

Gender and Economic Policy Discussion Forum

Understanding body politics in the context of 'big data' and the information society

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BRIEFING NOTE 35

Gadgets, technologies and media are increasingly becoming part of our bodies and embodiment. Humans are no longer just their physical bodies but are increasingly mediated through technology. In addition to aiding our interaction, perception and communication, technological advancement has ensured that data emerging from individual bodies is consistently fed into global flows of information capital. Moreover, data and technology-mediated governance impose several threats to our bodies and individual freedoms by continuously encroaching upon multiple spheres of our lives. Over the previous decade, scholars have consistently raised questions around disembodied approaches that inform emerging technologies and data governance. When conceptualised from a disembodied perspective, these systems can strengthen long-term social inequalities and deepen identity-based discrimination. For instance, research has highlighted how practices of data profiling i.e., attributing meaning to data, often reinforce pre-existing cultural practices and biases based on identity markers like race, ethnicity, class, age, gender, ability and sexuality. In the wake of the pandemic, there has been an increase in surveillance and policy responses informed by 'big data' and the heightened surveillance has further intensified the policing of data and bodies.

This online discussion was organised to understand body politics in the context of

data and the information society. The penetration of information technologies and smart phones has made debates surrounding embodiment, technological bodies and data governance ever more pressing. More specifically, we aimed to understand what it means to reframe our existing data-based governance frameworks through an embodiment lens. We also wished to explore the gender-transformative interventions that could ensure that the rights and freedoms of the less powerful on their data and their bodies are protected in the digital age. The speakers for this discussion were: Dr Anja Kovacs (Director, Internet Democracy Project), Rohini Lakshané (Technologist, public policy researcher) and Brindaalakshmi K (Queer-feminist researcher and activist). This forum was chaired by Bishakha Datta (Executive Director, Point of View).

Contextualising the discussion

In the digital age, the body cannot be thought of purely as a corporeal flesh and blood physical body, but partly tangible flesh and blood and also partly a little intangible, taking a digital form, as noted by Bishakha. She added that many aspects of the physical body are being translated into digital code and information on an everyday basis. Whether we are using social media, going to the health centre, crossing a toll booth or accessing welfare schemes that are based on identification, data about our bodies are regularly extracted and stored. Bishakha reminded us that in the digital world we are

no longer just our physical bodies but we are also bodies of information and data, which has important implications for feminist politics and movement. She recounted that much of the work of the feminist movement is centred on the gendered body in the domain of patriarchy, thinking through how it is fed, how it sleeps, how it is clothed, who our bodies are allowed to desire, which bodies go hungry, which bodies face violence or get abused, which bodies experience well being and so on. In the past few years, increasingly all these practices related to gender identity, sexuality, reproduction and the way we express desire via social media or dating apps are generating data about individual and collective preference, practice and patterns. As information from our bodies is being codified into data, it raises new questions for multiple movements including feminist movements, in particular, and queer movements around autonomy, bodily integrity and consent.

Data Politics as Body Politics

The most common understanding of data across the world today is of a natural resource that is ready to be mined, noted Anja. However, she stressed that such a construction of data completely disembodies it from the medium that generates it and erases the connections between data and bodies. This is reflected even in Indian government documents that talk about data as a National Asset that the government should have control over. Data in these governance frameworks is thought of as a resource that is independent from our bodies and available for human exploitation; data becomes the new oil (Radhakrishnan, 2020). When viewed as such, we are unable to account for the material implications of data-driven governance on our bodies.

This disembodied notion of data, however, does not match the reality. Anja cited the recent Sulli

Deals case that highlighted the connection between data and bodies. Sulli Deals was an app hosted on the GitHub web platform that featured stolen images of Muslim women and auctioned them. While the data protection debates around the case focused on data protection and privacy violation, Anja revealed that the affected women spoke about their experiences in quite a different way. They, in fact, thought of it as their bodies being put on sale. They understood such actions as them being targeted in an embodied way and not just at the data level, blurring the line between the physical bodies and the data bodies. Anja further elaborated that this was also true for all cases of non-consensual sharing of sexual images. Those targeted predominantly women and queer people used the language of sexual assault, not merely that of data protection or privacy violation.

Data being privileged over bodies

Another case in point is Aadhaar in India. Following a strong policy push by the government, Aadhaar, a biometrically-verifiable digital ID, was made mandatory in order for residents to access state benefits and welfare subsidies. Anja recounted that there has been repeated reporting of cases in India since 2015 of people being denied rations they were legally entitled to because of fingerprint authentication failure in some cases with starvation as a consequence¹. Such instances continue to be reported despite the Supreme Court order that it would be illegal to deny people rations on account of fingerprint authentication failures. She added that this happens even in cases where the ration shop owner has known the family for 30 years and the fact that the cardholder is standing in front of the shopkeeper becomes irrelevant. The systems are now set up in such a way that the data of our bodies is privileged over our living breathing bodies and our own agency

in representing ourselves has become irrelevant (Kovacs, 2020).

