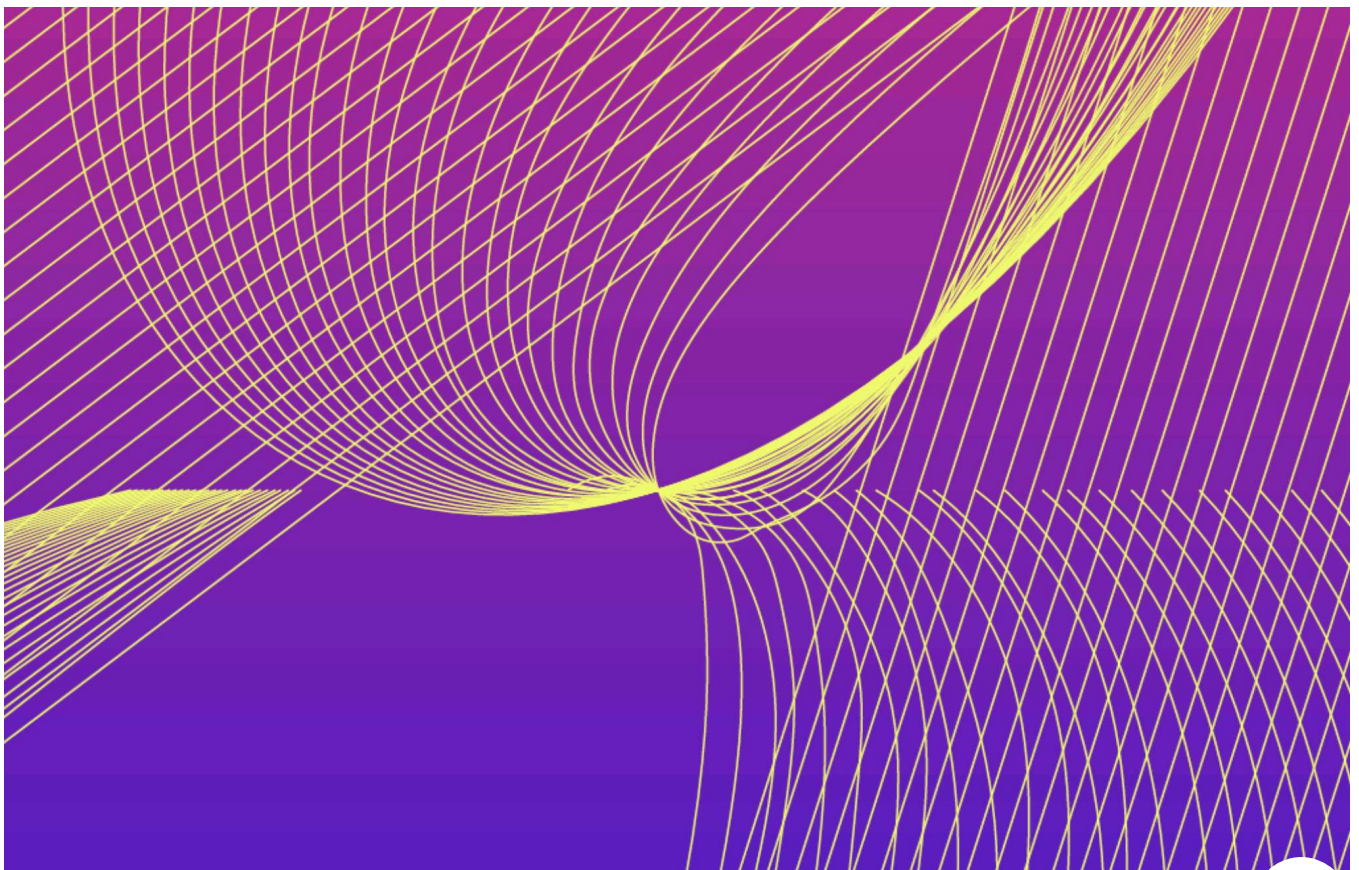


Advocacy and Communications Strategies: Lessons from the Data Privacy Learning Series

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This workshop took place in the context of the *Data Privacy Learning Series*, a series of five events with members of the ADAPT project, whose goal is to tackle concrete issues around advocacy and activism on data protection in the Global South. The series is being conducted by Data Privacy Brasil Research Association with the support of Internews and the first workshop happened on November 23rd, 2021.

The focus of this first workshop was to discuss data protection advocacy and communication strategies in a general sense, but anchoring the conversation in concrete experiences. The meeting started with a brief discussion, led by Data Privacy Brasil, of data protection regulatory models – comprehensive laws *versus* fragmented pieces of legislation – as well as alternative ways to create and/or consolidate rights within different legal systems. In sequence, two ADAPT partners, Internet Bolivia Foundation and KICTANet, each shared their advocacy experiences and challenges regarding the Bill for a Data Protection National Law in Bolivia and the Digital ID caselaw in Kenya, respectively. After these quick presentations, the workshop jumped to a roundtable discussion with all participants.

