LIRNEasia
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Influencing data governance in South and Southeast Asia

Online

10th -11th December 2024

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Why are we here?

Helani Galpaya

LIRNEasia: a pro-poor, pro-market Asia Pacific think tank; focus on infrastructure policy and regulation

Our Mission:
"Catalyzing policy change through research to improve people's lives in the emerging Asia Pacific by facilitating their use of hard and soft infrastructures through the use of knowledge, information and technology"

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Data is at the core of the information economy and of democratic, inclusive governance

- Government service delivery
  - e.g. where do poor people live, how to measure poverty, disaster recovery
- Ensuring transparency
  - e.g. how people's tax money is spent by governments
  - e.g. how much environmental damage by private sector
- Efficiency of private economic activity
  - e.g. combined data from multiple operator
- Curbing platform misinformation
  - Machine identified hate speech --> human moderation
- "Small data", but specially "Big Data"
- Ability to create, store, share, use and re-use data is fundamental

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Many (new) policies and laws are about data, or depend on data

- Laws, policies, norms, standards, practices about....
  - Privacy (e.g EU GPDR, Sri Lanka PDPA, etc.)
  - Open Data
  - Right to information
  - Archiving
  - Artificial Intelligence
- Competing or conflicting objectives
- Striking the balance between protecting rights (e.g. privacy) and development

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The need for policy intellectuals to influence the direction of policy/law development in our countries

- Need for policies that are context appropriate
- What is the context?
    - Emerging economies & the need for economic development – AI to leapfrog?
    - Need to improve government functions
    - Possibly lower levels of capacity ?
    - Resource constrained
    - Less democratic? (process of law making less transparent)
- Learn, benchmark, adapt, adopt
- Policy intellectuals influencing policy in your country and regionally

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This training is about…..

- Providing regional view of data governance in 7 countries
  - Draft reports shared with you (that everyone has read, obviously!)
  - Presentations and panel discussions today
- Understanding the competing interests/conflicts in various laws, and how they have been (or have not been resolved) in countries
  - Presentations and panel discussions today
  - Assignment/group work (today and tomorrow)
- First step in making connections among a group of emerging policy intellectuals – a cohort you can draw from when you want to act/influence policy
  - Assignment/group work

Agenda (Day 1)

Time (in Sri Lanka time UTC+0530)	Topic	Resource persons
Day 1: 10th December	**Key issues in Data governance**	
1.00 – 1.15pm	Introduction to the objectives of the course	Helani Galpaya
1.15 pm – 1.30 pm	Introduction to Data Governence	Pranesh Prakash
1.30 pm – 2.40 pm Presentations 2.40 pm – 3.00 pm Q and A	Highlights from seven case studies from India, Indonesia, Nepal, Pakistan, Philippines, Thailand and Sri Lanka. 20 min Q and A	Pranesh Prakash (India) Semanta Dahal (Nepal) Muhammad Aslam Hayat (Pakistan) Jompon Pitaksanthayothin (Thailand) Ibrahim Kholilul Rohman (Indonesia) Oliver Reyes (Philippines) Ashwini Natesan (Sri Lanka) Q&A Moderated by Pranesh Prakash
3.00 pm – 3.30 pm	A look at the regional landscape; discussing synthesized findings from the regional report.	Pranesh Pranesh
3.30 - 4.00pm	Introduction to the group work assignment	Pranesha Prakash, Helani Galpaya

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Agenda (Day 2)

Time (in Sri Lanka time UTC+0530)	Topic	Resource persons
Day 2: 11th December Taking research to policy		
1.00 pm – 1.20 pm	Taking research to policy	Rohan Samarajiva, PhD
1.20 – 1.40 pm	Philippine Digital Policy: A Development Entrepreneurship Journey	Grace Mirandilla-Santos
1.40 – 2.30 pm	Successes, partial success, and failures - what led to the different outcomes? Q&A	Rohan Samarajiva and Grace Mirandilla-Santos
2.30 pm – 3.45 pm	Groupwork – 30 minutes Report back by groups and Q&A (5 min presentation by team; 10 min discussion/Q&A	
3.45 pm – 4.00 pm	Wrap up	

Some house rules

- Everyone is muted at the start, until Q&A
- But please type your questions and comments on the chat as speakers are presenting
- During Q&A, to ask a question please "raise your hand" using the button on your Zoom window
- When you are called on to ask your question, please turn your camera on and speak
  - Give you name and country, and ask the question
  - Keep it short and make it a question.
- Keep cameras throughout the sessions, to the extent you can
- Join us for a photo before the last session of the day (cameras on)
- End of tomorrow you will get a survey
  - To evaluate the training program
  - To tell us how you want your name written in the Certificate of Completion
  - To ask if we can share your emails with other participants (right now only names & institutions are shared)
- Respect others; respect time;

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Introduction to Data Governance

Pranesh Prakash

https://pranesh.in/slides/2024-12-10_intro-to-data-governance.html

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Country Case studies

1. Pranesh Prakash (India)

2. Semanta Dahal (Nepal)

3. Muhammad Aslam Hayat (Pakistan)

4. Jompon Pitaksanthayothin (Thailand)

5. Ibrahim Kholilul Rohman (Indonesia)

6. Oliver Reyes (Philippines)

7. Ashwini Natesan (Sri Lanka)

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Country Highlight: India

Pranesh Prakash

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Conflict and Coherence:
Policy Trade-offs relating to Privacy, Transparency & Innovation in India

By

Pranesh Prakash

Why trade-offs matter

Data protection laws must balance multiple competing interests.

- Individual privacy rights

- Public transparency

- Innovation and economic growth

- Freedom of expression, research, etc.

- Government functioning

- Public security

- Enforcement (tied to state capacity)

Poor balance can harm all of the interests.

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India's data protection law

Long evolution (2006–2024)

- Extensive consultations + parliamentary committee scrutiny.
- But final version completely disjointed from previous versions; parliamentary discussions disregarded by government.