Data used to discipline bodies

Another example Anja provided dealt with ASHA community health workers from the state of Haryana in India who in the course of Covid-19 were increasingly forced to digitise their work on government-provided smart phones. They were forced to download an app called MDM 360 Shield that not only monitored and updated their daily work targets but also tracked their movements in real time via a GPS monitor and blocked the use of a range of other apps including Facebook². The mobile application allowed healthcare officials to remotely access the workers' phones to add, delete or update any information on the mobile application. Anja stressed that this became a digital leash on ASHA workers that not only controlled the workers' data but through their data there was an attempt to fundamentally control every movement and action of ASHAs. In this case, she commented that it really inscribed the workers into a capitalist logic of efficiency and productivity, which is a paradox given the official rhetoric of ASHAs being volunteers with limited remuneration. These represent recurring and endless examples of how there has been a paradigm shift in how our bodies are conceptualised. She argued that it is not just that our bodies are translated into data but also that the data generated from bodies, in turn, is used to discipline and control our bodies.

Norms and biases becoming datafied

Often data is considered to be 'rational', 'scientific' and 'modern' – free from social biases and existing outside the context within which the data gets collected. However, the biases and

stereotypes that exist in our societies continue to play out even in the digital world and with the use of technology, as noted by Brindaalakshmi. It is not necessary that such data is disembodied; rather, it is assumed to be embodied by those that are considered to be 'ideal' or 'normative' or 'prototypes' (Doan, 2010). In this way, the upper-caste, savarna, cis-gender and able-bodied male becomes the prototype against which all bodies-as-data are gauged. Brindaalakshmi argued that public policies governing essential services, such as healthcare, reflect these dominant tropes when they mandate the use of Aadhaar to be able to access these services. For instance, mothers who cannot produce their own and their husband's Aadhaar are denied access to maternal healthcare, which meant excluding single mothers from the right to access maternal healthcare. Similarly, accessing abortion services in the public health care system and receiving life-saving antiretroviral therapy drugs for persons living with HIV is not possible without Aadhaar. This has redefined access to rights, which has now steadily come to mean being present in data systems (Brindaalakshmi, 2021). Brindaalakshmi added that such close surveillance of what an individual does with their body has resulted in many discontinuing the treatment because they fear a breach of their privacy. They commented that this is either conscious ignorance or erasure of the right to privacy for individuals, especially gender and sexual minorities.

Politics of Visibility and Invisibility of Bodies

Discussing the Transgender Persons Protection of Rights Act 2019, Brindaalakshmi shared that according to the new law, transgender persons are expected to produce a medical certificate to be able to self-identify their gender within the binary on their IDs, including Aadhaar. Moreover, ID change processes continue to demand an existing ID in a once-given name and assigned

gender for both digital and offline processes. The inability to produce ID documents, often due to estrangement with their natal family, impacts transgender persons' ability to enter data systems in their preferred name and gender. They reiterated that this was another instance of data being privileged over the body. Brindaalakshmi argued that the continued inability of individuals from marginalised genders to enter the data systems will lead to their civil death and, with the diminishing dataset of a particular identity, even extinction. In the case of transgender persons, over time, this could lead to the erasure of a whole population group from the data systems.

Brindaalakshmi stressed that in a country where anything related to sexuality is considered shameful, it becomes an additional burden when individuals are forced to reveal details related to their gender identity and sexuality to access their constitutionally sanctioned human rights. They commented that an increase in people discontinuing the use of a certain service due to privacy concerns would generate biased datasets that don't reflect the realities of transgender persons, single mothers and other marginalised groups. Further, when such biased datasets inform the AI-based automated decision-making systems, the decisions are likely to be biased. Bishakha reminded us that just as our bodies are turning into data, the norms, whether they relate to gender, sexuality, disability and so on, are also congealing into data. Citing the example of municipal workers being tracked with tracking bands, Brindaalakshmi raised the important question of the role caste plays in the surveillance of workers. Surveillance of workers from certain communities is being considered more acceptable because they are thought to be less trustworthy. Therefore, basing our governance frameworks on such 'disembodied' data can have dangerous consequences of reproducing and deepening many of the hegemonic

structures of inequality and discrimination that characterise our society. Surveillance and data-driven governance, thus, risk reinforcing stereotypical and hegemonic social norms and conducts.

