Article:
Raghunath, P. (2024) Critical data governance: A southern standpoint to the study and practice of data. Technology and Regulation, 2024. pp. 37-46. ISSN: 2666-139X

https://doi.org/10.26116/techreg.2024.005

Special Issue on Data, Law and Decolonisation

Technology and Regulation

Critical Data Governance

A Southern Standpoint to the study and practice of data

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data governance, critical theory, anticoloniality, South, standpoint theory

Most conversations on data governance emanate from technocratic and managerial solutionism to harness and govern data, in turn thwarting human autonomy which is rooted in historicised, situated, relational and reflexive ways of being. This suggests a double bias towards (a) a linear teleological model of progress, (b) propelled by claims of objectivity and pristine scientific rationality inherent to data. Moving away from such approaches, this paper draws on critical theory to develop Critical Data Governance as an approach that eschews objectivism, instrumentalism and universalism. It presents a provocation by developing Critical Data Governance as a Southern Standpoint to the study and practice of data. By placing in conversation work in Critical Policy Studies and Critical Data Studies, it aspires to bring to the fore a multiplicity of policy actors, norms and values, interests and interactions, venues and deliberative sites, to the study of data governance and policymaking.

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Introduction

Datafication as a practice of making legible aspects of peoples' being as quantified information[1] is not new. From anthropometry to censuses to the adoption of technical standards for internet governance, the analogue-digital continuum of governing people and their activities as data is a particular practice of modernity, earlier forms of datafication across societies notwithstanding. Underlying these practices have been ideas of neutrality and value-free technological systems, even while they uphold dominant normative assumptions and claims to universalism.[2] This approach has mostly drawn on technocratic and managerial models of data governance, with efficiency and expertocracy being the linchpins. However, this approach incorporates earlier problematics associated with imperial modes of data governance characteristic of late capitalist societies, replete with extractivist logics, an individualistic conceptualisation of people's data, and a linear model of progress. Today, by bringing in technocratic and managerial solutions to harness and govern data, corporations, national and regional entities seek to once again thwart human autonomy, which is rooted in *historicised, situated, relational* and *reflexive* ways of being. Why is a critical approach to data governance that serves decolonial aspirations[3] and addresses a Southern Standpoint[4] important? Leslie et al.[5] suggest that much of the global data justice research and practice is hinged on Western framings, interests, and values. Any effort to conceptualise data governance for the future must be one that also draws on non-western framings of ontologies, meanings, and values. This paper, through the following four sections, develops Critical Data Governance as a conversation with critical policy studies and critical data studies, and then moves on to situate this as a Southern Standpoint to the study and practice of data.

1. Critical Data Governance as a Southern Standpoint for Data: A Provocation and Premise

Critical theory has often found a number of cheerleaders but has consistently invited widespread criticism for being exclusive. How, then, can one recalibrate the offerings of critical theory to address decoloniality, given the former's influence in the fields of law and policy? McArthur[6] talks about the utility of critical theory in a decolonial age, drawing on Said[7] to outline how Critical Theory of the Frankfurt School has been 'stunningly silent on racist theory, anti-imperialist

1 Nick Couldry and Ulises A. Mejias, 'Data Colonialism: Rethinking Big Data's Relation to the Contemporary Subject' (2019) 20 Television & New Media 336.

2 Anita Say Chan, Networking Peripheries: Technological Futures and the Myth of Digital Universalism (The MIT Press, 2014).

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3 Jan McArthur, 'Critical Theory in a Decolonial Age' (2022) 54 Educational Philosophy and Theory 1681.

4 Julian Go, 'Global Sociology, Turning South: Perspectival Realism and the Southern Standpoint.' (2016) 10 Sociologica: International Journal for Sociological Debate 1.

5 David Leslie and others, 'Advancing Data Justice Research and Practice: An Integrated Literature Review' (2022) http://arxiv.org/abs/2204.03090 accessed 31 August 2022.

6 McArthur (n 4).

7 Edward W Said, Culture and Imperialism (Vintage 1994).

resistance, and oppositional practice in the empire'.[8] She, however, reminds us of critical theory as an ongoing project and commitment, and brings to the fore its critique of the instrumentalism rampant in late capitalism. McArthur points to how Fraser[9] reformulated critical theory to address feminism, drawing on Marx[10] to suggest that philosophy is 'the self-clarification of the struggles and wishes of the age'. Along these lines, McArthur concurs that decolonisation is the key concern of this age, and states that critical theory must acknowledge this. She draws on Hopkins,[11] who defines a decolonial approach as recognition of 'the need for groups to engage in conversations that directly and explicitly confront colonisation and its enduring effects in the lived-experience of Indigenous communities.[12] McArthur then identifies and lays out three pathways through which critical theory can engage with the decolonial: through acknowledgement of embodied lived experiences; through recognition of common ground as fellow travellers; and through further action.

Tuck and Yang[13] write emphatically about not using decolonising as a metaphor and suggest that civil and human rights discourses are incommensurable with indigenous rights, and need to be *unsettled*.[14,15] Scholars of Critical Caste Studies focus on the other-ness created by the caste system that has been and continues to be prevalent in South Asian communities and societies.[16] Given this idea of incommensurability, how do the works of later generations of critical theorists like Axel Honneth's focus on the struggle for recognition[17] and Rainer Forst's right to justification[18] serve as rights-restoring work (the imperative of decolonial practice)?

To address this predicament, I turn to sociologist Julian Go for help in constructing a *Southern Standpoint* vis-à-vis Critical Data Governance, to the research and practice of data governance. Go[19] draws on Connell[20,21] to outline a Southern Standpoint, which is useful in going beyond charges of relativism, applying *situatedness* by provincialising Eurocentrism,[22] colonialism and Brahmanism.[23] Go also draws on Santos to call attention to 'the immense variety of critical discourses and practices'[24] in the world, with special attention to the critical discourse and practices of those who 'have suffered at the bottom of global hierarchy'.[25] The sociologist then outlines a Southern Standpoint rooted in perspectival realism, drawing inter alia on post-foundationalist feminist standpoint theory.[26] Go talks about eschewing epistemic privilege for a situated, grounded, and relational perspective to the global. This argumentation is useful for this present project on Critical Data Governance, which seeks to root data governance in positionality and location, *within* and *across* the global. A Southern Standpoint to data governance can be retrieved at sites where policy-making for data happens and *does not* happen.

Some guiding questions in helping us think through this are as follows: Whose voices are left out of the ambit of closed-door lobbying for data governance? How does open-washing work in the place of open data practices? Who defines openness in the latter and whom does it serve? Why are there multiple iterations of data policies in some cases, and absolutely no policies in creating an enabling environment and a level-playing field for *people and their representatives* as policy actors in other cases? How are conversations on rights and justice left out of the ambit of data governance, as 'problems for the future' that can be addressed after the marketisation and deployment of advanced machine learning technologies? Finding answers to these myriad questions will help develop a Southern Standpoint vis-à-vis data governance, which, I argue, can be gleaned from the epistemological, normative, and indeed, *experiential* terrain of Critical Data Governance developed in this paper.

