Digital Governance
What Role could OGP Play?

A Strategy Input Paper

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Open Government Partnership

This paper has informed the OGP Support Unit's workplan on digital governance.
It is not an official OGP strategy document on the topic.

Contents

A. Rationale and Approach

Seeking innovation and employing new technologies for opening up government has been central to its mission and a key area of focus for OGP since its founding in 2011. As of July 2019, OGP participants have made more than 1,700 action-oriented commitments related to electronic government issues.

Yet despite this progress, OGP continues to work to keep pace with an ever-evolving digital landscape. Even during OGP's relatively short existence, digital transformations have profoundly changed both the systems in which members operate and the opportunity structures they afford, driven in large part by three dynamics: ongoing technological progress (e.g., the (re)emergence of artificial intelligence and big data-fueled algorithms; the scale and ubiquity of its use (e.g., social networks connecting billions of people around the world); and technology's ability to reach into all aspects of our lives, socially, economically, and politically. At the same time, serious side effects have also emerged. From the corrosive impact of disinformation campaigns and hate speech to polarizing filter bubbles, rogue algorithms or the specter of manipulative surveillance state, the digital threats to the future of open government and open societies are clear and the need for getting the governance of these technologies right has become urgent.

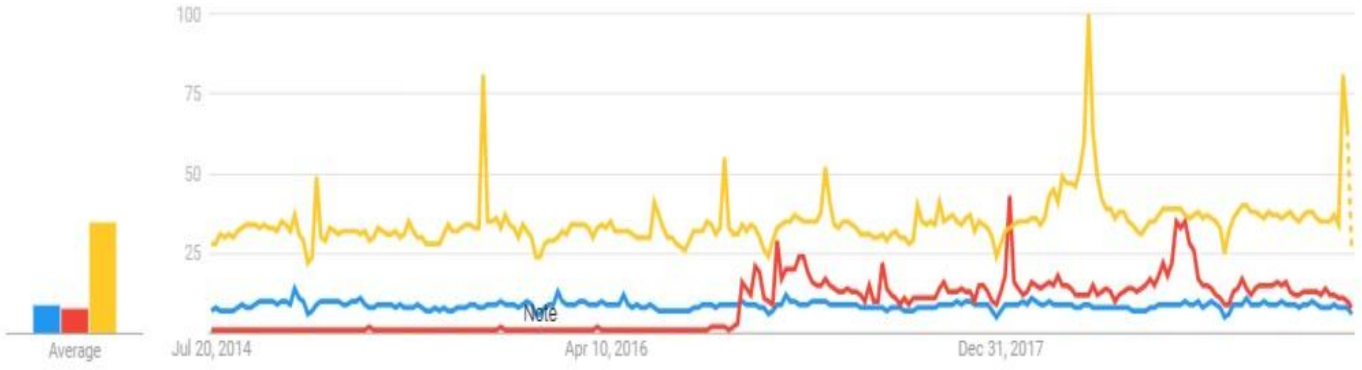

Exhibit 1: Relative frequency of topics searched for on Google (Jul 2014 to June 2018) - blue "transparency"; red: "fake news"; yellow: "privacy"; Source: Google Search Trends

In short, a next generation of digital policy issues, both good and bad, have come to the fore. They do not supplant the more established opportunities around electronic services, a new era for transparency and civic engagement, nor will they replace ongoing concerns around digital divides and uneven benefits that continue to be central to OGP's digital agenda. However, this new generation of digital challenges provides a number of important new levers and possibilities for OGP in its efforts to better make technology work for open government.

This strategy input paper explores how OGP could position itself, as well as advance and protect its values in the current digital environment. More specifically, it provides suggestions on what issues OGP could most effectively engage, what formats for engagement are appropriate and could be the most productive, and what stakeholders both inside and outside OGP could take such engagement forward. The number of digital issues the paper considered is intentionally broad. This ensures the research addresses all of the emerging issues most

relevant to OGP in the last 2-3 years. The analysis is based on the following research strategies:

- A scan of existing OGP commitments and engagements on new digital governance issues
- A scan of the policy and research landscape across key themes, including a review of the pertinent literature and participant observation of related sessions at the OGP Ottawa summit
- Twenty-nine interviews with key OGP stakeholders and outside experts, including a mix of government, civil society, academic, and industry voices representing members of the OGP Steering Committee, points of contact, national and international partners, as well as outside experts working in this space.

The findings are further supported by the author's observations and direct engagement on digital policy issues in more than 20 years of personal work experience on internet policies and good governance. The primary target audience for the paper are members of the OGP Steering Committee and staff in the OGP Support Unit, who will be directly responsible for developing and implementing OGP's strategy and workplan on digital governance and related issues. Additionally, the paper is also relevant for OGP members, funders, and strategic partners and civil society colleagues who engage with OGP on this issue. The paper was prepared in consultation with Tonusree Basu, Lead, Thematic Priorities at the OGP Support Unit.


B. Shaping the choices: Eight observations on the current digital environment

The breadth of possible issues related to new digital governance as well as the diversity of viewpoints collected during the interviews result in a shortlist of concrete topical suggestions that is inevitably subjective and non-exhaustive. Perhaps more useful than the topics selected are the thinking, premises, and observations that inform the selection process and the role OGP could play. This important context is later presented in greater detail so that the findings of this paper may be adapted for mapping engagement in other issues.

1. A crowded policy space, but OGP could add important strategic engagement value

The notion of "emerging" issues might suggest a relatively vacant topical terrain that calls for new ideas and policies. However, this is not the case; the next-gen digital governance landscape is, in fact, already densely populated.[1] And while the new digital environment includes a number of more recent policy matters (i.e., AI and data stewardship), it also often involves actors, initiatives and institutional mechanisms such as ICANN[2] or the Internet Governance Forum[3] that are well established and predate organizations like OGP. The architecture for internet governance and the policy communities around privacy, online freedoms and digital divides have been in the making for well over twenty years and increasingly also links back to even more established policy debates, regulatory repertoires and advocacy ecologies around media governance, competition policies, consumer protection or human rights.

The overarching question for OGP is not whether a specific next-gen digital topic is generally policy relevant and merits public attention, but rather to think pragmatically about where OGP can add value and how it can best support, complement and leverage the immense expertise, energy and extant initiatives already in play. However, this does not mean that digital policies are otherwise functioning effectively. Consultations convened by a high-level panel under the United Nations Secretary General noted a *"great deal of dissatisfaction with existing digital cooperation arrangements and concluded that "[o]verall systems need to become more holistic, multi-disciplinary, multi-stakeholder, agile and able to convert rhetoric into practice."*[4]

- ⇨ This strongly suggests a focus on building bridges and identifying external collaborations rather than too much emphasis at the initial engagement stage on incubating hot button issues within OGP, which risks re-inventing the wheel and duplicating existing efforts.

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[1] A 2015 count by UNCTAD identified as many as 680 international cooperation mechanisms for various aspects of digital governance and various stakeholder combinations. See Commission on Science and Technology for Development (2015). Mapping of international Internet public policy issues, https://unctad.org/meetings/en/SessionalDocuments/ecn162015crp2_en.pdf

[2] https://en.wikipedia.org/wiki/ICANN

[3] https://en.wikipedia.org/wiki/Internet_Governance_Forum

[4] United Nations (2019). The Age of Digital Interdependence. Report of the UN Secretary-General's High-level Panel on Digital Cooperation. https://www.un.org/en/pdfs/HLP%20on%20Digital%20Cooperation%20Report%20Executive%20Summary%20-%20ENG.pdf

⇨ Concerns about a lack of agility, tangible action and international coordination in the current digital governance landscape[5] align nicely with some of the comparative institutional strengths of OGP in these dimensions.

2. Open Government & Digital Government: Opportunities to lead and collaborate

The further potential for institutional alignment between the open government and digital governance communities is rooted in a shared belief in organizing and engagement. Both communities rely on a multi-stakeholder approach, but are moving towards that model from opposite directions and at different speeds. Opening government is about opening the exercise of governmental power to more citizen engagement and oversight.

The evolving landscape in digital governance is primarily about opening up what used to be the domain of the private sector and technology groups to more engagement by the government and civil society. The aim is thus very similar, and so are some of the challenges, specifically: overcoming reluctance and dominance of the incumbents, instituting not only a change in institutions, but a change in culture and mindset. Yet there are also productive differences: multi-stakeholder dialogue is a foundational principle and central organizational feature of OGP. On the technology side, the momentum and pressures for multilateralism have grown alongside the increasing relevance of digital technology in society. The result in this space has so far not been so much an emergence of a truly multi-stakeholder platform, but rather a proliferation of initiatives launched and often suspected to be dominated by either of these three sectors with turf wars along the way.

