

The controversial twin

DENISE FELDNER

Lawyer and innovation manager in Berlin | member of the ad hoc coronavirus advisory platform at the Federal Ministry of the Interior, Building and Community; board member of the Greater Bay Area AI & Society Research Institute, Hong Kong; former founding director of German U15

Around a year ago, in the “Think. Order. Form. *Forwards*” project, we discussed the challenges of the data economy. To this day, the relationship between the companies working in the digital economy and the individuals whose behavioural data is being utilised remains at the centre of this discussion. Specifically, it is a question of data protection, the ownership and the security of that data. A year later we see this discussion being transferred on a grand scale to the relationship between the state and individuals, i.e. citizens.

THE GLOBAL TREND OF AUTHORITARIAN DIGITALISATION

When the coronavirus crisis began in 2020, the Robert Koch Institute, one of Germany’s leading scientific centres for public health, was still predominantly collecting the figures for monitoring infection chains by analogue means. As a result, the figures were already around ten days old when they were announced. These figures were used as a basis for modelling the likely further spread of the virus. This *nowcast* included a number of unknowns. Therefore, the politicians in charge appeared unsure about decisions regarding the steps into and out of lockdown. In order to regain a basic degree of mobility and, in the long run, to keep the economy open despite the pandemic, sustainable decisions had to be made about which of the available measures to implement. These measures included a digital architecture for health data. However, the granularity of the vehement discussions in this context should not distract us from the bigger picture. The objective at present is to establish a digital architecture for the national health policy. This alone represents nothing less than a paradigm shift, and that in two ways. In view of the time pressure we are currently under, the sluggish implementation of digitalisation in Germany is now a thing of the past. As we advance into what Merkel called “unchartered territory”, there is barely any time for reflection. At the same time, it is necessary to overcome the stereotypes that are currently shaping the debates.

Until now it was easy to take a stance that reflexively demonised China’s digital surveillance state or that is critical of American data behemoths Google and Apple. Germany and Europe are now themselves facing the challenge of establishing a wide-ranging data collection system, and this is only the beginning. It remains a difficult balancing act because the global trend of “authoritarian digitalisation” was already a significant challenge for open societies even before COVID-19.

EVERY POLICY OPTION WILL CURTAIL EXISTING RIGHTS

Despite numerous uncertainties, a decision must be made regarding digital solutions in the current COVID-19 crisis – it is a difficult one to make. That is particularly true because it involves so many inestimable economic and social costs. Any decisions made in this situation will also inevitably curtail rights. The rebalancing of the legally protected rights involved is virtually unavoidable, and these may assume a different significance forever, for example if the new structures for health data will be in place permanently. Such decisions would be avoided in normal times. In this crisis, therefore, it is not only a matter of finding a temporary solution. It is also about taking decisions on any issues relating to the data economy that haven’t yet been solved.

THE INDIVIDUAL BECOMES VISIBLE IN THE FORM OF THEIR DIGITAL TWIN

One of the solutions that was meant to cut the Gordian knot in the crisis was the collection of real-time data on the encounters infected persons had with other people. This makes it possible to trace the chains of infection. The Robert Koch Institute wanted to base its forecasts on more recent data. Given the impact of SARS-CoV-2, that was an attractive proposition. However, the data comes *from individuals*. Not only does this data record their behaviour, it also reflects their health, thereby reaching into the most private sphere. The individual becomes visible in their digital

twin, who is no longer under their control. Any political decision made to ease the lockdown based on this information would appear entirely justifiable. But how can monitoring technologies be democratically implemented? All data collected within the health system is also economically valuable and can grant those who hold it great power over its subjects.

“The digital twin must not be left to the mercy of the forces operating in the digital space, whether temporarily during the crisis or over the longer term. In terms of legislation, this means facilitating flexible solutions, discussing them openly and revising decisions where that becomes necessary.”