2. Studying Data: A Brief Review

The past decade has witnessed a spurt in the study of datafication, and governance and data, across disciplines. The push for certain technology imperatives by international organisations, corporations and governments has meant that the academy needs to be cognisant of these developments. Much of the early work on datafication looks at individualistic frameworks of privacy and rights, often by definitions and on terms set by the West[27] and obscuring collective notions of relational autonomy and well-being. Moving away from this, the data justice framework sought to draw on existing work in social justice. This section presents a review of some existing works in the humanities and social sciences across three themes: pervasiveness, extractivist logics, and plural identities and experiences. These themes emerge from my engagement with the terrain of academic literature on data and is an effort to synthesise them.

2.1 Pervasiveness: Totalising Surveillance Cultures

The next thematic strand involves surveillance and cultures of control that datafication can engender. Leslie et al.[28] suggest that the initial focus of data justice research has been on surveillance, informational

8 Said (n 8).
9 Nancy Fraser, Unruly Practices: Power, Discourse, and Gender in Contemporary Social Theory (University of Minnesota Press 1989).
10 Marx, K, 'Critique of Hegel's Philosophy of Right' (1843).
11 John P. Hopkins, 'Indigenous Education Reform: A Decolonizing Approach' in John E Petrovic Roxanne M Mitchell (eds), Indigenous Philosophies of Education around the World (1st edn, Routledge 2018).
12 Hopkins (n 12).
13 Eve Tuck and K. Wayne Yang, 'Decolonization Is Not a Metaphor' (2012) 1 Decolonization: Indigeneity, Education & Society https://jps.library.utoronto.ca/index.php/des/article/view/18630 accessed 2 September 2022.
14 Tuck and Yang (n 14).
15 Gurminder K. Bhambra, 'Postcolonial and Decolonial Dialogues' (2014) 17 Postcolonial Studies 115.
16 Gajendran Ayyathurai 'It Is Time for a New Subfield: 'Critical Caste Studies'' (South Asia@LSE, 5 July 2021) https://blogs.lse.ac.uk/southasia/2021/07/05/it-is-time-for-a-new-subfield-critical-caste-studies/ accessed 2 September 2022.
17 Axel Honneth, 'Integrity and Disrespect: Principles of a Conception of Morality Based on the Theory of Recognition' (1992) 20 Political Theory 187.
18 Rainer Forst, The Right to Justification: Elements of a Constructivist Theory of Justice (Columbia University Press 2011).
19 Julian Go, 'Global Sociology, Turning South: Perspectival Realism and the Southern Standpoint.' (2016) 10 Sociologica: International Journal for Sociological Debate 1.
20 Raewyn Connell, Southern Theory: The Global Dynamics of Knowledge in Social Science. (Polity 2007).
21 Raewyn Connell, 'Using Southern Theory: Decolonizing Social Thought in Theory, Research and Application' (2014) 13 Planning Theory 210.
22 Dipesh Chakrabarty, Provincializing Europe: Postcolonial Thought and Historical Difference (Princeton University Press, 2000).
23 Ayyathurai (n 17).
24 Boaventura de Sousa Santos, Epistemologies of the South: Justice against Epistemicide (Paradigm Publishers 2014).
25 Go (n 20).
26 Sharmila Rege, 'Dalit Women Talk Differently: A Critique of 'Difference' and Towards a Dalit Feminist Standpoint Position' (1998) 33 Economic and Political Weekly WS39.
27 Leslie and others (n 6).
28 Leslie and others (n 6).

capitalism, and the political economy of data, leading to a more information-centric and narrow economistic approach. Nonetheless, it becomes important to engage with this strand of literature to understand to what extent Western-centric understanding of individual privacy and surveillance interrogates and explains existing datafication, and how it does or does not address inequities in the South(s).[29]

Zuboff[30] conceptualises 'surveillance capitalism' as the manner in which Silicon Valley is engineering human behaviour and experience, much in the same way that industrialisation brought about unalterable shifts in the natural world. Zuboff's seminal work showcases how we have been persuaded to give up privacy and feed into the machinery of behavioural control instigated by technology corporations. The author calls it a coup from above. Andrejevic[31] talks about the gift economy and how much is expected of consumers without compensation. Andrejevic, in 2019, talks about the newness of predictive analytics and automation with reference to surveillance.[32] While older modes of surveillance may or may not be displaced, newer systems of surveillance provide a comprehensive monitoring that is provided by sensing networks that are cover an ever-widening range of activities, are embedded and ubiquitous.

Lyon[33] talks about surveillance culture, setting it apart from the concepts of the surveillance state and surveillance society. Building on Charles Taylor's work on social imaginaries, the author draws on the concepts of surveillance imaginaries and surveillance practices as shared meanings and discourses that allow for the legitimation of and engagement with surveillance systems. Lyon[34] builds on this further to suggest that our everyday activities reflect the cultures of surveillance in which we all participate — user-generated surveillance, and advises action in the form of critical engagement instead of normalising surveillance cultures. Christensen[35] writes about complicit surveillance as a framework to understand everyday surveillance, and brings to focus the architecture of technologies and how they are designed to aid monitoring and data collection.

Hintz et al.[36] make the link between digital citizenship and surveillance, whereby the digital citizen is increasingly constrained by continual surveillance, and cannot tap into the democratising potential of technologies. The balance of power between the state and citizens is tilted in favour of the former in a datafied environment.

2.2 Extractivist logics: Imperium and Datafication

The extractivist logic of data has attracted much attention in recent years. Drawing on different strands of work across traditions like critical political economy, critical security studies, feminist theory and work on media industries, central to this theme is the manner in which people's everyday activities are rendered quantifiable to draw inferences from and feed into larger machinery and assemblages of data for profiteering.[37,38] Ideas of data colonialism, data empires, platform imperialism, technocolonialism, and techno-imperialism, among others, concern themselves with these extractivist logics of datafication as propelled by Big Tech or technology corporations that operate primarily out of the US. What each of the concepts have in common is the focus on the colonising tendencies of data industries, albeit in different strokes, inclusive of Big Tech but also the burgeoning data industries that perform tasks of data crunching and analytics, feeding off of and feeding into the deployment of algorithmic and machine learning technologies across sites.

Couldry and Mejias[39] define data colonialism as a 'new form of contemporary colonialism' that extracts data for profiteering, much like 'historic colonialism'. The authors examine data capture, and how data are appropriated not for personal ends, but for profit. They talk about data relations as the means through which human life gets annexed to capitalism and becomes subject to continuous monitoring and surveillance. The concept of data colonialism has been influential in bringing to focus the contemporaneity of extractive data practices by Big Tech. However, critics contend that by isolating the temporal aspect of what the authors see as a new form of colonialism, they do not make connections to existing and continuous colonial practices that have been underway since the 16th century and later, in various parts of the world.[40] Critics suggest that the concept also does not consider human agency, and presents a totalising picture of data colonialism without recognising alternative pathways and modes of resistance, especially in piecing together the decolonial in situated experiences of control and contingency.[41] Furthermore, critics point that by offering non-alignment technology movement (NATM) as an opportunity to counter Big Tech, drawing on the Non-Aligned Movement (NAM) of the Third World at the height of the Cold War, the authors do not address – nor decontextualise – the modernist orientation of the NAM.[42]

The idea of Data Empires[43] is one that buttresses these critiques of data colonialism by explicitly linking empire-building and modes of datafication. Risam suggests that colonial cultures have been and are data cultures, ones that have extracted and used data to effect