⇨ Getting the balance right and facilitating collective action between public, business and civic forces is thus a shared concern. However, the OGP community is more explicitly built for and has travelled further towards that shared destination. As a result, it could offer a trusted alternative venue for hosting selected digital policy conversations that are difficult to advance in a more fragmented digital governance landscape where a trusted venue for balanced multi-stakeholder action is more difficult to find.

3. A shift in perspective from technologies to socio-technical systems

There is by now a robust consensus in the research community that the use and ultimate impacts of digital technologies are inevitably and significantly shaped by institutional and social context. Thinking about broader socio-technical systems rather than more narrow technology architectures is therefore a more useful prism when designing effective governance frameworks.[6] An analogy helps to illustrate this: the impact of a pesticide is ultimately not only determined by its chemical composition and the safety guidelines in the manual, but by the way

[5] Ibid.

[6] For an overview of work that argues for this approach see: https://www.odbproject.org/2019/07/15/critiquing-and-rethinking-fairness-accountability-and-transparency/ ; for a seminal contribution with regard to algorithms see Selbst, A. D., Boyd, D., Friedler, S. A., Venkatasubramanian, S., & Vertesi, J. (2019, January). Fairness and abstraction in sociotechnical systems. In Proceedings of the Conference on Fairness, Accountability, and Transparency (pp. 59-68). ACM.

farmers actually use it and the broader monitoring and accountability frameworks that guide the practice. Similarly, the impact of algorithms that are meant to aid judges in determining re-offending risks or guide autonomous vehicles are not only shaped by the ethical principles that went into their development and architecture. Equally important are the broader governance and accountability frameworks that shape incentives and actual deployment patterns. What sounds like common sense is often overlooked though in emerging policy practice. The risk to neglect the importance of institutional context is particularly high when technologies themselves come with these salient flaws at the technical level. [7]

- ⇨ Switching perspective from technology to socio-technical systems fully brings into focus the potential value that OGP could add in the digital governance space. The OGP mission relies on designing, activating and continuously improving mechanisms for governing with the help of transparency, accountability and participation--and tailoring them within the country context through the national co-creation process, and through the use of digital technologies.
- ⇨ Understanding that digital strategies are essential to OGP's work, what are the necessary steps to move from symbolic to effective transparency? Who should automated systems be accountable to? What design options are available to build these systems and flows of accountability? And how can public participation be safeguarded over the entire technology lifecycle? These are highly pertinent questions for next-gen digital governance, and they are directly applicable to the core values, expertise and collective action infrastructures that OGP possesses and continues to improve upon.

4. Technology and civil society share important core values, but beware of false consensus

The interconnection of transparency, accountability and participation suggested by technology researchers are further reinforced by a shared theme prominently featured in both policy communities: the centrality of (re)building trust--trust in government and technology. Both the tech and open government communities see public trust as the essential condition for functioning government, functioning technology and functioning societies, and there is widespread recognition in both communities that this public trust is under pressure. Likewise, both communities accord the principles of transparency, accountability and participation a high

[7] An illustrative example: most attention for making autonomous cars behave "ethically" is focused on how to develop and programme sensible solutions of ethical problems into the driving software (e.g., solving the famous Trolley problem). Yet, much more consequential might be what kind of economic dynamics as well as transparency, monitoring, accountability architectures govern the actual deployment of autonomous driving. It might not be a pure coincidence that the very first incidence of an autonomous vehicle in real world test mode killing a pedestrian did not happen in California where many such trials are underway, but in Arizona. The latter has aggressively competed for attracting this high tech testing business, among other by offering what are regarded as more relaxed permit systems and barely existing public disclosure requirements for performance and experienced incidences. (NYT: Where Self-Driving Cars Go to Learn, Nov 11 2017; NYT: Uber's Self-Driving Cars Were Struggling Before Arizona Crash, Mar 23, 2018.)

degree of importance, both as values in themselves and as tools to reinforce and re-earn the public trust.

- ⇨ A strong convergence around the values of trust, transparency, accountability and participation is conducive to collaboration and integrated strategies among the technology and open government communities, and it further highlights the complementary value that OGP's core expertise and action infrastructure can offer, particularly since there is still a rather large disconnect between the tech and open government communities, with the exception of the open data field.
- ⇨ However, at times these commonalities may not run as deep or be perfectly aligned. For example transparency related to a policy decision is very different from transparency for an algorithmic decision. If they remain unacknowledged, such differences could result in differing end goals, miscommunication or cross-domain conversations where people talk over or past each other. Moving swiftly to jointly accept these differences, however, and put them into open dialogue with each other will allow for even greater shared innovation and success.

5. Declaration saturation

Efforts to formulate general normative principles for next generation issues in digital governance are reaching a saturation point, as there are several declarations, charters or communiques on different elements related to digital governance. These pronouncements come in the form of different ideologies and are tailored for various stakeholders. Despite this crowded space, there is sufficient overlap to suggest that a rough consensus around core principles and values is in place to inform policies around next generation digital governance issues. Additional declarations may not add additional value; and it is time to move from the fact-finding and planning stage to the normalization and practical implementation of these new policies.

- ⇨ OGP's focus and value proposition should adjust accordingly and reflect the next stage of the digital governance space. Its central format of a two-year national action plan could provide a compelling "natural" next-step mechanism to translate some of these promises into concrete actions, embedded in an accountability framework of reporting, tracking and review provided by the Independent Reporting Mechanism (IRM).

6. Domain drive and regulatory richness

The shift in next-gen digital governance from general principles and promises to practical commitments and action has already begun, and it appears to also require a shift towards specific policy domains. For example, translating the canon of existing ethical principles for artificial intelligence into practical actions for health, education and the justice system can now no longer take place at the cross-sectoral level alone, but also with regard to the debate, design and implementation of concrete action points into the issues they advance. This requires very different actors around the table and yields rather different, context-specific action items.

- ⇨ OGP has a solid track record for hosting such domain-specific conversations, for example, with regard to the extractives sector or beneficial ownership transparency.

Replicating this thematic specialization successfully for digital governance issues will depend less on the openness of current OGP participants to take on new issues, but on their ability and commitment to bring in stakeholders from relevant ministries and other advocacy domains. It will also depend on the ability of the OGP Support Unit to build bridges into these communities.

⇨ There are also strategic cross-cutting engagement opportunities for OGP. For example, for the public sector use of algorithms as a primary engagement opportunity for OGP (see section D-1), this would include the development of practical guidelines and required checklists for civil servants to accompany the procurement and deployment of automated decision support systems or it could pertain to helping develop standards and data requirements for related monitoring and impact assessments.[8]

7. The private sector imperative

Broaching digital policy issues requires acknowledging the pivotal role of the private sector and leveraging the advantages many large tech companies possess in terms of industry expertise, data and resources. They have not only grown to assume quasi-public functions in providing essential infrastructure, platforms and tools for all aspects of civic life in the digital information age, but they are also an indispensable provider of these very tools and services to the government for the fulfillment of its own functions and fundamental public services, from security to health to education.

⇨ Involving the technology sector in OGP conversations is therefore essential, and many tech companies and industry initiatives are eager to engage. But this must also be approached with caution. Their overwhelming advantage in technical knowledge and resources needs to be carefully balanced with independent expertise and alternative viewpoints.

⇨ An open government lens could also be useful to help open technology governance on a more fundamental level. Given the extraordinary information/resource advantage of the tech sector, the risk of policy capture is high. Preventing the tech industry from overwhelming or outflanking regulatory efforts requires putting in place the institutional designs that provide the type of transparency, accountability and inclusion in which OGP specializes.

⇨ Concrete actions for private sector engagement in this area could range from working with corporate champions to advance more systematic reporting and data-sharing practices that enable technology impact assessment (see section D - 2); engaging the technology investment community on how to sharpen ESG requirements already in pre-listing investment rounds; or hosting an idea incubator with government technology vendors on how to maximize next-gen digital opportunities for opening up government. Sample issues to be considered include: leveraging big-data forensics or remote sensing to combat corruption or building better interfaces for enterprise information systems for citizen-centric accountability.

[8] An example for such a framework for algorithmic impact assessment is the Algorithmic Accountability Policy Toolkit produced in 2018 by the thinktank AI Now Institute https://ainowinstitute.org/aap-toolkit.pdf

⇨ OGP could strengthen collaboration with partners like The B Team, or similar organizations seeking greater corporate accountability and trust, to advance engagement with the private sector on this set of issues.

