

Control. Alt. Data.

*Giving users more flexibility with their information
online*



Summary report of a major Onward and Facebook partnership

ONWARD >

About Onward

Onward is a not-for-profit thinktank registered in England and Wales (no. 11326052). Our mission is to renew the centre right for the next generation, by coming up with bold new ideas and reaching out to new groups of people.

You can find out more about us on our website at www.ukonward.com and @ukonward on all major social media.

About Facebook

Founded in 2004, Facebook's mission is to give people the power to build community and bring the world closer together. People use Facebook to stay connected with friends and family, to discover what's going on in the world, and to share and express what matters to them.

About this report

This event was held under the Chatham House Rule, so all comments below are anonymised and the discussion summarised.

For more information, or to explore how you might partner with Onward in future, please contact office@ukonward.com.

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Foreword

The UK has a proud history of innovative policy and international leadership in the digital arena. We also have one of the most dynamic data economies and unrivalled data assets in the NHS and elsewhere. Brexit and the pandemic mean the burning platform is even more urgent than it was before.

As this event discussed, the UK has an opportunity to develop a regulatory and policy posture that is pro-innovation and pro-user. The upcoming Government Data Strategy is an opportunity to fundamentally update the way data is controlled, to embed trust in platforms and services, open up the public sector, and bring the UK's digital identity and assurance regimes into the 21st Century. In doing so, the UK can build an international consensus that could last.

This requires a frank discussion of the trade-offs and choices. We need to rapidly agree what data should be portable or controllable, what should be mandated or merely encouraged, and the role of government is in leading by example. These debates are essential if we are to move forward with a robust and lasting settlement.

I hope this summary document provides fruit for those discussions and the basis for future conversations.

Will Tanner

Director, Onward

Introduction from Facebook

We want to thank Onward for their partnership in building this important discussion around data portability.

As we emphasised during the discussion, a free and open internet means that people should be able to share their data with the apps or services they like most. As our CEO, Mark Zuckerberg recently said, if you share data with one service, you should be able to move it to another. This gives people control and choice, while also promoting innovation.

We are regularly improving our tools that make it easier for people to take their personal information to other services. We're confident we can offer people even more control through a new generation of data portability tools that protect privacy and support innovation. To do that, however, we and other online services need to demonstrate to people that their data will be protected as they move it among different services.

To build portability tools people can trust and use effectively, online services need clear rules about what kinds of data should be portable and who is responsible for protecting that data as it moves to different services. Although GDPR guarantees the right to portability, we believe companies and people would benefit from additional guidance about what it means to put those rules into practice.

Our White Paper on data portability asks five questions about data portability and privacy that we hope will help advance a global conversation about what it means to build privacy-protective data portability.

Through our white paper and product developments, we aim to spur continued conversations between privacy experts, think tanks like Onward, and regulators already working on data portability.

Summary

The data economy is bringing extraordinary benefits to users, from more personalised services to richer online interactions with content, retail and other users. However, the growth of the data economy also creates new questions about who is responsible for data, what it can be used for, and with whom can it be shared.

This roundtable considered the key question of data portability: the ability of users to transfer their data between platforms within the data economy in a manner that builds trust and safeguards privacy.

The group found much common ground on the need to improve transparency around how consumers' data is used and the importance of securing meaningful consent. It was also agreed that data portability should benefit, and be useful to, individuals as well as third parties and data intermediaries.

The participants made a strong case for the government to develop a coherent and accommodating regulatory framework - to pick markets and set standards while also backing innovation and growth.

