UK Internet Policy Forum – "Open Internet and the Digital Economy" - Wednesday 2 April 2014.

The digital economy, innovation, and consumers have benefited greatly from the open internet. The nature of the open internet also presents its own challenges, including how best to protect users and intellectual property against a background of the emerging role of big data and increasing concerns about security, access to content and personal privacy. How can the private and public sectors effectively respond to these concerns, whilst promoting the dynamism of the digital economy?

This year's Internet Policy Forum on "Open Internet and the Digital Economy" brought together a range of speakers and perspectives to discuss these issues, their influence in stimulating or stifling the digital economy, and the evolving impact of the open internet. The key points from the day are summarised below.

Welcome by the Nominet Chair, Baroness Rennie Fritchie DBE
Baroness Fritchie welcomed delegates to the conference and provided an update on recent policy work and other developments at Nominet.

Why Nominet believes in the Open Internet – Lesley Cowley OBE, Nominet CEO

Lesley's speech focused on the benefits of the open internet and the opportunities it creates in fostering innovation and growth of the digital economy. Nominet is supportive of the open internet but acknowledges that the open nature can create challenges.

She highlighted that global internet governance is a source of increased scrutiny and debate and confirmed Nominet's support of the multi-stakeholder model.

Lesley referenced the report from the House of Commons Culture Media and Sport Select Committee on protecting children on the internet and called for the industry to work with legislators to develop and maintain a framework that enables their businesses to continue to innovate and grow.

First panel session - Open internet and the digital economy: Made for one another, or a Gordian knot?

The symbiotic relationship between the open internet and the digital economy means that regulatory developments in the internet space or other sectors can have a stifling or stimulating impact on the digital economy.

This session considered how essential an open internet is to a flourishing digital economy. The panelists and audience discussed how the open internet has challenged traditional industries and businesses to adapt and embrace technological innovation in order to better meet the needs of their customers. We examined whether data protection regulation was a threat or a benefit to the digital economy and the importance of protecting privacy of online users. In addition we discussed the importance of striking the right balance between protection and regulation in order to encourage innovation and ensure the open internet continues to contribute to the success of the digital economy.

Audience questions

How essential is an open internet to a flourishing digital economy?

The majority of the audience (60%) voted that an open internet is very important to a flourishing digital economy.

What is the biggest threat posed to the open internet?

Cyber crime was selected by the majority of the audience (44%) as the biggest threat, with the other options being regulatory developments, government surveillance, poor self-regulation by the private sector, and privacy concerns.

Simon Milner, Director of Policy, UK and Ireland, Facebook

Simon set out what Facebook's evolution might mean for the wider internet. He explained that like other social networks, Facebook is the result of the open web. He looked at how Facebook enables people to speak freely and to share what matters to them. Simon also explained how Facebook is a great platform for SMEs allowing brands to flourish, reach new markets, protect their IP and manage the safety of their brand. His presentation looked at how Facebook's approach has evolved over the last year, highlighting that the social network now has 1.25 billion regular users globally and a ¼ of all photos taken in the world today will appear on the site. He described government desires to control the internet as a big threat and concluded by discussing the relevance of Facebook's approach to the wider internet.

Richard Braham, Policy Lead, British Retail Consortium

Richard explained that the way we shop is changing as technology is driving fundamental structural change in the sector. He explained that mobile devices are driving a transformation in consumer habits and that retailers are investing in innovation to meet customers on their terms. He gave a number of examples including Argos spending £300 million on digital strategy to blend so called 'bricks and clicks', John Lewis aiming for 40% sales online by 2020 and Shop Direct looking for mobile sales growth. Richard then explained that this had a number of implications for policy making, and it is important for the future of retail to have the right regulatory framework. He ended on a quote from Charles Darwin:

"It is not the strongest of the species that survive, not the most intelligent, but the ones most responsive to change"

Dr. Simon Rice, Principal Policy Advisor, Information Commissioner's Office

Dr Rice looked at whether data protection is a benefit or a threat to the digital economy. He explained that the ICO view is that data protection in some shape or form will be critical to the success of the digital economy and pointed to a recent survey carried out for them by YouGov which suggested that 62% of people who downloaded an app were concerned about the way in which the app was using their personal information and 49% of app users had decided not to download an app due to privacy concerns. Simon went on to say that data protection is an important tool to create an environment where the balance of power between organisations and individuals is fair and explained that this will be more important with the emergence of big data, the collection of Meta data, and the information age. He concluded by suggesting that if individuals were not assured that their use of services remains accountable by a framework then the digital economy could never reach its full potential. In his view, this could be achieved through a mix of well established data protection principles such as data minimisation, accountability and transparency in combination with maintaining an appropriate level of security surrounding lawfully collected personal data.

