STOP THE DATA DISCRIMINATION BILL

ORG OPEN RIGHTS GROUP

Campaign Pack for ORG campaigners

October 2022 – V1

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1. The Purpose of this campaign pack

The pack is designed to empower and equip you to take action as a campaigner. This could be as an individual, part of one of ORG's local groups, or as an organization that shares ORG's concerns about the loss of our data rights, and the discrimination this will unleash.

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2. What is the issue?

The Government has announced reforms to UK GDPR and our Data Protection Regulations. These reforms will scrap, or water down many of the data rights we have in place to try and prevent data discrimination occurring. The title of the bill that will do this is the Data Protection and Digital Information Bill. We are calling this bill the Data Discrimination Bill. It will unleash data discrimination against workers, children, students and vulnerable groups like migrants, victims of violence and minorities.

What is Data Discrimination – Data Discrimination is the practice of collecting data on individuals and then using that data to make discriminatory decisions about them. In practice this could mean anything from racially bias algorithms, fabricated and incorrect records, to companies blacklisting customers or employees based on incorrect data shared about them.

Detailed briefing on the bill – ORG has produced a detailed technical briefing on the bill. If you want to understand it's main implications then you can download and read the briefing from our website

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3. Key Messages

When communicating the threats and risks to the bill in your campaigning activities then it might be useful to repeat some of our key campaign messages around the bill.

I). Creating a 'Data Oligarchs Charter'

Data transfers to other countries – The Government wants to transfer your data to other countries with lower privacy standards. This will create a 'Data Oligarchs' charter where data is laundered globally.

> *You buy a family member a 'DNA testing kit'. The company you purchase the kit from then sends information about your genetic makeup to a country with very low data protection standards. It is then bought up by a large pharmaceutical company.*

Risking our EU adequacy status – Huge volumes of trade rely on us having EU adequacy status. This status means the EU determines the UK to be a safe place for its citizen's data to be processed. In the race to the bottom of global standards, we risk losing this status.

> *Your company trades with both UK and EU citizens. At best you need to change your CRM system to cope with different data regimes, at worst you can't process data on EU citizens who are your customers.*

ii). Creating a Digital Surveillance State

The government wants to grant itself new powers to collect and share your data – Currently, the UK GDPR defines the six lawful basis for obtaining and sharing people's data. This provides objective, robust, and clear legal standards that protect us from unjustified and disproportionate inferences with our private lives.

Under these proposals Government will grant itself regulatory powers to rewrite the law, and compel private businesses to share personal data they hold about you with the State and law enforcement authorities. While this is already being proposed for a list of activities related to national security and crime detection purposes, the Secretary of State can amend this list arbitrarily, at any time, and for any purpose they deem "of general interest". In other words, the Govt will rule by decree, undermining trust, legal certainty, and the rule of law.

HMRC decides it wants to automatically scan all personal financial transaction records to detect fraud under the National Fraud Initiative. The minister amends data protection rules to allow unfettered data sharing for "fraud detection". From banks, stores, and e-commerce retailers, every transaction you make is now sent automatically from your bank to HMRC where it is run through an AI algorithm to detect patterns of 'suspicious behavior'.

Removing safeguards in place to protect people – If these plans went ahead the Government could use a statutory instrument to introduce a new basis for data processing and privatise law enforcement, for instance by allowing supermarkets to use the data they hold about you for 'determining individuals at risk of offending. Their identities are then shared with the Police by ministerial decree. Marginalized groups within society could then be lawfully placed under surveillance programs as we have seen with the Met Police's use of a 'Gangs Matrix' and 'Project Alpha'.

The Police want to deploy an automatic system for detecting suspicious behavior or criminality among immigrants. The Minister introduces new data protection regulations to ensure that employers, landlords, and General Practitioners can share the right to work, right to rent, and Practitioners' records to hunt down migrants and refugees.

iii). Risks to British Businesses and data security

Scrapping requirements for organizations to undertake digital privacy impact assessments (Data Protection Impact Assessments). This will increase the likelihood of organisations making costly errors.

Your company implements new systems and experiences a large data leak. This results in damages being paid and reputation damage. The lack of a proper digital privacy impact assessment was a contributing factor to the data leak occurring.

Scrapping independent data protection officers – Removing the requirement for an independent DPO will reduce the need to appoint an expert with sufficient autonomy and resources to ensure that people's data are protected. Instead, it will encroach on a "yes-man" culture, where privacy officers follow orders and do not promote positive change.

You are sacked from your job as a data protection officer. A senior manager is placed in charge of data protection. However, they have no real expertise or

interest in it and are being driven by other corporate agendas.

Subject Access Requests – The Government is proposing to make it harder for you to make subject access requests. This will be achieved by increasing the grounds upon which an organization can refuse your requests to access your data. Vulnerable people will find it harder to hold the powerful to account.