Some interesting features

- Applies only to digital data
- Only one type of data (i.e., no "sensitive" data)
- Duties assigned to a data principal
- Stricter than GDPR in some ways, much more lax in other ways.
- "Legitimate interests" is not included as a ground for processing.

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Transparency vs. Privacy

Right to Information Act, 2005 amended by DPDP Act, 2023.

Section 8(1)(j) of the RTI Act, 2005 provided an exception for:

"information which relates to personal information ~~the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual unless the Central Public Information Officer or the State Public Information Officer or the appellate authority, as the case may be, is satisfied that the larger public interest justifies the disclosure of such information.~~"

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Transparency vs. Privacy

Before amendment:

- Balanced test between transparency and privacy
- Protected personal information unless public interest justified disclosure
- Privileged "public interest" over confidentiality of personal data

Post-DPDP Act amendment:

- Removes balancing test
- Blanket protection of personal information
- Privileges confidentiality over transparency
- Criticized by transparency activists, but to no avail

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Innovation vs. Privacy

Text and data mining (TDM), which is essential for search engines and AI, is effectively prohibited.

- Exemption for personal data "made or caused to be made publicly available" by the data principal doesn't help due to uncertainty. Even data from Wikipedia / Wikidata is effectively excluded.

- Act does not allow processing of personal data without consent or very narrow "legitimate aims".

- The exception for "research, archiving or statistical purposes" unlikely to apply for commercial search engines / AI models.

Other Key Trade-offs

Rights vs Ease of administration
- Limited access and correction rights
- No data portability right
- Easier administration for corporations

State capacity vs Independence / Enforcement
- Data Protection Board potentially under government control
- Limited regulatory powers
- Appeals to Telecom (?) Tribunal

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Country Highlight: Nepal

Avash Mainali

Semanta Dahal

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Influencing Data Governance Policy in South and Southeast Asia
Right to Privacy and Development Imperatives

By

Avash Mainali

Semanta Dahal

Content

1. Are Nepal privacy laws, data protections laws?

2. What are the gaps/inconsistencies of Nepal's privacy laws?

3. How does privacy laws interplay with right to information?

4. And, finally from does privacy laws aid development imperatives?

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Privacy or Data Protection

- Although the Privacy Act contains many elements of data protection laws, it is not Nepal's data protection law. Government has announced that it is preparing a separate law for data protection.
- Provision for processing data, cross-border transactions, roles of controller, data protection are lacking in Nepal's Privacy Act compared to GDPR.
- Other provisions missing or inconsistent with GDPR are:
    - Definition of consent
    - Right to be forgotten
    - Right to restriction on processing of personal information
    - Right to informed about processing of personal information
    - Right to erasure
    - Responsibilities of Data Controller
    - Lack of Data Protection Officer
    - Data localization
    - Cross border exchange of data and trading

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Restrictive disclosure

Confusion whether the Privacy Act is data protection laws or privacy laws.

No established criteria in the RTI Act to "classify" data/information

Governmental sectors unaware of potential benefits data can offer in enhancing operations, making better policies for fostering growth

No Public Interest Exception in RTI Act

RESTRICTIVE DISCLOSURE

Restrictive application means data is not shared even among governmental department.

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Consequence

ADVANTAGE

↓

- Preserves human dignity and autonomy.
- Safeguards personal information
- development of personality and the person

→ **BUT** →

- Strict privacy laws can have economic costs.
- Frivolous legal actions for breach of privacy.
- Extra burden on smaller companies to meet privacy goals
- Lack of exchange of data among government departments impacts policy making
- Especially health data are important to be exchanged for response to diseases.
- Restrictions to use of data prevents data analytics and specialists from utilizing data effectively.
- Data cannot be leveraged to address public policy challenges.

Issues to be addressed

- **Awareness:** Governmental should be made unaware of the potential benefits internal data can offer in enhancing their operations, making better policies and fostering growth.

- **Address confusion:** Leveraging of data to address public policy challenges is constrained due to the confusion regarding extent of application of data privacy rules and laws.

- **Cure provisions of RTI Act:** Not public interest exception. Personal Information can only be disclosed when necessary to prevent a serious threat to life, public health, or security or to address corruption offenses.

- **Classified Information:** RTI Act does not prescribe any criteria for this committee to abide by or follow for classifying information resulting in classification being subjective and opaque.

- **Data protection laws:** Pass a comprehensive data protection and regulation laws that protects privacy but also allows access to data for policy making.

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Country Highlight: Pakistan

Aslam Hayat

Frictions in policies/laws

By

Aslam Hayat

Types of frictions in policies / laws

1. • Ambiguity and Interpretation

2. • Conflicting Goals

3. • Departmental Silos

4. • Purpose Misalignment

5. • Regulatory Overlap

1. Ambiguity and Interpretation

Right of Access to Information Act, 2017

- To increase transparency and accountability
- Overrides other laws (S. 25)

Supreme Court of Pakistan established under Constitution

Friction

- SCP ruled, RTI didn't explicitly apply on it leaving matter for Parliament to amend the law in order to bring SCP under this law
- But had to provide requested information under Article 19A of the Constitution.