8. Three consistent perspectives from a diverse set of stakeholder interviews

The 29 stakeholder interviews have been crucial in shaping this analysis. The range of expertise and viewpoint expressed has been remarkable and fully reflects the diversity of interviewees. Yet there have also been some common themes and shared assessments:

- A strong fear of missing out and losing relevance when not broaching next-gen tech issues stands in contrast to an equally strong concern for overstretching and mission creep when engaging too ambitiously. Interviewees rarely failed to volunteer an opinion on either end of the spectrum, and their perspectives appeared to be evenly split. It is also worth noting that the interviewees that directly work with new technology issues tended to be more concerned that OGP might overstretch itself and get into issue areas too far removed from its core competencies.
- A "glass-half-full-half-empty" sentiment is widely embraced and should inform programming. Many interviewees suggested that the potential benefits of new digital technologies should not be forgotten in a heated climate of a pro-regulation "tech-lash." A considerable number of interviewees made the point that a pan-ideological appetite for more regulation poses the risk of "throwing the baby out with the bathwater." The result, according to this view, might not only be a failure to fully harness the positive opportunities for opening government that these next gen technologies affords, but also the risk to inadvertently strengthening the efforts of bad actors that seek to co-opt the appetite for (over)regulation for illiberal purposes, for example, by creating a pretext to censor critical voices and constrain the digital organizing space for civil society.[9]
- The relevance of the local level is strongly acknowledged. Several interviewees pointed out that a lot of next-gen policy issues--both in terms of their manifestations as well as potential for incubating solutions-play out at the local level of government and via civic engagement.

[9] This observation is particularly important when considering that only 13% of the world population live in free media environments and politically motivated internet shutdowns have reached a record level of more than 196 documented cases in 2018, a useful reminder how precious and indispensable an open internet is as an alternative information source, communication tool and public discussion forum. See Freedom House (2017). Freedom of the Press 2017 https://freedomhouse.org/report/freedom-press/freedom-press-2017; Access Now (2019). The State of Internet Shutdowns around the World 2018. https://www.accessnow.org/cms/assets/uploads/2019/07/KeepItOn-2018-Report.pdf

C. Sorting and selecting issues in next generation digital governance: Three buckets and three filters

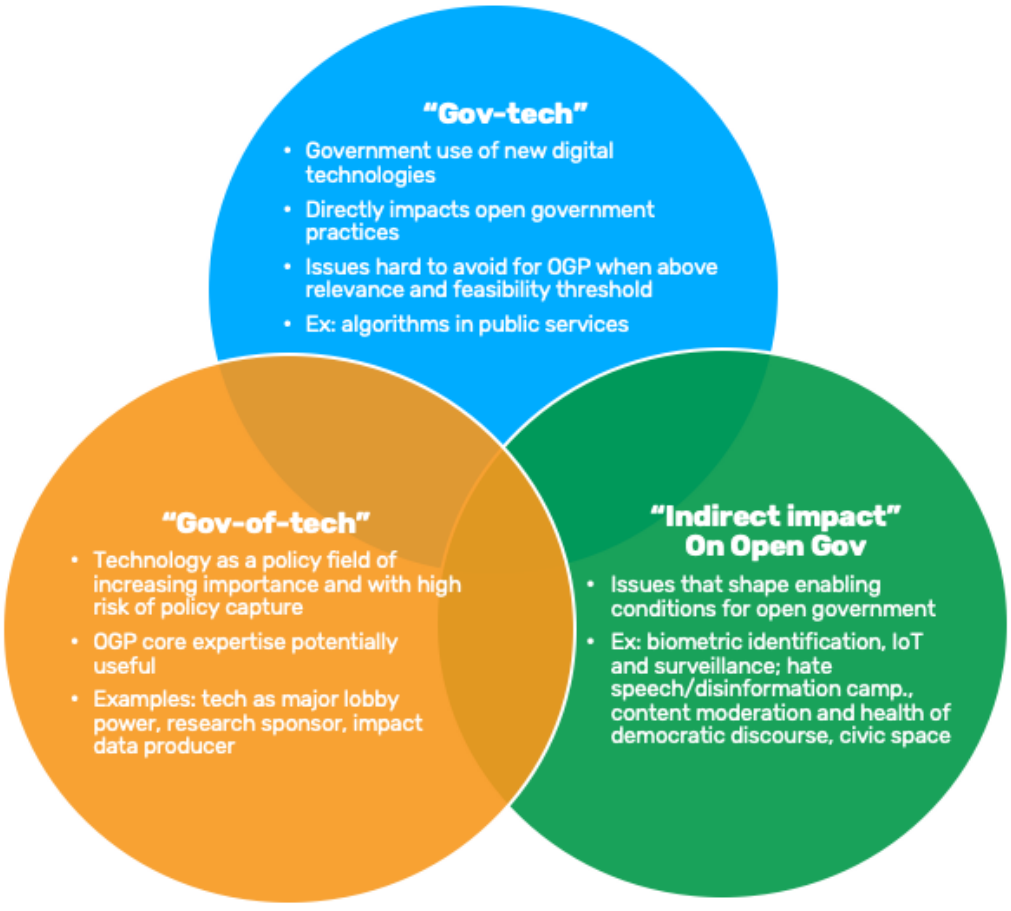
The landscape of next generation digital policy issues can appear, and be, very confusing. Topics range from the deeply philosophical (e.g., the future of humans in an age of artificial intelligence) to the highly specialized and technical (e.g., interoperability standards for news feeds). Attempts by technology specialists to categorize issues usually focus on a layer-model with a physical infrastructure layer to a software layer at the bottom, a software layer in the middle, and a content/application layer on top, along with a varying number of other layers interspersed in between. This typology is less useful from a policy perspective. For many such issues, for example “filter bubbles,” the disproportionate exposure to like-minded people and content in social media networks straddle several layers. It has a content dimension, but also involves aspects such as imperfect competition and network effects that reach into the application and software layers, and the overall phenomenon is thus not perfectly captured by, and located in, one specific layer. However, for purposes of making sense of and assessing the importance of digital policy issues with an open government lens it is useful to think about three broad and interrelated buckets or perspectives to determine if a specific policy issue emerging in a specific community squarely fits into one or more of them. The thematic buckets of next-gen technology policy issues are:

1. Government use of tech: issues related to government use of new tech that directly influences current open government practice. Technologies used by and for the government, and their related policy issues, directly shape how government and public services are being organized and exercised. Such issues are the source of direct opportunities, challenges and change dynamics for OGP values, agendas and practices. For example, biometric identification for public service access, algorithms to estimate re-offending risks in the justice sector, personal data collection and handling practices inside the government.
2. Governance of tech: issues related to opening up technology governance as a highly relevant policy domain in its own right. the tech sector has evolved into an important policy domain in its own right, and it is therefore important that the institutional architecture and mechanisms for governing the sector and its future development fully reflect open government principles, for example, policies mandating regulation of content on social media platforms.
3. Good and bad side effects of tech: critical impacts on the open government environment and democratic processes. Technology policy issues and practices can directly affect in very consequential ways the broader operating environment and enabling conditions for open government, in particular democratic and electoral processes. Examples include: new security tools to address security vulnerabilities that increase or potentially undermine the digital organizing capabilities of civil society; big data use for psychological influencing and political targeting during elections; and internet regulation (net neutrality or shutdowns), including issues that that can serve legitimate social goals and healthy democratic discourse but, if not carefully governed, may also be easily appropriated for illiberal ends. This last bucket also includes issues related to shrinking civic space online (i.e., online harassment, hate speech, etc.).

This categorization is neither all-encompassing nor always clear-cut, but serves as a starting point to sort interactions between digital policy and open government issues.

Each basket is based on a somewhat different rationale for engagement and exhibits different overall levels of open-government related to "engagement urgency/inevitability." Bucket 1 is most directly and intuitively linked to OGP values, and most of the issues cited by interviewees as worthwhile to address fall into this category. Bucket 2 focuses on upstream structural issues around the risk of policy capture, where the expertise and insights from the OGP community could play a very useful role. Suspicions about outside influence of tech companies run high in the media, yet are rarely approached systematically from a much needed open government perspective. Bucket 3 is the most loosely delineated category and at continuous risk of mission creep as any number of tech policy issues can be construed to affect the context and enabling environment of open government work indirectly. However, as the referenced example indicates, some issues in this basket are so consequential for the prospects of open government that they justify having such a basket to cluster issues that merit further attention.

Exhibit 2 summarizes this three-basket approach to mapping the digital governance and open government nexus.

