

DIGITAL EMERGENCY

IS/AS

The image features a dark blue background with various white geometric elements. At the top, the words "DIGITAL" and "EMERGENCY" are stacked in a large, white, sans-serif font. Below this, the text "IS/AS" is centered in a similar font. The design is filled with white lines of varying lengths and orientations, some forming a grid at the bottom. Numerous small white plus signs are scattered throughout the composition. Two prominent starburst patterns, each consisting of a central point with multiple radiating lines, are positioned on the left and right sides. A single white circle is located in the lower right quadrant, containing a small white minus sign.

THE DIGITAL (NEW) NORMAL

Angela Daly

*'Se vogliamo che tutto rimanga com'è,
bisogna che tutto cambi' ('For everything
to stay the same, everything must change')*

– The Leopard by Giuseppe Tomasi di Lampedusa

The COVID-19 pandemic has brought huge changes to humanity's way/s of life, with no country completely untouched by disruption. However, in this disruption, I see many themes which evidence continuity with pre-existing problems, inequalities, and (negative) tendencies in digitisation, ultimately contributing to a less just digital world. There are a few aspects of the COVID-19 response which demonstrate glimmers of hope for a better world, including a digital one, being possible. But my fear is that these will remain marginal and instead hegemonic power will be consolidated even more in the context of this state of emergency. I hope I am proved wrong.

The pandemic has disrupted my life to a great extent, both personally and professionally. I am an embodiment of the contradictions at the heart of the digital society. While I rail

78 against some aspects of digitisation and stubbornly resist them, I find myself increasingly willing to use my debit card to pay for even the smallest of purchases, and am meeting everyone—colleagues, students, loved ones, capoeira camaradas, my Gaelic teacher—via Zoom. I type this in a Google Doc. Part of this paradox has included my advocacy and activism on COVID-19 data gathering and surveillance at home in Scotland/Alba—I have been working closely with the main UK digital rights NGO Open Rights Group Scotland to demand more transparency about, and human rights protections for, the data the Scottish Government is collecting in its COVID-19 response while also advising the Scottish Government as a ‘critical friend’ on its COVID-19 Data Taskforce. How the politics of Brexit, devolution within the UK, and Irish reunification are playing out in the COVID-19 pandemic response deserves its own detailed study; but notable for our purposes is the fact the Scottish Government has not wholesale embraced the NHSX app being developed ‘down south’ and seems to be adopting a more privacy-friendly approach.

The NHSX app and the central UK government response to COVID-19 brings me to the first theme of everything changing yet everything staying the same—the role of private companies in technology provision and procurement for government COVID-19 responses. In the UK, NHSX has a track record of highly problematic collaborations with tech giants in the form of the (ultimately illegal) DeepMind partnership (see chapter by Mollichi et al.). When the pan-demic was looming at the UK’s shores, the British government invited big tech representatives to 10 Downing Street almost two weeks before the country went into lockdown, and the day before the government ceased (manual) contact tracing. The UK might be a particularly egregious example but it is not alone. In other contributions to this volume, the role of tech giants in providing key aspects of countries’ COVID-19 responses is prominent—from Amazon’s role in Canada (see chapter by Wylie), to Palantir in Germany (see chapter by Wagner), to GAFAM powering the transition of Brazil’s companies, universities and schools to online distance learning (see chapter by Evangelista & Firmino).

The second theme of change yet everything staying the same is the way in which COVID-19 and the tech response expose, intensify, and amplify pre-existing inequalities. These pre-existing inequalities include the precarious and dangerous position of low-paid, often racialised, workers, such as those in the gig economy in the US (see chapter by Cohen) or migrant workers in Singapore (see chapter by Chen & Poorthuis). The tech response to COVID-19 also highlights pre-existing digital divides such as in Jordan (see chapter by Sharbain & Anonymous) and Ireland (see chapter by Kitchin), made all the more acute by so much of life—including work, education, and maybe also exposure to disease—now being digitally mediated. Who is not counted in ‘the data’ is also significant—the epistemic injustice suffered by the Indigenous peoples of North America includes now the insufficient gathering and sharing of health information in the Navajo Nation, compounding the pandemic’s impact there and impeding Indigenous data sovereignty (see chapter by Duarte).

The intensification of (often problematic) digitisation is the third theme of everything changing yet staying the same. Authoritarian governments throughout the world are seizing on the state of exception to consolidate power, amplifying their control, and in many cases are intensifying problematic data gathering and sharing, such as in Hungary (see chapter by Böröcz), the Western Balkans (see chapter by Kostić et al.), and Uganda (see chapter by Mwesigwa). As well as my own petty experience, the digitisation of money abounds elsewhere, as can be seen in Jordan (see chapter by Sharbain & Anonymous).

What then of the glimmers of hope for another, better (digital) world? A key objective of the *Good Data* book I co-edited in 2019 was imaging and implementing better data practices. There is little cheer from these global reports. The citizen-orientation of South Korea’s private sector apps (see chapter by Kim & Yoon) and Japan’s decentralised app (see chapter by Murakami Wood) do make a somewhat refreshing change from the centralised top-down approach of the UK (see chapter by Mollicchi et al.) and France (see chapter by Musiani). South Africa’s very clear mechanism in the form

80 of a dedicated COVID-19 judge to uphold constitutional rights in, inter alia, oversight and limitations on data retention (see chapter by Gillwald et al.) is a model which should, in principle, be followed—or at the very least inspire—elsewhere. Concerns about US tech giants' control and influence over Australians' data seems to have motivated local procurement from companies such as Atlassian (see chapter by Johns). None of this is perfect and may still be far from our and others' notions of good data, data justice, and so on—but these examples do show that there are political economy choices in governments' tech responses to COVID-19 and that some choices are indeed better than others.

It is my hope that things do not remain the same during and after COVID-19, that we jettison the aspects of 'normality' which should not have been normal, and continue with the aspects of life under emergency which are indeed healthier—less carbon emissions for one. The continuation of movements for justice in these exceptional times, such as the protests in the US and solidarity movements elsewhere for Black lives in the wake of George Floyd's murder by police, which occur as I write this, demonstrate viscerally why change is needed and things—such as pre-existing inequalities—cannot just stay the same, or be allowed to worsen.

Will data be part of continuing the problem or part of the solution?

I hope for the latter, but I fear the former.

Angela Daly is senior lecturer (associate professor) in law and technology and co-director of the Strathclyde Centre for Internet Law & Policy in Glasgow, Scotland.