Data & Ethics
Working Group

TERMS & CONDITIONS
Data Entry & Consent Form

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Data Entry & Consent Form

39123439

Datum: 11-11-2013

3

DEWG target:	DEWG reference:	DEWG basis:	Number class:
[redacted]	[redacted]	CIM	3

1a. PREFIX:

1b. SURNAME NAME:

2. SECOND LAST NAME:

3.MARITAL STATUS:

4. VIRTUAL MAN MONTHS:

5. IDEAL AGE:

6. INDIVIDUAL WEIGHT:

7. HOW OFTEN DID YOU DRINK LAST NIGHT:

8. SMOKE?

Entry strictly between consenting members
(see T&C's inside)

I consent: Yes ☐ No ☐

Datum

Signed

✕ _____
The undersigned....

1. Member state? Yes ☐ No ☐

i. Opt out? Yes ☐ No ☐

2. Home package deliverable?

3. Do you sit on the left or on the right?

4. Content?

TEAR TO ACCEPT TERMS AND CONDITIONS

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The Data and Ethics Working Group is a collaborative body using art to explore public interaction with data access, exchange and retrieval systems and the ethical implications of data ownership and open or closed networks.

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Partner Organisations:

ict art

STROMATOLITE

MINISTRY OF MEASUREMENT

wildlust
- EXPLORING THINGS POSSIBLE -

thickear

LIGHTHOUSE

DEWG-ICTAC/111113

TERMS & CONDITIONS

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FOREWORD

Terms and Conditions is collective experiment number one. A prototype and tentative reflection on the ontology and current context of data collection and application. It is research made public, following reflection on collecting data as art and applying data within arts practice. It is an exploration on how data is compiled, has been acquired, and mostly what it means to volunteer personal data. A legal framework exists, but are we really aware of the terms and conditions?

Human activity results in outputs and consequences. When witnessed, knowledge of actions, habits, time and place inform our thoughts and decisions. As perpetual observers of information we require these insights in order to improve the current situation.

However, at the point that information is turned into data and stored as archive a new form of potential energy is created. An energy containing power and risk. As collection, storage and application of data have become increasingly sophisticated and part of a professionalised industry, this potential energy becomes more significant and less understood.

Anxieties surrounding the use of personal data are valid and pertinent to the current cultural and political landscape. But to claim ownership of all information regarding personal actions is naïve and contrary to the nature of human interaction. The *Data and Ethics Working Group*, does not advocate for privacy or any agenda associated with the application or exploitation of data. Our explicit intention is to create a discourse that links personal experience with a wider cultural shift driven by the exchange of data.

The acceptance of the terms and conditions of *Terms and Conditions* by opening this document represents a contract entered into by the individual in order to participate within an information economy. Your completion of the form becomes a performative act. It is an enactment of the continual request to be complicit with oblique agreements, regarding intellectual property, privacy and the sale of sandwiches.

Presented in this way, data interaction can be understood in its basic form; a submission of personal information to another party. The form leaves some traces of the event of exchange, inviting a response on how data can be used and how we submit our private information.

In the very end, does the form define your identity? Can it be possible to extract a portrait with the data? Big data, visualisation and analytics pretend to represent the truth. Do we have the right picture? Is the picture something to see you with? Surely there are limits to the value of data?