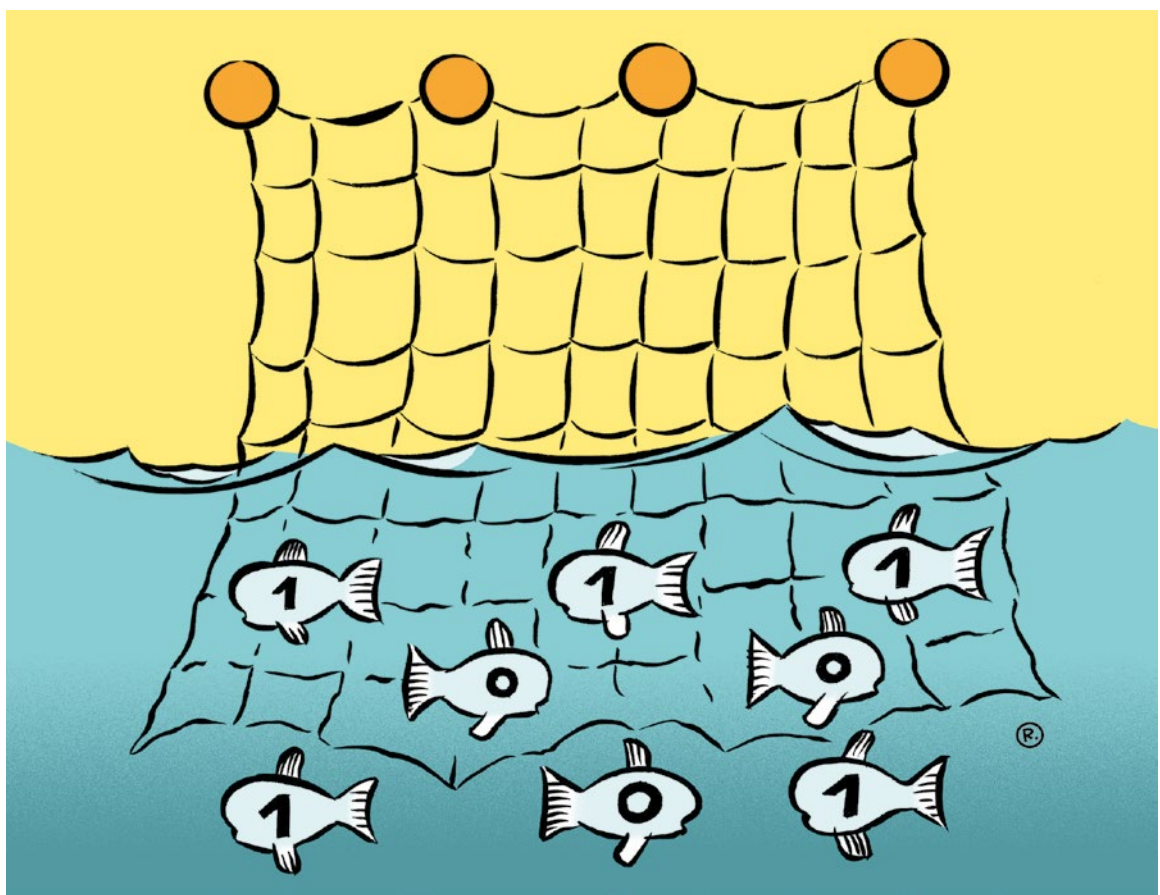
Not only does that make the individual's digital mirror image a controllable object, it also makes the databases the target of cyberattacks. Such databases can quickly become worth billions.

CONFIDENT HANDLING OF THE DATA ECONOMY IS REQUIRED

So how can individual data be collected in a way that ensures it never falls into the wrong hands?

What effect does a digital twin have *on people's natural behaviour*? How can we handle technologies

pragmatically and learn more about them without too much mistrust? How can we bring about this paradigm shift? Until now, this mindset of confidently managing the data economy has been lacking in Germany. The current decision-making environment in itself therefore represents an imposition if a digital architecture is the only way to control what has so far been a seemingly uncontrollable pandemic. A digital mindset accepts this new reality and also accepts that new structures may be susceptible to abuse. Trust is paramount. New data, ownership and security regulations for the digital world and the data economy can help to establish that. All new regulations must be limited in time in order to reflect the change in the will of the population during the transformation phase. An international agreement on cybersecurity will also help build trust. The digital twin must not be left to the mercy of the forces operating in the digital space, whether temporarily during the crisis or over the longer term. In terms of legislation, this means facilitating flexible solutions, discussing them openly and revising decisions where that becomes necessary.





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Alfred Herrhausen Gesellschaft

Members of management: Dr. Anna Herrhausen and Daniela Kaiser

Unter den Linden 13-15

10117 Berlin

Tel. +49 (0)30 3407 5559

Fax. +49 (0)30 3407 4209

E-Mail: info.ahg@db.com

Commercial Register: Local Court of Charlottenburg, 116881B