> *A company has been treating you poorly. You have complained about them a couple of times in the past. You put in a subject access request to try and get to the bottom of the problem. Due to previous complaints, they decide to mark you down as a 'vexatious complainant' and refuse your request to access the data they hold about you.*

Removing the right to challenge data discrimination arising from AI decisions – The Government wants to reduce the right we have to challenge unfair and biased decisions made by artificial intelligence. Whether it's an automated sacking by a corporation, an algorithm wrongly determining your A-level results, or an AI system rejecting your mortgage or life insurance application. If the computer says no, you will have no right to appeal.

> *You are automatically fired from your job by an AI algorithm. The algorithm didn't take into account some of your circumstances. You are left without recourse to challenge their decision-making.*

iv). The politicisation of the ICO and Ministerial Power Grabs

Ministerial Power Grab – The Bill grants Ministers the power to set the priorities of the ICO. They will also gain control over the Information Commissioner's salary, and gain the power to veto the adoption of statutory codes and guidance. This will expose the ICO to political direction, pursuing cultural wars, corporate capture, and corruption.

> *The government decides it needs to crack down on Trade Union's use of members' data for 'political purposes. It sets this as a priority for the ICO.*

 Discretionary Power to Ignore Complaints – The ICO will be given discretionary power to ignore complaints. This will worsen their (already poor) track record, and allow the ICO to keep ignoring widespread and systemic abuses of data rights. Abuses that will

only expand under these proposals.

> *You make a complaint to the ICO. This is your last chance to try and get justice. You send the complaint off, only to receive an automatic email stating due to a backlog in cases your complaint has been triaged as not meriting further investigation'. You are told to go back to the organisation you are complaining about to resolve the situation.*
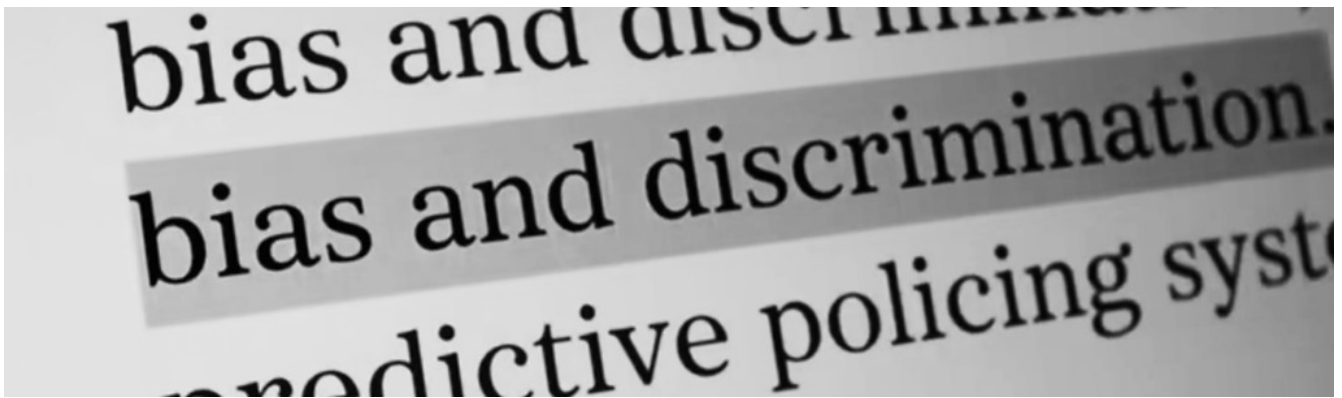
bias and discrimination.

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4. Taking Action as an Individual

I). Writing to your MP

MPs monitor the volume and nature of letters they receive in their constituency offices. Writing to your MP to express your concerns is still an effective means of trying to infulence Government policy. The Open Rights Group has produced an online tool that makes writing to your MP very easy. You can do this on our website at the following address -

II). Signing up to support our campaign online

If you haven't done already please do [sign up to support our campaign on our website](#)-

This will ensure we can keep you up to date on all the latest news and activity around the campaign.

III). Writing a letter to the local paper

Local newspapers are always willing to print letters. Although circulation of papers is lower than it used to be, the letters page is still the most widely read page of a local paper. Also local politicians pay attention to the issues being raised in the letters page.

- When writing to the local papers, remember the following:

- React fast. A letter reacting to something that appeared in the paper is more likely to be published if you send it in straight away: the press has a short memory.

- Be topical. Your letter should cover a subject that the newspaper itself might use in a news story so it should have a local angle if possible.

- Keep it short. It is often harder to write a short letter than to write a long one, but people are more likely to read it.

- Keep it simple. Use clear and simple language and try to avoid cliches.

