# How to tackle the divergent needs for openness and protection in land data governance in India?

| Organiser(s)/: Institution(s) | Christine Richter *Univeristy of Twente, Netherlands & NRMC-CLG* |
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Collecting, processing and disseminating data about territory and people used to be largely in the hands of government, through entities like the census, cadaster and land administration offices. This is no longer the case for both technological and political reasons. Technologies now allow a multiplicity of agencies from public, private and civil society sector, as well as individual citizens, to collect and process data and make it publicly available. This may be done locally via mapping apps on mobile phones, from the sky via drones and in sight of the people being mapped, or unnoticed by those, who are being mapped, from space via a fleet of commercial satellites. The data may be stored on a server in the U.S. or Germany, where different legal frameworks apply with respect to data protection. At the same time we see many initiatives collect data about land, land rights and uses, and people for storage on local servers, where it becomes implicated and used in the context of the local land governance scene of a region or village. Sharing of data across jurisdictional boundaries and between public and private sectors, decisions on which data to publish online and in which form, as well as its processing by a variety of local and global actors further complicates the scene. The increasingly fast processing and integration of such data, and artificial intelligence playing a larger role now, result in maps and visualizations of "informal" or "illegal" settlements, land use pattern and change maps, or real-time identification of newly constructed buildings. The makers of such information and the users are globally diverse and also widely dispersed.

Therefore, the categorization of governance actors into public, private and civil sectors has become arguably even blurrier than in the past. As data travels and converges in multiple, often unpredictable directions, the governance of land and people is taking on new and complex dimensions. Data and data processing technology are not politically neutral "windows into truth." They have been and still are political instruments that shift – intentionally or not - established power relations. What kinds of implications do these travels and translations of land data between local and global scales and across jurisdictional boundaries have for land governance in India; and how should policy makers and society react?

One way to approach these broad, long-term questions is by zooming in on one of the current main tensions in data governance worldwide, namely that between the need for making data publicly available and the need to protect people by protecting their personal data. Openness of data is needed and desired to improve transparency of land governance processes, can empower disadvantaged groups in so far as it provides a means to make legible and legitimate their rights to land and livelihood, and as evidence base in planning and policy making. At the same time, the risks of too much openness and transparency have become apparent. The focus rests on ways to protect personal sensitive information, e.g. through legislation like India's new The Personal Data Protection Bill, 2018 or the European Union's GDPR. But here we should not forget that it may be precisely the processing and integration of various data sources that make the resulting information personally and/or politically sensitive.

In this panel we wish to discuss the divergent needs between openness and protection of land data in India with land and data experts coming with rich local and global experienses based on the following questions:

1. In how far do we agree or not that data technology providers are "neutral platforms" in the land governance scene?
2. Where should land data be stored; and what are the implications for protecting and/or sharing such data?
3. What kind of data, when and how should it be made publicly available online; and who should be involved in these decisions?
4. How can we avoid forgetting the people and their relationship to land behind our hopes for and worries about the data?
5. How can we learn, what land data is being collected and processed, how its derivates are used and for whose/what purposes?
6. Because of the pervasiveness of digital data technologies and increasing amounts of data, the issues outlined above challenge just about every policy domain. But how do these challenges play out specifically in the domain of land governance given that property and land rights are social constructs; and the various relationships between people and land have been governed by social and statutory institutions in comparatively bounded jurisdictional territories? What then do we need to specifically focus on in future with respect to the openness/protection tension in the domain of land governance?

## Session Plan

| 13-Mar-19 | Panel 17: How to tackle the divergent needs for openness and protection in land data governance in India? | 15.30 - 17.00 Hrs |
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| Moderator | Pranab R Choudhury, NRMC-CLG |
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**Lead Presentation: Prof Christine Richter,** Faculty, University of Twente, The Netherlands

**Dr P S Acharya,** CEO, National Spatial Data Infrastructure (TBC)

**John Samule Raja,** CEO, How India Lives

**Lisette Mey,** Information Management Officer,The Land Portal Foundation

**Frank Pichel**, Chief Program Officer, Cadasta Foundation

**Guneet Narula,** Datameet