Richard Mollet, Chairman, Alliance for Intellectual Property

Richard opened his presentation with some statistics, including that 25% of music industry turnover comes from digital sales. He explained that for publishing the term 'open' means net neutrality, accessible content and no restrictions. He highlighted that the online publication of academic journals demonstrates what can be done with open access and a workable economic mode. He stated that other forms of publishing are not far behind with digital sales growing in all markets. Richard made the point that an open internet results in high socio-economic benefit but that can be

reduced by too much openness due to intellectual property theft, privacy breaches and crime. He concluded by stating that consumer data is the currency of the digital economy and will be vital to driving discovery and calling for new rules for this digital economy.

Second panel session: The open internet, filtering, and archiving

This session explored whether filtering for political, national security or social (e.g. offence or content related to illegal activity) reasons is ever desirable, acceptable or effective?

Speakers delivered presentations on the policy implications for private actors in archiving and publishing content or search results for content, the role of search as a gateway to the internet and the legal aspects of filtering.

Audience questions:

When is filtering of search results or websites ever acceptable?

50 % of the audience voted that it was acceptable to protect vulnerable groups such as children. A very small number (2%) were of the view that filtering is never acceptable.

Does today's digital citizen have sufficient control over the digital footprint they leave behind?

32% voted no, but they're hopeful that new regulation and/or self-regulation will improve things in response to public concern.

Alex Blowers, Director of Legal and Policy, Nominet

Alex discussed legal context and content on the internet explaining that content regulation has become less rules-based and more context-based, which can lead to perverse outcomes. He talked about the privatisation of morality especially around the contradictory legal aspects of potentially harmful content and raised the question of whether we can trust algorithms to filter moral judgments.

Helen Hockx-Yu, Head of Web Archiving, British Library - Archiving the UK Web

The British Library has been archiving UK web sites since 2004, aiming to understand the challenges involved and to build the capability to preserve the UK's digital heritage for future generations. This work has been significantly intensified since 6 April 2013, when the Non-print Legal Deposit Regulations became effective. The Legal Deposit framework enables the UK Legal Deposit Libraries to collect digital publications as they have done with printed publications such as books and journals. The British Library undertakes periodic crawls of over 4 million UK websites on behalf of the five other Legal Deposit Libraries.

Helen presented an overview of the British Library's web archiving activities and highlighted the key challenges the libraries face in archiving and preserving the UK web, one of the largest national web spaces in the world.

Dave Coplin, Chief Envisioning Officer, Microsoft - Search as a pathway

Dave looked at the role of search as a gateway to the internet and the responsibility to protect society's most vulnerable questioning who are the vulnerable and who should be involved?

He highlighted the challenge of finding the right approach and the importance of taking a global approach while ensuring a common understanding. Dave said there was a need to balance freedom of speech with protection whilst taking into consideration the legal limitations, including international jurisdiction.

Dave looked at the technical limitations and described 'guilt through algorithmic association' and the benefit of 'human plus machine'.

Finally he spelt out the solution as enabling choice with connected legislation and law enforcement and a responsible industry.

Gabrielle Guillemin, Legal Officer, Article 19

Gabrielle explored the legal aspect of internet filtering; highlighting Article19's concerns that blocking should only take place when ordered by court and the need to address a lack of transparency.

Third panel session: Big data, open data and the digital economy

This session examined the value of open data for the economy and society and who pays and who profits from the use of open data. Speakers highlighted where the opportunities for the digital economy are in terms of new business models, how open data can be used to increase efficiency in government services, the link between open data and digital identities and privacy concerns around how companies are using big data.

Carla Bonina, Research Fellow, London School of Economics - **The value of open data: business models, opportunities and policy**

Carla highlighted the increasing excitement about the potential economic and social benefits of using newly released public and private data in the digital economy. She focused on the value of open data for the economy and society, the main benefits and areas of concern.

She covered basic definitions (i.e. open data vs. big data) and presented an overview of the users and practices, discussing the diverse value clusters that emerge from open data: economic, social, environmental, political.