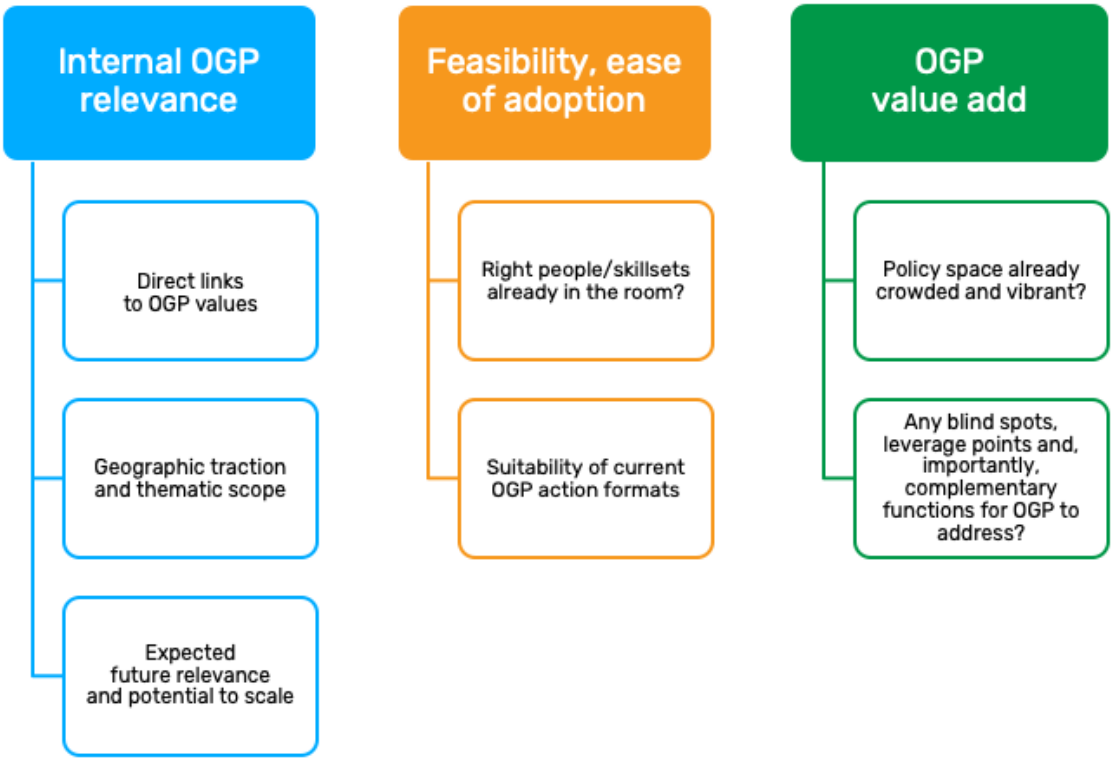


Selecting priorities: three principal assessment dimensions

All issues that fall unambiguously into one of these baskets will still have to meet relevance and feasibility thresholds to merit inclusion on shortlist for OGP engagements. Factors to be considered for this assessment and further filtering towards priorities include:

- ⇨ Internal OGP relevance: issue reach and shelf-life
  - How relevant is the issue to specific OGP values?
  - How relevant is it across different geographic regions, across different policy domains?
  - How likely is the issue to persist/grow over time, and to what extent could it be a launchpad into related areas? For example, could an engagement around government use of algorithms over time prepare for a broader engagement around algorithmic accountability of both public and private actors?
- ⇨ Feasibility and ease of adoption: match with current OGP expertise and activities
  - To what extent are the right people/expertise domains already in the room?
  - How easily can the issue be integrated into current OGP activity formats? These considerations will help sort issues into those more easily adopted and those that require higher levels of organizational flexibility and adaptation.
- ⇨ Potential OGP value-add
  - What is the level of activity in the external policy community around these issues?
  - Are there any blind spots, leverage points or complementary functions that OGP could address?
  - What level of maturity have those issues already reached along an adoption and implementation spectrum (understanding the issue, developing general action principles, establishing policy and action frameworks, implementing and monitoring them)? An issue at advanced maturity level does not necessarily mean that OGP can add less value, but it is important for the selection of appropriate engagement formats in order to add most value.

Exhibit 3 summarizes these assessment dimensions.



D. A first set of promising issues

The following provides, by way of example, a more detailed discussion of three possible issues that may qualify as OGP priorities for engagement in each of these baskets.

BUCKET 1: Gov-tech

***Promising issue example*: Making algorithms and artificial intelligence (AI) in the public sector work for open government**

What and why

The increasing use of big data, advanced statistical analysis and self-directed machine learning to support or automate a wide range of decision-making (algorithms and AI) in government and the public sector has precipitated one of the most visible debates about the pros and cons of next generation digital technologies. Despite the often highly-charged nature of these discussions, this is still an area that most directly and very consequentially affects the transparency, accountability, inclusivity, fairness and general openness of government. For

example, algorithms and AI could potentially help reduce corruption and bias, make government services more accessible and inclusive and ensure complex regulatory interventions are more effective and responsive to societal goals (or do the very opposite when data inputs are skewed, designs are flawed or if outputs are misused).[10] Anecdotal examples abound and give credence to both sides of the argument. It is worth noting that algorithms and AI precisely, even when working as intended, can still clash with the foundational bureaucratic principles that administrative decisions need to be explainable. Accountability must be assigned and discretion must be possible as not all situations can be codified.[11] In terms of geographic perspective, discussion about governance and the impact of automated decision support systems in the public sector has initially focused on the U.S. and the Global North, but is increasingly gaining momentum in the Global South and the many public sector digital transformation initiatives currently underway there.[12]

All of this makes algorithms and AI in government highly relevant to open government values. To that end, the central challenge is to ensure they work first and foremost for people, not solely for more efficient administrative systems. Additionally, it is imperative that citizens be in the driver's seat for controlling how such technologies are designed, procured, deployed, and assessed, speaking directly to the fundamental ambitions of the open government movement to put people at the center of government and governing. Several interviewees confirmed this notion and picked algorithms and AI as one of the most important digital issues to be broached by OGP.

How and with whom

The algorithm and AI policy space is a hive of activity. More than 20 governments have launched national AI strategies, many of them at least touching on ethical issues[13] and more than 60 initiatives involving industry, civil society and governments at all levels are working on algorithm and AI ethics.[14] Declarations abound and a vast array of policy solutions have already been put forward that cover the entire algorithm and AI life-cycle, from design process to application and outcomes are firmly anchored in principles of transparency, explain-ability, accountability, inclusion and fairness etc. It is now time to move proactively from principle to action and make sure the use of algorithms for government is citizen-centric and citizen-led. It is

[10] O'Neil, C. (2016). Weapons of math destruction: How big data increases inequality and threatens democracy. Broadway Books.

[11] Pasquale, F. (2017). Toward a Fourth Law of Robotics: Preserving Attribution, Responsibility, and Explainability in an Algorithmic Society. Ohio St. LJ, 78, 1243; Oswald, M. (2018). Algorithm-assisted decision-making in the public sector: framing the issues using administrative law rules governing discretionary power. Philosophical Transactions of the Royal Society A: Mathematical, Physical and Engineering Sciences, 376(2128), 20170359.

[12] The challenge of inadequate transparency and accountability rank among the top concerns that both experts and citizens express in relation to algorithms and artificial intelligence, both in the global North and South. (AI and Inclusion, Expert Symposium 2017 – Pre-event survey: https://drive.google.com/file/d/0B3WQQkNE_vzNUG1qQlVUN1AzSms/view; Boston Consulting Group (2019). The Citizen's Perspective on the Use of AI in Government: https://www.bcg.com/publications/2019/citizen-perspective-use-artificial-intelligence-government-digital-benchmarking.aspx

[13] https://medium.com/politics-ai/an-overview-of-national-ai-strategies-2a70ec6edfd

[14] Mittelstadt, B. (2019). AI Ethics–Too Principled to Fail?. Available at SSRN 3391293 https://ssrn.com/abstract=3391293

time to put in place the laws, regulations, administrative practices, participation structures, disclosure requirements, audit interfaces, safeguards and all of the organizational capabilities for enforcement, compliance and monitoring that are necessary to make algorithms and AI work for good.

