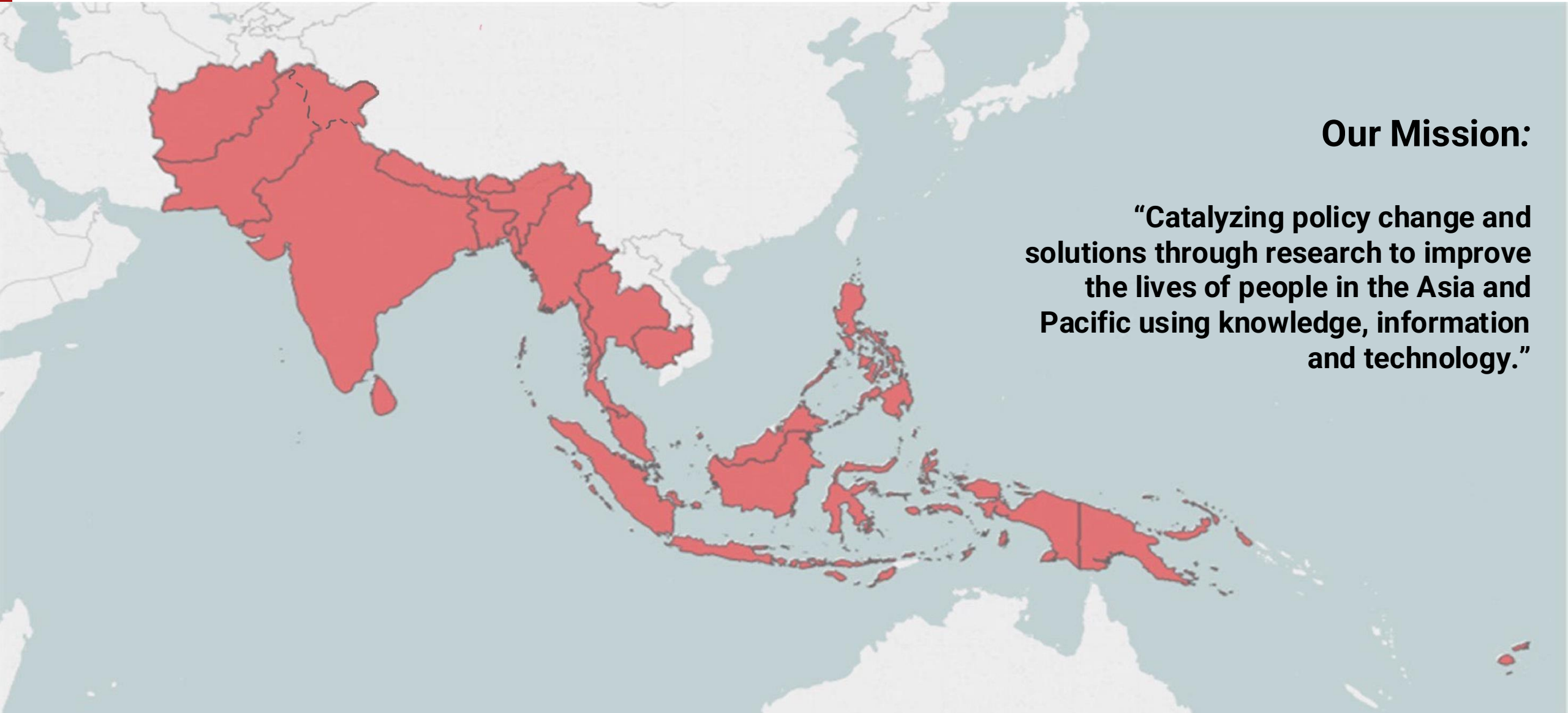


Harnessing data for democratic development in South and Southeast Asia

Aslam Hayat
@ SATRC-26, Islamabad

05-07 November 2025

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



Our Mission:

“Catalyzing policy change and solutions through research to improve the lives of people in the Asia and Pacific using knowledge, information and technology.”

Who am I?



Co-researcher of the D4DAsia project

Senior Policy Fellow at LIRNEasia

- LLM ICT Law, Kings College London
- Ex Director Ministry of IT & Telecom, GoP
- Ex Regulatory Advisor, Grameenphone (BD)
- Centre Director Pacific ICT Regulatory resource Centre, Fiji (WB)
- Ex Chief Corporate Affairs Officer Telenor Pakistan
- Ex CEO Telenor Microfinance Bank
- Policy Advisor, Tencent
- Country researcher GIRAI

D4DAsia project

Study across 7 countries: India, Indonesia, Nepal, Pakistan, Philippines, Sri Lanka, Thailand (and South Korea).

Why is data governance important?

Because **technology** shapes our lives.

Important for good governance & development.

Data governance and technology

Technological advancements require social, economic, political & legal responses

- History of privacy (confidentiality, "right to privacy", data protection)
- Evolution of transparency from "right to information" to "open data"

What is "data governance"?