Carla explained that open data is an enabler of new businesses and therefore economic growth, but also a tool for transparency, democratisation, accountability and civic engagement. Finally, she discussed the trade-offs, challenges and consequences emerging from open data for business and society.

Audience questions:

Who would you trust the most with your personal data?

The majority voted for Central Government.

Who bears the primary responsibility for preserving privacy in an open internet?

Out of a choice of the data collector, Government legislators and regulators, the data subject, privacy advocates and society, ergo all of the above the majority (41%) voted for the data collector with society ergo all of the above a close second at 39%.

Richard Sargeant, Director of Performance and Delivery, Government Digital Services

Richard outlined the work behind www.gov.uk/performance explaining that his work was focused on answering the question for government of how are we doing, which is quite a hard question to answer as the detailed facts are hard to find and that can lead to nasty surprises.

In response, Richard said they built something called the performance platform, which is available now online in alpha. He walked the audience through the system, explaining that the dashboards showing specific service data and aggregate information about the 1.5 billion Government transactions each year with businesses and customers.

Richard explained that the platform provides real time information so for the first time you can see how many people are applying for a tax disc now, what's the user satisfaction and how it breaks down between the different channels. Richard said that tools like this are common in the private sector but are newer for government.

He went on to say that the tool has shown that over the last year and a half digital take up has gone up by 9 percent across government while the cost per transaction has fallen by 10 percent. Government hasn't been able to track this before.

Big data is something of a dream in most parts of government, Richard explained. The challenge he said for most parts of government is just to get data. The dominant question is how to get better access to data and how to use that data in a way that can improve public services.

Richard also highlighted that they have a very strong internal incentive to continue to make data open as the people inside departments and agencies are only able to properly use the information if they can get easy access to it.

Richard summed up by explaining that the key is making data useful. He said that it's not about dumping an enormous amount of raw statistics online but trying to create a service layer for that information so that everybody can, with the minimum amount of effort, get something useful from it.

Gilad Rosner, Digital Identity Researcher, University of Nottingham

Gilad explained that the digital identity layer is growing. The early internet just worried about addressing, getting messages intact from place to place but no more: identifiability is the rule now. He highlighted that identities have value – more specifically, online activity *linked* to identities has value and when products are free, you are the product.

He explained that the temptation is to see data as an undifferentiated mass, devoid of the need to consider users' privacy intentions. However, privacy is contextual, and consent is not meaningful unless you can revoke it. He looked at anonymising the data which could solve so many problems but it turns out that it's very hard to do and there are risks of re-identification risks.

Gilad explained that in a "post-Snowden era" we have been shown that we lost the collection issue, so we must focus on procedural safeguards and rights. This post-Snowden world illustrates the core failing within the US standard of "expectation of privacy" – how do you protect it if no one expects that they have it?

He went on to explain that privacy is not some opportunistic system characteristic – it is a part of human societies and psyches. Just because the technology changes doesn't mean we abandon its value and concluded that privacy means friction, so expect inconsistent support from private companies.

Siraj Datoo, The Guardian

Siraj looked at the privacy concerns around big data particularly where companies are collecting consumer information. He explained that companies which forget about privacy risk consumer outrage and called for privacy to come first. He said that where consumer data is being used that they should be aware of data collection, they should know they're benefiting and customers should opt in. In his view without this, consumer trust would degrade and customers would be less receptive to the introduction of new innovative technology.

Audience question:

My greatest fear with regard to misuse of my private data is:

65% of the audience said economic loss was their greatest fear.

An interview with Justine Roberts, Founder and CEO, Mumsnet

The final session of the day was an interview with Justine Roberts. She began by explaining that in the first 13 years of Mumsnet the site protected privacy of users because they didn't have the technical capabilities to collect data.

She went on to say that there needs to be an explicit contract between the user and the provider regarding how data is used. Justine also defended online anonymity saying it is valuable to allow people to share personal experience on the internet and calls to remove it were often driven by businesses who want to collect individual data.

Finally, Justine commented that she wasn't in favour of internet filters due to the risk of false positives where she gave the example that Mumsnet is blocked in many libraries because it mentions breastfeeding. In her view Active Choice is better for parents.

Audience question

Finally the audience were asked how they were feeling about the open internet and the digital economy after everything they had heard over the course of the day. 61% stated they were generally positive about development affecting the open internet, but thought that we need to keep an eye in it.