OGP is well positioned to help catalyze this process. Despite a growing number of related initiatives, none of them offers the unique mix of geographic reach, multi-stakeholder commitment and agile, low threshold format for commitment-making that OGP can provide. A small number of OGP participating countries (Canada, France, the Netherlands and New Zealand) have already undertaken commitments in this area and could assume important thematic leadership functions inside OGP. A band of other countries (Australia, Denmark, Chileand Indonesia) have made explicit commitments on issues of responsible data stewardship in the public sector, a topic that intersects with some of the issues around public sector algorithm use. Similarly, other OGP countries have expressed strong interest in these issues and/or suggested building ambitious digital agendas for their public sectors, including Argentina, Colombia, Germany, Estonia, Mexico, South Korea, UK, and Uruguay, and for them a focus on public use of algorithms and AI could be a logical next step within the OGP context. The D9 group of self-described advanced digital nations already involves some of these countries and could thus be a joint collective counterpart for collaboration.[15]

OGP could be particularly helpful for: a) offering trusted spaces for peer learning and open exchange on experiences, ideas and critical perspectives in promoting responsible use of algorithms in the public sector, as well as for promoting the spread of related applications that advance open government aims; b) exploring and promoting required adjustments in public procurement, freedom of information legislation, intellectual property/trade secrets rules and other related legislative frameworks to remove obstacles to more openness for algorithms that are typically provided to the public sector by private service providers; c) linking in local government actors, for example, cities that often are at the forefront of experimenting with algorithms and AI, but that are often difficult to involve in other fora where federal level government representation is the norm; and d) helping build visibility, accountability and a step towards normalizing practical actions related to algorithms and AI through the action plan process, including formulating model commitments, advertising the NAP opportunity in related external fora and events, and giving extra visibility to starred commitments in this area. The recommendation to limit engagement for now to the use of algorithms and AI in government and the public sector gives the recommendations a pragmatic focus that makes learning and joint action easier in an extremely diverse and unbounded issue space and that speaks to the core competencies and constituency of OGP. Once a critical mass of expertise and engagement has been created in this space it could also be expanded towards public data stewardship issues or the use of algorithms for social good in both the public and private sector.

Provided that sufficient funding can be mobilized, it may merit adding in-house expertise on this topic area and exploring the establishment of a thematic helpdesk that OGP members and stakeholders can draw on for needs-driven scoping research and recommendations.

[15] https://en.wikipedia.org/wiki/Digital_9, Uruguay is anticipated to host the next D9 summit in November 2019.

Opportunities for partnerships abound in this space and are essential for bringing in much needed domain expertise. Yet partners should be chosen very carefully as many initiatives might be closely aligned with the interests of a particular stakeholder group that are keen to stress either the overly negative or positive dimensions. Reaching out to independent topic experts might be a productive first step. Two immediate opportunities, because these two institutions are currently in the process of building knowledge-support mechanisms in this area, include:

- The Berkman-Klein Center at Harvard, which runs an inclusive algorithm and AI program with a distinctively global orientation has superior access to expert knowledge and research capabilities and maintains unrivalled linkages to both the tech and tech policy communities in many relevant countries. The Center is currently exploring the option of setting up a policy clinic on inclusive AI that could provide a great opportunity for a partnership on capacity-building and assistance.
- The OECD is in the process of setting up an observatory on algorithm and AI issues and could also serve as a partner for a helpdesk-like facility for on-demand expertise or co-convenor of some related peer exchange initiatives[16]

Most of the partnership building, however, would have to take place at national and local level in order to allow OGP involvement and commitment to grow organically from the ground up. A scan of the policy and advocacy landscape for targeted countries is thus essential, but beyond the scope of this input paper. Yet the growing number of scoping reports and intergovernmental, think tank/civil society initiatives offer good entry points for identifying potential local partners.[17]

Summary assessment

Issue reach and sustainable relevance for OGP values	In principal cutting across various public policy domain, services and level of government, but requiring domain specificity in next steps; issues around explainability, transparency in automated decision-making and related accountability structures speak to core OGP values; current focus on advanced tech contexts/countries, but intensifying private sector value to governments in emerging technology settings
Issue maturity	Medium maturity: general normative principles and commitments in place, but they require translation into practical policies and action in different policy domains; the idea space for possible solutions is vast and continuously growing

[16] http://www.oecd.org/going-digital/ai/about-the-oecd-ai-policy-observatory.pdf

[17] Related initiatives include AccessNow, Algorithmwatch, AI Now Institute, Data & Society, EC High Level Expert Group on AI

Current activity level in overall policy community	High when it comes to algorithms and AI as tools for good more broadly, as they are currently and increasingly at the center of many policy discussions
Match with current OGP expertise and activities	Nascent but expanding: a small set of governments have made related commitments; a larger number of others are interested and profess to be on a learning curve on these issues
Suggested engagement formats	Peer-learning and exchange workshops, the NAP process, partnerships for offering on-demand guidance and capacity-building
Possible action items for OGP units and stakeholders (in order of priority)	Support Unit: prepare a small set of issue briefs, both for raising-awareness inside OGP community and for targeted outreach to relevant technology policy community outside the OGP process; build sufficient capacity internally to provide on-demand support for interested governments; actively reach out to non-OGP events and networks (e.g., https://fatconference.org/2020/) and directly pitch tailored OGP engagement opportunities to relevant stakeholders; convene a set of cross-country peer-exchange events for government officials (unit heads of departments tasked with related issues) Steering Committee: initiate appointment of internationally known thematic ambassador that can help open doors at the senior government level and make it easier to secure interest and buy-in from relevant government units; catalyze establishment of thematic, country-led group; build linkages to private sector with a focus on gov-tech IRM Team: ensure that relevant domain expertise is available in review processes; scan the large number of first-generation e-government commitments and identify synergies, insights and possible country-level contacts for this next-generation topic as it might build in many countries on some ongoing digital transformation projects Broader OGP community: explore capacity building needs for civil society around these issues in targeted countries and potential funding opportunities for such efforts

Other potential Bucket 1 topics

- Working with major vendors of enterprise information systems towards building in interfaces for easy reporting of information of relevance to open government (budgetary data, contracts, expenditures, etc.)
- Expanding use of, and innovating in, remote sensing and digital forensics for anti-corruption

BUCKET 2: Governance of tech companies and platforms

Promising issue example: More transparency and independent evidence on the impact of big tech on society

This is a more advanced issue that warrants less formal exploratoration, as it could yield significant returns related to the fundamental asymmetry of information that continues to challenge tech governance.

What and why

Imagine a pharmaceutical company that holds almost all necessary data and sponsors most all of the research on the efficacy and side effects of its medicines. It only shares related data selectively and at its own discretion with the public. This opacity and discretion often characterizes the status quo for the big tech companies whose products and services increasingly rival the pharmaceutical sector in terms of good and bad effects on the health of democracies, communities and individuals.

Technology companies keep most of their data on the usage patterns and impact of their products closely guarded.[18] When they choose to share it with outside researchers, they do so only selectively and in areas where it is most likely that the related findings will show them in a positive light, a pattern described as a form of data-based "academic capture" by some expert observers.[19] Similarly, technology companies report only selectively and at their own discretion on what kind of policy compliance measures, at what level of resource investment and with what degree of observed efficacy they undertake. This lack of disclosure is not only due to missing mandatory reporting requirements in most countries and on most relevant issues, but it is also a result of the lack of established metrics that should guide reporting on these issues, for example, when it comes to how companies report about their response to hate speech on their networks.[20] Moreover, big technology companies are also important, if not the dominant financial sponsor of research and think tank-led policy analysis that frame the debates on many

[18] See for example Prof. Helen Margetts' related observation, quoted in FT, Sep 10, 2019: "*We don't actually have the data we need to make these assessments. Yes, we have Twitter, but Facebook, WhatsApp and Instagram data is all locked behind proprietary platforms. Regulators need to look at this.*"