Possible solution

- Amendment in RTI

2. Conflicting Goals

Right of Access to Information Act, 2017:

- To increase transparency and accountability
- Overrides other laws (S. 25)

Official Secrets Act 1923 (Amended 2023)

- To restrict access to information
- "Secret" or "official secret" not defined
- Punishments are death, life imprisonment or fourteen years imprisonment
- Made more stringent through amendments in 2023

Friction

- Though RTI has overriding effect on all other laws but in practice OSA is given more importance in government offices.
- Government officials are scared of the punishments in OSA

Possible solution

- Define "secret" and clear guidelines to government officials

3. Departmental Silos

Right of Access to Information Act, 2017:

- To increase transparency and accountability
- Overrides other laws (S. 25)

The General Statistics (Re-organization) Act, 2011

- For producing reliable, authentic, timely and transparent data

Surveying and Mapping Act, 2014

- For conducting surveys and mapping
- Sole national mapping agency

Friction:

- In presence of RTI, getting "sensitive data" requires prior approval from Federal Statistics Authority
- Maps and data of Survey of Pakistan can be obtained with very stringent requirements on use
- Such data cannot be (1) shared with third party, (2) exported outside Pakistan (3) used for commercial purpose
- Strange to have such restrictions on maps in the era of google maps

4. Purpose Misalignment

Personal Data Protection Bill, 2023

- Protects privacy of individuals
- Allows free flow personal data with consent of the data subject
- Restricts critical Data

National Archives Act, 1993

- Provide for the custody and preservation of public records of Pakistan
- Public records be made available to public after 20 years (S. 8)

Friction

- National Archives Act makes exception to disclosure if the record has any impact on the national security, however there is no such exception for privacy of individual in that Act.

Possible solution

- Add an exception of privacy in NAA or PDP

5. Regulatory Overlap

Personal Data Protection Bill, 2023

- Protects privacy of individuals
- Allows free flow personal data with consent of the data subject
- Restricts critical Data

Pakistan Telecommunication (Reorganisation) Act, 1996

State Bank of Pakistan Act, 1956

- Both are sector regulators with powers over licensees
- Both force their licensees to keep personal data within Pakistan

Friction:

- Government is aware of this friction but no power has been given in PDP to direct other sector regulators to allow free flow of data.
- PDP does not prescribe any mechanism to address privacy concerns in other regulated sectors like telecom and banking.
- NADRA is selling data of citizens without their information or consent.

Possible solution

- Make it mandatory for Sector regulators to follow PDP

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Country Highlight: Thailand

Jompon Pitaksanthayothin

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Laws Relevant to Data in the Financial Sector

Openness:

- The Official Information Act 1997 - focuses on the openness and public accessibility of data in the possession of governmental departments.

- The Digitalization of Public Administration and Services Delivery Act 2019 - establishes the legal basis for the policies, standards, and practice guidelines pertaining to data governance in the public sector.

Limitation of Openness:

- The Personal Data Protection Act 2022 - sets restrictions on the use and disclosure of personal data.

- The Financial Institution Business Act 2008 (Sections 154 (7)(8) and 155) - pertains to the confidentiality of information within financial institutions.

- The Credit Information Business Act 2002 (Sections 20, 22(2), 23, and 24) - governs the protection of financial data of subject data.

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Openness vs Personal Data

- Under the Official Information Act 1997, information pertaining to the professional roles and functions of public servants is generally accessible to the public because it is relevant to public interest and transparency. This includes salary data of public officials, which is often disclosed due to its relevance to public accountability and the proper use of taxpayer funds, underscoring the need for transparency in government financial practices.

- However, the laws relevant to personal data and financial information set certain limitations on how much personal information can be shared. While salary information related to public officials is not as sensitive as other personal financial data, it still poses privacy concerns. The crucial consideration here is determining the appropriate amount of detail that can be shared without infringing on individual privacy rights.

- It is essential to strike a balance in financial disclosures to ensure they do not contain highly personal information, such as bank account details or personal financial obligations, which are irrelevant to the individual's public role. The aim is to maintain transparency while respecting privacy protections.

Exceptions of Data Protection Act 2019 : The balance between public interests and personal data protection

- Section 4 of Personal Data Protection Act 2019 : This Act shall not apply to:
  - (2) operations of public authorities having the duties to maintain state security, including financial security of the state or public safety, including the duties with respect to the prevention and suppression of money laundering, forensic science or cybersecurity;
  - (4) The House of Representatives, the Senate, and the Parliament, including the committee appointed by the House of Representatives, the Senate, or the Parliament, which collect, use or disclose Personal Data in their consideration under the duties and power of the House of Representatives, the Senate, the Parliament or their committee, as the case may be;
  - (5) trial and adjudication of courts and work operations of officers in legal proceedings, legal execution, and deposit of property, including work operations in accordance with the criminal justice procedure;
  - (6) operations of data undertaken by a credit bureau company and its members, according to the law governing the operations of a credit bureau business

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Issues for consideration

- Typically, commercial banks in Thailand are willing to comply with the law and the requests from law enforcement authorities (courts, police, etc.) when they are required to disclose financial information of customers suspected of being involved in money laundering and financing illegal activities. These disclosures are clearly exempted by personal data protection and financial information-related laws.

- However, the challenges lie in practice:
  - Verifying Legitimacy of Requests: This can be time-consuming and requires careful legal scrutiny to avoid violating personal and financial data protection laws.
  - Scope of Information Requests: Law enforcement requests can sometimes be overly broad or vague, making it difficult for banks to determine exactly what information is necessary and relevant.
  - Technical Challenges: it is important for banks to collect and transmit the requested data to the requesting authority in a secure and timely manner. This presents challenges.
  - Training and Awareness: Ensuring that bank staff are trained to handle sensitive data requests properly and are aware of the legal implications requires ongoing education and resources.

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Other Challenges need to be addressed

- Emphasizing the Value of Open and Organized Data

- Need for Increased Investment in tools, technologies, and skilled personnel necessary for managing data effectively.

- Time Management for Effective Implementation

- Understanding of Relevant Laws to ensure that both public and private sector entities thoroughly understand and comply with relevant laws is a challenge.

- Establishing Clear Operational Guidelines

- Fostering Effective Collaboration between Thai government financial departments and commercial banks is essential but challenging.

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Country Highlight: Indonesia

Ibrahim Kholilul Rohman, Ph.D

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Indonesia's Data Protection Law: Two Years on, Still Breaching?