IV). Sharing ORG's content with friends and family on social media.

We need more of our supporters to engage with our content on social media. Please to like, share and re-tweet our content.

Details of our social media accounts are:

ORG is on twitter at @OpenRightsGroup

Reddit – u/OpenRightsGroup

Facebook - https://www.facebook.com/openrightsgroup

Mastodon - https://mastodon.social/@openrightsgroup

You Tube - https://www.youtube.com/user/OpenRightsGroup

V). Distributing leaflets in places like cafes, libraries and resource centers.

We have produced and printed a number of leaflets opposing the Data Discrimination Bill. As an individual you could ask permission to see if you could leave some in locations such as local cafes, community centers, resource centers or libraries.

[You can download the artwork for this leaflet from our website using this link.](You-can-download-the-artwork-for-this-leaflet-from-our-website-using-this-link)

VI). Working with an ORG local group or forming a new group.

[We have a network of local groups across the country.](We-have-a-network-of-local-groups-across-the-country) You can sign up to their mailing lists or Meet Up groups online. If there isn't a group active in your area then you might want to consider becoming one of our volunteer organisers. If you would like to take on a role like this please email supporters@openrightsgroup.org

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5. Taking Action as a Group

I). Going to visit and lobby your MP as a small group

Writing to your MP is one step, buy going to arrange a meeting as a small group to go and speak to them in person can be very effective. You can search for the contact details of your MP [online on Parliament's webpage.](#) Many MPs hold regulary surgeries in their constituencies that you might be able to book an appointment at.

When you go to visit your MP consider if there is a photo opportunity to be had. Perhaps as a group you could get a picture of a few of you with an ORG banner, T-shirt or leaflets? Also make sure you think of the key points you want to get across in advance. Go prepared!

II). Running a street stall event to distribute leaflets

With perhaps 3-4 people it's possible to run an ORG street stall. Running a stall is the easiest ways to gain visibility and profile, and it is an excellent way of building a team of members and supporters. You will find people who were concerned about issues such as privacy, and data discrimination but don't know what ORG is as a campaign.

When setting up a stall, think about the following:
Location. Choose one where people going about their normal business or shopping will see you, but not in the way. You do not want to obstruct the highway or make it difficult for people to get past you.

Timing

You need to follow your audience. Also, you need to make sure that you have enough people to staff it properly. For most occasions, Saturdays in shopping centres or local fetes and events will be the best time as there are a lot of members of the public about and they will have enough time on their hands to be willing to stop and talk if they are interested.

Appearance

Wearing an ORG t-shirt and having an ORG banner on the front of the stall will ensure people are able to recognize us and our branding.

Take some pictures yourself (with the consent of anyone identifiable in them) as you may find them useful later.

Try to find a site that is a little bit sheltered from the elements. You don't want a strong gust of wind or a sudden shower to ruin the whole experience.

Permission

Generally speaking it is OK to set up a stall in the street, provided you are not causing an obstruction. You do have an Article 10 right under the Human Rights Act to freedom of expression. This normally allows for political campaigns and religious groups to distribute leaflets and hold stall in areas where local by-laws might restrict commercial activity.

If it is on private property (the forecourt of a shop, say), then as long as the owner is not unhappy, that is OK too. By-laws vary, however, and it can be hard to be sure that you don't need permission to set up a stall on public property.

So many things are subject to change: the attitude of the local council; the attitude of the local police; whether or not someone else has already claimed a particular prime site. If you are concerned you can ask the council whether or not permission is needed, and, if so, what you have to do to get permission. Do make it clear the stall is for political rather than commercial or charitable fundraising purposes. Find out who has the power to take the decision.

Staffing

An ideal number of people to staff a stall is about 3 or 4 at any given time. If you're going to be there all day, you might want to have two shifts: from, say, 10 am to 1 pm and 1 pm to 4 pm. Some people might be prepared to help all day, but three hours is usually enough for all but the keenest of helpers. The busiest time of day in a town centre on a Saturday tends to be around lunchtime. If you have too few people helping with the stall, you run the risk of someone falling ill and not showing up, and a stall with just one (glum-looking) person behind it is a sorry sight, that wonít attract much public interest. It is helpful to be able to function properly while one person is missingógetting the coffee, for example.

Too many people, and you can end up with more activists than members of the public! If this is the case, organise your rota to give everyone a shorter stintóno-one objects to this or, better still, send some of your people away to give out leaflets somewhere else. So, for most stalls, three people at a time is about right, and stints of 2Ω to 3 hours are prob- ably sufficient. Experience will tell you when you are getting it about right. The major factor is how busy you are.

Even if youíre not very busy, try and make it look as if you are! Stand, donít sit; move

items around. People are generally attracted to activityóthe more buzzing your stall, the more people will gravitate to it.