29 Stefania Milan and Emiliano Treré, 'Big Data from the South(s): Beyond Data Universalism' (2019) 20 Television & New Media 319.
30 Shoshana Zuboff, The Age of Surveillance Capitalism: The Fight for the Future at the New Frontier of Power (Profile Books 2018).
31 Mark Andrejevic, 'Brain Whisperers: Cutting through the Clutter with Neuromarketing' (2012) 2 Somatechnics 198.
32 Mark Andrejevic, 'Automating Surveillance' (2019) 17 Surveillance and Society 7.
33 David Lyon, 'Surveillance Culture: Engagement, Exposure, and Ethics in Digital Modernity' (2017) 11 International Journal of Communication 824.
34 David Lyon, 'Exploring Surveillance Culture' (2018) 6 On Culture https://journals.ub.uni-giessen.de/onculture/article/view/1151 accessed 31 August 2022.
35 Miyase Christensen, 'Cultures of Surveillance: Privacy and Compliant Exchange' (2016) 37 Nordicom Review 177.
36 Arne Hintz and Ian Brown, 'Digital Citizenship And Surveillance Enabling Digital Citizenship? The Reshaping of Surveillance Policy After Snowden' (2017) 11 International Journal of Communication 20.
37 Nick Srnicek, Platform Capitalism (Polity, 2017).
38 Ulises A. Mejias and Nick Couldry, 'Datafication' (2019) 8(4) Internet Policy Review.
39 Ulises A. Mejias and Nick Couldry, The Costs of Connection: How Data Is Colonizing Human Life and Appropriating It for Capitalism (Oxford University Press 2019).
40 Roopika Risam, 'Data Empires, Then and Now: Excavating Colonial Data Cultures' https://www.youtube.com/watch?v=18f3ltOMsjg accessed 31 August 2022.
41 Ranjit Singh, 'The Decolonial Turn Is on the Road to Contingency' [2021] Information, Communication & Society https://www.tandfonline.com/doi/full/10.1080/1369118X.2021.1986104 accessed 2 September 2022.
42 Densua Mumford, 'Data Colonialism: Compelling and Useful, but Whither Epistemes?' (2022) 25 Information, Communication & Society 1511.
43 Roopika Risam, 'Data Empires, Then and Now: Excavating Colonial Data Cultures' https://www.youtube.com/watch?v=18f3ltOMsjg accessed 31 August 2022.

lasting changes that *continue* to have an impact on lives today. The author argues that the annexation of human life through data is central to capitalism and colonialism, and that European colonial cultures are essentially data cultures. Isin and Ruppert[44] highlight the way present-day datafication plays out differently in the Global North and Global South, producing different data subjects. The authors draw on the processes of datafication implemented initially by colonial empires, where processes like censuses, map-making and museums signify how populations were imagined and dealt with. They do this to uncover data lineages, which is very useful in helping to historicise present-day datafication.

Platformisation has accelerated data capture, with even governments and institutions now relying on platform infrastructures set in place by Big Tech companies. Jin[45] presents an evolutionary understanding of imperialism, resulting in its present manifestation as platform imperialism. The author talks about how some US-based technology corporations run these platforms on a profit-making model that platforms the rest of the world, despite the discourse of and shift towards globalisation. Further, research on technocolonialism in humanitarian settings offer insight into the intertwined terrain of geopolitics, humanitarianism and technology-enabled colonialism.[46] Similarly, work on techno-imperialism has looked at capitalism expanding its geographical reach by mobilising extractive technologies.[47] The author focuses on a range of ideas in mobilising the concept of techno-imperialism, such as algorithmic governance and data colonialism. Coleman[48] discusses digital colonialism to highlight practices of Big Tech's extractivist work in Africa. The author talks about how data protection laws are inadequate, as several limits and loopholes exist that corporations exploit in order to continue their extractive practices. The author identifies these inadequacies as historical violations of data privacy laws, limitations of sanctions, unchecked mass concentration of data, lack of competition enforcement, uninformed consent, and limits to defined nation-state privacy laws.

Bannerman and Orasch[49] suggest that these platforms further change and/or entrench existing relations of security, production, finance, and knowledge — structures of power as set forth by Susan Strange.[50] They bring more focus to knowledge by examining technology, ideas, and regulation. By looking at how knowledge interacts with the other three structures of power, Bannerman[51] draws out a more explicit relation between legal systems and frameworks as platforms and operating systems, and suggests that the circuitry of power that is wired into these legal setups that govern platforms needs to be reworked to address how they create and extend international systems of dominance. Such a framing by Bannerman is helpful for the purpose of this paper.

2.3 Plural Identities and Experiences

This section is focused on expressions of plural identities and articulations in relation to datafication. From data feminism to critical race theory and critical caste studies-informed data studies to indigenous data governance, work in this ambit is informed by the ability of people to not just critique, but also shape datafication by identifying problems and proposing alternative paths and visions for justice and equity. Two caveats are worth mentioning at this point: First, while this work intersects with the above strands in identifying how pervasiveness, surveillance and extractivist logics affect individuals, groups, and entities across diverse groups differently, it is useful to review this work as a distinct segment for its inherent potential for corrective discourse and practices. Second, these varied strands are informed by lived experiences and often intersect to produce multiple marginalities that inspire calls for solidarities along intersectional lines.

Noble[52] investigates Google's algorithms to showcase how its search results are discriminatory, and thereby challenges the idea of the Internet being a post-racial and fully democratic space. The algorithms reflect human biases – in this case, white supremacy and misogyny – as they get codified and automated into technology systems. Benjamin[53] writes about technology systems that reflect anti-racist biases, and defines the New Jim Code as, 'The employment of new technologies that reflect and reproduce existing inequities but that are promoted and perceived as more objective and progressive than the discriminatory systems of a previous era'.[54] Eubanks[55] looks at how predictive technology models turn into the most punitive systems in targeting working-class and poor Americans.

Brock[56] looks at how issues of race and ethnicity are inextricable from and formative of contemporary digital culture in the United States, while Leurs and Shepherd[57] talk about the development of big data in a Western military-industrial context, and how it inherently discriminates against already marginalised subjects. Shanmugavelan[58] unravels dominant caste affinities in the making of Indian technology corporations and examines the ramifications this has for an anti-caste vision for the internet.

44 Engyn Isin and Evelyn Ruppert, 'Data's Empire: Postcolonial Data Politics', in Didier Bigo, Engyn Isin and Evelyn Ruppert (eds), Data Politics (Routledge 2019).

45 Dal Yong Jin, 'The Construction of Platform Imperialism in the Globalization Era' (2013) 11 tripleC: Communication, Capitalism & Critique. Open Access Journal for a Global Sustainable Information Society 145.

46 Mirca Madianou, 'Technocolonialism: Digital Innovation and Data Practices in the Humanitarian Response to Refugee Crises' (2019) 5(3) Social Media + Society.

47 Erin McElroy, 'Data, Dispossession, and Facebook: Techno-Imperialism and Toponymy in Gentrifying San Francisco' (2019) 40 Urban Geography 826.

48 Danielle Coleman, 'Digital Colonialism: The 21st Century Scramble for Africa through the Extraction and Control of User Data and the Limitations of Data Protection Laws' (2019) 24 Michigan Journal of Race and Law 417.

49 Sara Bannerman and Angela Orasch, 'A Strange Approach to Information, Network, Sharing, and Platform Societies' in Blayne Haggart, Kathryn E Henne, and Natasha Tusikov (eds), Information, Technology and Control in a Changing World: Understanding Power Structures in the 21st Century (Palgrave Macmillan 2019).