Ibrahim Kholilul Rohman, Ph.D
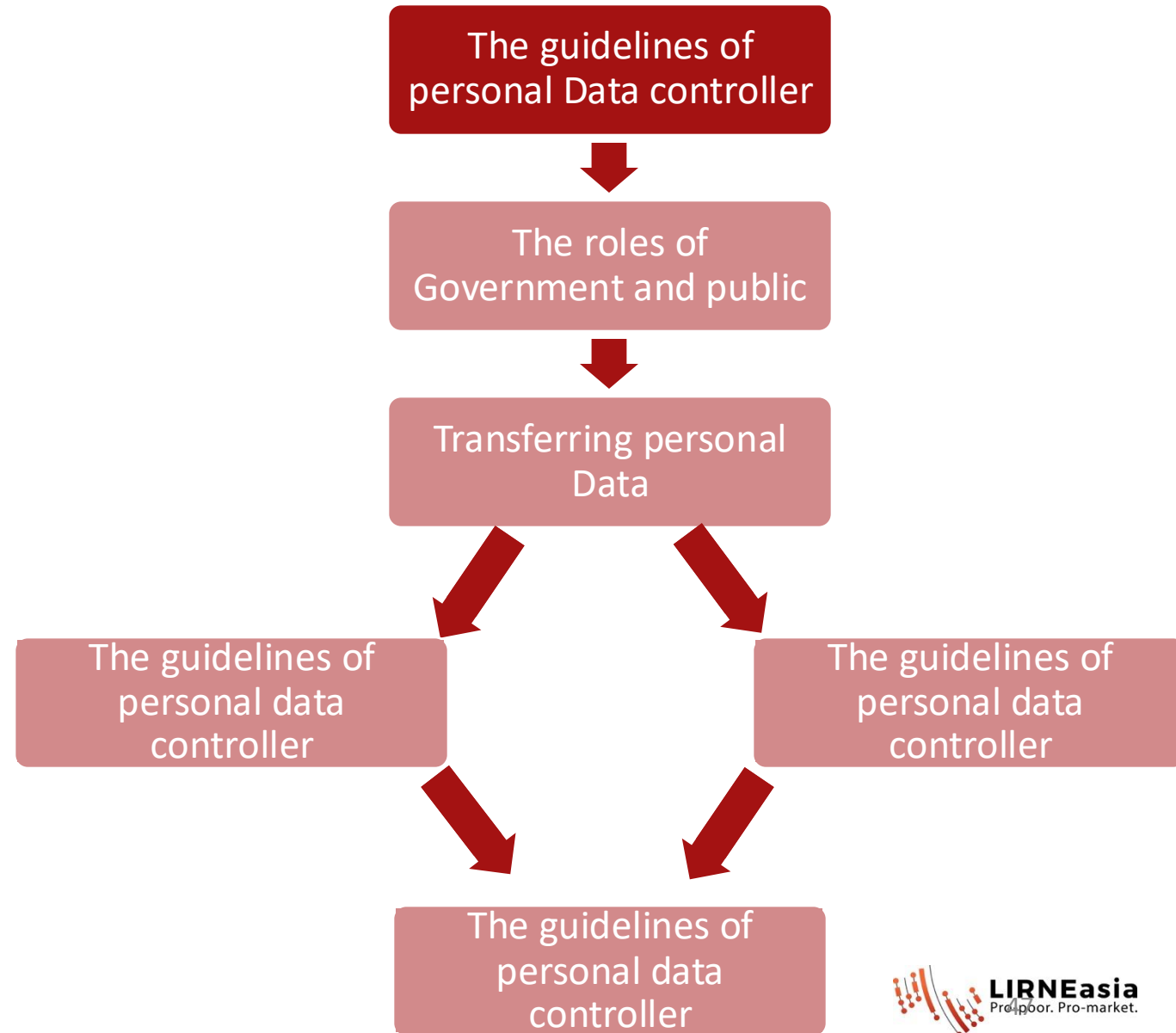
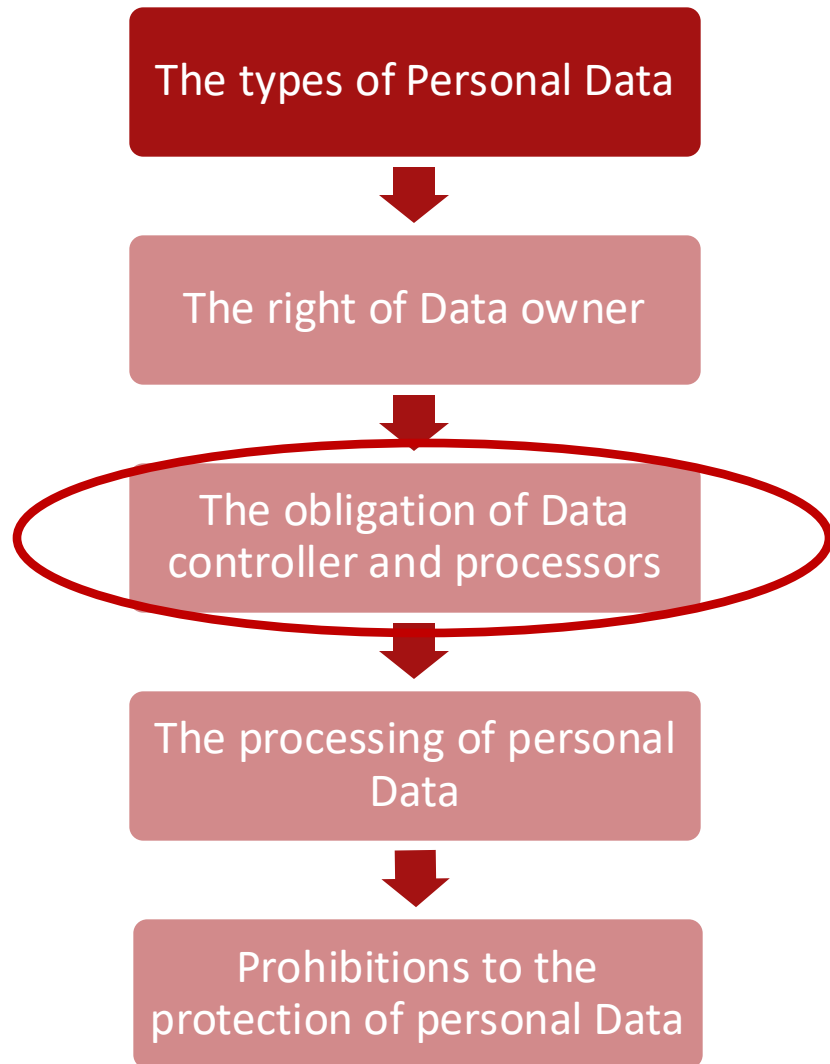Senior Research Associate IFG Progress