Some tips on using the stall

Be as warm and welcoming as possible. Look as if you want to be there. If you look bored and uninterested, people wonít come over and talk to you. Look as approachable as possible: stand up and smile, rather than just sitting there. When people are genuinely interested and might even want to get involved.

Ideally we would like people to take one of our leaflets and be sign-posted towards signing one of our petitions online. If they are really keen you might even persuade them to sign up and join ORG.

If you have access to one you could bring along a tablet so that people can sign the petition then and there online. People can also sign the petitions on their mobile phones.

Dealing with the opposition

Some of the people who visit your stall will be supporters of surveillance. They will say things like "Well if you have done nothing wrong there is nothing to hide". They might even be political activist who support the Government.

Don't let these people cause too much troulbe or spend too much time trying to convert. Try and be light-hearted and end the conversation. Don't spend time talking to convinced people that you could be spending explaining the issue to uninformed members of the public. It is sometimes fun to argue but you won't convert opponents and you are missing the opportunity to find some undecideds.

Fans of surveillance can often irrationally, think of us as friends of criminals and will have a tendency to linger, try and encourage them to move on as quickly and politely as possible.

Even if there is something that will convert them into one of our supporters, its not going to happen in public. Give them some of our leaflets and let them mull it over in private.

Resources

A foldable table such as a wallpaper table is ideal
A backpack filled with, leaflets, stickers, membership forms, t-shirts etc.
A tablet if available so people can sign our petitions online

III). Hosting a public meeting or talk to inform people about the bill.

IV) Talking to your local media on the radio.

Not everyone will feel confident about going on the radio, but don't be discouraged from trying. Practice first by calling phone-in shows. Once you are used to that, perhaps you can go on a show and answer callers yourself. When you are going on air, remember the follow-ing:

- Decide key points two or three things (no more) that you want to say

- Rehearse your key points. Try recording you saying them to see how it sounds. Make sure you know them backwards.

- It's a good idea to have three or four points noted down. Then if you get anxious just look down at them and remember to go back to them,

- Anticipate the questions that somebody might ask you, whether on the
- subject or on some other topical subject. Then prepare some answers in advance.

- Answer briefly and don't waffle. Less is often more.

- You are there to make your own points. Don't get deflected by the line of questioning someone wants to take you down. You can use phrases like *"Thats an interesting question, and I'll respond to it, but first I want to make the point"*:

- Speak slowly and clearly otherwise people will not understand. If you are calling in from you computer on something like Skype then having a decent microphone makes a big difference.

- Be friendly. Try to sound sympathetic to callers if you're on a phone-in, no matter how wrong, hostile or rude they are to you.

- If the opposition comes across as being extremist, that's a victory for us Look friendly and smart if on TV. It really makes a difference.

Remember coming across as natural takes a lot of practice.

V). Press releasing your activity

If you carry out any campaign activity such as a street stall, or got to lobby your MP then it's well worth letting your local newspaper know about it. The best way of doing this is to send them a press release and a picture. Many newspapers are desperate for copy, so if you can send them something to print, with a good picture then you have a good chance of them running it as a story.

Below is an example press release that you might wish to edit and change.

BEGINS

Tittle: Campaigners from [AREA NAME] Open Rights Group raise alarm over data discrimination'

Local residents from the [AREA NAME] Open Rights Group are raising concerns with [NAME OF LOCAL MP] over Government plans to dismantle our data rights. The group is warning that proposals contained within the Data Protection and Digital Information Bill will unlock a wave of data discrimination on British workers, consumers and businesses.

Local ORG organiser [INSERT NAME] said: "Under UK GDPR We have in place laws that protect how personal data is collected, used and stored. These laws help to protect us all. Ensuring individuals have strong personal data rights. This provides trust in participating in the digital economy."

"The Government wants to water down these plans with its 'data discrimination bill'. Our concern is that without these protections in place more people will become subjected to what we call 'data discrimination'. This is when you personal data is misused or abused for discriminatory or unfair purposes."

The group hopes that in meeting with [AREA NAME] MP they will help to raise awareness of the importance that having strong data rights.

ENDS

Notes to Editor

1.The Open Rights Group is a UK-based organisation that works to preserve digital rights and freedoms by campaigning on digital rights issues and by fostering a

community of grassroots activists. It campaigns on numerous issues including mass surveillance, internet filtering and censorship, and intellectual property rights

2.The data protection and digital information bill has been laid before Parliament but has yet to become law https://bills.parliament.uk/bills/3322 . ORG's anaylsis of the bill can be read at = https://www.openrightsgroup.org/publications/analysis-the-uk-data-protection-and-digital-information-bill/

3. For further information please contact info@openrightsgroup.org or contact ORG's local organiser on – [INSERT YOUR OWN CONTACT DETAILS]

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