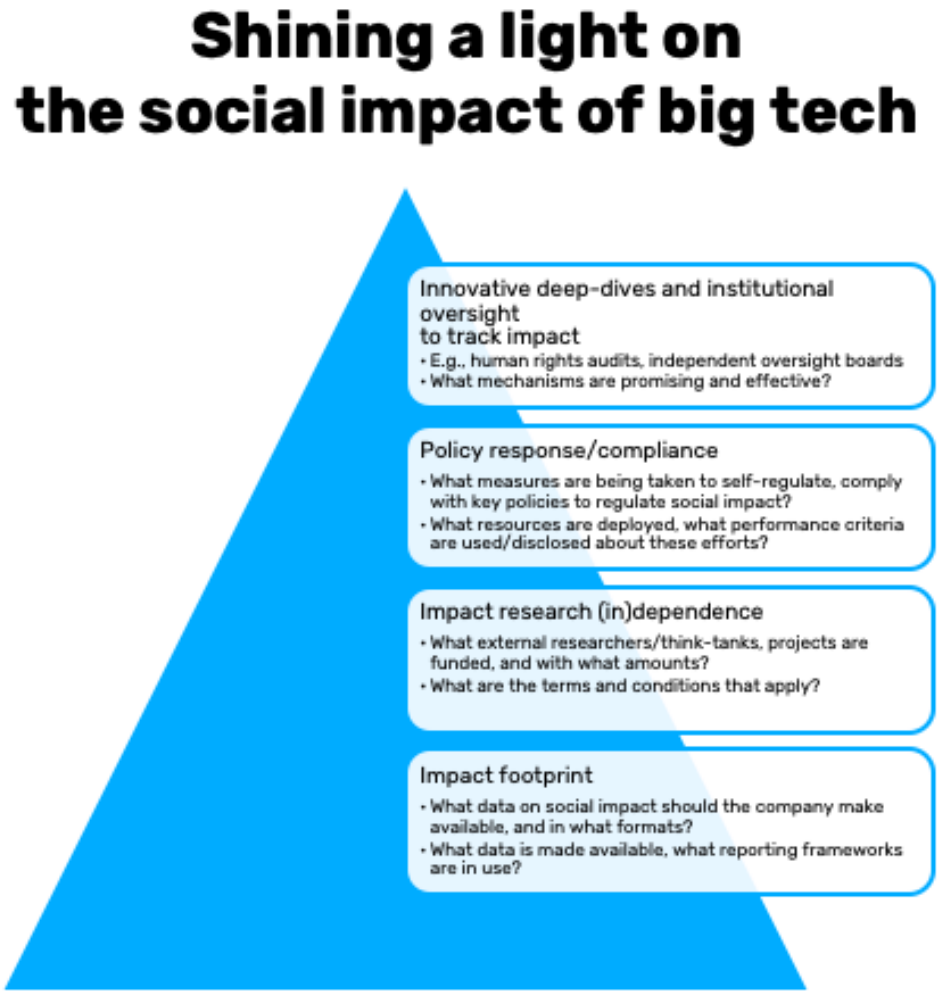
[19] See Zingales, L. (2019). Uber and the Sherlock Holmes Principle: How Control of Data Can Lead to Biased Academic Research, Promarket Blog, October 9, 2019 https://promarket.org/uber-and-the-sherlock-holmes-principle-how-control-of-data-can-lead-to-biased-academic-research/.

[20] An assessment of how big tech companies report on their complaints response and content removal practices under Germany's Network Enforcement Law (NetzDG) reveals reporting formats that are very difficult to compare over time or across companies. See for example Heise Online. "NetzDG: Facebook muss Millionen-Bußgeld zahlen" June 2019, https://www.heise.de/newsticker/meldung/NetzDG-Facebook-muss-Millionen-Bussgeld-zahlen-4460759.html.

such technology challenges.[21] Again, these important relations often go unnoticed due to insufficient disclosure standards and their limited enforcement.

Fully understanding this evolving impact of big tech and being able to adjudicate the degree of independence of related fact-finding efforts are highly important and of relevance in both emerging tech contexts and many countries. Together, with a clear public account of the efficacy of current corporate efforts to mitigate societal risks and comply with emerging regulatory frameworks, it is a precondition for an informed public conversation around the role of technology in society and how the sector should be governed. Exhibit 4 summarizes the major building blocks for bigger tech impact transparency.

[21] Lobbying expenditure at US federal level by the big four tech companies (Facebook, Alphabet, Amazon, Apple) increased five-fold between 2010 and 2018, reaching a combined USD$118 million in 2018 and thereby catapulting these four companies into the top ten of lobbying companies in 2018 (Public Citizen. New Economy Titans, Old School Tactics. July 2019. https://www.citizen.org/article/new-economy-titans-old-school-tactics/?eType=EmailBlastContent&eId=5d62d87d-0456-4903-a47d-19602d1e1ad8



How and with whom

There are currently no systematic, concerted efforts discernible to address these issues, although a number of initiatives pick up on some specific aspects and thus provide considerable opportunities for building bridges and exploring collaboration:

- Such initiatives include: technology company assessment and ranking initiatives[22], think tank transparency and accountability initiatives[23], academic conflict of interest disclosure experts, and social media impact researchers.

[22] https://rankingdigitalrights.org

[23] https://onthinktanks.org/; https://www.transparify.org/

- Three immediate opportunities for engagement include:
    - An academic/activist workshop that convenes experts on big tech influence on research and how to manage this relationship (University of Amsterdam, October 2019)[24];
    - An academic data-sharing collaborative built around Facebook and its user data that enables a first cohort of 60 researchers to explore specific aspects of Facebook's social impact[25]; and
    - A recently announced USD$50 million research initiative to support research on the societal impact and health of democracies by big tech, launched by the Knight Foundation and assembling a network of 20 related research centers at U.S. universities.[26]

Broaching these issues systematically in the OGP context requires bringing on board considerable outside expertise from the areas referenced above. But opening up tech governance at this very basic evidence and impact level can also benefit from and build on some of the very expertise in which OGP specializes. Such efforts can, for example, draw on expertise with regard to establishing adequate corporate reporting frameworks (e.g., in the area of EITI-related work) and established relations into the academic publishing community and its openness and outside interest management frameworks that have been cultivated in the context of open access publishing commitments. Given the dearth of current OGP commitments in this area, there is no clearly discernible set of countries that could assume a thematic leadership role at this time. Considering this as well as the early stage status of the debate, the suggested format is a set of topic incubation workshops that convene external and internal stakeholders to think through these issues more systematically and develop options for concrete actions and collaboration modalities.

Questions to help guide exploratory workshops:

- What data should these companies be required to make available, in what formats, and to what audiences (regulators, researchers, public)? What reporting mechanisms could be envisioned and mandated? Which existing frameworks could be adapted to accommodate this?
- What innovative assessment mechanisms, such as civil rights audits of big tech companies, can be deployed to shed more light on societal footprint and impact?
- What joint data collection and pooling arrangements exist and could be expanded/adapted, and by whom?

[24] https://www.ivir.nl/call-for-papers-money-talks-the-impact-of-corporate-funding-on-academic-research-in-information-law-and-policy/

[25] https://items.ssrc.org/from-our-programs/social-media-and-democracy-research-grants-grantees/. The initiative has been off to a rocky start however with participating researchers complaining about Facebook not following through on commitments to data sharing, thereby highlighting the need for more attention and policy action in this area. https://www.buzzfeednews.com/article/craigsilverman/funders-are-ready-to-pull-out-of-facebooks-academic-data

[26] https://knightfoundation.org/press/releases/knight-fifty-million-develop-new-research-technology-impact-democracy

- What standards for disclosing financial sponsorship in research and think tank work require updating and better enforcement? What responsibilities for disclosure and management of outside interest need to be strengthened in academic publishing and policy analysis, both on the recipients' side as well as the sponsoring side?
- How can reporting practices by large tech companies shed systematic light on what measures are taken, what resources are being invested and what results are achieved?
- What risk alert, complaints and whistle-blowing systems are in place inside tech companies that can serve as early warning systems on emerging issues? How can these mechanisms be improved and their performance made more transparent and accountable to regulatory oversight and the public?[27]

The risks and caveats for this topic include: potential difficulties in creating sufficient traction and in the medium-term ownership inside OGP; finding a common action frame and the necessary synergies to hold the different topical sub-themes together; and linking the transparency and disclosure created effectively into related policymaking processes in the medium term. Again, a less formal exploratory approach is suggested for these topics as their outcomes (satisfactory solutions) may not warrant the increased costs of more formal investments.

Summary assessment

Issue reach and sustainable relevance for OGP values	Foundational, cross-cutting, cross-regional and somewhat future-proof; independent evidence and more transparency of new tech impact on society is an informational prerequisite for creating effective governance and accountability for a sector of paramount societal importance and thus an important building block for achieving OGP values in this area
Issue maturity	Basic maturity
Current activity level in overall policy community	Low and fragmented
Match with current OGP expertise and activities	Medium: some expertise available, but outside input is essential.
Suggested engagement format	Exploratory topic incubation workshops; a mix of outside and inside stakeholders with diverse sets of expertise; OGP outreach to related external issue communities to build interest and explore collaboration; as this issue strongly depends on international collaboration and a multi-stakeholder approach, it resonates well

[27] Recommendations for building more robust whistleblowing systems and related protections in the technology sector tend to feature prominently in policy asks across the technology field. See, for example, the testimony by the AI Now Institute at a US Senate Hearing on Persuasive Technologies, June 25, 2019: https://www.commerce.senate.gov/public/_cache/files/0497e225-9acd-4bbe-9274-cb99803a8176/D5373FE03FEF6419CE86604EB0C9A4D6.06-25-19richardson-testimony.pdf

	with the light-weight cross-country collaboration platform that OGP offers
Possible action items for OGP units and stakeholders	Steering Committee: help identify business and government champions for specific aspects of this work-stream Support Unit: outreach to external issue experts, preparation of thematic briefing notes as introductions to sub-issues for the OGP community

Other potential Bucket 2 topics

- Better metrics for and more reporting on regulatory efforts, intensity and efficacy in the area of technology governance (i.e., resources/staffing in relation to regulatory effort for competition authorities, privacy commissioners)
- Building periodic independent impact evaluations into related laws and regulations in the area of privacy, competition, digital non-discrimination, etc. and adding enforcement and impact parameters as a periodic monitoring component
- Experimental citizen juries or similar deliberative elements to inform policymaking in this area with many societal trade-offs, provide a counterweight to big tech dominance and open up decision-making in this policy space
- More granular mandatory disclosure of corporate political activity by tech companies
- Institutional analysis of diversity and representation in technology councils, advisory committees, expert task forces and other important entities in the tech governance landscape[28]
- Exploring mandatory reporting windows for large tech platforms on self-interested issue advertising and influencer sponsorship[29]

[28] Aspects of this topic were suggested by interviewees from civil society concerned about the persistence of digital divide issues.