50 Susan Strange, Casino Capitalism ([Revised edition], Manchester University Press 2016).

51 Sandra Braman 'Introduction: The Processes of Emergence' in Sandra Braman (ed), The Emergent Global Information Policy Regime (Palgrave Macmillan 2004).

52 Safiya Umoja Noble, Algorithms of Oppression (NYU Press 2018).

53 Ruha Benjamin, Race After Technology: Abolitionist Tools for the New Jim Code (Polity 2019).

54 Benjamin (n 53).

55 Virginia Eubanks, Automating Inequality: How High-Tech Tools Profile, Police, and Punish the Poor (First Edition, St Martin's Press, 2017).

56 André Brock Jr, Distributed Blackness (New York University Press 2020).

57 Koen Leurs and Tamara Shepherd, 'Datafication and Discrimination' in Mirko Tobias Schäfer and Karin van Es (eds), The Datafied Society: Studying Culture through Data (Amsterdam University Press 2017).

58 Murali Shanmugavelan, 'Caste-Hate Speech and Digital Media Politics' (2022) 13 Journal of Digital Media & Policy 41.

Cifor[59] writes about affect and datafication, with affect being present in the extractive practices around datafication. Despite this, 'archival technologies are captivating because of the affective possibilities and attachments they engender to themselves and between us'.[60] Cormack et al.[61] talk about the need to go beyond looking at the category of race/ethnicity as 'risk factors' in health data, and instead need to look to indigenous data governance, enshrining indigenous rights to health data.

D'Ignazio and Klein[62] use an intersectional feminist lens to talk about how challenging classification systems that work using a binary understanding of gender, also challenged other systems of hierarchy and discrimination that are built into these systems. The authors suggest that '*Data Feminism* is about much more than gender...It is about power, about who has it and who doesn't, and about how those differentials of power can be challenged and changed'. Gurumurthy and Chami[63] talk about the global menstruapps (mobile applications that help track and monitor menstruation cycles) market, to look at how while it is suggested that such interventionist technologies promote bodily autonomy, they in fact erode them. The authors then look to the idea of social control over the health data commons as the more effective way of restructuring the material relations of data.

The emerging theme is that of work that looks at cooperative data futures, examining strategies and means of devolving power to individuals and communities in a relational manner. While there is now much conversation on personal and non-personal (deidentified/anonymised) data, the effects of longer-term value of already collected data across time is something that has not been addressed, especially in the case of the latter. This compounds the pervasiveness that is otherwise solely attributed to surveillance, by providing ground for group-targeting using coordinates, for instance. Some scholars talk about solutions like data trusts and stewardship, platform and data cooperatives[64] across diverse contextual settings. The volumes on Indigenous Data Sovereignty and Policy[65] and Good Data[66] provide rich exploration of strategies and values that guide data governance for communities and in public interest. The next section looks at a theoretical exploration of data governance, drawing on the fields of Critical Data Studies and Critical Policy Studies, both with established corpuses of academic work in their respective disciplinary arenas.

59 Marika Cifor, Viral Cultures: Activist Archiving in the Age of AIDS (University of Minnesota Press 2022).
60 Cifor (n 59).
61 Dona Cormack, Papaarangi Reid, and Tahu Kukutai, 'Indigenous Data and Health: Critical Approaches to 'Race'/Ethnicity and Indigenous Data Governance' (2019) 172 Public Health 116.
62 Catherine D'Ignazio and Lauren F. Klein, Data Feminism (The MIT Press, 2020).
63 Anita Gurumurthy and Nandini Chami 'Beyond Data Bodies: New Directions for a Feminist Theory of Data Sovereignty | IT for Change'. https://itforchange.net/index.php/beyond-data-bodies-new-directions-for-a-feminist-theory-of-data-sovereignty accessed 1 September 2022.
64 Trebor Scholz and Igor Calzada, 'Data Cooperatives for Pandemic Times' (2021) Public Seminar journal.
65 Maggie Walter editor and others (eds), Indigenous Data Sovereignty and Policy. (1st edn, Routledge 2020).
66 Angela Daly, Monique Mann and S. Kate Devitt, Good Data (Institute of Network Cultures 2019).

3. Critical Data Studies meets Critical Policy Studies: A Productive Dialogue

This section puts Critical Data Studies in conversation with Critical Policy Studies. Both strands of research, albeit with origins in different time periods, address common concerns. Ranging from questions of objectivity and scientificity to interrogating structures and flows of power, and from contextualising the object of research to understanding its co-created nature, both strands seek to dislodge a positivist approach. This becomes important for a critical study of data governance because positivist epistemologies fail to account for the hermeneutics of situated experiences and realities. A short explication of these two bodies of work and their offerings is helpful for understanding this better at this point.

3.1 Critical Policy Studies: Origin and Tenets

The 1960s and 1970s were tumultuous years for Western societies, characterised by movements, protests and calls for action to keep unfettered power of the state in check. The preceding years, especially in the US,[67] had seen the rise of technocratic policymaking and implementation, drawing on the ideas of 'objectivist' scientific knowledge and reliance on subject and policy experts.[68] This was in tune with the general trend in the social sciences to engage in qualitative research that competed with the quantitative variety, in making claims to objectivity and scientificity. The divide that existed until then was between the empiricists and the normative theorists.[69] The 1970s saw social scientists contending with calls for a more practical engagement with peoples' issues on ground, situating it in questions of power, democratising knowledge and their action-oriented underpinnings. The prior preference for a positivist social science was increasingly being challenged by this turn. Policy studies as an interdisciplinary space was also contending with this turn, with various responses like interpretive policy studies, critical policy studies, and poststructuralist policy studies coming into the picture as a result (ibid.). The unifying thread among these various approaches to policy studies is the focus on breaking the technocratic mould, to bring focus to interests, norms and values inherent to policymaking processes. They challenged the fact-value dichotomy. Having said that, while these strands and lenses to the study of policy emerged from such a common moment, they occupy different spaces on the spectrum of responses to the call for more people-centric and democratised study of policy. The point of difference emerges from the degree of engagement these post-positivist approaches have, with the idea and ideal of emancipation.

The critical approach to policy has also been a communicative turn in that it has brought to focus speech,[70] discourse[71] and deliberation,[72] as well as antagonistic ideas that bring to focus the agonistic underpinnings of radical democracy.[73] In other words, the argumentative turn becomes quite explicit with Critical Policy Studies, with its focus on democratising the study of policy. It is no longer restricted to

67 Anna Durnová, and Michael Orsini (eds), Handbook of Critical Policy Studies (Edward Elgar 2015).
68 Richard J. Bernstein, 'The Restructuring of Social and Political Theory' (1976) 5 Political Theory 265.
69 Durnová, and Orsini eds (n 67).
70 Jürgen Habermas, The Theory of Communicative Action (Heinemann 1984).
71 Michel Foucault, Power/Knowledge: Selected Interviews and Other Writings (Harvester Press 1980).
72 John Dryzek, Discursive Democracy: Politics, Policy, and Science. (University Press 1990).
73 Ernesto Laclau and Chantal Mouffe, Hegemony and Socialist Strategy: Towards a Radical Democratic Politics (Verso 1985).

technocratic policymaking and objective scientificity, but emphasises the importance of contextual and ecological underpinnings of policy endeavours. This support for democratising policy also means that it focuses on democratising society and is thus in favour of people's action. It must be noted here that the focus is not on democracy that is characteristic of liberal democracies alone but brings into focus conceptions and praxes of deliberative and radical democracy.