Lecturer at School of Strategic and Global Studies, Universitas Indonesia

The Opinion expressed is personal and does not reflect the official opinion of IFG and SKSG-UI

UU Perlindungan Data Pribadi (PDP Law)

- The PDP Law applies to all individuals and entities (defined as persons or corporations), public entities (including executive, legislative, judicial branches, or any other bodies primarily responsible for state administration), and international organizations (defined as organizations recognized under international law with the capacity to enter into international agreements).

- The law adopts an extraterritorial approach, extending its reach to foreign entities or individuals whose actions have legal implications (i) within the jurisdiction of the Republic of Indonesia or (ii) that impact Indonesian citizens abroad.

The skeleton of the Law

The types of Personal Data

↓

The right of Data owner

↓

The obligation of Data controller and processors

↓

The processing of personal Data

↓

Prohibitions to the protection of personal Data

The guidelines of personal Data controller

↓

The roles of Government and public

↓

Transferring personal Data

↓

The guidelines of personal data controller

The guidelines of personal data controller

↓

The guidelines of personal data controller

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Transitional period and promises

- The PDP Law became legally binding on October 17, 2022.
    - Controllers, processors, and other parties involved in personal data processing must comply with the provisions of the PDP Law within a two-year adjustment period.
    - All existing laws and regulations related to personal data protection remain valid, provided they do not conflict with the provisions of the PDP Law.
    - Given that many personal data protection provisions are still dispersed across various regulations, the PDP Law should be considered omnibus legislation, taking precedence over any conflicting rules or regulations related to personal data protection set forth by other governmental or regulatory authorities.

- The PDP Law introduces new obligations for controllers and data protection officers involving their role on maintaining confidentiality, protection, prevention, restriction, and notification, and mandates the cessation of personal data processing if consent is revoked, while also requiring controllers to notify subjects about data transfers during corporate actions like mergers or acquisitions (Article 40).

- The PDP Law also imposes restrictions on the use of personal data, prohibiting unlawful collection, disclosure, or use of another subject's data, and provides **criminal sanctions** for corporate crimes, including fines up to ten times the maximum penalty and additional sanctions for corporations, management, or controlling parties involved.

How does it work?

PDP Law
Nov 2022

March -2023
Bjorka allegedly leaked 19.5 million National Insurance Workers Institution user data. Sold on a dark forum for Rp 153 million.

November-2023
A hacker claims to have breached the Ministry of Defense's official website.
The 1.64 terabytes of data contained documents.

August-2024
Alleged leakage of 4.7 million NIP and NIK data belonging to the state civil apparatus from Satu Data ASN managed by the State Personnel Agency.

May -2023
LockBit spread encrypted customer data on the dark web after stealing 15 million customer data and 1.5 terabytes of internal data belonging to BSI

June-2024
The Lockbit 3.0 ransomware cyberattack crippled the servers of the Temporary National Data Center
As a result, several public services were disrupted.

September -2024
A total of 6 million NPWP data was allegedly leaked. The data is said to include President Jokowi's.

October-2024
Independent Candidate for the Jakarta Election, Dharma Pongrekun has taken illegal data of more than six hundred thousand data for the Jakarta Election in 2024.

1-2 years before the PDP Law

1. Health Ministry: data breach of the Indonesia Health Alert Card (eHAC)
2. Healthcare and Social Security Agency (BPJS Kesehatan): data was sold in an online forum known as Raid Forums for the price of 0.15 bitcoins by a user called 'Kotz.'
3. Cermati and Lazada: data of more than 1 million personal users were illegally sold
4. BRI Life: data of two million life insurance customers were sold online for US$7,000.
5. Tokopedia: millions of personal data were stolen from the popular e-commerce.
6. General Elections Commission (KPU): data breach of 2.3 million Indonesians from the General Elections Commission (KPU) website
7. Bank Indonesia: data breach with the leak up to 44GB

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Remedies - 1

PDP Law is seen to be a reactive policy to reduce data leaks in Indonesia, however:

1.Until November 2024, there are no provisions regarding the implementation of Personal Data Protection which is regulated in Government Regulation as mandated PDP Law (Article 59 PDP Law)

2. The government need to establish specific PDP institution which responsible to President (Article 58 PDP Law)

Remedies - 2

3. The Ministry of Data and Digital (MODD) ought to lead the data governance in Indonesia.

- MODD focuses on the development network and license or regulation to the private sector

- MODD has not yet acted as a data center, data protector, and data integration in the government sector.