[29] A recent court case on intellectual property issues in the US offers inspiration in this regard as the presiding judge mandated the two litigating tech companies to disclose all financial relations with influential commentators on the case, in order to assess available evidence more thoroughly. (United States District Court For the Northern District of California 2012: http://assets.sbnation.com/assets/1281646/1229.pdf)

BUCKET 3: Next-gen tech impact on open government environment

Promising issue example: Protecting the integrity of political competition towards responsible use of big data, micro-targeting and content-sharing in political campaigns

What and why

Debates about the role of social media in political campaigns have swung from enthusiastic embrace of a completely new era of connectivity, inclusivity and mobilization to somber despair about unprecedented vulnerabilities of the electorate and political discourse to manipulation and propaganda. These growing concerns have led many to believe that what is needed are more robust policy discussions that ultimately lead to concrete, practical regulatory solutions.

> "*Political advertising highly targeted and behaviorally and experimentally validated to achieve behavioral manipulation that is the core business model, that is something for which we can and need a regulatory response."* (Benkler, 2019)[30]
>
> "*This sector is largely unregulated in most jurisdictions, and therefore raises a host of concerns regarding the fairness and integrity of elections, and the political process more broadly.*" (Leerssen/Zarouali et al, 2019)[31]
>
> "*Our systems would be more effective if regulation created common standards for verifying political actors… And there are also important questions about how political campaigns use data and targeting.*" (Mark Zuckerberg, March 2019)[32]

At the center of these debates are tools or, perhaps better, weapons for political communication. These weapons are supercharged by big data and highly granular profiling of individual citizens--by a growing repertoire of ever more shrewd tactics for psychological influencing and by a seemingly infinite source of unverified social media content available for resharing and by tech-based, multi-channel advertising platforms capable of micro-targeting individuals with information interventions precisely when and where it matters most for maximum impact.

The temperature and salience of the debate often reaches a panic state, as a result, most attention is focused on how to protect against foreign interference or how to pressure social media platforms into providing greater disclosure on who is getting access to voter-relevant information and placing what kind of political ads on their sites. Both are undoubtedly very important challenges. The latter appears to be quite central to OGP values, yet there are

[30] Yochai Benkler, Techdirt Podcast 214, June 4, 2019 https://www.techdirt.com/blog/podcast/?d=4&m=6&y=2019

[31] Leerssen, P., Ausloos, J. et al. (2019). Platform Ad Archives: Promises and Pitfalls. Available at SSRN. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3380409

[32] https://www.theguardian.com/technology/2019/mar/30/mark-zuckerberg-calls-for-stronger-regulation-of-internet

already a host of initiatives underway that seek to make such transparency practices for political ads in social media a standard procedure.[33]

Yet still largely overlooked in the policy debate around these issues is the role and responsibility of political parties, candidates and the support-entities that they coordinate with as the main initiators and principals of political campaigns. How they already harness or plan to harness big data, micro-targeting and resharing of unverified content through social media, but also in the broader campaigning environment, has only begun to be described in more detail,[34] and these collective unknowns provide reason for concern. By 2019, politicians and political parties in as many as 45 democracies were found to have used some variation of these computational propaganda strategies.[35] Unfortunately, more detailed and systematic appraisals are in their infancy.[36] Assessing and comparing conduct and working towards standards for transparency, accountability and responsible practice in how parties, candidates and their supporters use big data, micro-targeting and psychological influencing online for their purposes are essential to protecting the integrity and level-playing field of political competition. The ability to track and, if deemed necessary, develop standards for responsible conduct is therefore ultimately also relevant for guarding against policy capture and for nurturing the health of political equality and democracies more broadly.[37]

Engaging on these issues is particularly important in an age of polarization, populism and razor thin margins in elections and referenda. Persuading or simply seeding doubt and demobilizing a small band of specific voters can make all the difference in such contexts and makes the use of borderline manipulative practices, dubious memes and opaque targeting hard to resist, even for mainstream parties and candidates. Extreme personalization of political messaging down to the individual level and without public scrutiny of all positions and messages that a specific party communicates is anathema to an open democratic discourse. And this issue is even more pertinent in many countries where political parties are granted a special status as important catalysts of democracy, and therefore exempted from some data protection obligations in order to facilitate their outreach efforts.

The important take-way: big data and micro-targeting can be weaponized to undermine the integrity of political competition, yet a vibrant debate on these issues has so far not engaged in terms of how responsible conduct by political parties and their direct support networks, as the most important set of actors in this context, can be safeguarded and promoted. OGP would be well positioned to facilitate such a badly needed push towards micro-targeting standards for

[33] For an overview of such initiatives by the likes of Google, Facebook or Twitter and analysis of shortcomings see Leerssen, P., Ausloos, J., Zarouali, B., Helberger, N., & de Vreese, C. H. (2019). Platform Ad Archives: Promises and Pitfalls. Available at SSRN.

[34] For a good overview of approaches and case studies from a broad cross-section of countries both in the global North and South see Tactical Tech's Our Data and Our Selves project at: https://ourdataourselves.tacticaltech.org/projects/data-and-politics/;

[35] Bradshaw, S. and Howard, P. (2019) The global disinformation order. Oxford Internet Institute.

[36] See for example Kreiss, D. (2017). Micro-targeting, the quantified persuasion. Internet Policy Review, 6(4).

[37] The urgency of addressing these issues has also been highlighted most recently by a public-private commission convened by the Oxford Internet Institute (October 2019): https://www.oii.ox.ac.uk/news/releases/collective-action-needed-now-to-tackle-spread-of-disinformation-in-public-life-finds-new-report/

political campaigning that are at the heart of healthy political competition and thus a necessary condition for flourishing open government.

How and with whom

The policy discourse on micro-targeting and political parties is still in its early stages. OGP could add substantial value by bringing together and connecting stakeholders and experts from a variety of different backgrounds and by convening exploratory workshops to jointly advance the debate.

A critical mass of potential partners and related policy windows is in the making. A small, specialized band of academic researchers[38] and an even smaller band of public authorities (information/privacy commissioners or election authorities) have begun to explore issues around micro-targeting by political parties.[39] A new EU directive on digital service currently in the making and due late next year is anticipated to focus on online political advertising. Its ongoing deliberation and drafting process could provide valuable plug-in points for outreach and engagement.[40] Similarly, a joint international initiative by parliamentarians, the International Grand Committee on Disinformation and Fake News, that convened its second meetings back-to-back with the OGP Ottawa Summit could offer useful outreach opportunities.[41]

OGP's sizeable cluster of commitments related to electoral and political integrity suggest that some of the relevant experts and stakeholders on the government and civil society side are already engaged within the OGP. Countries that have entered into related commitments include: Australia, Georgia, Indonesia, Mongolia, the Netherlands, Panama and Romania. And current

[38] For useful policy related overviews see Goodman, E.; Labo, S. Tambini D. et al. (2019) (eds.). The new political campaigning. Media Policy Brief 19. The London School of Economics and Political Science, London, UK; International IDEA (2018). Digital Microtargeting. Political party Innovation Primer 1; for academic examples see Schipper, B. C., & Woo, H. Y. (2019). Political Awareness, Microtargeting of Voters, and Negative Electoral Campaigning. Quarterly Journal of Political Science, 14(1), 41-88; Barocas, S. (2012). The price of precision: Voter microtargeting and its potential harms to the democratic process. In Proceedings of the first edition workshop on Politics, elections and data (pp. 31-36). ACM; Bennett, C. J. (2016). Voter databases, micro-targeting, and data protection law: can political parties campaign in Europe as they do in North America?. International Data Privacy Law, 6(4), 261-275; Zuiderveen Borgesius, F., Möller, J., Kruikemeier et al. (2018). Online political microtargeting: Promises and threats for democracy. Utrecht Law Review, 14(1), 82-96.