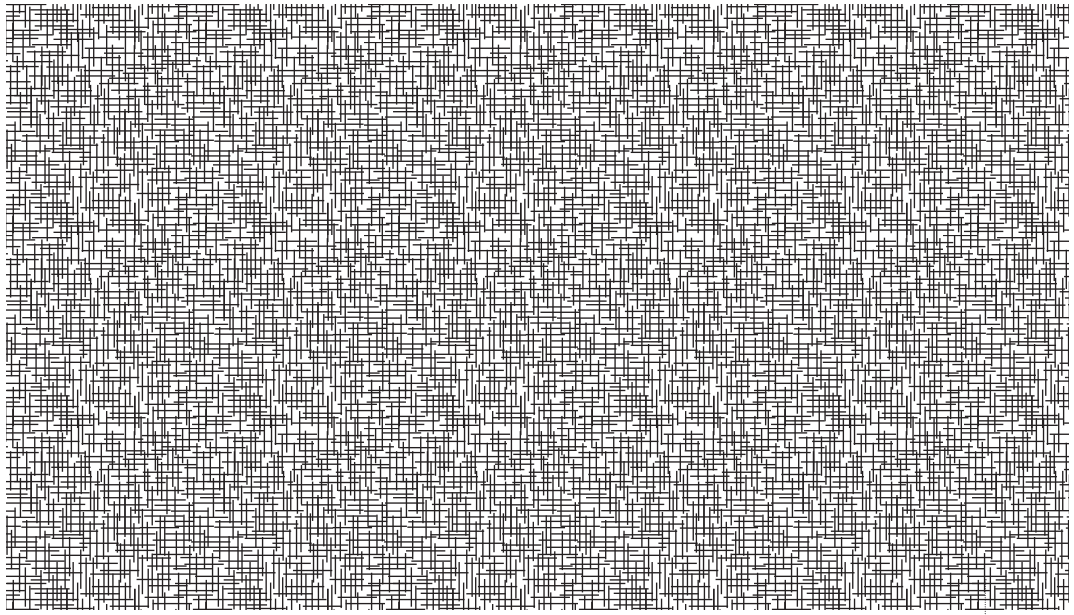
- The European Union Data Protection Directive and the U.S. Department of Commerce Safe Harbor Program Principles of notice, choice, onward transfer, security, data integrity, access, and enforcement.
- Fair information practices established by the Organisation for Economic Co-operation and Development (OECD).
- The Asia Pacific Economic Cooperation forum (APEC) Privacy Framework.
- Applicable country, national, state and local data protection laws (some country's laws require country specific information in a privacy policy.

To the maximum extent permitted by law, DEWG expressly excludes:

f. loss of goodwill and reputation;
g. loss of romantic prospects;
h. loss of great expectation;
i. loss of opportunity;
j. loss of use;
k. loss of information and data;
l. loss arising out of or in connection with wasted management or personal time;
m. loss of life.

The intellectual property (copyright, trade marks, patents, design rights etc) associated with the functionality and design of the DEWG is either owned by or licensed to DEWG.

DEWG reserves the right to prospectively revise these Terms at any time (meaning the old terms continue to apply to your use that predates the changes). If we do, we will post the modified Terms on the Service on a tree in Hampshire and indicate the date of most the recent change above, and you agree that this will be sufficient notice to you that new terms apply and your continued use indicates your agreement to the new terms in connection with that ongoing use.



TERMS & CONDITIONS

These Terms of Service ("TOS") constitute a binding agreement between you and the operators of Data and Ethics Working Group (henceforth known by "DEWG"). Please read the TOS carefully. By using the Service you agree to be bound by the TOS and by the DEWG. If you do not agree to any provision of the TOS, you should not use the Service.

