Engagement as a mode of operation:
public dialogue and policymaking in data and digital technologies

Summary

Effective stewardship of the data governance environment will have engagement at its core. Embedding a range of stakeholders and publics in the policymaking process is vital for both creating effective policy in specific domains and developing a wider governance system in which the public can have confidence. The approaches used in such deliberative exercises also offer lessons in how to make spaces for discussion and consensus-building, which can play a role in negotiating the adversarial nature of many public policy debates.

A trustworthy governance environment will draw require public dialogue activities that shape the development of specific policies and the development of longer-term infrastructures for engagement. These different types of engagement complement each other: high-quality, deliberative dialogue activities – activities that explore both the applications of data and digital technologies and the values that underpin their use – can contribute to a governance environment in which individuals rightly feel that their voice is heard in policymaking, while in turn giving policymakers confidence in the case for investment in longer-term approaches that provide infrastructures for individuals to exert agency in data use and technology deployment.

Data governance and public dialogue

The data governance landscape is complex: digital technologies are advancing at pace in ways that allow new uses of data, many datasets and technologies have contested social values embedded in their development, and the application of these technologies across sectors creates a challenge for policymakers in understanding the wide-ranging implications of their deployment.

In this landscape, there are huge potential benefits – to health, wealth, and wellbeing – but also new potential harms to individuals and society. To realise these benefits, societies must navigate significant choices and dilemmas: they must consider who reaps the most benefit from capturing, analysing and acting on different types of data, and who bears the most risk; they must consider, as best they can, the implications of the future nature and distribution of work, wealth and skills; they must ensure that the personalisation of news and views does not limit the diversity and richness of public debate or undermine practices of checking and challenging claims that underpin democracy.

Effective governance of data and its uses will be central to negotiating these questions. To be effective, such governance needs to be grounded in engagement. Substantive public engagement can contribute to better decision-making and create more socially robust scientific and technological solutions.

To help advance discussions about the role of public dialogue in policymaking around data and digital technologies, on 25 November 2019 the Royal Society and Centre for Data Ethics and Innovation convened a workshop to consider lessons from recent initiatives and potential future directions. This note summarises discussions at the workshop. It is not intended as a verbatim record, and does not reflect an agreed position by workshop participants or the Royal Society and Centre for Data Ethics and Innovation.

The Royal Society and Centre for Data Ethics and Innovation

The Royal Society is the UK's national academy of sciences. The Society's fundamental purpose, reflected in its founding Charters of the 1660s, is to recognise, promote, and support excellence in science and to encourage the development and use of science for the benefit of humanity. Reflecting this mission, its policy activities on data and digital technologies seek to advance these areas of science and technology for the benefit of society.

The Centre for Data Ethics and Innovation is an independent advisory body set up and tasked by the UK Government to investigate and advise on how to maximise the benefits of data and data-enabled technologies and minimise the risks.

Lessons from previous dialogues

Thinking about 'the public'

There is no single 'public view'. In reality, 'public opinion' takes many forms: there are many different perspectives on any issue; individuals might hold multiple, conflicting perspectives when viewing an issue through different lenses; views are rarely static, but evolve over time and through different processes of engagement; and while views often vary across demographic groups, but there are also differences between individuals within a group. Processes of deliberative dialogue bring together representative groups of members of the public to better understand these differences, creating a space for individuals to consider different forms of data and evidence, and to assimilate and reflect on that evidence, while considering relevant policy questions.

Through such sessions, policymakers can better understand the different wants or needs individuals might have, and the ways in which they balance trade-offs between those different needs and between different values and perspectives. The question 'who benefits?' is often at the core of discussions in dialogue sessions. Most people indicate support for the use of data or digital technologies in cases where there is a high likelihood of either individual or public benefits, and benefit for the public is often a key condition for people accepting data use.

Understanding public debate

Individual dialogue projects can have a profound effect on policymaking, but they form only one part of a wider picture, leaving a gap where action is needed to scale-up these individual efforts to create a wider environment of engagement.

The great strength of these dialogue processes – the convening of small groups to deliberate over questions and trade-offs – ultimately limits their scope. Once outside the confines of the dialogue session, those participating return to home and work, with little scope for the dialogue process to have an impact on a wider public conversation. The effects of the process are therefore diluted.

One route to starting a wider dialogue is to tap into existing conversations about issues of public interest – those happening at the watercooler, by the playground, or in the pub. While previous engagement exercises show that levels of awareness of data use and digital technologies are generally low, people are familiar with some everyday consumer applications of data, and data policy issues emerge in many areas of public interest. Engagement exercises carried out with small groups also show that there are commonly-held concerns about data and digital technologies, including: the potential for data misuse, or data being used for purposes other than that for which consent was given; data security, and the potential for sensitive insights to be revealed; the idea that use of data or digital technologies might result in some form of harm to an individual; automation, and the role of data and digital technologies in potentially displacing human workers from their employment. Alongside these areas of concern, individuals also have aspirations for the potential benefits from these technologies: to improve public services and increase efficiency; to remove human bias or other fallibility from decision-making; or to help tackle large-scale societal challenges.