4. There are overlapping Institution for Government Data Leaks –requiring better integration

- Ministry of Data and Digital

- Cyber and Crypto Agency

- Indonesian Police: Directorate Cyber

- Indonesian Military: Directorate Cyber (soon)

5. PDP Law mandates data protection in the general sector, however, data protection is already regulated in some sectors based on Law such as;

- Health
- Banking / Finance
- Citizenship Administration
- RTI Law
- ITE Law
- GR and MODD Regulation before PDP Law

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Country Highlight: Philippines

Oliver Reyes

Data Governance in the Philippines – Open Data

By

Oliver Reyes

Phlippines case study

Initial Notes

- No unitary framework

- No certainty as to proprietary rights over intangible data (see 1949 Civil Code)

- Many newer laws take advantage of digitalization to require electronic databases for specific types of information
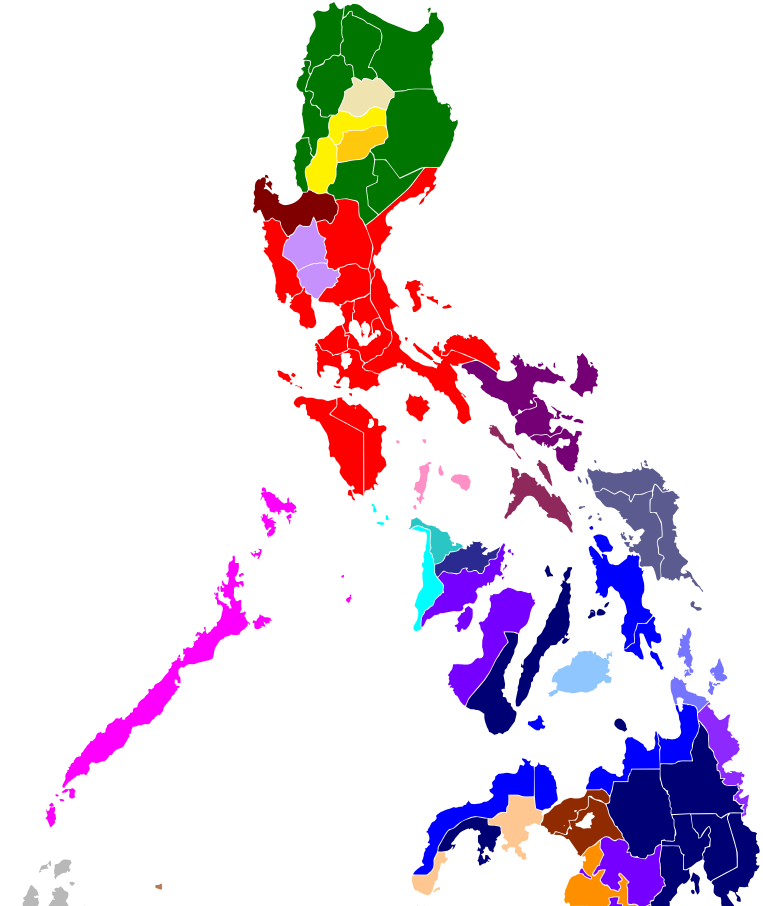
Transparency Policies of PH Government

- "The State adopts and implements a policy of full public disclosure of all its transactions involving public interest [s]ubject to reasonable conditions prescribed by law" (Article II, Section 28, 1987 Constitution)

- All statutes, as well as all administrative rules and regulations that enforce or implement existing laws, must be published in a newspaper of general circulation.

- The Philippines is a founding member of the Open Government Partnership that aims to promote increased access to information about governmental activities at every level of government.

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OPEN DATA PHILIPPINES
[beta]

DATASETS   ORGANIZATIONS   ABOUT US   CONTACT US   VISITOR'S DATA   LOG IN

Open Data Philippines

The Open Data Philippines (ODPH) Portal is an online repository of open data from different government agencies. ODPH addresses the constitutional right of Filipinos to information and data. This is an initiative promoting transparent, participatory, inclusive, and accountable governance.

2560 RESOURCES

171 DATASETS

17 ORGANIZATIONS

Search Datasets 🔍

— or —

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Welcome to PSA OpenSTAT website

OpenSTAT is an open data platform powered by PC-Axis, a user-friendly application for presenting statistical data and metadata coupled with API and visualization features. This system allows the PSA to share data under an open data license where data can be freely used, re-used and redistributed by anyone without any restrictions other than proper source attribution.

OpenSTAT

Search for...   🔍 Search Database

Demographic and Social Statistics

👥 **Population and Migration**

💼 **Labor and Employment**

🏢 **Income and Consumption**

Economic statistics

📊 **Economic Accounts**

🏭 **Services Statistics**

🌾 **Agriculture, Forestry, Fisheries**

🌐 **Trade: International Merchandise and Domestic**

🛍 **Prices**

🏖 **Tourism**

Environment and multi-domain statistics

🌳 **Environment**

👦 **Child Poverty**

📶 **Information Society**

♻ **Sustainable Development Goals**

👥 **Decent Work**

2021 ANNUAL REPORT

"Strengthening Digital Transformation and Improving Quality of Statistical Products and Services: The Ways to Manage the New Normal"

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STAT TRIVIA

Based on the counts of registered occurrences from January to December 2020, with datafiles received by PSA-CRS as of December 2020.

BIRTH

Top 5 surnames
DELA CRUZ
GARCIA
REYES
RAMOS
MENDOZA

Most common babies

JACOB — ALTHEA
NATHANIEL — ANGEL
GABRIEL — SAMANTHA
NATHAN — PRINCESS
ETHAN — NATHALIE

Majority of babies were born to mothers aged **25-29 years old**

Highest number of registered births recorded in **CALABARZON**

Month with Most Births occurred in September
SEP

Top 5 Provinces with the highest number of registered births
1. Cavite
2. Cebu
3. Bulacan
4. Rizal
5. Laguna

Top 5 Cities with the highest number of registered births
1. Quezon City
2. City of Davao
3. City of Manila
4. City of Caloocan
5. City of Cebu

109 males were born for every 100 females
(Sex Ratio = 109:100)

4,177 babies were born daily
1,528,684 babies were born a year

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BUDGET

Budget Releases

Special Allotment Release Order (SARO)

