

Responsible data-sharing with donors

Accountability, transparency and data protection in principled humanitarian action

Barnaby Willitts-King and Alexandra Spencer

About this paper

This briefing note was originally produced as a background paper for the Wilton Park 1777 meeting, ‘Responsible data sharing with donors: accountability, transparency and data protection in principled humanitarian action’, which took place online, 17–18 September 2020.¹

Introduction

Partnerships between donors and humanitarian agencies are a critical foundation of the international response system. Building and maintaining trust between them has been crucial for important agreements including the Grand Bargain and frameworks such as Good Humanitarian Donorship (GHD). At the same time, the collection of large amounts of programmatic data has become normal. Better data on people’s needs

and agency responses should lead to better programming and fewer gaps in meeting those needs.

While there are important developments in sharing open humanitarian data, not all humanitarian data can be shared openly. For example, data about the location of affected people and responders can put people at risk, especially in conflict environments.

These challenges were explored in Wilton Park meetings organised by the Centre for Humanitarian Data in May 2019, and the Swiss and Norwegian governments and International Committee of the Red Cross (ICRC) in October 2019 (Wilton Park, 2019a; 2019b).

An important issue that emerged from these discussions was how some donors are increasingly requesting programmatic data from operational partners for a number of reasons, such as to demonstrate the gender breakdown of their

Barnaby Willitts-King is a Senior Research Fellow with the Humanitarian Policy Group (HPG) at ODI.

Alexandra Spencer is a Research Officer with HPG.

This work is licensed under CC BY-NC-ND 4.0.

Humanitarian Policy Group
Overseas Development Institute
203 Blackfriars Road
London SE1 8NJ
United Kingdom

Tel.: +44 (0) 20 7922 0300
Fax.: +44 (0) 20 7922 0399
Email: hpgadmin@odi.org
Website: odi.org.uk/hpg

¹ The paper was produced as an activity within the HPG Integrated Programme on inclusivity and invisibility, which focuses on inclusion, gender, advocacy and technology (see Willitts-King et al., 2019).



assistance. In some cases, this has created unease among partners who are concerned that such data-sharing increases the risk of those they are trying to assist being profiled or targeted by hostile governments or armed groups, without the purpose of the data-sharing being clear.

In addition to broader legal frameworks such as the European Union's General Data Protection Regulation (GDPR), there is some guidance to support organisations with data responsibility and minimisation such as the United Nations (UN) Office for the Coordination of Humanitarian Affairs (OCHA)'s *Data responsibility guidelines* (OCHA, 2019) and ICRC's *Handbook on data protection* (ICRC, 2020). However, few donor policies or guidelines are publicly available. These include the Organisation for Economic Co-operation and Development (OECD) 'Privacy principles' and the 'Fair information practices principles', which focus on development but are relevant in considering the principles of collection limitation and purpose specification, referencing data minimisation as a 'privacy principle that requires the people collecting data to be intentional about what type of data is collected and how long it is retained' (ELAN, 2016). This is in line with United States Agency for International Development (USAID)'s guidelines, which emphasise the 'Lean data principles' in its approach to sensitive data (USAID, 2019). It is not clear which donors have publicly clarified their approaches to the governance of data management and data-sharing; whether other, unpublished internal guidelines or established practices exist; or where guidance is under development (e.g. development of joint system-wide operational guidance on data responsibility by the Inter-Agency Standing Committee (IASC) Results Group 1 sub-group on data responsibility, led by the Centre for Humanitarian Data, United Nations High Commissioner for Refugees (UNHCR) and International Organization for Migration (IOM)).

To retain the trust of the critical partnerships between donors and humanitarian agencies, the Wilton Park discussion aimed to unpack areas of concern and identify ways to build that trust.

Key issues to explore: what is the problem we need to solve?

As a nascent area, precisely defining the problem is important in order to identify the right solutions. The following factors appear to characterise the problem, but are not exhaustive:

- Lack of shared understanding of terminology – what data are we referring to? The challenges appear to relate more to programme- and beneficiary-related data, rather than financial data.
- A lack of shared understanding of the rationale and risks around data-sharing.
- Differences between actual and perceived requirements (e.g. contractual and regulatory).
- Differing requirements for data-sharing and data management, or a lack of consistent application, among different donors and humanitarian organisations

Key questions for discussion

As a topic that has not been extensively researched, we need to develop a deeper shared understanding of the issues and possible solutions around data-sharing. The following questions are critical to consider in order to agree a way forward.

What are the purposes of data-sharing requirements?

