governance over transnational and national governance. Third is to prioritize the collective over the individual. Fourth is to recognize the need to prioritize publicity over privacy at times. Fifth is to reframe the global struggle to the local one. (Arora 2019, 718).

I’ll argue that Arora’s five-point framework is extremely compelling. Starting with the first point, Arora accurately points out several historical incidents that give reason for pause. They specifically point out the *Sedition Law Act* of 1870 (Arora 719) which in the name of personhood granted the state increased regulatory power over the subject. We can draw similar ties to the current debate over facial recognition or other biometric surveillance methods. There are also notable harms present in China with surveillance enabling crackdowns on dissenters and those on the margins of traditional Han Chinese society (Shakir and Wang 2021).

In their second point, there is a very strong argument that a transnational focus leaves marginalized people in a bad spot. Classic arguments in first-world countries pose the social media companies themselves as threats to the user. Arora points out that man-in-the-middle style breaches occur on levels smaller than Cambridge Analytica but at an infinitely more consequential level with peoples’ lives in danger. Arora specifically cites the usage of social media by gangs in the favelas (Arora 720).

In their third point, the argument falters. Arora argues that recent calls to focus on protecting collectives is a reason to shift focus from the individual to the collective. I do not believe there’s a strong case in that this is the status quo. Similar to how Arora traces historical precedents for their other arguments, we can apply the same here and trace various acts and laws designed to protect groups at the local, national, and transnational levels. In ancient Babylon we can see collective protections applied in the case of owner-herdsmen relations (Rositani 2017, 52). In modern India we can refer to the Protection of Civil Rights Act, 1955 which banned the practice of untouchables entirely in practice and dissemination. This does not invalidate the need to protect collectives as that is still a true statement based on such evidence, but of all of Arora’s points, this is the weakest.

Point four in the framework is very interesting. It specifically asks the reader to look at why there’s a negative feedback loop in places like India for women in the digital space. Local laws and cultures actively suppress their digital voices for the sake of privacy for several reasons Arora lists, including deep fake pornography and leaks (Arora 2019, 722). This then feeds into a lack of expression in the digital space which Arora identifies as an avenue for countercultural forces to go viral. This cycle is extremely similar to the well-regarded love for the first amendment in the United States. It is well known that the ability to self-express is a critical right and countless movements in American history have depended on mass media for disseminating a message from the protests against British rule during the American Revolution to Martin Luther King’s televised speeches.

Point five in the framework points out the struggle of large American companies versus smaller companies in other countries. Arora cites the European Union’s Directive on Copyright in the Digital Single Market as a potential harm which was quite relevant in 2019 but for now it lacks the same punch when used. A more America-localized law would be the Digital Millennium Copyright Act of the United States or for Euorpeans, the European Union Copyright Directive. Contextualizing it in the context of Arora’s arguments, these wide spanning bans are frequently misused or abused in acts that silence content creators (Sieminski 2014). These content creators could be protesting something like Nestle’s abuses in developing countries but their usage of trademarked logos could result in Nestle crushing them with hefty fines and lengthy court battles. Or in the case of the 2016 Olympics, deny people from interacting with the international digital community through DMCA abuse (Russell 2016). ]

My takeaway from this paper is that the decolonialist view of digital privacy is valid and should be taken in consideration by those in power. An all too common Americentric or Eurocentric approach is taken in global affairs. Arora’s arguments make sense their five-point framework is simple enough to adapt for American affairs as I’ve shown in the case of point five, that American companies and legislators (or their staffers) should try to incorporate something akin to this in their framing of digital privacy.

References

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