

DATA MOBILITY AND PERSONAL INFORMATION PROTECTION IN THE PROVISION OF HUMANITARIAN AID

ERICA SEE, LLD

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DISASTERS' IMPACT ON WOMEN

Women and girls are disproportionately exposed to risk, increased loss of work/livelihood, personal security, and life, during and after disasters

An estimated 87 per cent of unmarried women and 100 per cent of married women lost their main source of income when Cyclone Nargis hit the Ayeyarwaddy Delta in Myanmar in 2008

Women and girls face heightened risks due to displacement and the breakdown of normal protection structures and support. They also face increased care-related tasks such as providing food and water, and caring for the sick

Natural disasters kill more women than men and at a younger age. This is linked to women's lack of control over decision-making, social networks, transportation, information, land, personal mobility or secure housing and employment. It is also due to differences in self-rescue abilities.

OVERVIEW OF PRESENTATION

1. Information gathering in humanitarian responses
2. Possible issues on use of personal information
3. Applicable disaster response laws
4. Applicable Privacy laws
5. Problematizing Data collection in service provision to women

INFORMATION GATHERING IN DISASTER RESPONSE

- Name, home address, phone number
- Date of Birth
- Biometric Data (i.e. facial recognition and fingerprint scanning)
- Basic need assessment (food, shelter, transport)
- Particular vulnerabilities, including on medical needs, such as pregnancy, breastfeeding, and/or disabilities



SETTINGS OF INFORMATION GATHERING IN EMERGENCY RESPONSE

Upon arrival or upon release:

- At the border at destination country or at the border in transit country
- Within country service provision at either camps or within communities

- ✓ Oral questions
- ✓ written forms
- ✓ Cameras and biometric data recording devices
- ✓ Observation/incidental information gathering by phone or in proximity
- ✓ Emergency response apps & social media





USE OF DATA, ESPECIALLY THROUGH TECHNOLOGY, IS SEEN AS THE KEY TO PROVISION OF TIMELY AND APPROPRIATE AID

- Use of data from cell phones to track location
 - Monitoring of social media accounts to track location and conditions
 - Use of biometric data at intake and registration
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Biometric Registration of Displaced Population in Juba Enhances Accountability in Humanitarian Aid

🕒 02 April 2019

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Juba – The International Organization for Migration (IOM) Displacement Tracking Matrix (DTM) team in South Sudan and partners recently concluded a biometric registration exercise which resulted in a total of 32,113 displaced people living in Juba’s two protection of civilian (PoC) sites being registered.

Biometric registration is a widespread practice in South Sudan, which allows for a more accurate picture of the population living in a displacement site and enables agencies to plan assistance in a more targeted and accountable way.

IOM’s biometric registration database in South Sudan includes over 700,000 people. The Organization is working jointly with the UN World Food Programme (WFP) to further expand the use of biometric data to avoid duplication of assistance and to ensure that those receiving aid are indeed the intended beneficiaries.

Global Compact On Refugees

3.3 (para 45)

Reliable, comparable, and timely data is critical for evidence-based measures to: improve socioeconomic conditions for refugees and host communities; assess and address the impact of large refugee populations on host countries in emergency and protracted situations; and identify and plan appropriate solutions. **Relevant data protection and data privacy principles are to be applied with respect to all collection and dissemination of personal data, including the principles of necessity, proportionality, and confidentiality.**

46. To support evidence-based responses, States and relevant stakeholders will, as appropriate, **promote the development of harmonized or interoperable standards for the collection, analysis, and sharing of age, gender, disability, and diversity disaggregated data on refugees and returnees.**

Global Compact On the Safe, Orderly and Regular Migration

We commit to strengthen the global evidence base on international migration by **improving and investing in the collection, analysis and dissemination of accurate, reliable, comparable data, disaggregated by sex, age, migration status and other characteristics relevant in national contexts, while upholding the right to privacy under international human rights law and protecting personal data.**

