

## SETTLE THE PRINCIPLES OF DATA SHARING FIRST

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The Kris Gopalakrishnan report on the regulation of non-personal data opens up a debate on information as a public good. Regulate it, but don't let arbitrary authority ruin the idea

This is the era of big data, a phase of our existence in which almost anything that has a brush with an electronic interface or sensor finds itself in cyberspace, if not stored in some other digital form for retrieval. By one brave count, the world generates over 2.5 quintillion bytes of data every day. Much of it is useless, as our social media feeds would attest, but a significant chunk of it is highly valuable, with its value rising in line with the sophistication of tools designed to analyse it for actionable purposes, commercial or otherwise. Data does not need to be either big or personal for it to be highly sought after. Indeed, internet successes owe some of their fortunes to treasure troves of data that can yield market patterns, traffic predictions, epidemic risks and much more. Early movers in various spheres of online activity often have so much of it stored that rivals cannot catch up. Given the virtual potential for limitless growth and so-called "network effects", this is a space predisposed to monopoly power even without gigantic data reserves being put into play. Would it not be better if at least some data were treated as a public good, allowing its open use by startups, do-gooders and government bodies? Such questions had arisen even before a Centre-appointed panel, headed by Infosys co-founder Kris Gopalakrishnan, submitted its draft report on the regulation of non-personal data in India. Today, they call for a debate.

For regulatory purposes, "non-personal data" is defined as that which is either devoid of people's details or anonymized to prevent individual identification. The panel has proposed a new data authority to regulate just this kind of data. It has also outlined the need of a framework that would require companies to share its databanks with others to help the country catalyse business innovation, bolster India's startup ecosystem, and help governments and local authorities frame data-enriched public policies. All these aims are commendable. Given the rising role of information in every field of human endeavour, it does not take much to conclude that freely available data—with sufficient privacy safeguards—would have multiple positive externalities. The report's emphasis on the pre-emption of data monopolies is especially noteworthy in a country whose multitudes have only just begun to go online, an emergence that has attracted investors with huge sums of capital to deploy. Yet, there are challenges of implementation that must be overcome while adopting such ideas.

For one, what data a private entity can be forced to disclose must follow a commonly accepted set of principles. It would not work for a data authority to arbitrarily force companies to part with knowledge painstakingly acquired for their business, often with large sums invested to acquire it. Also, if parting with data blunts their strategic edge over competitors, they would probably appeal against such a disclosure in court. And, if enterprises fear that their confidential learnings could be appropriated by an intrusive data authority, then the cause of innovation would actually be set back. However, such problems could yet be tackled. A clear set of guidelines could be set down that specify what sort of data qualifies as a public good and must be kept open to all. For other kinds of data, maybe a market mechanism could evolve that lets various parties bid for privately held information. Big data does deserve regulation. But it needs to be done with clarity.

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