Advocacy and communication strategies are critical to pursuing campaigns in any context, but are particularly important when discussing complex issues such as data protection, and in contexts where a data protection culture may be nascent or where several obstacles are placed to either pass or effectively enforce a legal data protection framework.

The main goals for the workshop were:

- To spark a debate on “early” data protection advocacy strategies, e.g., constitutionalizing data rights through caselaw or advancing it through legislation;
- To promote the exchange of participants’ visions about advocacy strategies, connecting those that have already passed data protection legislation and their experiences with those who are in the process of drafting/discussing legislation or working on relevant judicial cases;
- To discuss communication strategies for the general public, built on concrete experiences, seeking to understand how these relate to broader advocacy efforts.

Collective learnings from country-specific experiences

The presentations led by participants from Brazil, Bolivia and Kenya provided specific examples of challenges faced by civil society organizations on the road to a strong(e data protection framework, as well as different opportunities that may arise from th

contexts. While derived from particular scenarios, these reflections proved relevant on a wider scope.

There is no one path or solution: context and adaptation are vital

As a general starting point, it was established that there are alternate, and sometimes coexisting, strategies and legal avenues to secure the incorporation of data protection norms and standards, as well as the institutional means to enforce them. The road to a general data protection law that is comprehensive and applicable across different sectors is, in most cases, long and dependent on diverse factors, some of which are outside civil society's range of influence.

Therefore, the path chosen by activists and organizations in each moment of these processes will depend on elements such as, but not limited to: particularities of the legal system they are inserted in, other contextual elements (both internal and external), and opportunities that may arise and change established courses of action, such as a paradigmatic judicial case that may not have been, necessarily, 'on the radar'.

It is not a technical issue: combining strong communications with other advocacy approaches

Coming back to the discussion of strategies, a "bottom-up" approach, focusing on engaging the general public and even promoting direct participation in the legislative process was shown to be an effective alternative despite (or maybe *because of*) low levels of involvement from the public sector. In a scenario where passing comprehensive data protection legislation may not be seen as a priority – given the context of a sanitary emergency or deep political instability, for example – efforts to disseminate the importance of protecting personal data amongst the broader public may be essential to generate public interest and pressure.

In that sense, experiences were shared that include connecting data protection to daily concerns of people, such as the collection of data by supermarkets and drugstores to provide discounts, in a campaign-like strategy, but also organizing more targeted meetings with different groups and engaging the public to actively participate in the drafting process of pending legislation. Shaping the narrative in terms of how persc

data is very much related to a number of other issues that may seem more immediate, like combating a pandemic, tends to result in more engagement.

The use of multiple media vehicles, from more traditional source like newspapers or radio to social media, paired with different types of media (written, audiovisual etc) was also presented as a successful strategy to garner attention to the issue from the beginning of the processes to pass or reinforce data protection legislation – an “intrinsic relationship” between activism, in general, and dynamic communication tactics was highlighted. In that sense, organizations who intend to engage the public at large should keep attuned to shifting dynamics in information and communications in the information ecosystem. Data protection must not be an abstract concept. On the contrary, it must be rooted in daily activities and power relations.

Multistakeholderism: building consensus through dissent

Finally, regardless of particular strategies, one point that was raised throughout the workshop was the need for multi-stakeholder debate and engagement, especially in stages where common basic understandings around a comprehensive, cross-sector legislation must be reached. While dissent is expected as part of the “game” that features several competing interests, the establishment of venues of communication and debate with different sectors is undoubtedly important for the success of virtually any strategy.

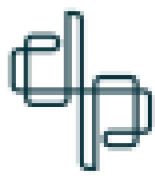
A point that was raised by participants even prior to the workshop – during feedback sessions – was that, particularly in the Global South, the discussions around data protection must go beyond individual protection and compliance with legislation, and must take into account structural asymmetries and inequalities, as well as groups that traditionally would not be granted a seat at the table on these discussions.

Conclusion and open questions

The proposal of this first workshop involved the challenge of finding and reflecting on common issues and concerns among realities that are vastly different. Regional and local particularities mean differences of experience, opinion, and approach on many fronts which reflect the heterogeneities within this common identity: these are socioeconomic, cultural and also legal, considering each country is in a different stage in terms of data protection regulation and enforcement.

Having recognized the complex challenges that follow the South-South relations, it is worth noting that it was possible to underline some common issues and strategies, including but not limited to general communication tactics, a focus on awareness raising and multi-stakeholder engagement and, finally, the use of alternative forums to consolidate data protection rights, such as the judiciary.

At the same time, the workshop and the participants' contributions showed how context – mainly political and institutional context of a country – plays an outsized role in determining what advocacy options and strategies can be taken. Thoughtful and periodic context analysis and risk assessments are central, but not always possible due to time constraints, lack of resources or the emergence of “bigger issues” that demand the attention of activists and organizations as well. Despite that, having a good understanding of the possibilities beforehand is a good start and fostering stronger connections with other organizations and networks inside and outside a country are crucial in order to provide examples of success and failure and help shape future strategies.



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