Notice of Cash Allocation (NCA LISTING)

General Allotment Release Order (GARO)

National Tax Allotment (NTA)

Shares in the Utilization and Development of National Wealth

Calamity and Quick Response Funds

Statement of Allotment, Obligation and Balances

Status of Allotment Releases

Status of NCA Utilization

Status of National Disaster Risk Reduction and Management Fund

Status of FY 2019 and FY 2020 GAA

Status of COVID-19 Releases

Budget Documents

2024 ▾

> 2024 Budget Priorities Framework (Macroeconomic and Fiscal Environment)

> 2024 Budget Priorities Framework (Expenditure Priorities)

> National Expenditure Program FY 2024

> Staffing Summary 2024

> Budget of Expenditures and Sources of Financing FY 2024

> 2024 President's Budget Message

> 2024 People's Budget

> Technical Notes on the 2024 Proposed National Budget

2023 ▾

2022 ▾

2021 ▾

2020 ▾

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Documents | Document Report

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Lack of Centralization and Planning

- While Open Data Portal was envisioned as a central portal for public sector datasets, not all government departments/agencies have agreed to participate or only minimally participate.
  - No directive from President for mandatory participation
- However, some individual agencies make their data open for public access through their own portals
- Failure of Open Data Portal reflects the hesitance of individual government agencies to share data

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Country Highlight: Sri Lanka

Ashwini Natesan

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Public Consultations – What is it?

- Public consultations can be understood as government efforts to inform, ask about, and discuss issues with those affected by a decision, a solution or a policy planned for promulgation or already promulgated.[1]

- Public consultations provide the public with an opportunity to express their ideas and opinions, so enhancing decision makers' understanding prior to deciding on the promulgation or amendment of measures. [2]

1. MANUAL ON PUBLIC CONSULTATIONS FOR THE PROVINCIAL PEOPLE'S COUNCILS
2. MANUAL ON PUBLIC CONSULTATIONS FOR THE PROVINCIAL PEOPLE'S COUNCILS

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Importance of Public Consultation during law and policy making

SDG 16 (Peace, Justice, and Strong Institutions) encourages public participation in governance. Public consultations are critical for promoting inclusivity, transparency, and accountability in sustainable development.

Access to information during policy making is a key requirement and that can be fulfilled through public consultation.

In the context of Sri Lanka – public consultation in more significant as there is no post enactment judicial review.

Public consultation is a essential to transparency and good governance.

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Principles of Public Consultation

Broadly the following are some of the best practices for public consultations[3:]

- Timely notification: Stakeholders should be informed early enough to influence decisions. Sufficient time should be given for the public to participate meaningfully

- Accessibility: Ensuring information is accessible to all relevant groups. Made available in add 3 languages – online and offline.

- Inclusive participation: Engaging vulnerable or marginalized groups. District wise / Provincial participation

- Transparency and accountability: Providing feedback on how public input influenced decisions.

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Comparison of Laws in Sri Lanka

Right to Information Act No 12 of 2016	Personal Data Protection Act N0 9 of 2022	Online Safety Act 2024	National Archives (Draft Policy on Archives and Record Management)
✓ - Timely Notice ✓ Accessibility ✓ Inclusive participation X- Transparency and Accountability	✓ - Timely Notice ✓ Accessibility ✓ Inclusive participation X- Transparency and Accountability	X- Timely Notice X- Accessibility X- Inclusive participation X- Transparency and Accountability	✓ - Timely Notice ✓ Accessibility ✓ Inclusive participation Not yet complete - Transparency and Accountability

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Data Protection Authority – Rules and Regulations

All draft rules and regulations were published and open for public consultation

It was only made available in English.

Made available online

There is no clarity on how many engage in consultation

Industry bodies routinely publish their comments / suggestions

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Commonalities between the laws

- Overriding provision – where there is inconsistency the said law would prevail- seen in all the laws mentioned (not clear for National Archives)

- Whether the actual inconsistencies are being considered ?

- During public consultation are these inconsistencies being considered or is this a safety net?

- For example - a study by UNDP revealed that at least 105 other legislations conflicted with the RTI Act

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Inherent concerns with powers of some authorities

- Not only legislations but there are many draft policies, frameworks that have been pending for several years

- For example, the Information and Communication Technology Agency (ICTA) of Sri Lanka has published several laws in draft and they remain so for years. The Data Sharing Policy draft was published in 2013, whether it was left in cold storage due to lack of consultation or other reasons is unclear. In terms of the Information and Communication Technology Act, 2003 (as amended) ICTA is not empowered to approach the cabinet for approval of policies / frameworks directly but the same should be through a ministerial sub-committee. This could also contribute towards some delay.

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RTI for getting access to a draft law

The deliberations post public consultation should also be made available to the public

In reality, an RTI Commission order was necessitated to even get a copy of a Bill

- In *Shreen Saroor v. Prime Minister's Office*, the Appellant requested information on proposals / draft legislation concerning commitments made by the Government of Sri Lanka in relation to the UNHRC Resolution No 30/1 to establish the Office of missing persons, truth seeking mechanism and judicial mechanisms with a special counsel. The Reparations Bill was released due to this request. This had to be taken on appeal for the information to be released.

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Summary

- Public consultation is a crucial step in any law or policy making process.

- It should comply with the elements of a meaningful public consultation.

- In many countries there is a specific requirement to conduct public consultation before drafting laws- not the case in Sri Lanka and hence we see there is no uniformity.

- It is central to enhancing transparency and good governance

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Synthesis of findings from D4D Asia

Pranesh Prakash

https://pranesh.in/slides/2024-12-10_synthesis.html

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Introduction to the assignment

Helani Galpaya, Pranesh Praksh

Innovation vs. Privacy + Copyright

Artificial Intelligence

- While "AI" may be a buzzword, machine learning is here to stay.
- 2 Nobel prizes this year, one for foundational work (Boltzmann
- machines for classification) and one for application in biology (protein
- folding).
- Various applications, all built on top of pattern recognition.
- Pattern recognition requires large quantities of data to be processed.