The principle of 'purpose specification' for data collection and sharing stipulates that it should be clear what purpose the data is serving. The specific purposes for increased requests for disaggregated data by donors could include accountability (to affected populations but also tax payers), coordination, partnership, effectiveness (both now and in future projects) and transparency. These purposes can lead to diverse requirements that are not always commonly understood by stakeholders (Engine Room, 2018).

- What is driving current donor requirements? Accountability, coordination, partnership and transparency? Commitments to the Grand Bargain, domestic legislation, counter-terrorism, gender equality or others?

-
- Are other agendas being pursued through data-sharing (for example, use by other government agencies)?
 - Are requirements being interpreted correctly by partners or consistently by donor staff?
 - What protocols do donors have in place in relation to data shared by partners?
 - Are there conditionalities between willingness to share disaggregated data and the ability of different organisations to access and sustain funding from specific donors?
 - What approaches to anonymising or otherwise de-risking sensitive data have been encouraged, supported or required by donors?
 - How do national and regional data protection regulations influence the requirements defined and enforced by donors? As an example, how does GDPR apply to data-sharing arrangements in the humanitarian sector? (See Gazi, 2020.)
 - Are there country examples for particular crises? Do organisations have global protocols in place?
 - How do bilateral donors differ from how the UN operates as a funder to implementing partner agencies? What donor requirements are passed on to UN implementing partners?
 - Beyond formal requirements, what ‘soft’ or ‘informal’ requirements or requests for data are donors making?

What are the risks and challenges of data-sharing requirements?

The specific risks associated with such data-sharing with donors or for coordination could include potential violations of privacy and other fundamental human rights, increased vulnerability and fragility of populations, and targeting of individuals or groups with violence or other forms of harm, among others.

- In what ways are donor data-sharing requirements affecting implementing organisations?
- What are the potential risks to beneficiaries, organisations and donors, e.g. in terms of data privacy, profiling, etc.? What actual harms have been documented or reported?
- What do discussions on better sharing of risk mean for data management requirements (HERE, 2020)?
- What are the implications of data-sharing requirements for the reporting burden on organisations?
- What examples of collective agreements exist to ensure consistent data-sharing approaches across operational partners?
- In what ways could anonymised data be cross-referenced with other data to be used for negative purposes?

References

- ELAN – Electronic Cash Transfer Learning Action Network (2016) ‘Data management and protection starter kit. Tip sheet 2: data minimization’ (<http://elan.cashlearning.org/wp-content/uploads/2016/05/Data-minimization-tip-sheet.pdf>).
- Engine Room (2018) ‘Sharing data responsibly: a conversation guide for funders’ (www.theengineroom.org/wp-content/uploads/2018/10/Data-sharing-for-human-rights-funders-Ariadne-The-Engine-Room.pdf).
- Gazi, T. (2020) ‘Data to the rescue: how humanitarian aid NGOs should collect information based on the GDPR’ *International Journal of Humanitarian Action* 5(9) (<https://doi.org/10.1186/s41018-020-00078-0>).
- HERE – Humanitarian Exchange and Research Centre (2020) *Consultancy on risk sharing: discussion paper*. Geneva: HERE (https://here-geneva.org/sdm_downloads/consultancy-on-risk-sharing-discussion-paper/).
- ICRC (2020) *Handbook on data protection in humanitarian action*, 2nd edition. Geneva: ICRC (www.icrc.org/en/data-protection-humanitarian-action-handbook).
- OCHA (2019) *Data responsibility guidelines: working draft*. Geneva: OCHA (<https://centre.humdata.org/wp-content/uploads/2019/03/OCHA-DR-Guidelines-working-draft-032019.pdf>).
- Principles for Digital Development (n.d.) Website (<https://digitalprinciples.org>).
- USAID (2019) *Considerations for using data responsibly at USAID*. Washington DC: USAID (www.usaid.gov/responsibledata?hootPostID=f24e1cf9e44c21e5761c8f0b67566620).
- Willitts-King, B., Bryant, J. and Holloway, K. (2019) *The humanitarian ‘digital divide’*. HPG Working Paper. London: ODI (www.odi.org/publications/16502-humanitarian-digital-divide).
- Wilton Park (2019a) ‘Data responsibility in humanitarian action: from principle to practice’ (www.wiltonpark.org.uk/wp-content/uploads/WP1688-Report-1.pdf).
- Wilton Park (2019b) ‘Digital dignity in armed conflict: a roadmap for principled humanitarian action in the age of digital transformation’ (www.wiltonpark.org.uk/wp-content/uploads/WP1698-Report.pdf).