Critical Policy Studies draws from the entire basket of critical theories, replete with internal contestations and affinities. It reflects on power and hegemony, and speaks of reflexive and relational, participatory and deliberative policymaking, and its study. It places on the mantle values, norms, interests and ideals, as well as emotions. Finally, Critical Policy Studies dislodges objectivist methodological approaches, and brings focus to the social construction of knowledge. It makes space for the researcher's positionality and reflexive engagement.

3.2 Critical Data Studies: The Field

The last decade has seen critical engagement with questions of big data and data studies, especially after Anderson's[74] famous claim that big data has ushered in the end of theory. Critical perspectives and approaches to data have questioned the essentialist and deterministic notions associated with big data. The essence of Critical Data Studies can be seen across the works of Crawford and boyd,[75] Kitchin and Lauriault,[76] Dalton, Taylor and Thatcher,[77] Iliadis and Frederica,[78] Lupton,[79] Abreu and Acker,[80] among others. Critical Data Studies as officially coined and put forth by Dalton and Thatcher,[81] seeks to bring the social to bear upon the study of data. It recognises the importance of present-day high-technology-driven datafication and seeks to investigate data (big and small) as a social phenomenon, rather than as a solely technological and organisational phenomenon.

Critical Data Studies looks at who owns the data, who processes it, and how it is stored and managed. It focuses on the meaning-making of data as a sociological process, thereby paving way for data studies that is rooted in questioning sources of power, values and intent that get embedded in data, and in unearthing an experiential understanding of data.[82] By underlining the time and space in which data are located, Critical Data Studies unravels historical systems and geographical disparities that have a bearing on how data reproduces and reiterates these differences (Dalton et al, 2016). It thereby hopes to dispel the myth of neutrality that plagues traditional approaches to data. It calls for a focus on praxis,[83] interrogating power structures and putting in place participatory (and deliberative) approaches to making and living with data.

Metcalf and Crawford[84] make a case for researching data science in continuity with social science, challenging existing ethical frameworks for the study of human subjects. In doing so, the authors make a case for 'data subjectivity' as a situated approach to data studies, in congruence with a humanistic and social scientific approach. Big data and the permutations and combinations that datasets yield '... fundamentally changes our understanding of research data to be (at least in theory) infinitely connectable, indefinitely repurposable, continuously updatable and easily removed from the context of collection' (ibid.). In calling for a subject-centric and bottom-up approach to questions of ethics in data research, the authors seek to place trust and accountability front and centre.

Symons and Alvarado[85] address the epistemological question pertaining to big data. The authors draw on philosophy of science to situate the atheoretical posturing of much of data studies. By looking at 'error' in big data studies, the authors talk about it as an epistemic concept, and draw on Kitchin's three-fold identification of epistemic implications of big data – paradigmatic, empirical and data-driven.[86] They go on to talk of implications of subjectivity(ies)[87] that are present in every claim to objectivity by big data-ists and agnostics of theory. By examining issues of path complexity and epistemic opacity as not merely abstractions, but also as posing practical questions to do with error in computational systems, the authors compel us to re-examine atheoretical presuppositions of big data research. Neff et al.[88] showcase a practice-based approach to critiquing and improving critical data studies and data science, by underscoring collectivism and relationality over individualism.

3.3 Critical Data Governance: Philosophy and Praxis

Drawing inspiration from the tenets of Critical Policy Studies and Critical Data Studies outlined above, this segment makes a case for Critical Data Governance, as a philosophical and practical approach to the study of data governance.

74 Chris Anderson, 'The End of Theory: The Data Deluge Makes the Scientific Method Obsolete' (WIRED, 23 June 2208) https://www.wired.com/2008/06/pb-theory/ accessed 1 September 2022.

75 danah boyd and Kate Crawford, 'Critical Questions for Big Data' (2012) 15 Information, Communication & Society 662.

76 Rob Kitchin and Tracey Lauriault, 'Towards Critical Data Studies: Charting and Unpacking Data Assemblages and Their Work' https://papers.ssrn.com/abstract=2474112 accessed 1 September 2022.

77 Craig M. Dalton, Linnet Taylor L and Jim Thatcher, 'Critical Data Studies: A Dialog on Data and Space' (2016) 3(1) Big Data & Society https://journals.sagepub.com/doi/10.1177/2053951716648346 accessed 2 Sptember 2022.

78 Andrew Iliadis and Federica Russo 'Critical Data Studies: An Introduction' (2016) 3 (2) Big Data & Society https://journals.sagepub.com/doi/10.1177/2053951716674238 accessed 1 September 2022.

79 Deborah Lupton, 'How Do Data Come to Matter? Living and Becoming with Personal Data' (2018) 5 Big Data & Society, https://journals.sagepub.com/doi/full/10.1177/2053951718786314 accessed 2 September 2022.

80 A Abreu and A Acker, 'Context and Collection: A Research Agenda for Small Data' (2013) https://hdl.handle.net/2142/39750 accessed 2 September 2022.

81 Craig Dalton and Jim Thatcher 'What Does A Critical Data Studies Look Like, And Why Do We Care?' (Society+Space, 12 May 2014)https://www.societyandspace.org/articles/what-does-a-critical-data-studies-look-like-and-why-do-we-care accessed 2 September 2022.

82 Anne Beaulieu and Sabina Leonelli, Data and Society: A Critical Introduction. (1st edn, SAGE 2021).

83 Dalton and Thatcher (n 81).

84 Jacob Metcalf and Kate Crawford, 'Where Are Human Subjects in Big Data Research? The Emerging Ethics Divide' (2016) 3 Big Data & Society https://journals.sagepub.com/doi/full/10.1177/2053951716650211 accessed 2 Septermber 2022.

85 John Symons and Ramón Alvarado 'Can We Trust Big Data? . Applying Philosophy of Science to Software' (2016) 3 Big Data & Society https://journals.sagepub.com/doi/10.1177/2053951716664747 accessed 2 September 2022.

86 Rob Kitchin, 'Big Data, New Epistemologies and Paradigm Shifts' (2014) 1 Big Data & Society https://journals.sagepub.com/doi/10.1177/2053951714528481 accessed 2 September 2022.

87 danah boyd and Kate Crawford, 'Critical Questions for Big Data' (2012) 15 Information, Communication & Society 662.

88 Gina Neff and others, 'Critique and Contribute: A Practice-Based Framework for Improving Critical Data Studies and Data Science' (2017) 5 Big Data 85.

3.3.1 Existing Models and Approach(es) to Data Governance

A search for literature on data governance primarily yields two kinds of results – data governance for businesses,[89] where it becomes part of the strategic function of businesses to manage their data; and data governance *for* a sector, like health and biomedical data jurisdictions, agriculture, and the like.[90,91,92] A utilitarian bent seems to characterise much of the conversations around data governance, inherent to which is the idea that data are an important resource that needs to be exploited and therefore, its governance needs to be geared towards such an envisaged end. Data are seen as an objective set of quantified information that, when made use of or analysed, can provide intelligence and insights for improving businesses or the performance of sectors and fields as they operate in a public system.