Data protection

- Meant to protect personal data, providing individuals some (semblance of?) control over data relating to themselves and decisions made thereupon.

- Usually does not distinguish between "publicly available" data and "private" personal data. So most "publicly available" personal data is also counted as "personal data".

Data protection

Questions arise

- Can a distinction be made between "public data" and "personal data" when personal information can be inferred even from public writings?

- Should even "public" facts (such as "10 Downing Street is where the British PM resides") require a justification for being processed, since they're technically "personal data"?

- Data protection laws generally provide a "right to correction", to ensure that your personal data held by another entity is accurate. Since generative AI has no concept of "fact" or "truth", how ought that be tackled?

Data protection

Questions arise

- Data protection laws generally provide a "right to erasure". Given that neural networks don't themselves contain personal data (only statistical representations of patterns in multiple vectors), does such a right make sense when one's personal data cannot just be removed?

- How do projects like Wikipedia and Wikidata navigate these problems, when they even include personal data like dates of birth? How about search engines? Should they seek consent?

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Copyright

- Meant to provide limited rights for a limited duration in order to encourage creativity, with many exceptions to safeguard public interest.

- Copyright arises automatically, without requiring any opt-in or registration.

- Ill fit for the digital age, since it cover reproduction (copying) which computing do as a necessary part of how they operate.

- Most countries do not have broad "fair use" exceptions, only more limited & specific exceptions, including "fair dealing"

Copyright

Questions arise

- Should search engines be legal despite involving massive copying of copyrighted works (since almost everything on the Web is copyrighted).

- Given that all "text and data mining" involves copying, should that also be covered? Was copyright meant to prevent copying of individual
works, or mass copying of this kind?

- In the context of gen AI, copyright issues potentially arise in training data, in the AI models themselves, in the inputs people provide and in the outputs of AI models. How should policy researchers and policymakers think of these.

Copyright

Questions arise

- Is machine learning doing something radically different from what humans do? Don't humans also learn to generate text, art, etc., by ingesting large amount of copyrighted material, learning patterns, and producing remixed versions with creativity just as "gen AI" does?

- Some journalists, artists, screenwriters, etc., are worried that their jobs will become obsolete, while other journalists, etc., are using these as tools to improve their work. How do we think of balancing of interests of creators with readers / viewers / consumers (keeping in mind that authors are also readers first) and the public interest in preserving creativity.

Comparison between countries on AI & data

Table 1: Are there exceptions for text & data mining for search engines & AI?

	Copyright	Data protection
India	Maybe (s.52(1)(c))	No (but maybe s.17 for research)
Indonesia	No	No
Nepal	No	No
Pakistan	No	No (but maybe legitimate interest)
Philippines	No	Maybe (s.12, but SPD)
Sri Lanka	No	No (legitimate interest, but notification req.)
Thailand	Maybe (ss. 43/1 & 43/5)	No (but maybe in some fields)

You have been assigned to a group and each group will focus on a country

Sri Lanka (Group -1)	India (Group - 2)	Philippines (Group - 3)
Abu Nazam Md Tanveer Hossain	Ajay Kumar	Aman Shrestha
Ambika Sharma	Amra Ismail	Ankita Rathi
Anudi Nanayakkara	Ashmita Thapaliya	Azmat Ababakirov
Chathushika Wijeyesinghe	Avash Mainali	Darshatha Gamage
Fahim Aslam	Cristina Signo	Fjordan Allego
Froland Tajale	Faith Oren	Gyan Tripathi
Hamza Nizam Kazi	Gayathri Karannagoda	Keerthi Nagappa
Lakna Dasanayake	Heshali Weeratunga	Mohamed Zaheer
Mousumi Baruah	Lasith Gunawardena	Fathima Zameera
Nuwan Waidyanatha	Muhammad RohanGhazi	Nathalia Louisse Ablaza
Saqlain Muhammad	Samaya Anjum	Sandini Rajapaksha
Tithi Neogi	Sehan Soyza	Tasnuva Shelley
	Waruni Rajapakshe	

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Scenario for group work tomorrow

- Your assigned country has a policy window that is opening up
- A significant law related personal data/privacy is <u>going to be amended in the 6 months</u>
- You have the opportunity to give input, frame the debate
- Question: **how can the law be improved/designed to ensure data can be used for machine learning for developmental purposes?**
- **What research will you do to identify solutions that could work (to enable the above)?**
  - Legal/policy analysis? User research? Identify best practices? What are benchmarks you will look at?

You assignment tonight: start reading and thinking about the issues individually

- Become familiar with the existing laws related to personal data protection and AI in the country (if any)
  - Can data be used by machine learning?
- Think about the trade-offs involved in sharing personal data by researchers and algorithms
  - What about anonymized or pseudonymized data?
- What questions do you need answered before you can propose/advise your government on how to proceed
- How will you answer these questions – research methods.

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You might want to read up on...

- Text of existing laws
- Benchmark approaches (EU? UK? Singapore? Elsewhere? Why these countries?

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Country	Data Protection laws	AI laws/ policies
India	Digital Personal Data Protection Act, 2023 https://www.meity.gov.in/writereaddata/files/Digital%20Personal%20Data%20Protection%20Act%202023.pdf	
Philippines	Philippine Data Privacy Act https://privacy.gov.ph/data-privacy-act/	
Sri Lanka	Personal Data Protection Act 2022 https://www.parliament.lk/uploads/acts/gbills/english/6242.pdf	Committee for formulating a National AI strategy. Draft Strategy for Public Consultation (July 2024) https://mot.gov.lk/assets/files/National_AI_strategy_for_Sri_Lanka_-08a88c78d541a0746aeb8c71ed312231.pdf

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