

Data Privacy Brasil's contribution for the Thematic Deep Dive of Data Protection of the Global Digital Compact

United Nations, New York
April 24th 2023

Dear Mrs. Co-Facilitator,

Thank you for the opportunity of addressing the topic of the importance of data protection in the framework of the Global Digital Compact.

My name is Rafael Zanatta. I am the director of a civil society organization called **Data Privacy Brasil**. We are based in São Paulo, Brazil, but our work is also regional and global.

First, I would like to explain how our contribution is connected to a collective effort of Global South NGOs. I do not speak in the name of this collective, but our thinking is surely influenced by this collective construction.

In the beginning of 2023, a new alliance was formed by five organizations from the Global South. Together, this alliance prepared a joint contribution to the Global Digital Compact with the name of "Southern Alliance for the Global Digital Compact"¹.

I will not re-state the core principles of our contribution, such as lawfulness, fairness, transparency and accountability. They are fully explained in the document. I will take the opportunity to briefly address three main challenges that are related to the Guiding Questions.

Just like my colleague Linda Bonyo, I will focus on three concrete points.

¹ See the full contribution at

https://www.un.org/techenvoy/sites/www.un.org.techenvoy/files/GDC-submission_Southern_Alliance.pdf

The first one is the adoption of a new mentality regarding data-driven harms and harm prevention. We need to advance a precautionary approach in data protection. We must not focus on the inputs and the nature of data that circulates globally, but on the outcomes and consequences for social groups.

We lack robust and open methodologies for data protection impact assessment. We can foster the development of new theories of harms and new methodologies to evaluate and prevent harms to fundamental rights.

The second challenge is to enhance the institutional capacity of data protection authorities in the Global South. Violations of data protection rights might occur in transnational scenarios involving transnational firms. There is a deep asymmetry of power between data-driven private firms (not only Big Techs but many others in the sector of Health, Marketing and others) and Data Protection Authorities.

Most of the Data Protection Authorities lack access to resources and training for their staff. We would benefit hugely with a public fund to support Data Protection Authorities and high-level training programs, supported by the United Nations, for public servants that are positioned as regulators. We could also benefit from prizes and “best practices” that could stimulate a race to the top.

Finally, we need to focus on the connections of data protection and other fundamental rights. We must move beyond traditional notice-and-consent approaches focused on individual control that were developed in the last century. That is surely needed, but we must combine a collective approach of informational self-determination and new collective rights.

We are entering a new phase of massive desinformation generated by Artificial Intelligence and new forms of informational pollution that are shaped by the use of data. We are also in a concerning period of gender-based violence, surveillance of minorities and techno-authoritarianism.

We must think that data protection is a key element of a new form of environmentalism that is deeply political. We must foster privacy-preserving technologies that benefit collectives and groups and we must recognize new forms of democratic rights related to data



protection. Data protection rights are procedural to democratic rights and must be constructed with the support of communities and not only technocrats and computers.

Thank you for the opportunity.