Surveillance of Bodies and Big Data

Modern surveillance technology has turned bodies and their movements into data all over the world. Citing the example of video surveillance policing in urban areas in India, Rohini questioned the assumption that data can protect the body. Given that women's safety has become a major justification for the use of CCTV cameras, she noted that Lucknow in Uttar Pradesh has deployed 700 artificial intelligence-based CCTV cameras in public places with a system capable of storing the facial data of 20,000 individuals in real time. It supports manual search-like capabilities of a database comprising one lakh faces and it can label faces as 'blacklisted' and generate alerts based on it. Similarly, another facial recognition program that was integrated with video surveillance technology was deployed in public places to gauge whether a woman is in distress based on her facial expressions and send an alert to the police. The use of facial recognition integrated with video surveillance for public safety is not uncommon across India.

With extensive data being collected and stored in the name of women's safety, policing and crime prevention, Rohini highlighted some concerns since the surveillance is not just over the data but also over individual bodies. First, there is the question of accuracy. She noted that little is known about what happens when biometric technologies are deployed or whether they have been tested for their accuracy and efficacy in the conditions in which they have been deployed. There are possibilities for a system to generate

false positives, which means it mistakenly identifies someone based on their face or an image of their face, and false negatives, where in the system fails to recognise a person.

Second is the more important question of accountability regarding who has access to such data, on whom this technology is being used, for what other purposes such data can be used and where and for how long such data is stored. These surveillance systems are purchased by the government from third-party vendors. Once they enter into a relationship with the government and public money is spent on such infrastructure, there has to be some degree of accountability and auditing.

Third, there are questions of surreptitious surveillance, profiling of individuals, harassment of individuals and violations of civil rights. So, for example, video surveillance cameras in public places have been known to track down protesters demanding that CAA, which is a citizenship law in India, be rolled back.

Fourth, it raises the fear of voyeuristic use of surveillance cameras. In 2013, video clippings believed to be from CCTV footage of young couples sharing intimacies in Delhi's Metro stations and in empty metro carriages were reported to have been uploaded to pornographic websites. Thus, mass surveillance technologies raise crucial questions about the bodily autonomy, dignity and privacy of people.

COVID-19 and dataveillance

The significance of data in shaping our bodies and experiences of embodiment has magnified during Covid-19. Rohini noted that a number of crime prevention/monitoring technologies or mass surveillance technologies were quickly repurposed at the start of the pandemic to control the spread of Covid-19 in the name of

'desperate times, desperate measures'. In countries like India, a quarantined person had to mandatorily install an app on their smart phones that the local government could use to keep a check on them and their mobility. Similarly, electronic tracking devices such as bracelets or anklets were put on quarantined people either by themselves or in conjunction with smart phone apps or QR codes. Rohini elaborated that in 2020, among the smart phone apps that were released for quarantine enforcement in India, one app had access to different sensors including the accelerometer. What this effectively meant was that it was possible for the app maker to know whether the quarantined person is sitting or standing, and whether they are boarding a car or entering a bus. This is in addition to the GPS location permission that provided the exact location of the quarantined person. Another quarantine enforcement app required quarantined users to send a selfie every hour to the police. Bodies were, thus, reduced to data points on such apps and boundaries on what kind of data needs to be collected and how and why these are put into use shrank further. Hence, the use of these devices and apps has caused significant concerns over privacy, bodily autonomy and the dignity of the wearers. Moreover, such surveillance requires no permission from the individual and leaves little space for any kind of negotiations.

Imbalance of Power

All our panellists deliberated over how we address the datafication of our bodies and the politics of data. Although the possibilities of building feminist infrastructure, feminist tech and servers were discussed, Rohini stressed that when relationships with the state and police are in question, as she had discussed, the imbalance of power is stark and how these are addressed becomes critical to building a feminist reality. All

the speakers referred to the power relationships and underlying privileges in these systems and spoke about how we could work to challenge these bodies of power. Anja argued that there has been a fundamental shift and that we cannot continue to talk about data as a resource or about bodies the way we did in the past. She added that there needs to be a recognition that embodied data is part of our extended bodies and to imagine all the harms and possibilities that this new era is providing us with. Citing the example of consent online, she commented that it is a problem because when we tick the boxes to provide consent for the use of our data, we don't really know what we have agreed to do. In this context, she encourages us to look at the debates around sexual consent in feminism as it is a very rich ground where embodied understanding of consent already exists. It foregrounds the underlying power relationships and raises the question of meaningful consent. At the moment, she noted that consent online is not meaningful and needs to be substantially addressed if we want to actually fundamentally protect our bodies.