Key points of the discussion

The discussion brought out some key points for policymakers:

1. **Personal data should be easier to access and more understandable.** It was agreed that, for data to be useful, users should be able to access their information as required and for data to be delivered in a format that can be easily interpreted and analysed. Pages of a PDF or manual downloads of HTML files—while helpful from a transparency perspective—are insufficient to encourage innovative and frequent usage in new digital services. It was also commented that data portability is not particularly useful for consumers in practice unless the process can be done automatically through APIs or third-party intermediaries, which can leverage the data to bring tangible benefits to users.
2. **Clarity and transparency are key.** There was a broad consensus on the need to increase transparency and empower people. The public does care about how personal data is used – but it was noted that what really matters is that nothing bad or nefarious is done with this data. Many people are happy for their data to be used to generate public goods or for purposes of public health, with contact tracing apps mentioned as a recent example of this. It was observed that, currently, there is a lot of unnecessary complexity. Terms and conditions are long and poorly understood. There is a lack of accessible information available to users about what they can port, where it is being ported to, and the terms and conditions, including around liability and privacy, in doing so. This is despite lengthy regulation to protect consumers. This is an object lesson in why the how of regulation matters as much as the what.

3. **Control of personal data must be assured.** The group then moved to discuss the related issue of data control and consent. It was argued that consent ought to come after implementing all other data protection principles. There should be a foundational layer with privacy safeguards baked in, and then consent is asked on top regarding the collection of other necessary data for a specified purpose. It was observed that consumers are comfortable with sharing data about their broadband performance but less with sharing their location or other more 'personal' information. This would put users in much greater control over how their personal data is used and shared.

Cookie banners were mentioned specifically here – as an example of bad implementation of legal obligations. It was noted that nothing prevented rules on opt outs being implemented at the browser level, and that cookie banners are not prescribed by law, but is a function of multiple ad trackers on a page attempting to share consent with a single click. This raised the question of a potential product gap; third-parties could set users' cookie preferences automatically when visiting a new site.

4. **We must be inclusive of small businesses and new entrants.** It was agreed that small businesses can really benefit from effective data portability. The Data Transfer Project, as an open-source effort to develop transfer mechanisms usable by anyone, was highlighted as one way to enable participation of smaller companies. This is because it allows greater access to data for smaller companies unable to build their own large mechanisms.

Some participants argued that the creation of standards and guidance must involve small businesses and innovators, otherwise the rules may be oriented towards large established

firms. We should guard against entrenching the dominance of a few companies even further, and to priorities driving innovation and helping smaller players rather than incumbents.

It was generally agreed that how we pick markets is of great importance going forward – focusing on markets with more investment in start-ups and where firms can do good and deliver benefits to consumers at relatively small scale. It was also commented that the government should aid competition by encouraging a plurality of services and tools.

5. **Government should play the role of facilitator.** A consensus developed around the view that the Government should primarily aim to be a market-maker and standard-setter. The group considered the way in which government ought to approach regulation. Rules and standards should be pro-growth and pro-innovation while also protecting privacy. Government should provide more scaffolding on which firms can build products and services. There needs to be regulatory coherence from government, although it was also commented that over-standardisation would stifle innovation.

It was commented that government should align its regulatory model with firms' incentives rather than relying on command and control methods that can often backfire. In a similar vein, participants cautioned that the government ought to be careful to not let the perfect be the enemy of the good – to be wary of over-complications and over-reaching. Government should also build confidence and trust around data. It was suggested that improving data-sharing across government could set an example of best practice for other organisations.

6. **There was discussion in the room** about the best ways to deliver data portability and the mechanisms that would enable users to take more control. One method discussed as data intermediaries, which would broker data privacy choices on behalf of users, and potentially act as a secure gateway between users and platforms. This was met with approval from a number of organisations present, although there was also support for other methods of data exchange. Demonstrating value to people will be important for any data portability mechanism or intermediary to be effective.

7. **There was general optimism** around the opportunities that data portability opens up. The ability to move data from one platform to another would allow users to effectively 'vote with their feet'. But the group also recognised that the usefulness of transferring personal data can be limited in cases where much of the value of that information is due to its relationship between user profiles. By analogy, it would be like removing one single tile from a mosaic: some personal data is only useful in relation to the data of other people. A single data point out of context may not be useful to third parties.

Conclusions

This was a positive session that focused heavily on the opportunities of greater data portability for users and the wider economy. However, while it identified clear areas where progress has been made, there is clearly a lot to do to leverage these opportunities for the UK.

The National Data Strategy is the right vehicle for taking this forward. We hope that this session and future work by Onward will be able to feed into that strategy and support the development of a world-leading data regulation regime in the UK.

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