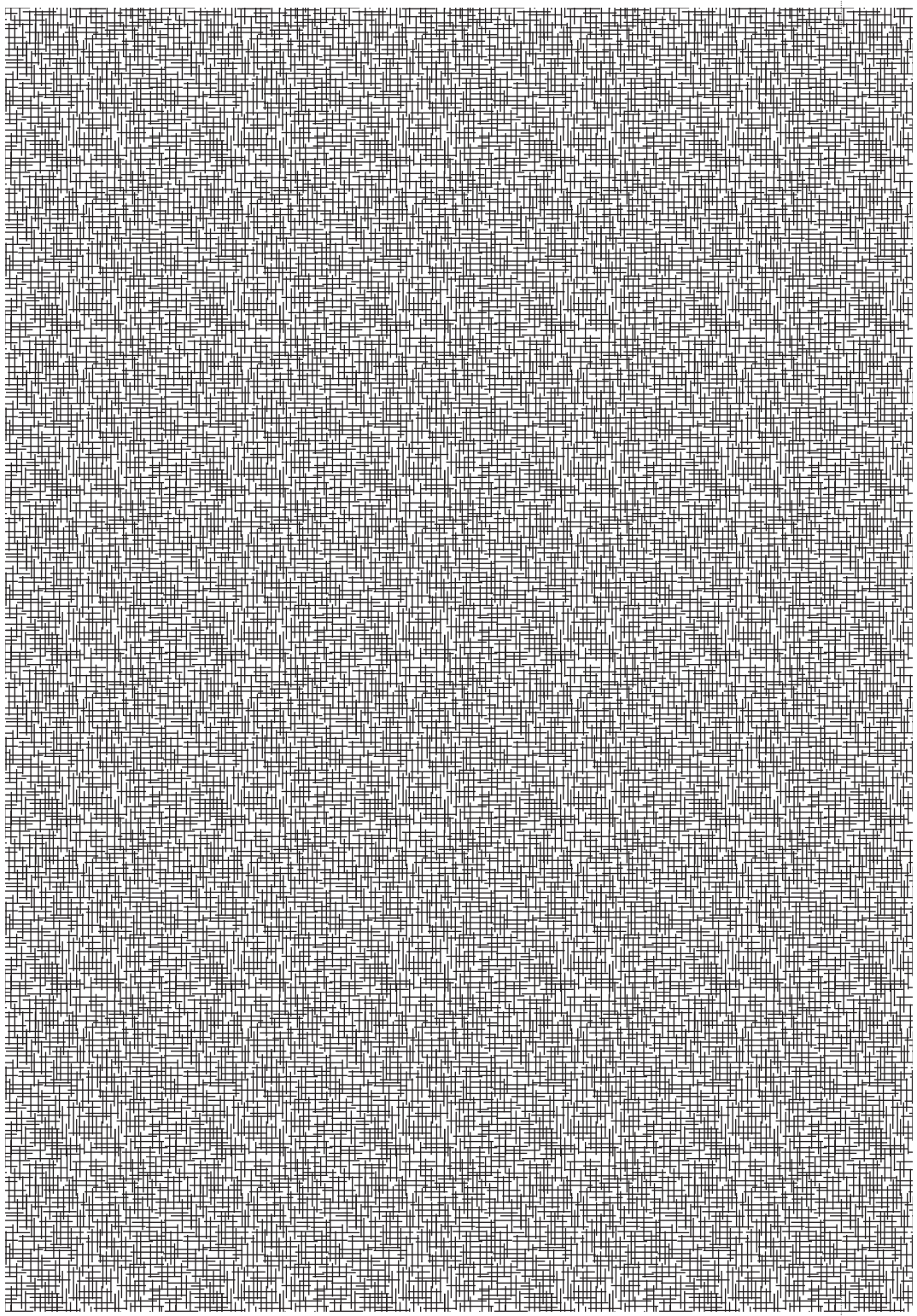
1. The content of DEWG is for mature audiences only and may not be suitable for minors. If you are a minor or it is illegal for you to access mature images and language, do not proceed.
2. You must be at least 13 years old to use the Service.
3. You may register with the DEWG for free however you will only be able to access certain functions.
4. If you use the DEWG as an employee of, on behalf of, or for the benefit of your employer or other entity, you represent to DEWG that you have the power and authority to accept this Agreement on behalf of your employer or company.
5. By registering with the DEWG you warrant that you do not (a) have a previous and/or pending criminal conviction; or (b) have or have had a restraining order made against you by the courts of any jurisdiction.

It is possible for you contribute to the Service through the submission of Content you create or contribute to the creation. You will retain whatever ownership you may have, but you hereby irrevocably grant to DEWG a non-exclusive, worldwide, royalty-free, sublicenseable, and transferable license to use, reproduce, distribute, prepare derivative works of, display, perform and otherwise exploit in any manner. Your privacy is very important to us.

DEWG prohibits the creation of and you agree that you will not create an account for anyone other than yourself. You are responsible for keeping your password secret and secure. You are solely responsible for your conduct.

- You shall comply with all U.K., U.S., foreign and local laws.
- You must not provide any false information.
- DEWG reserves the right to take any action that it deems necessary, including terminating without notice you.
- Anyone who does not respect the applicable provisions is guilty of the delict of piracy and is object of the penalties stipulated by law.