INFORMATION FLOWS FROM THE MIGRANT'S PERSPECTIVE



INTAKE



NEEDS
ANALYSIS

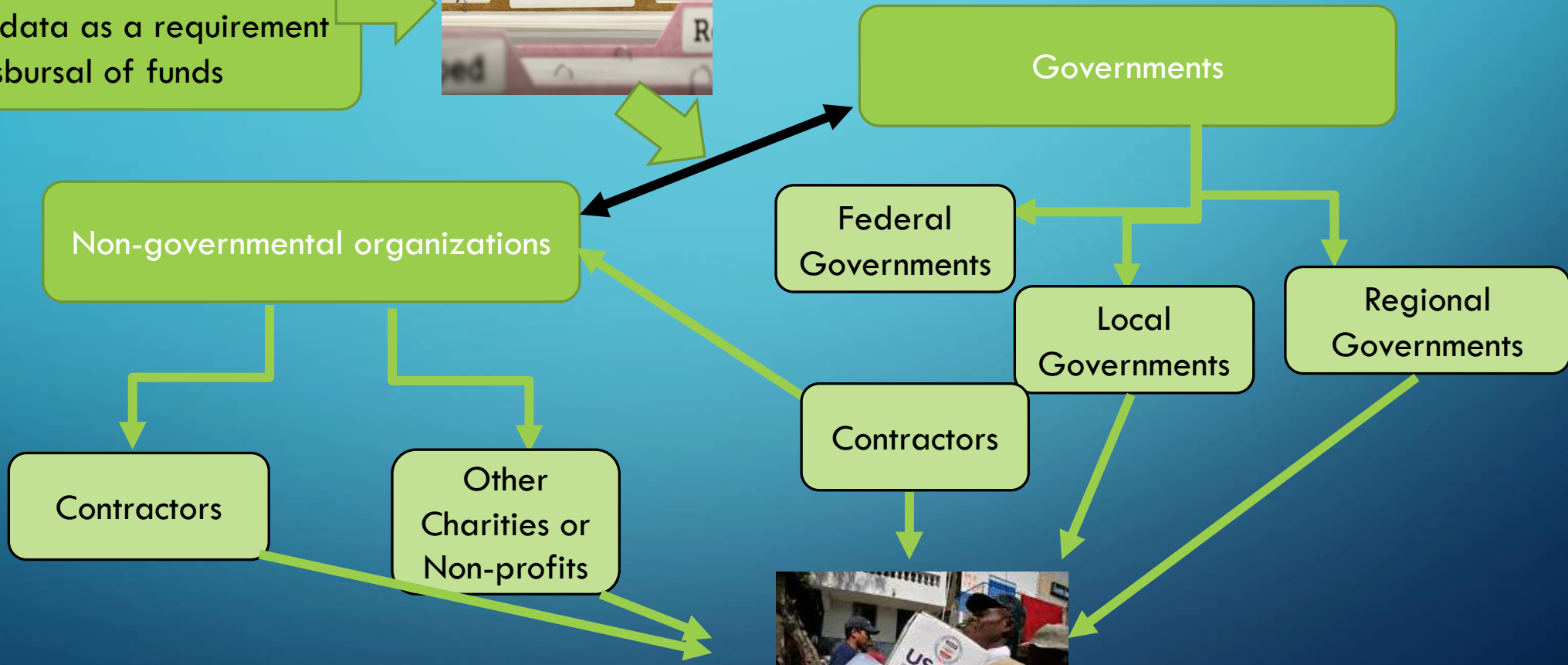


AID DELIVERY

INFORMATION FLOW REALITIES



Provision of data as a requirement to disbursement of funds



EXTRATERRITORIAL APPLICATION OF PRIVACY LAW



UN Declaration of
Human Rights (1948)
art 12

Conv on Rights
of the Child art 16

ICCPR art 17



GDPR
General Data
Protection Rules

EU's Charter of
Fundamental
Rights – DP as a
right



PIPEDA
Personal Information
Protection and
Electronic Data Act



Sectoral Approach
With oversight by
The FTC and
state agencies

DOMESTIC AND TRANSNATIONAL DISASTER LAWS



Soft law frameworks
In International
Disaster Response law



Treaty of Lisbon

DECISION (EU)
2019/420 on Union
Civil Protection Mechanism



Federal Emergency
Management
Act

Territorial and
Provincial Emergency
Management
Acts



Disaster Recovery
Reform Act of
2018

OTHER POSSIBLE USES OF PERSONAL INFORMATION

1. Information being used for purposes other than for immediate service delivery (without informed consent). For example, data analysis by international organization to predict flows and needs
2. Data collected may be skimmed by governments for other purposes. For example, to locate those with outstanding warrants or to inform planning
3. Identity Theft for economic gain



BALANCING COMPETING DATA NEEDS

- Improved security and fraud reduction
- Ensuring aid gets to the person who needs it through identity verification
- Increasing donor confidence of effective use of funds
- Tailored to the person's needs
- Reasonable and proportionate, given the circumstances

- No meaningful way to opt out or to control the use of data once it is released
- Overcollection of data, particularly of sensitive data
- Aid becomes conditional on personal information rather than on a person's stated needs
- Right to be left alone
- Information can be used against you

IS DATA COLLECTION DIFFERENT FOR WOMEN? HOW ARE THE STAKES DIFFERENT?

- Head of household designation (information is grouped under male, if present).
- More likely to be grouped with information for children.
- More likely to have personal health information collected at registration, particularly women of child-bearing years in connection with pregnancy, breast-feeding, gynecological health, and birth control.
- Use of images of women and children in fundraising campaigns, issue of seeking meaningful consent for use of image and image ownership, consent in public settings

IN SUMMARY: WOMEN, DISASTER LAW, AND DATA PROTECTION

- *Women who receive disaster-related aid are more likely than other populations to have sensitive personal data collected as part of receiving aid.*
- *Data collection as pre-condition of receiving aid exacerbates an already unequal dynamic of power between disaster beneficiaries and aid groups and contributes to the reification of a gendered and racialized “other”.*
- *Disaster laws’ silence on the issue of data protection is highly problematic as is data protection laws’ silence on applicability in disaster contexts. These gaps in legal protections and in international legal protection principles may put women beneficiaries at higher risk of their data being misused.*

The background is a solid blue gradient. In the four corners, there are decorative white line-art patterns resembling circuit traces or neural network connections, with small circles at the end of the lines.

THANK YOU!

Erica See

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