Through this lens, data governance is seen as a set of laws and regulatory devices that will orient public systems and/or businesses towards such a goal. This is seen in national and regional *imaginaries*[93] that propel data governance. For instance, India is currently seeing a flux of new policies and regulatory frameworks being thought about and worked on in order to capitalise on a growing digital and data economy. 'There is a clear case for having a national governance framework and policy to deal with the issues of setting standard of storage, collection and accessibility of computer systems and network access to the data within the government', said the Indian Union Minister of State for Electronics and IT.[94] 'AI is a kinetic enabler of the digital economy; we can create another $100-150 billion of opportunities for startups in this space. We understand these opportunities, data exists. But how do we create the dos and don'ts of how that data is used for the benefit of the AI?', he said, as reported by the Indian newspaper Economic Times, indicating the data imaginaries at play in the framing of data policies.

Dataversity, a web repository of case studies and presentations on various aspects of data utilisation for businesses and management, talks about data governance using three models and frameworks of Data Governance, viz., Command-and-Control, Traditional, and Non-Invasive models and frameworks. By highlighting the key facets of each model, which range in degrees of control over identifying data stewards in an organisation and to the extent to which data governance is built into existing work, a managerial approach to data, seen as an organisational asset, is drawn up.

As showcased above, existing approaches to data governance rely on a technocratic and/or managerial approach, where data are perceived in a deterministic and essentialist manner. This approach draws on buzzwords like evidence-based policymaking and cost-benefit analysis for decision-making,[95] aimed at engineering data for society. Such approaches rely on the understanding that data are value-neutral and objective at any given point in time, and display a propensity to be utilised for gathering intelligence and insights to improve and develop businesses and nations. However, what is often concealed is the power dynamic, i.e., who gets to use this data and for whom, and guided by what intent. It obscures how power is manifest in these relations, and who has access to such spaces of decision-making that make up the governance of data.

3.3.2 Interrogating Objectivity: Beyond the Technological Imperative

A critical approach to data governance, drawing on the common precincts of Critical Policy Studies and Critical Data Studies alike, questions the myth of neutrality that undergirds the above approaches. By looking at data as information that can be harnessed for development and progress, the above approaches showcase a *double bias* towards (a) a linear teleological model of progress, (b) propelled by objectivist claims and pristine scientific rationality inherent to said data.

Streeter[96] observes that it is only the English language that makes a distinction between the words 'politics' and 'policy'. Much of media policy research has now recognised that the Lasswellian claim to the moral superiority of bureaucratic objectivity in policymaking is but a manifestation of a political preference, involved as Lerner and Lasswell were in formulating policies for the US government for propaganda in the Middle East at the height of the Cold War.[97] Similarly, Chakravartty and Sarikakis[98] have noted that any separation of politics from policy is ideologically loaded in that it falsely accounts for neutrality, while only serving the interests of those in power. For instance, by looking to the Western ideal of linear teleologies, the above models of data governance obscure already existing literacies and competencies. The latter may be understood through the coloniality/modernity matrix,[99] which explores interrelated domains of control -- economy, authority, gender/sexuality and knowledge. Literature on non-Western and multiple modernities[100] is also useful in dislodging the universalism of linear teleological thinking.

Much of the conversations on the ownership of data and data sovereignty are guided by two currents: the first is the understanding that technology corporations operating out of the US lay claim to 'emerging markets' in their plans for business expansion and therefore, are already operating from a place of deep interest in certain economic imperatives. The economic imperatives of Big Tech obscure domestic markets and as such, they have been subject to anti-trust cases[101] for disrupting existing market competition and for their monopolistic

89 Mike Fleckenstein and Lorraine Fellows, Modern Data Strategy (Palgrave Macmillan 2018).
90 OECD, Health Data Governance for the Digital Age: Implementing the OECD Recommendation on Health Data Governance (OECD Publishing, Paris, 2022).
91 FAO, Farm Data Management, Sharing and Services for Agriculture Development (FAO, Rome, 2021).
92 Can Atik, 'Towards Comprehensive European Agricultural Data Governance: Moving Beyond the 'Data Ownership' Debate' (2022) 53 IIC - International Review of Intellectual Property and Competition Law 701.
93 Charles Taylor, Modern Social Imaginaries (Duke University Press 2004).
94 Surabhi Agarwal, 'Govt to Float New Data Governance Policy Framework: Rajeev Chandrasekhar' The Economic Times (9 April 2022). economictimes.indiatimes.com/tech/technology/govt-to-float-new-data-governance-policy-framework/articleshow/90738066.cms?from=mdr accessed 2 September 2022.
95 Holger Strassheim and Pekka Kettunen., 'When does evidence-based policy turn into policy-based evidence? Configurations, contexts and mechanisms' (2014) 10(2) Evidence & Policy 259-277.
96 Thomas Streeter, 'Policy, Politics, and Discourse' (2013) 6 Communication, Culture and Critique 488.
97 Peter Shields and Rohan Samarajiva, 'Telecommunication, Rural Development and the Maitland Report' (1990) 46 Gazette (Leiden, Netherlands) 197.
98 Paula Chakravartty and Katharine Sarikakis, Globalization and Media Policy (Palgrave Macmillan 2006).
99 Anibal Quijano, 'Coloniality and Modernity/Rationality', (2007) 21 Cultural Studies 168.
100 Shmuel N. Eisenstadt, Multiple Modernities (2002).
101 Sophie Copenhaver, 'Big Tech Is Why I Have (Anti)Trust Issues' (2022) 95 St. John's Law Review https://scholarship.law.stjohns.edu/lawreview/vol95/iss3/7 accessed 2 September 2022.

tendencies. The second current with respect to questions of data sovereignty are to do with colonial-extractivist tendencies of home-grown corporations, which also consolidate and work in tandem with political dispensations that are supportive of and benefit from their business. A critical political economy lens allows for engagement with these developments in the Global South, where this rhetoric of data sovereignty is being deployed to facilitate the development of a political private sector.[102] Interestingly, the twain shall meet, as in the case of Facebook acquiring a 9.9% stake in India's Reliance Jio, seen by many as a backdoor entry after the pushback on Free Basics by Indian civil society, for violating net neutrality. Similarly, Arora[103] calls for decolonising privacy studies, by moving beyond ethnocentrism and denaturalising and delinking data from demographic generalisations and cultural assumptions.

With Bretton Woods institutions like the World Bank championing the cause of Data For Better Lives,[104] data governance plays out in the ambit of international and global governance, to include a range of multilateral policy actors and their (geo)politics. Data Governance, then, is anything but a neutral, depoliticised space. It is laden with and is an extension of older structures of power and newer systems that privilege access and control to a few. Drawing from this understanding, data governance is not just about technical standard-setting and an instrumentalist approach to data. It negates such a technologically deterministic account, to make way for normative theorising of policymaking for data.

3.3.3 Recognising Plural Actors, Venues and Values

The late 1970s saw the 'Third World' come together with calls for a New World Information and Communication Order (NWICO), where they spoke of democratising the flow of information *between* and *within* the developed and developing worlds.[105] Similarly, a few decades later, in 2005, civil society was included in the World Summit on Information Society (WSIS) at Tunis. Today, we witness the consolidation and fortification of the nation-state in various ways. Any critical approach to data governance must seek to devolve power, to bring to light the expansion of the ambit of 'recognised' and 'legitimate' policy *actors*, to include states and corporations, but also entities like civil society groups, INGOs/NGOs, activists and advocates championing rights-based approaches, academic spaces that encourage critical conversations and praxis, and people and their representatives. It must also go beyond formal ministerial chambers and corporate boardrooms to include informal venues[106] and 'deliberative sites'[107] that contribute to policymaking for data.