Our privacy practices are not consistent with, nor do we have any association with, or interest in:



WHAT IS DATA? EXPLORING THE QUESTION THAT NO ONE ASKS

Ulrich Atz, Open Data Institute

There is evidence that people fundamentally differ in their understanding of data. Three (implicit) philosophies speak of data as objective facts (measurements), as subjective observations (records), and as communications (signs). An example explains what this means in practice. *The case study below is adapted from Brian Ballsun-Stanton's PhD thesis Asking about data. He is an experimental philosopher and works as a data architect. I thank him for his permission to use it.*

I am a practitioner. Why, then, engage in philosophical questions? It sharpens your mind. You can use fun words like *geist* and *epistemological*. And, it can offer clarity in discussions about data and may help to resolve "silos".

WHAT IS DATA?

Brian Ballsun-Stanton writes in his PhD thesis *Asking about data*: "I noticed that practitioners use and understand the term 'data' differently than the people they are helping." [1] He describes three philosophies of data. Before we explore them, here is a recent case study.

Imagine you are a tech team building a new online platform from scratch. Your *umwelt* (environment/ surroundings) is data. You have great financial intellectual freedom to build something that reflects the needs of users. A main feature of the desired architecture is often vocalised as "everything is data" and "we want to employ all the data". But what do the parties involved mean by this? Would different concepts of data lead to different platforms?

"EVERYTHING IS DATA"

For purposes of this case study consider three team members. Mr O, Ms S and Ms C have different backgrounds and depart in their inherent concept of data.

Mr O is part of the executive team and understands data as "facts". The platform, for example, should deliver objective numbers about page impressions. He admits we could collect and analyse all sorts of data, but is least comfortable with unstructured text. Mr O would say: "Data are measurable, small, recorded descriptions of the world."

Ms S is part of the commercial team and acknowledges the value of relevant metrics. However, for her, the intangibles of user satisfaction are equally important. She is interested in how to decode human communications and would be happy to work with purely qualitative data. Ms S would say: "Live music is also data."

Ms C is part of the tech team and recognises all digital records to be data. She considers data to be encoded human communications or encoded information. The online platform exists as a digital product, so Ms C understands *everything is data* in the most literal and exhaustive sense. Ms C would say: "Data is a bucket for information and knowledge."

HOW PEOPLE EXPECT DATA TO WORK

For Mr O data are objective measurements. He trusts in statistics to extract meaning from data and would feel least at ease with a database of unstructured text without the benefits of a semantic analysis. Mr O may be aware of meta-data, but he sees them as separate records from the actual measurements, thus, secondary. Mr O wants data streams that can directly feed into dashboards.

Ms S, as someone who holds data as subjective observations, is nominally "okay" with "anything" in the database. Ms S especially dislikes a database that is not internally consistent. If one blog post has a second title there is no point in recording that as a separate field. Only if reality changes, that is most blog post have two titles, the database structure should be updated. Ms S wants a flexible commenting system like Juvia, where visitor comments are recorded as data.

Ms C considers the database a repository of human interactions that is curated and made discoverable by other humans. Any design that interferes with that curation or hobbles the maintainer is discouraged. Because for Ms C the database carries value in itself, she is comfortable with whatever best supports human communication. Ms C wants every aspect of the platform itself to be accessible as data, for example, as machine-readable json.

THREE PHILOSOPHIES OF DATA

Ballsun-Stanton's explorations identify three philosophies of data. In his studies people describe data:

1. As objective facts, measurements revealing the relationships of reality (Mr O);
2. As subjective observations, sense-impressions filtered by knowledge (MsS); and
3. As communications, a container for meaning (Ms C).

While individuals may not "have philosophies", they express their understanding of data through language and actions. For example, those who treat data as objective facts will treat of a spreadsheet full of temperature measurements as data, but would not accept subjective description such as "warm" or "hot". Rather than being distinct categories theses concepts are on a spectrum.

QUIRKAFLEEG

If you haven't guessed it by now: in the case study we are, of course, talking about the Open Data Institute and the new platform, codename quirkafleeg. Our internal communications took into account all three philosophies. Being aware of different understandings of data avoids silos and serves our motto Knowledge for everyone. We can admire a platform that looks great and is built in an open way.

We can also answer the question "what is data?" not by personal philosophies but with a pragmatic claim.

DATA IS THE RAW MATERIAL OF THE INFORMATION AGE.

[1] Ballsun-Stanton, B. (2012). *Asking About Data: Exploring Different Realities of Data via the Social Data Flow Network Methodology.* Doctoral thesis, University of New South Wales.