- Neologism
- Differently construed in different domains.
- In public policy, boils down to "governance of data"

Systematic study of data governance: increasing access

Increasing openness / access for citizens

Open

- Standards
- Software
- Data
- APIs
- Content
 - Access to scholarly literature

Systematic study of data governance: decreasing access

Decreasing openness / access for citizens

- Privacy / data protection
- Security
 - Data (retention, localization, centres), etc
 - Data access (legal enforcement, etc.)
- Property-like rights
 - Copyright / Database rights
 - Harms to research / AI / search engines / innovation
- Need to be carefully calibrated.

Comparative analysis : look south

- EU is *not* the only model! Often inappropriate for developing countries.
 - Even EU is re-thinking regulatory approach (thanks to the Draghi report)
 - State capacity, private sector compliance ability differs
 - Think beyond the "Brussels Effect"

Increasing openness: Open standards

- Important from everything from accessibility for persons with disabilities (WCAG) to business reporting (XBRL) and tax. At ISO, IEEE, W3C, IETF, etc.
- (Open standards: Royalty-free, open specifications, open development process.)
- India, Indonesia, Philippines have policies.
- India, Nepal have lists of egov standards (eGIF).
- **India, Indonesia, and Philippines are best examples.**
- Independent FOSS implementation is the "canary in the coalmine".

Increasing openness: Free and open source software

- (FOSS: the right to run the software for any purpose, study and change how it works, and redistribute both original and modified copies.)
- India has multiple (natl + state) policies, and even has a govt Github-equivalent (OpenForge).
- Intl. examples like **USA (code.gov), Switzerland, Germany (and EU).**

Increasing openness: Right to information

- Six countries have explicit constitutional provisions, and in India it has been read into free speech provision.
- **Sri Lanka** provides the best example
- **India though a good example** but gone downhill in practical terms as well as legal terms.
 - Non-obstante (overriding) clauses, overrides secrecy laws.
 - Supreme Court comes under RTI Act. In India, "PIOs should 'record detailed reasons'" to reject.

Increasing openness: Open data

- Every country *except* Pakistan and Nepal has a govt-run open data portal.
 - In some it is more fragmented.
- Examples worth studying: **One Data Indonesia (Satu Data) & India's NDSAP / data.gov.in.**
- **UK** among world leaders

Open APIs

- Needed for programmatic access to data.
- Useful for G2G as well as G2B & G2C.
- **India: API Setu (discoverability)** and "Digital Public Infrastructure".
- A genuine "DPI" approach would rely on **open standards, FOSS, and open APIs**.

Decreasing openness

- Data localization: Most pernicious in India, Thailand and Philippines. More limited in Nepal.
 - Legal access more important than technical localization in most cases.
- Data protection: A fine balance required to avoid stifling research, free speech, innovation, archiving.
 - None strike that balance well.
- Copyright: Again, a fine balance to avoid stifling free speech, innovation.
 - Search engines and AI

Open policymaking process

- Not just transparency, but also responsiveness, public justification, and articulation of trade-offs.
- Pakistan is a good example
 - Specific policies / specific departments
- **South Africa's 'green paper' / 'white paper' system.**

Recommendations (1/2)

1. Institutional Framework and Capacity

- **Legislative Design:** Develop simplified yet comprehensive data governance frameworks that balance effectiveness with implementability
- **Capacity Enhancement:** Invest in technical training programs for government officials, particularly focusing on data officers and Information Commissioners

2. Transparency and Consultation

- **Policy Development Process:** Institutionalize pre-legislative consultation processes with clear timelines and feedback mechanisms
- **Implementation Transparency:** Create public dashboards tracking implementation progress of data governance initiatives

3. Rights and Protection Framework

- **Legal Framework:** Establish independent oversight mechanisms for both privacy and transparency
- **Enforcement Mechanism:** Establish well-resourced enforcement agencies with clear mandates

Recommendations (2/2)

4. Technical Infrastructure and Standards

- **Data Management:** Adopt open standards for data sharing and interoperability
- **Integration and Interoperability:** Develop national data sharing frameworks with clear protocols [APIs for government services]

5. International Cooperation and Learning

- **Knowledge Sharing:** Establish regional forums for sharing best practices and lessons learned
- **Standards Alignment:** Align domestic frameworks with international best practices while maintaining local relevance

6. Public Engagement and Awareness

- **Stakeholder Engagement:** Develop public education programs about data rights and responsibilities
- **Private Sector Collaboration:** Create clear guidelines for public-private partnerships in data governance.

Conclusion

- 80-page report with far more details + country reports.
- Studying "data governance" requires looking at dozens of laws and policies, as well as policymaking processes. We've contributed a novel method for such a study.
- No country or region has all the right answers. State capacity differs, ability of private companies to comply differs
- There are no "right solutions", only trade-offs.
 - Govts, private sector, civil society, etc. should acknowledge these trade-offs and openly discuss them.



Thank You