The above-described utilitarian data governance models do not consider complex realities like diverse values and norms, competing interests, plural processes and practices, informal policy efforts like lobbying and advocacy,[108] and the multiple temporalities[109] that co-exist in any given local, national, regional or organisational space, also characterised by its own socio-politics. Prescriptive models of data governance seek to perpetuate the closed circuitry and flow of power, without opening it up to plural aspirations and lived experiences. It becomes important to recognise how just like machine learning systems perpetuate biases of the makers of these technology systems, that then reinforce existing discrimination in society, uncritical data governance frameworks perpetuate existing flows of power and capital, restricting access to these controlled decision-making spaces and therefore reinforce existing hierarchies and perpetuate newer ones.

3.3.4 Historicising Data Governance

At this juncture, it is opportune to ruminate on historicising data governance to aid the Critical Data Governance project. This would involve understanding plural trajectories of media technology policies as they were shaped by larger contextual attributes and global politics the world has been witness to since the mid-nineteenth century. Van Cuilenburg and McQuail[110] showcase three paradigmatic phases in media technology policies in the US and Western Europe, to cover the spectrum from the telegraph to the digital technologies of today, against the backdrop of the World Wars, the Cold War, the spread of neoliberalism. The authors lay down three key principles for the study of future media technology policies: (a) freedom of communication refers to positive freedoms (content and access to information) and negative freedoms (regulating the media structure and the conduct of businesses); (b) Access refers to the ability of individuals and groups and other entities to acquire information, (c) Control and Accountability refer to two sides of the same coin - public interest versus personal rights.[111] Any historicised study of data governance must also consider a fourth principle: the study of imperium -- exogenous, internal and multi-vector. By this, I refer to the numerous manifestations and forms imperium takes, from external colonisation to internal capture to the multi-pronged ways in which coloniality operates.

My current research focuses on studying British imperial datafication and indentured labour from India. The continuing scourge of colonial remnants is evident in the administrative setups and legal frameworks, and constructs of borders and boundary lines between contiguous regions like South and Southeast Asia, which form a part of my work. For instance, the building of colonial railways incorporated early practices of analogue datafication, from the transport and deployment of labour, to surveying and attaching land and other resources , in a bid to govern and retain control. These emerged as crucial to the extraction of value and inform colonial governance. Bringing historical perspectives to the study of data and its governance can help us understand continuing and compounded forms of colonial in the global value supply chains of the contemporary AI and data industries.

102 Breckenridge K, 'The Biometric State: The Promise and Peril of Digital Government in the New South Africa' (2005) 31 Journal of Southern African Studies 267.

103 Payal Arora, 'Decolonizing Privacy Studies' (2019) 20 Television & New Media 366.

104 World Bank, World Development Report 2021: Data for Better Lives (World Bank 2021).

105 MacBride Commission, Many Voices, One World: Towards a New, More Just, and More Efficient World Information and Communication Order (UNESCO 1980).

106 Sara Bannerman, 'Platform Imperialism, Communications Law and Relational Sovereignty' [2022] New Media & Society https://journals.sagepub.com/doi/10.1177/14614448221077284 accessed 2 September 2022 .

107 Preeti Raghunath, Community Radio Policies in South Asia: A Deliberative Policy Ecology Approach (Palgrave Macmillan 2020).

108 Marc Raboy and Claudia Padovani, 'Mapping Global Media Policy: Concepts, Frameworks, Methods' (2010) 3 Communication, Culture & Critique 150.

109 Raghunath (n 107).

110 Jan van Cuilenburg and Denis McQuail, 'Media Policy Paradigm Shifts: Towards a New Communications Policy Paradigm' (2003) 18 European Journal of Communication 181.

111 Raghunath (n 107).

3.3.5 *Praxis: A Methodological Intervention*

Methodologies to study policy are oftentimes solely centred on the study of policy documents. While studying them is an important aspect of the study of policy, it stops short of achieving a more holistic understanding of the policy story. Much of data governance research has been devoted to the study of legal frameworks, which, while providing the mainstay of legal research, do not showcase the dynamics of *relations,* and whose norms and values get embedded and codified as legal documents. Legal analyses of policy documents help reveal regulatory norms and procedures, and may not reveal the underbelly of much of the practice of governance. Critical Policy Ethnography[112,113] as a methodological approach to the study of media technology policies and their praxis is useful to study data governance. It allows the researcher to open up the black box of governance, enabling the study of people and their positionality in relation to the policy issue at hand. It helps reveal the diverse actors that shape data governance, showcases the numerous formal and informal processes involved in the making of data governance, narratives of practice and lived experiences of being governed by and shaping the governance of such policy frameworks. As such, drawing on the offerings of critical anthropology[114] that has contended with its colonial past and recognises decoloniality as a principle, Critical Policy Ethnography can be quite illuminating in helping unravel norms and values, interests and interactions, as well as the politics of numerous iterations of policy documents that the data governance space continues to register. The next section's focus on some current debates and considerations in the making and implementation of policies for data serves as a segway to the discussion of how Critical Data Governance could serve as a Southern standpoint to data.

4. Policies for Data: Some Current Conversations

Do people want to be seen as and be counted as data? This is a question that needs to be adequately understood to grasp the critiques of datafication as well as that of frameworks that seek to govern data. The issue of the caste census in India is a case in point. Proponents of the caste census suggest that groups that have been at the margins of society for belonging to a lower caste would not only access social security and the benefits of affirmative action with a caste census, but also suggest that the census would provide a granular understanding of the composition of Indian society(ies). Indigenous data governance is an arena where indigenous communities do not want to be seen as a 'problem variable' or 'risk factor' in larger datasets. Indigenous communities seek to draw on, use and govern their own data in an effort to steer the manner in which they are perceived, policed and governed by national systems and structures. Abreu and Acker[115] talk about small data, which are purposefully collected data, complete with contextual attributes and affective dimensions, with built-in policies for archival engagement, access and retention. The authors cite ethnographers, ethnomusicologists and archivists of varying kinds relying on collecting and recording such data, as also publicly available data for research and non-commercial purposes. These are all examples of how data itself need not be propelled by the lack of a rights and justice framework as seen in extractive activities, but can be part of rights-restoring contexts and conversations. Any critical approach to data governance must be anchored in such a motivation, though it does not preclude an analysis of networks and larger ecological contexts in which data governance work happens. This can happen in a two-fold manner: (a) in the academy, which legitimises *the study* of certain kinds of policy actors, processes and practices and does not offer to bring the lens on lesser-known actors, informal spaces and practices. In such a space, the study of Critical Data Governance accounts for and analyses these shifts as they are happening, as well as (b) by *acting as legitimate* policy actors themselves and working alongside other policy actors, drawing on these foundational principles and lines of ethics, thereby creating spaces to contribute to the praxes of data governance.