'The public' are often already talking about data policy – about fairness, accountability, and power – but in ways that are not explicitly about data governance. Policymakers could therefore benefit from infrastructures to hear or understand those conversations. In this respect, digital technologies potentially offer new routes to build understanding, with social media monitoring or online forums being potentially useful tools to better map the contours of public debate, and to understand how these change over time and across society. This understanding can then inform new approaches to engagement – creative approaches that tap into to the issues people care about.

Those issues are usually context-specific. Attitudes towards data and digital technology – whether positive or negative – depend on the circumstances or application in which they are being used, and the nature or extent of public concerns, and the perception of potential opportunities, are linked to the application under consideration.

Dialogue, trust, and the policymaking process

Results from recent dialogues give insights into how individuals consider questions of trust, and what might constitute 'trusted' data practices. Dialogue participants report differing levels of trust in different types of organisation. Government, the NHS and universities typically attract higher levels of trust than commercial organisations, for example.

The type of actions or initiatives that can help an organisation secure confidence from the public include: competence in cybersecurity and data management, and being perceived to have the 'right' motivations (namely, those guided by public benefit).

Dialogue can play different roles in the policy process. It can define policy questions, test ideas for solutions, or understand likely levels of buy-in for different courses of action. These different purposes lend themselves to different methods and outcomes.

One of the first questions participants often ask in a dialogue session is: what will happen as a result of this? Having a sense that your voice matters, that it has been listened to, even if the outcome is not necessarily as envisaged, is central to creating a dialogue process that gives participants a sense of agency. Creating these relationships takes time and requires a repeated pattern of engagement, which in turn requires investment – of both finances and political will.

For an individual project, capturing views at a single point in time can be useful. For a wider system of trustworthy governance, sustained engagement is necessary, based on two-way information flows between policymakers and publics. This type of sustained engagement is also important in maintaining consensus in an otherwise adversarial environment for public debate. Such engagement would;

- be a dialogue rather than a one-way activity;

- have a demonstrable capacity to influence policy;

- explicitly articulate the competing values at stake, include evidence as part of discussions of future scenarios; and

- be widely visible, so that even those who are not personally involved are able to see it happening.

Where next for public dialogue in data policy?

Embedding engagement in ways that create the conditions for impact and agency

Recent dialogue initiatives suggest that people feel disenfranchised in the data environment, and are seeking some form of agency in decisions about data use that affect them or ways of shaping technology development and deployment. Dialogue projects could provide a route to such agency. However, their impact depends on the circumstances of their use. The extent to which public dialogue influences policy outcomes depends on a range of factors, including the point in the policy process at which engagement takes place, the nature of the policy question at hand, and the range of other factors that influence policy outcomes. Those embarking on dialogue exercises need to be clear on their purpose and the role they will play, in order to manage such conversations sensitively.

Rather than relying on individual dialogue projects as a means of creating spaces for members of the public to exert some form of agency in decision-making, alternative approaches are necessary. An infrastructure that creates spaces for public debate – acknowledging that attitudes vary over time and multiple points of engagement are necessary – offers a different form of agency. Bottom-up infrastructures, such as those proposed by data Trusts, could be well-placed to offer such platforms for engagement, taking into account evolving technologies, data uses, or perceptions of benefit.

Thinking creatively about the future

For many people, data policy questions in the abstract do not resonate. They become engaging and accessible when rooted in daily life, or in scenarios that help make the future more tangible, showing how data and digital technologies can influence daily life. Further work is needed to develop creative approaches to thinking about the future. This might involve creating future visions for the deployment of technology as the basis for dialogue, or finding ways of supporting communities to articulate their own visions or desires from technology development.

Moving the conversation forward

There already exists a substantial literature about methods in public dialogue, and about the results from dialogue activities that have been carried out to date. Further work is required to ensure that new initiatives build on these existing bodies of knowledge, starting with what has been learned so far, then asking questions to test and build on that knowledge. This might include, for example, working with different demographic groups to better understand how patterns of hopes or fears vary, and why.

While individual dialogue projects have engaged with groups that are demographically representative of the wider public, there is further work to ensure that a range of voices are well-represented in conversations about data policy. Tackling this concern requires actions to engage effectively across a wide range of civil society stakeholders, while also seeking to diversify the community of people working on data governance issues and digital technology development.

A sustained infrastructure

The approaches above would form the basis of a sustained infrastructure to embed engagement in policymaking. Such an infrastructure would draw from;

- processes that listen to public conversations to better understand the landscape of issues already being debated;

- individual dialogue exercises that follow best practice in bringing diverse publics to develop their views and in so doing influence policy outcomes;

- bottom-up initiatives that create new forms of agency in the governance environment;

- incentive structures that encourage researchers, government departments, and civil society to invest in engagement; and

- networks of stakeholders and civil society actors that coordinate engagement efforts, identifying gaps or opportunities for further action.

The resulting infrastructure would support both discrete exercises in deliberative democracy while also allowing a more distributed dialogue, embedding engagement at multiple points in the policymaking process.