[39] Perhaps the most extensive efforts come from the UK Information Commissioner who has conducted an investigation into the use of big data by political parties, finding a "significant shortfall in transparency and provision of fair processing information" and calling for an "ethical pause to allow key players… to reflect on their responsibilities" in this area (Information Commissioner's Office (2018): Democracy disrupted? Personal information and political Influence, 11 July 2018: https://ico.org.uk/about-the-ico/news-and-events/events-and-webinars/democracy-disrupted-how-can-data-protection-law-protect-our-electoral-integrity/).

[40] FT. "EU draws up sweeping rules to curb illegal online content. July 24, 2019. https://www.ft.com/content/e9aa1ed4-ad35-11e9-8030-530adfa879c2

[41] https://www.energeticcity.ca/2019/04/nine-countries-confirm-participation-in-second-international-grand-committee-on-disinformation-and-fake-news/

OGP efforts to re-engage more with parliaments and parliamentarians are bringing additional stakeholders into the conversation.[42]

Countries in which momentum for bringing more transparency to political micro-targeting is gaining momentum or has already resulted in first regulatory interventions include: Canada, France, the Netherlands, UK, and the U.S., as well as some related efforts at the EU level.[43] A thematic initiative by OGP in this area could seek to build on work to identify interested stakeholders inside government for engagement. Relevant academic, policy and civil society groups that could be interested in exploring collaborations and help identify local-level stakeholders include: the Institute for Information Law at the University of Amsterdam, the U.S. National Democratic Institute's Tech for Parties initiative (https://tech4parties.org/), the Inter-Parliamentary Union (www.ipu.org),[44] as well as the Tactical Tech Collective (tacticaltech.org) and Civicus or specific national chapters of Transparency International.

The topic also has a substantial potential for future expansion. An issue community with political online marketing experts, political party representatives, and parliamentary associations would also by well suited to discuss broader issues of responsible media use by political parties and politicians, which could be a logical step for expanding the micro-targeting topic. Such a broader debate would also reinforce the relevance for a number of countries where political parties may not (yet) consider techniques of micro-targeting, but are rapidly building out large-scale social media campaigning initiatives and strategies.

Summary assessment

Issue reach and sustainable relevance for OGP values	Essential topic for electoral integrity in an era of micro-targeting and systematic social media use for political communication
Issue maturity	Basic: regarding the role and responsibility of political parties
Current activity level in overall policy community	Low, but growing gradually
Match with current OGP expertise and activities	Medium
Suggested engagement format	Exploratory topic incubation workshops; a mix of outside and inside stakeholders with diverse sets of expertise

[42] https://www.opengovpartnership.org/stories/parliaments-as-partners-for-open-government-reform/
[43] Leerssen, P., Ausloos, J., Zarouali, B., Helberger, N., & de Vreese, C. H. (2019). Platform Ad Archives: Promises and Pitfalls. Available at SSRN.
[44] Related IPU initiatives include social media guidelines for parliaments in 2013 (https://www.ipu.org/resources/publications/reference/2016-07/social-media-guidelines-parliaments) and its periodic World e-Parliament reports that discuss technology use in parliamentary settings.

Possible action items for OGP units and stakeholders	Support Unit: outreach and liaison with potential international partners; outreach to country experts to scan for the existence of guidelines; codes of conduct on social media use by candidates and political parties; potential entry point in some countries are also think tanks/foundations close to political parties IRM: identification of possible interlocutors on national government side by examining NAP commitments on electoral integrity and transparency in party/candidate financing

Other potential Bucket 3 topics

- Some specific issues around privacy and public surveillance towards more accountable, transparent and democratic control of facial recognition and other biometric approaches, IoT and big data public surveillance capabilities
- Strengthening security, sophistication and sustainability of digital capabilities in civil society, particularly in repressive environments
- Addressing hate speech and disinformation campaigns without opening the floodgates for political censorship and weaponized internet shut-downs (i.e., determining what mechanisms safeguard accountable, transparent content governance[45])

E. An endnote: Building a broader church, reaching out before inviting in

The breadth and diversity of new digital opportunities and challenges offer a rich field for engagement by the OGP community. Despite a wide-array of digital governance initiatives already underway, OGP can add substantive value and offer highly complementary collective action and peer learning mechanisms in a number of carefully selected and delineated issue areas. A range of OGP stakeholders can help drive this internally, for example, by building up thematic multi-country groups where commitments are already emerging or by facilitating internal awareness, learning and capacity building efforts to introduce new topics. However, in order to grow engagements around topics organically from the country-level up into cross-country action and norm generation will require connecting to and bringing in new expertise and new actors both at country level and internationally. This will require investing substantially in reaching out, meeting and engaging with new stakeholder groups “on their own turf” and actively promoting OGP and its engagement options in those networks, conversations and events, often at country level. This may be resource intensive but holds more promise than

[45] These topics have also been flagged by several interviewees. However, the risk of mission creep for OGP appears to be quite high in this already very crowded policy space and would require to be very strategic about the OGP value-add in each case.

simply inviting new stakeholders into OGP, an investment that many of these stakeholders are unlikely to make as long as the value proposition and synergies are yet to be fully established.

Addendum: Additional considerations, where the OGP approach may be less clear or more difficult to establish

There are a number of current hot-button issues related to digital governance where OGP engagement can play a realistic role and realize a sizeable impact. While it is beyond the scope of this paper to present a full rationale, what follows are issues/topics in which OGP may wish to begin to engage.

- Competition and antitrust issues around big tech: very much at the forefront of the debate and important from an economic perspective, yet complex in actual implementation and unlikely to offer feasible pathways for fixing some of the broader social ills that intersect with open government concerns, such as disinformation campaigns or filter bubbles
- The "sharing" economy and gig work: concerns that companies like Uber and Airbnb circumvent democratically set arrangements for transport, housing, urban development, employment, etc.; while important, it is difficult to establish a compelling direct link to the OGP agenda
- Tax justice and big tech: a longstanding issue in economic governance amplified by the profit-shifting, tax-avoidance capabilities and practices of big tech; engagement contingent on the overall appetite within the OGP to work on issues around tax justice which seems to be limited at the moment
- General concerns around privacy: a very important, yet also very crowded policy field; many relevant laws are already on the books, but suffer from insufficient enforcement, leading major OGP players to invest more in strategic litigation rather than in pushing for more commitments in this space
- Threats to civic space online: a topic that directly falls into Bucket 3, yet is extremely broad in scope and would require much more unpacking and selective focus on specific sub-issues to be workable in the OGP context; a strong contender in this regard could be the sub-issue of government-led internet shutdowns and content moderation/censorship; these practices are on the rise around the world and tread a fine line between aiding legitimate interest of containing the fallout from harmful content and propaganda and between feeding repressive impulses to silence critical voices and shrink civic online space; working towards carefully circumscribed rules and comprehensive disclosure standards for related government activities could be a worthwhile and timely engagement area for OGP; could bring more accountability and clearer norms to such government-led online content controls and draw a clearer line between legitimate and illegitimate applications[46]

[46] It should be noted however that taking on such issues would require substantial investments in engaging and aligning activities with the vast and long-established issue community around media freedom, freedom of expression etc. This was also noted as a concern by a number of interviewees from the tech / expert side who generally did not feel too enthusiastic when asked to comment on the potential of OGP engagement in this issue area.

Annex for the OGP Support Unit: Tagging system for OGP commitments on digital governance issues

The enormous diversity and essential open-endedness of issues and topics that fall under a loosely defined label of next generation digital governance makes a comprehensive and consistent tagging typology, not to mention a real taxonomy, all but impossible.

That being said, the following two-part pragmatic approach is suggested to balance flexibility and open-endedness with the need to sort and track commitments in this area:

- Introduce a topline label of “next-gen digital themes” or “digital governance” to provide the tagging guidance that should be applied to new issues related to digital technologies, and that go beyond open data, electronic service provision and e-government in the conventional sense

- Draw-up an open ended and evolving list of sub-tags that could include as a start-up set the following:
    - Content governance covering disinformation campaigns, hate speech, propaganda, and other misinformation
    - (Big) data stewardship and privacy (e.g., facial recognition, surveillance, and privacy)
    - Automated decision support (algorithms, artificial intelligence)
    - Tech rule-making related to making big tech, its impact, compliance performance and policy influence more transparent and accountable

- The introduction of a parent tag makes the overall tracking of new digital governance commitments easier and avoids omissions and double-counting (as some second level labels overlap and individual commitments might fall into two or more tag clusters)

The author suggests not turning the themes in brackets into tags themselves, as this may create tag overload and too much granularity. A full text search will still reveal all commitments that pertain to individual sub-themes, thus making tracking at that granular level still possible.