Increasingly, we witness the growth of collaborations and entities in the data governance space, addressing, engaging in policy activism and researching various aspects of data governance. Newer initiatives like Datasphere and Connected By Data join the existing entities — policy think tanks and advocacy setups, academic spaces and research firms — in shaping conversations around data, besides terms set by the state or Big Tech corporations. Entities like the CIGI, Data and Society, Centre for Media, Data and Society, the AI Now Institute, The Governance Lab, the Ada Lovelace Institute, Alan Turing Institute, IT for Change, Aapti Institute, Body and Data, Data for Black Lives, Data Governance Institute, Data Governance Network, Research ICT Africa, Digital Public Goods Alliance, Wikimedia Foundation, the British Columbia First Nations Data Governance Initiative, Research Data Alliance and others are all examples that serve as community, public, academic and civil society data governance spaces. They showcase examples of cooperative efforts, make cases for norms and values driving data governance, and shape conversations around data governance emanating from normative stances of public interest, individual and community well-being, and relational autonomy. While profiling these initiatives and their *praxis* makes for a separate academic exercise, it becomes important to *recognise* them as policy actors, and their work as shaping data governance.

One debate that characterises data governance is that of data sovereignty versus free flow of data. As countries in the Global South contend with expansionist Big Tech, they increasingly rely on rhetoric that draws on framings of 'data democracy'[116] and national data sovereignty to aid homegrown technology corporations and businesses. This is juxtaposed against trade diplomatic efforts focused on free flow of data across borders, where countries are exhorted to participate in 'coordinated and coherent progress in policy and regulatory approaches that leverage the full potential of data for global economic and social prosperity'.[117] The next aspect is that of efforts of the state to nationalise data versus upholding market-driven competition. There are numerous instances of national governments seeking to nationalise data, giving the state unrestrained access and increased sophistication of their surveillance tools. Representatives and respondents from technology businesses often push back, highlighting their need for access to data. It must be noted here that the data industries are quite diverse, with big technology corporations on one end and small data-centric start-ups on the other, with

112 Vincent Dubois, 'Critical Policy Ethnography' in Frank Fischer, Douglas Torgerson, Anna Durnová, and Michael Orsini (eds), Handbook of Critical Policy Studies (Edward Elgar 2015).
113 Raghunath (n 107).
114 Stephen Nugent (ed.), Critical Anthropology: Foundational Works (Routledge, 2012).
115 Abreu and Acker (n 80).
116 Nandan Nilekani, 'India must embrace Data Democracy' (Presentation, Carnegie India, 16th August 2017) https://carnegieendowment.org/files/Data_Democracy%2016th%20Aug%20Presenting.pdf accessed 16th September 2022.
117 OECD, Cross-border Data Flows: Taking Stock of Key Policies and Initiatives (OECD 2022).

unicorn start-ups funded by venture capitalists, data processors and other entities sitting on various points along the spectrum. Many a time, this debate almost falls flat with Indian tech monopolies being created and working in tandem with the state, thereby defying such an evenly drawn-out debate. For instance, the Indian case of the Aadhaar and India Stack, upon which much of the digital public infrastructure is being built, relies on experts and volunteers from private technology corporations.

Even questions of individual autonomy and rights are often subject to the vague understanding of reasonable restrictions, defined repeatedly by the state. This played out in India in the outcry against the passage of The Criminal Procedure (Identification) Act, 2022, which updates 'a British-era law to enable police to collect samples of a person's biometric details, such as fingerprints and iris scans, if they have been arrested, detained or placed under preventive detention on charges that attract a jail term of seven years or more'.[118] The other aspect that comes to the fore are conversations on the identification and institutionalisation of data trusts and stewardship models. While this effort is propelled by civil society actors and entities like the Open Data Institute and the Data Trusts Initiative in the UK, one cautions against a naive understanding of communities as egalitarian formations with no inherent structures of power and struggles over resources. For instance, an earlier form of community-driven media practice, community radios, have been susceptible to caste, gender and class equations playing out at the community levels at which they operate.

The above examples only illustrate the complex nature of conversations that defy neat categorisation of sides to the debates. What renders them complex are the contextual realities, where a 'multiplicity of force relations'[119] play out. These themes play out in who gets to define the *legitimate* policy actors and experiences in relation to data governance. To elaborate, Critical Data Governance concerns itself with academic delineation and the accordance of legitimacy to policy actors who do not get recognised as such, and then seeks to place the lens of their praxes to understand how they (and we) go about addressing questions of accumulation, power and control, and work towards bringing about ethical decentralisation and governance. Any critical approach to data governance must facilitate the study of diverse policy actors and experiences, as elucidated above, some of which are elaborated upon below.

Examples of praxes in the form of platform and data cooperatives further inform a practice-oriented approach to data governance, rooted in lived experiences. For instance, the Yatri App is a mobile application for the local community of taxi drivers and is part of the world's first open mobility network in the Indian city of Kochi. The Cataki app in Brazil is designed for recycling purposes, connecting local waste collectors with people who have recyclable waste. The Indonesian digital cooperative, Koperasi Digital Indonesia Mandiri is an example of an entity aiming to bridge the digital divide and weigh in on experiences and conversations around data. Similarly, the Platform Cooperativism Consortium anchored in the New School is a key node in propelling conversations around what they term a global movement to counter Big Tech corporations' influence, in favour of redistribution.[120]

Conclusion

This paper has sought to argue and delineate the rationale for Critical Data Governance as offering a Southern Standpoint towards decolonising data (and its governance). In order to advance the call for decolonising global governance for data, one must seek to unlearn, unsettle and *restore*, towards equity. This means that the *unit of global governance* must not be the nation-state, mired as it is in mediating between colonialisms of foreign and homegrown Big Tech corporations. It must not be the corporations who run campaigns and fund much research on actualising the deployment of precision technologies, without answering why and for whom. The object of and participant of global governance for data must be focused on the dialectical mediations between the individual and the community, rooted in relational autonomy.[121] For this, historicising and contextualising *ownership of data* is key. Here, in the vein of Critical Data Governance, ownership is not only about owning our data(-sets), but also about serving as decision-makers on *how* the data are seen, collected, analysed and used, *by whom* and *for what* purposes. It incorporates questions of intent and action by bringing in the temporal aspect on how far back one can hark to lay claim to one's data and what can be done with it. It also addresses questions of the persistence of exploitative data relations, by calling for internal democracy in praxes. After all, as Lugones[122] emphasised, there lies the new geopolitics of *who counts* in data governance.

Acknowledgements

I would like to thank the editors of this special issue for this effort and the anonymous reviewers for their helpful comments.

118 Hindustan Times, 'Criminal Identification Bill Gets President's Assent' (Hindustan Times, 19 April 2022) https://www.hindustantimes.com/india-news/criminal-identification-bill-gets-president-s-assent-101650390678800.html accessed 2 September 2022.

119 Michel Foucault, Power/Knowledge: Selected Interviews and Other Writings (Harvester Press 1980).

120 Nancy Fraser and Axel Honneth, A Political-Philosophical Exchange (translated by Joel Golb, James Ingram and Christiane Wilke, Verso Books 2004).

121 Salomé Viljoen, 'A Relational Theory of Data Governance' (2021) 131 The Yale Law Journal https://papers.ssrn.com/abstract=3727562 accessed 2 September 2022.

122 Maria Lugones, 'Heterosexualism and the Colonial / Modern Gender System' (2007) 22(1) Hypatia 186-209.