She pointed that the changed cookie policy and being able to set one's cookie settings was a step forward. However, she added that it was still part of the problem because this puts the burden completely on the individual. The changed cookie policy doesn't address the question of power relationships. She reminds us that the power imbalance between us and the companies at the moment is so huge that we have no scope to negotiate or say no to our data being given to all kinds of third parties for marketing purposes. She revealed that even for apps as sensitive as a dating app like Ok Cupid, hundreds of thousands of third parties get access to the user's data. She argued that it should not be on the individual to make informed choices and questioned whether these cookies should be allowed.

Citing the example of Estonia, which is one of the most digitised countries in the world, Anja stressed the need for robust design principles that protect data from being shared. The government of Estonia is very heavily digitised, but the digital systems are organised such that the user can log in and see which government departments have accessed one's data. Legal systems in Estonia protect people's data and only allow limited access to specific data that a government department may need. Users can also file a complaint if they suspect a data breach. In contrast in India, Anja noted that there is a lot of sharing of user data among government departments, which substantially weakens data protection measures. So, there is a need to build better at the design level with robust design principles and to think through what forms of data sharing should not be allowed.

Rohini added that there are some design principles and data protection principles that have been embedded into the laws such as General Data Protection Regulation (GDPR). There are also design principles about what a good app, a 'feminist app' or a privacy-respecting app should look like. Such principles of coding and principles of design exist. Anja acknowledged that at the moment the GDPR in the EU is considered the gold standard for data protection regulations. It puts people at the centre in ways that the Personal Data Protection Bill, 2019 in India doesn't. She noted that, even so, recognition of bodies being central is still not there in the GDPR and hence the challenge is that we are stopping at the questioning of data as a resource.

The Way Forward

To sum up, Bishakha pointed to a few discourses that are beginning to challenge the way in which data is constructed globally and in India.

Conceptually, one of them is 'data colonialism', which really challenges the positioning of data as the new oil and refers to it as an extractive, neo-colonialist practice in an era of surveillance capitalism. There is also the discourse of 'data justice', which starts from the premise that the greatest burden of data surveillance is borne by those who are marginalised and tries to bring a social justice framework to data governance. It combines the politics of visibility and invisibility, engagement and disengagement with technology and anti-discrimination. It also raises an important question about whether it's enough to actually talk about individual rights in trying to combat data harm. Some argue that data has too often been used as an instrument of oppression to reinforce inequality and perpetuate injustice against vulnerable and marginalised bodies. Hence, a number of organisations are exploring how this can be turned around and whether data can be used instead to reverse oppression as in Data for Black Lives in the US. There is a 'Data for good' movement around using data to improve society. An agency called Data 2X set up by the United Nations looks at data for gender equality, arguing that gender has always been a critical factor in data inequalities.

On the other hand, the Responsible Data approach talks about having a collective duty to account for the unintended consequences of working with data, such as our rights to consent, privacy, security, and ownership. Bishakha reminded us that when using data in our own social change and advocacy efforts, it is critical to implement values and practices of transparency and openness when we use data in our own

work. Next, there is the question around community data such as farming data, data about land or soil and climate farming practices: Are these collectively owned or individually owned? Finally, she pointed to another promising approach called Data feminism that looks at how data science today is a form of power and asks integral questions such as data by who, data for whom and with whose interests in mind. Data feminism argues for bringing in a more inter sectional feminist lens and challenging the differentials of power around the production, collection, storage, use and generation of data.

On a more sober note, Anja strongly argued for putting bodies back into the debate as it would show in a much starker profile some of the problems with the current architecture. It would provide a new language to move forward from current data protection violation discourse to debates about bodily integrity and broader questions of human dignity. She warned that if we failed to recognise the connection between the data and the bodies, we will not have the language or the ground to stand on and fight. She suggested that first we need to develop a collective language in which to talk about these challenges in much starker terms that are not limited to data violation or privacy debates. Once we have that language, we need to find allies organised across different stakeholder groups. Anja stressed that data politics as body politics and putting bodies back into the debate is really the new frontier for feminism and a struggle that we should take up to protect women's rights, autonomy and dignity in the next 50 years.

Endnotes

¹<https://www.thehindu.com/news/national/other-states/jharkhand-where-not-having-aadhaar-could-starve-you-to-death/article24123423.ece>

²<https://www.codastory.com/authoritarian-tech/indian-health-workers/>

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Speakers at the Forum

Dr. Anja Kovacs, Director, Internet Democracy Project

Rohini Lakshane, Technologist, Public Policy Researcher

Brindaalakshmi, Queer-Feminist Researcher and Activist

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